

Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting
October 27, 2014

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday October 27, 2014 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included Chairman; Judy Hendrixson, Vice Chairman; Thomas Kelso, Members; George Lowenstein, Edward Redfield and Ed Harvey. Other in attendance included Township Manager; Stephanie J. Mason, Board of Supervisor Liaison; Richard F. Colello and Township Planning Consultant; Judy Stern Goldstein.

Review of Minutes:

In the form of a motion by Mr. Kelso; seconded by Mr. Harvey the September 22, 2014 Doylestown Township Planning Commission Regular meeting minutes were approved.

Motion carried 3 to 2 with Mr. Lowenstein and Mr. Redfield abstaining due to their absence.

Public\Commission Comments – None

Plans for Scheduled for Discussion: FEMA Model Floodplain Ordinance

Township Engineer; Mario Canales reported in mid-September FEMA notified the township of the new Bucks County Flood Plain maps approval and due to be in effect by March 16, 2015. Prior to the March 16th deadline, all municipalities are required to have their existing flood plain ordinance be compliant with the existing maps. Any existing flood plain ordinances not submitted by the deadline, that municipality will be dropped from the National Flood Insurance Program. As a result, the township and their residents will not be covered under the insurance, prohibited from receiving disaster relief and ineligible for grants. Mr. Canales assured the Board of Supervisors and commission a compliant flood plain ordinance will be submitted prior to the deadline.

FEMA consultant; Leslie Rhodes provided the township with a model of the flood plain ordinance. Mr. Canales also met with Ms. Rhodes to have the model tailored for the township and answer several questions regarding, flood plain philosophy and development. The township opted to go with a no rise option for development. Once the township bills for development, they cannot rise the flood base elevation. The township will also allow development in the flood plain by right with variance through the Zoning Hearing Board. This is because anything located along the flood plain is 100% protected. A township zoning officer has been appointed as the flood plain administrator with the Director of Code Enforcement enlisted as the backup.

Developments allowed by variance are residential, non-residential, certain developments that endanger human life and manufactured homes. Developments allowed will be outside the flood plain and 50 feet from the top of the bank. Recreational vehicles are also allowed where a flood plain will be allowed by variance and substantial improvements to existing structures. Developments prohibited are noted as hospitals, nursing homes, prisons, manufactured home parts and subdivisions. New accessories structures and in-kind replacement of existing accessories structures will

be allowed. FEMA prefers the ordinance be listed as standalone. However, the township will have it remain under Zoning, where it has more power.

Mr. Lowenstein questioned if the Zoning Hearing Board will allow the flood plain ordinance. Mr. Canales answered; changes will be allowed through a variance and requirements will still need to be met. In some cases when a variance is granted, the applicant will need to be informed of an increase premium of flood insurance and risk of life and property. Mr. Lowenstein then questioned; how will it affect increasing the level of flood. Mr. Canales answered; a variance will not be allowed to increase the flood elevation. Mr. Kelso questioned how it is mathematically possible. Mr. Canales responded; the engineer will need to decide how.

Mr. Kelso commented he struggles with the limits imposed on the residents with the ordinance. He is also concerned with how the Zoning Hearing Board is being directed under ACT 247. Typically, the zoning ordinance doesn't note what is or not allowed. Ms. Stern Goldstein explained; FEMA designed the ordinances as standalone so not to deal with zoning hearing board issues. However with standalone ordinances, the agency which views appeals is the zoning hearing board.

Upon a discussion amongst the commission and Mr. Canales regarding the options in having the ordinance listed as either a standalone or zoning, Mr. Kelso noted another concern with minor accretion into the flood plain or up to the banks within 50 feet. It's overly restrictive and more than what Environmental Protection Agency (EPA) requires. Also, a definition for watercourse cannot be located. Mr. Canales agreed and noted the township has a definition for watercourse on record. Ms. Stern Goldstein added; some areas are mapped as flood plains because when FEMA had the consulting firm complete a full study, nothing within one square mile was included. Areas which still are a flood plain are no longer mapped, such as the contributing drainage area was less. Mr. Lowenstein commented; FEMA's definitions may cause trouble if courts become involved. Ms. Stern Goldstein advised; the municipalities can regulated flood plain soils, which will pick up some of the areas as part of resource protection. She recommended to schedule a discussion in the future for further explanation.

Mr. Kelso questioned if the maps shown on the Bucks County Planning Commission's website are FEMA approved. Mr. Canales indicated the current and proposed flood plains are listed, but not the maps. Mr. Canales will forward a website showcasing the FEMA approved maps. Ms. Stern Goldstein indicated there is a link through the Department of Community and Economic Development (DCED).

Ms. Mason recommended, the commission agreed to review the flood plain ordinance at their November 24, 2014 Regular meeting. If the commission approves, the ordinance will then be recommended to the Board of Supervisors for approval of advertisement at their December 2, 2014 meeting. This will enable the ordinance to be adopted in February, prior to the March 16th deadline.

Upon further discussion, the commission agreed to have Mr. Canales present several dates via email to schedule a meeting to review the flood plain ordinance prior to their November 24, 2014 regular meeting.

Casa Bella – Final Land Development Plan

James Ceglia of Site Works Consultants addressed the commission to request a conditional final land development approval for Casa Bella Subdivision.

Revised plans have been submitted where follow up reports from Michael Baker Jr., Inc. dated October 14, 2014, Pennsylvania Department of Environmental Protection dated October, 14, 2014, Pickering Corts & Summerson dated October 17, 2014, Boucher & James, Inc. dated October 20, 2014, Pennoni & Associates, Inc. dated October 21, 2014 and Director of Code Enforcement; Sinclair Salisbury's memorandum dated October 24, 2014 were received.

The applicant will comply with all review items, except one issue noted on Pennoni & Associates review letter regarding placing a basin in the storm water. Referencing sheet three of the plans, Mr. Ceglia noted the berm of a basin encroaching the storm water easement. The easement is meant for storm water where part of the basin is to be placed. Mr. Kelso questioned if the easement is existing. Mr. Ceglia indicated yes. Mr. Kelso agreed by stating he didn't understand the engineer's notes. Mr. Ceglia believes the easement was not recorded on the previous plan where the site was subdivided. Mr. Kelso recommended requesting for a waiver. Mr. Ceglia agreed and explained the waiver will be for Section 153-31.A.5 with regards to no planting within the easement under the subdivision land development plan ordinance (SALDO). The applicants are requesting a storm water basin be placed in a storm water easement. Mr. Canales requested the area be moved back 20 feet from the property line. The applicants agreed to slide the basin away from the property line. Ms. Hendrixson questioned will the septic be affected. Mr. Ceglia responded; the basin line will need to be revised.

Mr. Kelso commented the bus stop area is not well defined. He suggested with the crossing, the construction of a connection across the street be added. Mr. Ceglia responded; once revised plans are submitted, a highway occupancy permit will be requested to have a detail of the intersection. Mr. Kelso clarified; the concrete area be moved out and placed across the street from the connector. Mr. Ceglia questioned if the connection can be placed in the Penn Dot's right of way. Mr. Kelso indicated yes to make more sense as a 6x12 path. Mr. Ceglia agreed explaining the path will be right inside the right of way and along the bike path. The road will be planked on both sides with strips and required signage.

In the form of a motion by Mr. Kelso; seconded by Mr. Lowenstein the Doylestown Township Planning Commission recommend the Doylestown Township Board of Supervisor approve applicants; Casa Bella Final Land Development Subdivision with the understanding the applicants agreed to address all comments in review letters received from Michael Baker Jr., Inc. dated October 14, 2014, Pennsylvania Department of Environmental Protection dated October, 14, 2014, Boucher & James, Inc. dated October 20, 2014, Pennoni & Associates, Inc. dated October 21, 2014 and Director of Code Enforcement; Sinclair Salisbury's memorandum dated October 24, 2014 with the exception of Pickering Corts & Summerson dated October 17, 2014 where the applicant will be requesting a waiver concerning construction of a storm water easement. Further, the applicant agreed to provide detailed shown mid-block crossing connection to a road located across the street and the revised bus stop area.

Motion carried 5 to 0.

Snyder Minor Final Subdivision Plan

Attorney; Steven Goldstein addressed the commission to request recommendation of the Snyder Minor Subdivision development plan. The property owned by William and Joyce Snyder and located at 565 North West Avenue. The property is currently not subdivided and have two existing dwellings, one of which is occupied by Mr. and Mrs. Snyder. The second dwelling by the couple's son and daughter in law. As part of an estate planning, the applicants are requesting to convey the proposed Lot 2 for the children. No construction or improvements are planned and the site will be offered as is. Ms. Stern Goldstein indicated many of the issues noted in the review letters can be handled with plan notes and by way of no.

A) Applicants will comply with most comments made in the Michael Baker, Jr. review letter dated October 9, 2014 and noted the following..

3. Section #153-25 - With regards to the bike and hike path, the applicants will comply by showing the path as proposed on the plan for future consideration.

3. Section #153-25 - The frontage along the property is part of a right of way, where a 20 foot long trail easement cannot be provided. There is a large grade drop off, but the frontage is all right of way. Mr. Kelso questioned if there is a legal difference between a legal right of way today and an ultimate right of way. Project Engineer; Ted Wilson answered; each right of way are two in the same. In the northwest old portion, there is a total 80 foot right of way or 40 foot from the seminal line. The ultimate right of way was taken from the township's ordinance for a total width of 60 feet. At the narrowest, there is an 80 foot right of way. Mr. Goldstein added, technically a waiver will be requested from item #3 on Mr. Stanford's report.

B) Applicants will comply with most comments made in the Boucher and James, Inc. review letter dated October 22, 2014 and noted the following...

Environmental Protection Standards

3. b \ ZO Section 175-27.D(5) – The site shows woodlands at 2.667 acres.

3.c \ SALDO Section 153-34.C – the tree and woodland requirements relates to section 4.a and b of Boucher and James's letter in requiring a landscape plan. Ms. Stern Goldstein explained only a notation is required indicating no woodland or tree disturbance will be conducted on the site. Only zero will need to be marked on the chart with resources. Mr. Goldstein agreed.

Landscape and Buffer Requirements

4.a \ SALDO Section 153-20.C(11) - Ms. Stern Goldstein added for the landscape plan only on lot trees shows as a requirement. However, the plan is not proposing lot spreading to new homes and a waiver can be requested. Mr. Goldstein noted over 90 trees were identified. The applicants will comply by noting the plan no woodlands will be disturbed.

4.b \ SALDO Section 153-20.D(18) – a waiver will be requested in lieu of a landscape plan.

4.c \ SALDO Section 153-34.B(1) – Ms. Stern Goldstein recommended noting the plans indicating enough trees are existing where a waiver is not required.

4.d \ SALDO Section 153-34.B(3) – with the property fully developed, a waiver will be requested in lieu of placing new street trees. Also, a waiver will be requested for a landscape conservation plant. The note indicating no woodlands will be disturbed should be sufficient.

Bike \ Hike Path

5. \ SALDO Section 153-25.C – the applicants will comply with Michael Baker Engineering's comments by noting the location of a future bike path on the plans. Ms. Stern Goldstein recommended to discuss the bike path with the Board of Supervisor prior to noting on the plans. Mr. Goldstein agreed.

General Comments

6.d \ ZO Section 175.18 & SALDO Section 153-24.E(3) – As per a discussion with Pennoni & Associates, it was indicated no further actions were required. Ms. Stern Goldstein recommended the sight triangles lines be noted on the plans. Mr. Wilson stated there is no right of way to note a site triangle. Ms. Stern Goldstein suggested to refer to the township ordinance regarding right of ways for driveways. Mr. Goldstein agreed and noted lines will be placed.

C) Applicants will comply with most comments of the Pickering Corts & Summerson review letter dated October 7, 2014 and noted the following...

4. SALDO Section 153-20.C.(10) – a waiver will be requested in lieu of locating existing watercourses, wells and onsite septic systems within 400 feet.

7. SALDO Section 153-24.B.(2)(a) – a waiver will be requested in lieu of widening the cart way and right of way.

9. SALDO Section 153-31.C.(1) – a waiver will be requested in lieu of providing a drainage easement or right of way because of no new construction.

13. A review of the net buildable site area, site capacity and resource protection calculations was provided to the Township Planning Consultant and the project was reviewed by the Bucks County Planning Commission.

Mr. Kelso questioned if both lots have public sewer connection and are they shown on the plans. Mr. Wilson responded both lots carry a septic system and wells. All systems are shown on the plans.

D) Applicants will comply with most comments of the Bucks County Planning Commission review letter dated October 15, 2014 and noted the following...

Comments

2. Fence – the existing fence that encroaches on a right of way will be removed if necessary.

5. Water and sewage facilities – the plans will be updated to show water and sewage facilities along Lot 2.

Mr. Kelso questioned if the sign located along the right of way still functional. Ms. Snyder indicated yes.

Mr. Goldstein concluded by explaining the proposed subdivision is simple and the only purpose is to carve out an area for the children. Mr. Kelso suggested preparing a list of requested waivers, prior to presenting the plan for Board approval. Mr. Goldstein agreed.

Ms. Hendrixson questioned the access to the Twin Oaks Drive. Mr. Wilson answered; the 28 foot wide access was meant to be divided to access the remainder of the property from Twin Oaks Drive. Currently the area is covered with grass with storm water located underneath.

In the form of a motion by Mr. Kelso; seconded by Mr. Redfield the Doylestown Township Planning Commission recommends the Doylestown Township Board of Supervisors approve applicants; Snyder Minor Final Subdivision plan to divide one lot into two separate lots with the understanding the applicants will comply with review letters received by Michael Baker Engineering dated October 9, 2014, Bucks County Planning Commission dated October 16, 2014, Pennoni & Associates dated October 21, 2014 and Boucher & James, Inc. dated October 22, 2014. Further the applicants will provide a full list of waiver request prior to Board approval where the Planning Commission has agreed with items.

Motion carried 5 to 0.

Ms. Stern Goldstein offered her services with any questions the applicant may have regarding the plan approval process.

Adjournment: The October 27, 2014 Doylestown Township Planning Commission Regular meeting was adjourned at 8:06pm.