

**Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting**

July 28, 2014

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday July 28, 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; Ms. Judy Stern Goldstein.

Review of Minutes:

In the form of a motion by Mr. Kelso; seconded by Mr. Lowenstein the June 23, 2014 Doylestown Township Planning Commission Regular meeting minutes were approved.

Motion carried 5 to 0.

In the form of a motion by Mr. Lowenstein; seconded by Mr. Kelso the June 10, 2014 Joint work session of the Doylestown Township, New Britain Borough and Bucks County Planning commissions' minutes were approved.

Motion carried 5 to 0.

Public\Commission Comments – None

Plans for Scheduled for Discussion: Thompson Lexus / BMW Building Expansion – Revised Final Land Development

John Hornick of Bohler Engineering provided the commission with a brief overview of the ongoing land development of Thompson Lexus/BMW building expansion to include, in 2008 the Zoning Hearing Board awarded various zoning relief towards the master plan process for Lexus, BMW and Toyota buildings. The zoning approval stipulated the maximum square footage buildings, a minimal amount of parking and a maximum amount of imperious surface. Since the approval, there has been several changes to where Mr. Hornick presented an amended final land development plan to replace the Nissan dealership with Maserati dealership for commission recommendation. The revised plans conforms to all master zoning previously approved.

In response to Mr. Lowenstein's question, Mr. Hornick explained the proposed Maserati building will remain on the previously plan which proposed parking. To achieve this, the parking will be reconfigured around the building to become more efficient. Also, modifications will be completed to the former warehouse to allow for additional parking.

Ms. Stern Goldstein added; once the old and new plans were compared and calculations doubled checked, the applicant's plans are correct. Mr. Hornick added; the applicants will comply with all review letters received by Pickering Corts & Summerson dated July 10, 2014, Baker Engineering dated July 22, 2014, Boucher & James, Inc.

dated July 22, 2014, Director of Code Enforcement; Sinclair Salisbury memorandum dated July 24, 2014 and Pennoni & Associates dated July 24, 2014.

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; Thompson Lexus\BMW Dealership Revised Final Land Development to create a Maserati Dealership in place of Nissan with the understanding the applicants agreed to comply with review letter received from Pickering Corts & Summerson dated July 10, 2014, Baker Engineering dated July 22, 2014, Boucher & James, Inc. dated July 22, 2014, Director of Code Enforcement; Sinclair Salisbury memorandum dated July 24, 2014 and Pennoni & Associates dated July 24, 2014.

Motion carried 5 to 0.

Storage Partners of Doylestown, LP (Proposed Warehouse) \ Sketch Plan

Jonathan D. Manley of Manley Storage Ventures addressed the commission to provide a brief overview of the proposed sketch plan which consist of four separate residential parcels zoned in the C1 District commercial. Two lots are currently vacant and the frontage is along Easton and Edison Road. The proposed project are two warehouse buildings to be connected with a covered overhang and one access point towards a cul-de-sac bulb for a turnaround. Six permanent parking spaces are proposed in front of building 1 along Edison Road.

Mr. Kelso requested clarification on the two vacant homes. Robert W. Gundlach, Esquire of Fox Rothschild, LLP responded; there are a total of four homes with two buildings unoccupied. Mr. Manley added the total square footage is 92,590. Mr. Gundlach continued; in terms of the ware house internal operation, there are three stories including a basement with elevator access.

Mr. Manley then explained the operation of the storage facility as units will be part of the interior with hours of operations from 8:00am or 9:00am until 6:00pm. There will be no extended gates hours. Once the office is closed so will the units. There will be no occupancy unless an employee is on duty. All units will be climate controlled with full sprinklers for both buildings. Traffic during peak hours will be at approximately 20 cars in and out with no high density use.

As per a meeting with township staff, the building were design to comply with recommendations for a Bucks County look. The buildings will be created to look like farm houses with stone bases, peak roofs and shutters. The only storage facility feature will be the windows located on the prominent corner will be back lit. As part of the operation, only storage owners will be allowed in during regular hours by code keys. The code keys will also operate the elevators and only allow exiting at the floor where the tenant's unit is located. Each unit will be individually alarmed and will sound at the manager's office. General traffic will consists of cars, vans and basic moving trucks. The site was designed to fully support a semi-tractor trailer.

Ms. Hendrixson questioned what will be a typical client. Mr. Manley answered; clients will be primarily residential customers, landscape contractors and pharmaceutical representatives. Ms. Stern Goldstein noted the plans indicated the storage facility was not for residential use. Mr. Manley responded the facility will be open to anyone in need of storage services. The marketing has been focus towards residential without exterior doors that are found in mini storage facilities. Ms. Stern Goldstein recommended plans should clarify the use. At a previous meeting, the use was represented as commercial under G15 wholesale business warehousing. Mr. Gundlach clarified the use is

not limited to residential. The units will be occupied by both residential and commercial. However, at this time the percentage is unknown. Based upon experience, north of 50% is expected to be residential. Mr. Manley added the percentage will vary based upon commercial business.

Mr. Colello questioned if there is a difference between residential and commercial customers when it comes to the frequencies of visits. Mr. Gundlach indicated most residential customers will visit the storage facility on a Saturday to drop off their property for a few months. A business customer has frequent visits, but not every day with the exception of a pharmaceutical representative. He then confirmed the hours of operation are proposed to be 8:00am until 6:00pm on weekdays, 7:00am until 7:00pm on Saturdays and closed on Sundays. Mr. Colello then questioned what data was used for the Traffic Study. Mr. Manley answered; the data was received from the ITE Manual, which has a storage classification. In addition, a trip count at a storage facility in Plymouth Township where at peak hours was measure at 20 vehicles in and 20 out.

Ms. Hendrixson questioned what use the porch has. Mr. Manley answered; the porch is only for dress to provide a farmhouse look. There is another porch which is an overhang for the office. Ms. Hendrixson then questioned how many offices will be on site. Mr. Manley answered; one office will be located on the corner of building one. Monitors will be placed throughout the building for video surveillance. Two full time managers and one systems manager will be working approximately 40 hours per week.

Mr. Kelso questioned besides a variance needed for imperious surface, what is the hardship of the plan. Mr. Manley answered; a financial hardship will develop if there is not enough to be built. The cost to operate a storage facility is set until you have to generate enough revenue. The engineers have done their best to limit the imperious. Also, the applicants are willing to explore the imperious pavement to get some back. In response to several questions from Mr. Kelso, Mr. Manley indicated the applicants have not met with the Zoning Hearing Board, but three to four variances and a special exception for the warehouse use is needed for relief on the imperious. During a discussion with township staff, an option to increase the height was reviewed, but will trigger a height variance with adding another floor due to a certain amount of square footage needed to have a viable facility. The applicants chose to limit the building to three stories and ask for a relief for the other 23% with the option for imperious paving and infiltration. There are two steep slopes, which are non-compliance issues. Drainage is leading towards the landscaper's lot. Mr. Manley agreed to meet with the Zoning Hearing Board, because the site is located on a unique area with an extremely difficult access.

Mr. Kelso then question what are the plans for vehicular access for the proposed road located at the rear of the site. Mr. Manley answered; an easement in the back of property can be proposed and have the township decide how to proceed. Mr. Gandlach added; the configuration is tight and ground from the quarry may be needed. However, a road cannot be facilitated along the rear of property. Mr. Kelso suggested having an additional design issue discussion regarding the access road located between the rear of site and landscaping property. He commented the applicants are asking a lot from the township in terms of imperious coverage.

During a discussion between the commission and Mr. Gundlach, it was decided to review options to move the access drive further down towards the landscaping property and consider an easement area design that can facilitate a road off the rear of the site. Further, Mr. Gundlach will have a conversation with the nearby quarry owner regarding federal permits and access road. Ms. Mason noted Penn Dot is conducting a Route 611 Corridor study, where she recommended the research go beyond Edison Furlong Road. Mr. Manley explained the area discussed is

anticipated to be a vault because of the steep slopes and may cause complications for storm water. Upon further discussion, Mr. Kelso suggested the commission conduct a site visit, because the proposal is important for development and time should be taken to ensure the project is completed correctly. Mr. Gundlach agreed with most of Mr. Kelso's comments, but believes as a result of the proposed plan, the township will have an unattractive area improved. Ms. Manley agreed to review the rear access issue, but relief will still be needed. If the Planning Commission is unwilling to support the steep slope disturbance and imperious relief, the project doesn't work. Also, if the use is not determined to fit under warehouse, as per Ms. Stern Goldstein's comments the project again, will not work. Ms. Stern Goldstein responded; she only questioned the use due to her first impression at a previous meeting, the use was not zoned residential. She suggested to clarify the use in the plan as a resolution.

Mr. Kelso then clarified the imperious coverage proposed is not out of the question. However, all issues should be resolved for the Village and before meeting with the Zoning Hearing Board. The storm water will not be an issue and can be easily worked out as part of engineering.

Ms. Hendrixson questioned why two building with a link, instead of one L shaped building. Mr. Manley answered; there wasn't enough room to get inside the buffer. Otherwise, one building would include a strange angle and there was no way to make a right angle fit on the site. She then questioned would adding a story make sense or harder to operate. Mr. Manley answered; operationally it doesn't make a difference, but a small difference in construction standards. With a four story building above grade, it has to be graded which has an impact. Upon a layout, the imperious was brought closer to allowable. However, the plans was over imperious and height where additional variance would be needed.

Mr. Kelso questioned what the plans for water and waste water are. Mr. Manley indicated the main goal is to get the building on site. Mr. Kelso noted a water line located on the same side of the street. Ms. Mason agreed indicating water and sewer is available in the area. Mr. Manley stated two bathroom facilities will be proposed, where an on lot system will be tied into the water line.

Upon Ms. Hendrixson's request, Mr. Gundlach agreed to coordinate with Ms. Mason on scheduling a site visit and appreciate the commission's assistance in moving the project forward.

Supervisor; Mr. Kenneth Snyder requested clarification on traffic flow. Mr. Manley explained; the access point will be between an ingress and egress with a two way traffic interior and a sliding gate. Once unloading occurs, the truck will first circle around. A right turn is designated on to Edison Furlong from the site heading towards Route 611 south. Mr. Kelso noted the traffic issue will be reviewed during their visit.

Ms. Hendrixson questioned if the turning bulb will accommodate a large moving van. Mr. Manley answered; a typical moving van is 26 feet and can easily maneuver the turn. A larger truck can back up on the facility to unload.

To clarify, Mr. Gundlach confirmed he will coordinate a site visit with Ms. Mason and prepare a sketch plan to show a possible side \ rear access road can be configured, even though a portion may be on the adjacent quarry property.

Ms. Hendrixson questioned the result of the imperious paving calculations. Mr. Gundlach clarified; the applicants are willing to exchange the area acquired and take it down to 40% required as imperious paving. However, additional calculations will need to be checked to insure the use is appropriate and will work.

Proposed Right of Way Ordinance

Karen Morgan Mallo of Boucher and James, Inc. reported the Proposed Right of Way Ordinance is presented due to litigation in neighboring municipalities where all utilities are placed underground. Recently, utility poles with smaller cell tower technologies have been surfacing along several communities. The smaller technologies are allowing carriers to signal further along congested areas. This causes the signals to die down with relay stations. They range in size of a telephone book to a rubric cube and normally placed on top of buildings, such as along college campuses. The purpose of the ordinance is to regulate where the poles are being placed. Also, the Pennsylvania legislators passed a Collocation act. This Act requires municipalities to allow collocation of additional antennas on existing poles without entering the municipality for permits.

There are two revisions for consideration. The first being changes to the Rights of Way ordinance, which then allows where poles are placed. This will also allow collection of a rental or management fee by providers. The second change is towards the F4 Use, originally named the Telecommunications use. It will now be named the Wireless Communication Facility.

Ms. Morgan Mallo then presented the Commission with a breakdown of the ordinance in the form of a chart listing all ordinances that regulates different types of wireless communication facilities. Another chart showcases tower based, which is anything on a pole. Non-tower based is an antenna that is going to be located on either on an existing pole, a building or another type of facility.

Mr. Kelso questioned the smaller technologies being placed on utility poles. Ms. Morgan Mallo explained; new poles are considered tower based. If it's going to be along a right of way are considered tower based within a right of way. Tower based outside a right of way are typically found on private property. Height restrictions for outside the right of way is current and kept the same height requirement as the existing ordinance. Inside height restrictions for right of ways is limited to 35 feet. Ms. Stern Goldstein added the reason for the instigation in North Hampton Township is the new poles along the right of way in neighborhoods, the utilities were underground with no poles.

In order for the developer to bypass the township's permanent process, they have to meet five criteria under the collocation and modification process. The criteria covers not increase the tower by more than 10% under non-tower based as an antenna placed on an existing facility.

Mr. Lowenstein commented the proposed right of way ordinance has multi definitions where some doesn't make sense, which may work against the municipality in court. Mr. Kelso agreed by stating the ordinance is tied to definitions, which is an issue. Ms. Mason reported; Crowne Castle International has contacted the township with interest in a specific right of way agreement. The township has been monitoring the Northampton case closely. Upon attending a May of 2014 conference where the right of way ordinance was discussed, Ms. Mason indicated the township is prepared to bring forward for the commission's review for creation of an ordinance.

Mr. Kelso questioned if a fee is charged for township right of way. Ms. Mason answered a fee is charged for opening of roads. He then commented the right of way ordinance is a standalone, so there are no provisions. Ms. Mason responded; clarifying the right of way through Codes Department will be very helpful. Ms. Stern Goldstein added;

provisions are in place for appeals and modifications. Mr. Kelso then questioned if a management fee is charged. Ms. Mason indicated no fee is currently charged.

Mr. Lowenstein questioned what will be gained from the ordinance. Ms. Mason answered; the township is trying to monitor and prevent poles from being installed along neighborhoods without existing ones, where underground utilities are located. This will prohibit poles installed every twenty feet with antennas attached. The township will also be able to charge a franchise fee from providers, such as Comcast Cable.

Mr. Kelso questioned if the township will be able to deny a pole being installed due to aesthetics. Ms. Stern Goldstein answered; aesthetics are mentioned in the F4 use of the ordinance. Mr. Lowenstein noted the word stealth under the F4 is no longer in use and suggested a change in wording to camouflage.

Upon reviewing the ordinance section for aesthetics, Mr. Kelso noted the section is broad and far reaching. Based upon his experience it will be thrown out. The key part of the ordinance should be visual impact, but the ordinance shows no standard or basis for it. Mr. Kelso then commented the ordinance doesn't have substance and doesn't show what the township wants.

Supervisor; Ken Snyder questioned what relationship does Crowne Castle International would like with the township. Ms. Morgan Mallo answered; Crown Castle offered to create a Distributed Antenna System, which will install fiber optic cables and other equipment on, over and under the public right of way in return for a percentage of gross revenue and annual rental fee. Ms. Stern Goldstein added; Mr. Garton is currently reviewing a draft ordinance dated in April of 2014.

Upon several discussions amongst the commission, Mr. Colello questioned if it would be in the best interest of the township to move forward with ordinance, where in the future it can be cleaned up. Or, is the township comfortable to wait six months until the ordinance is amended and pending issues are addressed. As a possible opportunity, Mr. Kelso suggested having Crowne Castle review the ordinance as well.

Mr. Snyder questioned if a one page ordinance can be drafted indicating until the pending issues are resolved, poles can be prohibited along existing neighborhoods with underground facilities for control without revising the proposed right of way ordinance. Ms. Stern Goldstein responded; during a previous discussion approximately eighteen months ago, it was denied.

Upon several questions regarding right of way ordinance procedures, Mr. Kelso noted the ordinance doesn't define departments that will monitor procedures, but not is not the main issue. Other answers included, the \$100,000 security fee is existing for the towers. However, additional fees are new to the ordinance. The bond will be in effect as long as the tower is standing. PECO and Verizon Wireless will remain exempt because cable companies are regulated under the cable franchise and considered a separate ordinance. Mr. Kelso then commented the ordinance should be careful in regulating to narrowly. He then commented the township needs the ordinance, because it's less intrusive and will be a matter of making sure the township is protected.

Mr. Kelso then requested a meeting should be scheduled with Crown Castle. Ms. Mason suggested to wait until the township finds out how long they are in the process. Mr. Lowenstein commented the ordinance doesn't layout an objective and agrees a discussion with Crowne Cable is needed to receive the fundamentals.

Mr. Colello questioned if the ordinance is anticipated to be presented at the August 19th Board of Supervisors meeting. Ms. Mason answered, it may be possible. However, without a recommendation from the Planning Commission the ordinance will not be presented and a discussion with Mr. Garton is recommended. The right of way ordinance is considered a standalone and not part of the zoning ordinance and may be presented for Board approval. The telecommunication ordinance is part of zoning, where input is needed. Also, the right of way can be presented as well, noting Planning Commission comments.

Upon a discussion amongst the commission regarding the procedures in approving the right of way ordinance, Mr. Kelso suggested the Planning Commission recommend the ordinance for Board approval and wait and see what comes back. Mr. Snyder commented he is uncomfortable with the decision and questioned the time line needed and would like to know what the vendor's plans are. Mr. Redfield suggested beginning with one vendor and forward the commission's comments to the supervisors to see what happens. Ms. Mason commented its possible more vendors will come forward and the township should move forward to become less vulnerable. Mr. Kelso's main concerns are with moving forward, the cable providers are exempt from the right of way ordinance and the township may be missing out on potential fees. Ms. Mason noted as a right of way ordinance, it can be adopted by the Board and advertise in two weeks.

In the form of a motion by Mr. Kelso; seconded by Mr. Harvey the Doylestown Township Planning Commission recommends the consideration by the Doylestown Township Board of Supervisors approval of the proposed revisions to the existing Zoning Ordinance Use F4 and the existing Right of Way Ordinance concerning wireless communication facilities with suggested as set forth.

Motion carried 4 to 1 with Mr. Lowenstein opposed.

Mr. Lowenstein commented the two issues discussed are a general opinion without total knowledge or job duties. Advice was provided, but not the business of the commission to recommend and the zoning ordinance could have been treated separately. The ordinance does not show an objective in the best manner for the township. Mr. Kelso clarified the commission is recommending the ordinance expecting it to be returned with revisions. If the commission have additional comments or dissatisfied with the changes, a second recommendation will be not to approve the revised ordinance. There is no process for the right of way ordinance. Mr. Lowenstein indicated it will be difficult to provide a second recommendation on a revised ordinance. Mr. Kelso responded it will give the commission an opportunity to receive comments from the Bucks County Planning Commission.

Ms. Stern Goldstein reported; if the right of way ordinance goes through without the zoning, it doesn't address the initial concern of poles installed in the right of way along residential district with underground facilities. It will need to be regulated to the extent of procedure and rental fees, but not prohibit the poles from being installed. Mr. Kelso questioned could the right of way oversee the collocation. Ms. Stern Goldstein answered; the collocation are for existing poles.

90 Day Clock

- A. A minor subdivision will be presented in the commission next packet for August.
- B. The Butler Avenue Corridor Study meeting is scheduled for Tuesday, August 12th at 5:00pm. The meeting location will be along Shady Retreat Road and Butler Avenue.

Adjournment: The June 23, 2014 Doylestown Township Planning Commission Regular meeting was adjourned at 9:02pm