

**Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting
November 28, 2016**

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, November 28, 2016 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Doylestown Township Planning Commission in attendance included Chairperson; Judy Hendrixson, Vice Chairman; Thomas Kelso with members; George Lowenstein, Edward Redfield and Ed Harvey. Others in attendance included Township Manager; Stephanie J. Mason, Board of Supervisor Liaison; Richard F. Colello.

Absent: Township Planning Consultant; Judy Stern Goldstein. Ms. Stacey Yoder of Boucher & James, Inc. was present in Ms. Stern Goldstein's absence.

Review of Minutes:

In the form of a motion by Mr. Lowenstein; seconded by Mr. Kelso the October 24, 2016 Doylestown Township Planning Regular meeting minutes were approved.

Motion carried 5 to 0.

Public\Commission Comments – None

754 Edison Furlong Road – Sketch Plan

Attorney for Vertical Bridge Development, LLC; Richard J. Lemanowicz addressed the Commission to provide an overview of the sketch plan regarding 754 Edison Furlong Road. The sketch plan proposes a communications facility be constructed on the property. It will become the sole use of the property, where the existing structure will be removed. Photographic simulations were submitted with the sketch plan application, which shows the intent to build a period silo. A period silo will not show an antenna or cabinet associated with the facility and 120 feet tall.

Mr. Lemanowicz stated the goal of tonight's meeting is to receive comments from the Planning Commission and residents regarding the proposal and address any concerns. Upon comments, the applicant will decide how to move forward.

He continued; the photographic simulations submitted depict a silo of 150 feet. The discrepancy of the height is due to a balloon test, which was elevated to 150 feet. Since the simulations have been altered to accommodate the 120 feet silo. Mr. Lemanowicz then provided the Commission with copies of the updated simulation.

The submitted plans note the location of the tower and because of the design as a silo, variance relief will be required. The applicants have scheduled a meeting with the Zoning Hearing Board. The inspiration of the silo is from one located in Montgomery County and pictures are included with materials presented. The intent is to build a structure that does not appear to be a traditional cell tower. Ms. Hendrixson questioned; what materials will be used. Mr. Lemanowicz answered; a blend of concrete and fiberglass. S&S construction will build the structure and Stealth Construction will build the fiberglass portion that will conceal the antenna.

Resident: Jack Punzack of 15 New Britain Road questioned; what type of utilities will be used or discharge. Mr. Lemanowicz answered; the facility will run from a 240-volt service from PECO Energy. The antennas will operate from a couple of watts of power each with no gas.

Mr. Lowenstein questioned; if there are any competing services offering the same reception in the area. Mr. Lemanowicz answered; there are no existing tall structures within a mile and a half radius. Upon a similar experience in 2011 during a prior application, Mr. Lemanowicz stated there is no other option for a use on the property.

Mr. Harvey questioned what is the future lease areas. Mr. Lemanowicz answered; the tower is designed to accommodate multiple wireless carriers, such as Verizon, TMobile and AT&T and designate space within the leased compound. Ms. Hendrixson questioned if the area will be fenced. Mr. Lemanowicz indicated yes with two alternatives. The first is to enclose the silo and the equipment in a fence. Second is to build a barn to enclose the equipment, so that it's not visible and consistent with the architect of the area. However, the barn will require variances. Additionally, the driveway will not be fenced.

Mr. Kelso questioned what is the based elevation of the proposed tank and what carriers are currently contracted. Mr. Lemanowicz answered; the base will be 309 feet and current carriers include, Verizon, AT&T and TMobile. Mr. Kelso questioned if the applicants are aware AT&T is currently negotiating a contract with Buckingham Township for a site that is 100 feet higher. He also reported Verizon is in negotiations with another tank within two miles of the proposed site. AT&T is negotiating a tower that will be 3,000 to 4,000 feet. Mr. Lemanowicz answered; the proposals for the site mentioned are not existing towers. Mr. Kelso disagreed, indicating they are existing elevated structures that are looking to locate in selling antennas. Mr. Lemanowicz responded; he was unaware of the negotiations. Mr. Kelso then noted the other structures are noted on the applicant's drawings. Mr. Lemanowicz will look into the matter and indicated the other negotiations will not be an alternative to his clients' plan.

Mr. Kelso reported; the other negotiated antenna's will be at an elevation of approximately 475 feet. He then questioned what is the elevation of the proposed antennas. Mr. Lemanowicz answered; 309 feet, plus 120 feet to total 429 feet. The ground elevation is not only considered. Distance is also a factor. Mr. Kelso questioned if a study has been completed and submitted to the township. Mr. Lemanowicz answered; a study has been completed, but not submitted to the township. Because the applicants have submitted a sketch plan, the purpose of his attendance at tonight's meeting is only to receive feedback. The issue pending is the aesthetics. Mr. Kelso commented; the aesthetics are out of scale. A typical silo is 60 feet tall and a tall one would be 75 feet. An antenna at 120 feet and with the diameter proposed is way out of scale.

Ms. Hendrixson questioned; if there are service wires attached or will they be underground. Mr. Lemanowicz indicated the wires will be underground. Mr. Kelso noted the sketch plan shows the antenna located on the outside. Mr. Lemanowicz responded; the sketch plan is incorrect and the antennas will be located inside.

Mr. Kelso questioned what size make standards are used for designs. Mr. Lemanowicz indicated a geological investigation was completed for the original plan, where the foundation was designed based upon the soil of the property. However, he was unsure of what standards the design was created from. Mr. Kelso commented; the standards will become a concern, especially with concrete structures under the zoning of 2A. The buffer between the property and the adjoining properties are thin. Mr. Lemanowicz stated the structure will be constructed within all design requirements.

Mr. Colello commented the main challenge will be zoning and not all applications under special exception will be considered. Mr. Lemanowicz responded; a tower compliant under special exception can be designed for this piece of property at 120 feet. The variance required will likely be due to non-conforming, pre-existing conditions. The silo will be a sole use on the lot with no existing use on the property. Mr. Colello disagreed. Mr. Kelso agreed with Mr. Colello's comments and indicated it's a concern. Anything cannot be placed on a non-conforming lot and the proposed silo is on the wrong side. It's an issue the township needs to explore where legal counsel will need to decide.

Mr. Lemanowicz indicated; there is no other place to build a tower in Doylestown Township and the proposed sketch plan addresses the need. Mr. Kelso questioned what is the coverage of the tower. Mr. Lemanowicz answered; coverage will be for Edison Furlong Road and portions of York and Swamp Roads. No drawings are prepared and is part of the sketch plan process. Mr. Kelso noted; drawings will be needed to indicate coverage on the site. Mr. Kelso then asked if an AT&T representative can attend the next meeting with applicants. Mr. Lemanowicz indicated yes and will be required to as part of the special exception application. However, the applicant is not at the stage of the process. Mr. Kelso then questioned if the applicants have committed tenants with AT&T. Mr. Lemanowicz indicated yes, as well as with Verizon. He is unaware of the solutions in Buckingham Township, but look further into the matter.

Mr. Lemanowicz informed the Commission the reason there is no other available property for a silo that meets the Township's zoning standards is because nothing satisfies the special exception standards. The other suitable property was the Pavilion at Furlong. However, they are still waiting for a determination of how the property will be developed. Mr. Kelso questioned if a smaller tower can be an option. Mr. Lemanowicz indicated yes and one of the requirements is a special exception will approach the municipality with a request to inquire if a property is available.

Resident; Jim Bingler of 29 Turkey Lane in Furlong commented a few years ago, he presented an exhibit which noted the Buckingham Township proposal for a silo. The exhibit noted the height of the towers and located to place a cell tower. The proposal was turned down by the Zoning Hearing Board. Mr. Bingler indicated his concern is the silo will be in direct location of his bedroom window. He is opposed to the sketch plan.

Resident; Jim Bishop of Cornerstone, Huffman Realty, 740 & 748 Edison Furlong Road informed; he owes two of the adjoining properties and is opposed to the proposed silo tower. He agrees the tower will not fit the aesthetic of the area, does fall within the fall line and doesn't fit the variances.

Resident; Rick Fears of 790 Edison Furlong Road located adjacent to the proposed site and is opposed to the proposed silo tower.

Resident; Rob Ambler of 760 Edison Furlong Road strongly oppose the proposed silo tower.

Quinlan Property – Sketch Plan

Kirk Clauss of Schlosser & Clauss gave a presentation regarding the property located at 300 New Britain Road consisting of 10 acres. The Sketch Plan indicates an 8 Lot subdivision in a cluster configuration including approximately 2.7 acres of open space. Public water & sewer, dedicated roadway, access to open space and trail across the frontage was discussed.

There was a concern raised by a neighbor regarding car headlights shining on his property. The Planning Commission suggested that lighting be address before submitting preliminary land development plan.

Merger of Lots Doctrine

Upon referencing Ms. Stern Goldstein's November 15, 2016 Memorandum, Ms. Yoder reported upon Township Solicitor: Jeffrey P. Garton review of the Merger of Lots Doctrine and noted when a non-conforming lot comes into common ownership of an ownership with an adjoining lot, the two will merge creating one contiguous lot that is conformity with the applicable zoning ordinance. Currently, Doylestown Township Zoning Ordinance defines non-conforming lots as a building or structure may be erected or altered on any lot held at the effective date in single and separate ownership.

Ms. Yoder recommended to have Ms. Stern Goldstein provide a clear explanation their recommendation the Township consider amending the zoning ordinance to include additional language to support the merger of lots doctrine at the next schedule Planning Commission meeting.

Zoning Ordinance

Upon reviewing Ms. Stern Goldstein's November 21, 2016 Ordinance Clean up Items memorandum, the Commission submitted the following uses for revisions.

- 1) Section H-4 for Outdoor Use
- 2) Section A-1 Use and H-11 Use for Livestock
- 3) Accessory Structures and Detached Garages
- 4) Section A-1 for Agriculture
- 5) Zoning Map Amendments

Mr. Kelso recommended to review the new use of Mineral Extraction for revision with regards to quarries.

Doylestown Hospital

Mr. Lowenstein noted two issues with the Doylestown Hospital application. The first is regarding decreasing the size of the parking lots. Current and previous requests to decrease the size of parking spaces have always been located along the Anchor property. The second issue is dealing with the construction of additional buildings, which will encroach in the front yard setbacks. Mr. Lowenstein indicated; the plan seems to benefit a company who would like to gain tax advantages of being located along a non-profit setting, near a hospital.

Ms. Mason indicated; the hospital is also proposing a surgical center for their orthopedic department. Mr. Lowenstein responded; a separate company owns a building located adjacent to the hospital. However, they do not own the land rights.

With the parking size issue, Mr. Lowenstein does not see larger vehicles, such as SUVs or trucks fitting into the adjusted spaces. This will cause additional problems with limited spaces and patients being forced to pay for parking.

Ms. Mason questioned; if the setback issues is regarding the area is near the Route 611 bypass and the proposed Heart Wing building. Mr. Lowenstein responded; that area is not as critical, but is unsure of the available space. Ms.

Mason indicated the encroachment along the Route 611 bypass has space issues, where the proposed building will be very close to an access road.

Mr. Lowenstein suggested to have the Board of Supervisors send a Township representative to attend the Zoning Hearing Board meeting scheduled with the Hospital to challenge both issues. Ms. Mason questioned if the Commission would like the Board to oppose the application. Mr. Lowenstein responded; he not suggesting to oppose the entire application, only aspects outlined. Mr. Kelso noted; the Zoning Hearing Board does not oversee the establishment of parking space sizes. Mr. Colello added; the Commission needs to pass an item onto the Board for review. Ms. Mason added; once the Board reviews the issues, they can also have the Township Solicitor; Jeffrey P. Garton write a letter to the Zoning Hearing Board to ensure concerns of the Planning Commission related to parking and front yard setbacks are addressed. Mr. Lowenstein added; the issues are to be addressed for office space that is owned by a separate company on a non-profit space only to gain tax relief advantages. Ms. Mason indicated; usually when the Township challenges an application or shows concern, a letter is forwarded. Mr. Lowenstein agreed.

As per Mr. Colello's request to delineate the request, Ms. Mason referenced a variance noted in Section 175.A(1) regarding permitted parking spaces requirements as 10x18, instead of 10x20. Mr. Kelso indicated he has no issue with the change in length. He then questioned; will a 20-foot travel lane be required. Ms. Mason indicated yes. She then referenced Section 175.23(B)2 and 175.23(C)13 permitting a parking area to encroach into the front yard in addition to the permitted 50% of the distance to the front yard setback from the arterial road. The variance is requested for the parking area and intended to serve Pavilion 3, Medical Office Building at State Street frontage of parking islands to be constructed between each row parking in the parking area intended for Pavilion 3 Medical office building. A variance from Section 175.77(A) as the alternative is special exception request to permit a hospital addition to encroach onto the required 100-foot special setback distance required for hospital use at location adjacent to the Route 611 bypass.

Mr. Kelso suggested Mr. Lowenstein attend the Zoning Hearing Board meeting. He is opposed in making any recommendations to the Board of Supervisors without viewing a plan with details or being able to discuss with the applicant first. Ms. Mason informed; the Hospital is scheduled to attend the December 19, 2016 Zoning Hearing Board meeting at 7:00pm. Mr. Kelso added; there is nothing wrong with any members of the Planning Commission attending a Zoning Hearing Board meeting to voice their opinions. Ms. Hendrixson agreed with Mr. Kelso's comments with not providing a recommendation until further information is provided.

Adjournment

Hearing no further business, the November 28, 2016 Doylestown Township Planning Commission Regular meeting was adjourned at 8:26pm.