

**Meeting Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Work Session**

April 20, 2018

The Doylestown Township Planning Commission Work Session was held at 9:00 a.m., Friday, April 20, 2018 at the Township's temporary offices off Wells Road, Doylestown, PA 18901. Members of the Doylestown Township Planning Commission in attendance included Chairperson: Judy Hendrixson, Vice Chairman; Gregory Reppa with member Thomas Kelso. Others in attendance included Township Manager; Stephanie Mason, Board of Supervisor Liaison: Richard Colello, Township Planning Consultant; Judy Stern Goldstein and Township Solicitor: Jeffrey P. Garton.

Absent: Members; **George Lowenstein and Jeffrey Depler**

Bray / Long / Schmidt Tract – Proposed Zoning Amendment / Conditional Use:

Applicants in attendance: Mr. Greg Adelman, Esquire of Kaplin Stewart Attorneys at Law, Toll Brothers Senior Project Manager; Vito Polsinelli, PMP, Planner; Emily Stewart of Eastern State Engineering Consultants, Land Acquisition Manager; John Crabtree and Keith Rattigan.

Mr. Garton explained; the Commission's perspective is to work with Toll Brothers to ensure the proposed concepts works. At the last meeting, a public improvement overlay concept over more than several parcels from Lower State Road towards Bristol Road was introduced. However, Ms. Stern Goldstein has concerns with unattended consequences of the concept. The Board's prospective is to concentrate on the parcels and if the Planning Commission would like to consider the quadrant as part of a further dialogue going forward. The overlay concept will work if it can be limited to noted parcels before working on a formula. Another idea was to consider the sewer tap in fee to avoid filing any declarations.

Ms. Mason added, some members of the Planning Commission are not familiar with the concepts. They requested examples of situations where the concept was applied. They also request numbers currently develop under the township's ordinance. Ms. Stern Goldstein explained; the calculations are based upon the super block going from Upper State Road to South of Bristol Road. if the available, remaining parcels along Bristol Road are combined in the other quadrant and assume an 80% net buildable, it will create 380 dwelling units based upon the density proposed and the draft. This does not include the applicants. Under the Delaware Valley University section, can be up to 552 dwellings. If the plan decreases to 70% net billable, the dwelling will be 269 and 43 respective. Ms. Mason questioned; if the current formula used will be from the applicant. Ms. Stern Goldstein indicated yes and under the current draft ordinance. The formula also includes the same criteria for the R1 and R1A Districts.

Mr. Garton questioned; would be averse to the overlay over the piece instead of the mythology? Mr. Adelman answered; it will enfatuate the same results. Mr. Garton added; the formula will also take away the need to complete a declaration if all the factors are placed in the overlay. Mr. Adelman agreed and indicated; the applicant will be obligated to comply versus place a title on the properties. The concept of an overlay is no different to what is proposed. A specific use in being added that has a limited area. The purpose of the overlay can be placed in the area and indicated as public improvements become necessary. Mr. Garton added; the concept can also be expanded elsewhere. Ms. Stern Goldstein doesn't recommend adding an expanding note, because the intend was to increase. Mr. Garton indicated; the formula would also include a reference to produce a by-right plan under the under lying ordinance. The incentive will be driven by the lots, which will be achieved above and beyond base determination. Upon continued discussion regarding creating a new ordinance, Mr. Garton suggested a proposed ordinance can be created to show the base number of lots, how many are to be achieved with an economic

contribution towards infrastructure. Mr. Adelman indicated; with the analysis, with the current versus the based density, the multiplier will be large and an issue. It will be a number not normally shown in an ordinance.

Upon a discussion regarding what calculations would coordinate with the ordinance, Mr. Kelso questioned if the current plan is five units per acre on net density. Mr. Adelman indicated yes and works out to be .5 or x10 as a rough estimate in terms of what the increase is. Mr. Kelso noted the increase would produce the benefit for the township. Ms. Stern Goldstein added; the density was based on density and growth. Since most of the township's density is based upon net, it will be similar. Mr. Garton added; an idea to add a multiple to a tap in fee to the concept to serve as the basis with the inflationary factor considered. He suggested a flat dollar value per lot as a formula. This is similar to park and recreation or traffic impact fees. Mr. Adelman indicated the idea will make the process easier.

Ms. Stewart questioned if the basis of the plan includes water and sewer? Under the B7 District, water and sewer is considered with one acre. Ms. Stern Goldstein answered; under the R1A District for single family falls under two acres. The B1 District for single family with no open space with two acres lots. The cluster has a 45% open space requirement down to one acre lots. The yield plan may be beneficial than trying to show the flood plain. Mr. Adelman noted; the proposed plan currently has 29.92 acres out of approximately 53 at 56%. Ms. Stewart added; the percentage is lower due to not having a water basin design for an exact area. Either way, the plan needs to consider the natural resource protection that is greater than the amount of open space.

Mr. Kelso questioned; what the impervious coverage ratio on the buildings is. Ms. Stern Goldstein noted; the percentage cannot be high based upon the net billable and may be close to 60% of impervious coverage. Ms. Stewart indicated; if the plan is changed to 50% and permitted to approximately 15 acres at approximately 13.5.

Mr. Garton suggested; when the overlay density bonus is completed, should the open space on the tract size be considered oppose to a net size. Ms. Stern Goldstein noted; with the density and the impervious a factor, based upon gross under only the overlay, compliance with the natural resources is required under the protection standards.

Upon Mr. Kelso's question, Mr. Adelman indicated the controlling factor is the natural resources due to the riparian buffer. It's difficult to obtain a real density, due to the area being packed. Ms. Stern Goldstein noted; if the formula is based upon gross density, the ultimate rights of way will need to be removed. Upon reviewing, Mr. Adelman indicated; the percentage will be approximately 51.2%.

Upon reviewing the impervious based upon gross, Ms. Stewart commented; it makes sense to consider gross due to the two acre lot as by-right and no net billable. Mr. Adelman questioned; if the overlay density approach is designed, would an inconsistency be created elsewhere. Mr. Kelso noted; a new use would also be created. Ms. Mason indicated; significant improvements will also be completed, especially with water further to the area. She asked if a pipe with an easement could be considered to assist with future connections. Mr. Garton noted; first the plan will need to be viewed from an engineering prospective. Mr. Kelso added; under the ordinance, the connection will be allowed to expand passed the property line. Mr. Adelman indicated; an expanded connection may be considered as long as no environmental boundaries issues are being met.

Mr. Kelso referenced the B4 Use and noted; minimum building to building set back is proposed at 25 feet. He then commented; with the minimum building setback for tract boundaries, there is not definition up along the street. Ms. Stern Goldstein noted; the lot is considered under the ultimate right of way. Mr. Adelman answered; the zoning calculations are required under the ultimate right of way. Mr. Kelso then noted; under B6, the set back is at 75 feet. Ms. Stern Goldstein explained; the yard requirement for the whole development under the B6 District with a front yard of 100 feet from the ultimate right of way. It also has the most density with the front and rear yard at 75. Mr. Kelso noted the set back should be under the building yard. Mr. Adelman agreed and explained; the plan shows as 50 feet.

Upon a discussion regarding additional grading, Mr. Adelman explained; single family homes are not proposed, where an encroachment will not be coming in. Mr. Kelso questioned; what the plan for the provision for condominium

encroachment is. Mr. Adelman answered; it's assumed a planned community and association will be designed. The HOA will be responsible for common elements, to include mowing and landscaping behind the site. It will also include storm water and streets, assuming the township does not want to oversee. With planned community, a fee simple lot will be considered. Typically, with Toll Brothers a separate tax parcel number and description. Under the condominium description, limited condo will be noted. If a unit has a deck, it's possible the owner will own responsibility.

Upon Ms. Mason's question; Mr. Adelman explained; the proposed site allowed a certain amount of feet to comply with the township's ordinance and avoid future requests for variances. However, the section was pulled out, due to the yards and permitted encroachments. Ms. Stern Goldstein noted; the draft shows a rear yard of ten feet and doesn't leave enough room for a deck for units along Bristol Road. Mr. Adelman responded; the units will provide decks with patios tucked in. Some units will have a sunroom and the other half will be a deck. Mr. Kelso questioned; for the front set back, are front entry garages are being used at 25 feet. Mr. Adelman indicated yes and added; or 20 feet from back of sidewalk. Ms. Stern Goldstein added; the tract boundary set back is 50 feet for the entire tract.

Mr. Kelso questioned; if the primary, large pieces of open space be provided to the township. Mr. Adelman agreed. Mr. Garton clarified; the open space is identified as the piece along Lower State Road and Neshaminy Creek. Mr. Adelman agreed and offered to create different parcels and lots. Any area not township owned will be considered HOA.

Mr. Kelso reference issues noted under the Bucks County Planning Commission review letter as the historic structure and asked if it's an option. Mr. Adelman indicated the issue is not applicable. Ms. Mason added; the structure was not recorded on any of the township's historical listings.

As a summary; after a discussion of instituting an overlay district versus a zoning change, it was determined that a draft of the overlay district ordinance should be prepared for future discussion at the next meeting. The formula for density multiplier is based on the flat dollar amount with inflationary consideration and should be considered to define the term "significant improvement".

Ms. Stewart questioned; should the development be under B1 with no water and sewer or B7 with assuming connection. Ms. Adelman indicated both plans are similar, but simpler with stay with B7 since there is no connection currently on the site. Ms. Stewart noted; under B7, the calculations for the net billable site capacity will factor in under the net. Mr. Garton and Ms. Stern Goldstein preferred the B1 District development to drive the base density down and increase the bonus.

Ms. Stern Goldstein commented; for the by-right yield plan and based upon B2 single family attached, it should be spelled out. It will make a difference going forward on other applications. It will also bring the township to a higher yield, so significant improvements are completed.

Ms. Mason noted; the Planning Commission's next meeting is scheduled for May 8th at 7:00pm. Mr. Adelman indicated; as draft ordinance can be prepared for discussion.

Upon a discussion regarding the land development process, Mr. Kelso questioned if a map change is recommended. Mr. Adelman indicated; there a couple of cases where the court ruled on with no clear standards to note, if the plan does enough changes that constitutes a new use, advertisement would be similar to a zoning map change. Mr. Garton suggested to send the required notices for a map change.

Ms. Hendrixson questioned if neighbors to the left of the property voiced any objection of the plan. Mr. Adelman indicated no and only requested to place a berm and landscape buffers. Ms. Mason added; comments regarding

traffic were noted. Mr. Adelman informed; a traffic study will be submitted shortly. Ms. Mason requested to provide a copy for the township engineer.

Mr. Kelso questioned if improvements are proposed along Bristol Road. Mr. Adelman indicated no. Mr. Kelso commented; it would be nice to have some plan for the area to provide an idea of what can be done. Mr. Adelman informed; the ground will be available for dedication for a right of way. Also, the entrance will be upgraded to avoid any emergency access issues. Ms. Stern Goldstein suggested to have the area delineated and addressed as part of the subdivision land development plan (SALDO).

Adjournment: Hearing no further business, the April 20, 2018 Doylestown Township Planning Commission Work Session was adjourned at 10:07am.