

**Meeting Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting
August 27, 2018**

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, August 27, 2018 at Meeting/Activity Trailer, 425 Wells Road, Doylestown, PA 18901. Members of the Doylestown Township Planning Commission in attendance included Chairperson: Judy Hendrixson, with members; George Lowenstein, Thomas Kelso and Jeffrey Deppeler. Others in attendance included Township Manager; Stephanie Mason, Board of Supervisor Liaison: Richard Colello and Township Planning Consultant; Judy Stern Goldstein

Absent: Vice Chairman; Gregory Reppa

Review of Minutes:

In the form of a motion by Mr. Deppeler; seconded by Mr. Lowenstein the July 23, 2018 Doylestown Township Planning Commission meeting minutes were approved.

Motion carried 5 to 0.

Public Comments:

Discuss Draft Letter to Doylestown Borough - WAWA

Zoning status change was recently approved by the Doylestown Zoning Hearing Board with a special exception. The issue neighbors are having is Wawa's history with possible air, noise contamination and additional traffic caused with gas stations. However, Doylestown Borough has approved the development and plans are moving forward. The proposed Wawa will be located near the Route 202 bypass with six, two sided gas pumps located in front of building. The Wawa is proposing to operate the store 24 hours. Wawa has offered to dress up the building to be "architecturally pleasing".

The owner of the property where Wawa is currently located has filed suit against the Borough charging that the zoning change is Spot Zoning. Ms. Mason added; the Wawa tenant at the existing location will be the tenant at the new location. In terms of ownership of the actual land, different owners own different parcels. Ms. Hendrixson clarified; Provco is the developer for the proposed property where Wawa wants to move. Ms. Mason indicated; it will be the assumption the project at the current location will move forward, because it's new and not existing.

Ms. Hendrixson reported; many residents near the proposed Wawa development are concerned. And although many of the residents from the Borough were in favor of the project, several township residents were against it, complaining of possible air, soil contamination and traffic issues. There was extensive testimony given by many township residents.

After the Hearing was concluded, Judy spoke with the developer, Joe Batta of Provco. He stated his interest in working with the Bike & Hike Committee. He welcomes any suggestions and is open in scheduling a meeting.

Board of Supervisors Chairperson; Barbara N. Lyons suggested to have the Planning Commission draft a letter to be sent by the Board outlining concerns with noise, traffic and lighting. Ms. Hendrixson offered to create the draft letter to present at a future meeting for comment It was suggested that a letter be drafted from Doylestown Township

Planning Commission to Doylestown Borough Planning commission outlining our residents' concerns about the project. Judy will draft a letter for our next meeting.

Mr. Kelso commented; the township currently has a good relationship with Doylestown Borough where it's important to be careful how the proposed development is supported. Additionally, there are different levels of reviews where no land development plan or traffic study was submitted. With the two issues pending, any statement the Planning Commission submits will not be fact based. Mr. Colello agreed and indicated; there is not enough information provided. Ms. Hendrixson clarified; the letter is not to critique the plan, but to submit concerns and offer services or comments. Ms. Mason added; the township can forward a letter to the Borough inviting the developer to attend a Bike & Hike meeting to review pedestrian and bicycle access. Concerns can be noted as residents along Warren Road and Tower Hill will be affected by noise from the development and suggest no pump top tv after 9:00pm, appropriate landscaping be provided to buffer property and down lighting.

Mr. Kelso suggested the Commission meet with John Davis to discuss the plan before submitting a letter to the Borough. The discussion is to determine what type of support will be provided once the issues are outlined and provide the Board with confidence on how to move forward. Ms. Mason offered to contact Mr. Davis to coordinate a meeting between the Commission and Ms. Stern Goldstein.

Mr. Kelso commented; it may be dangerous for the Commission to meet with the developer, due to the possibility of misrepresenting the discussion. Ms. Mason agreed and indicated she will inform Doylestown Borough to direct the developer to meet with the Bike & Hike Committee.

Zoning Ordinance Clean up – Continued Discussion

Ms. Stern Goldstein reported; an updated memorandum of the Zoning Ordinance clean up items was presented on August 15, 2018 from the initial memorandum of November 16, 2017. Ms. Stern Goldstein also provided earlier memos regarding prior corrected items.

The Outdoor storage use was previously recommended for approval to the Board of Supervisors. Mr. Lowenstein questioned was any action completed by the Board. Ms. Mason indicated no. Ms. Hendrixson added; the Board requested to approve the ordinance has a whole.

Mr. Colello commented the Board should have not put off the approvals for several years. All recommendations should be closed out by the end of each year. Ms. Mason recommended the Commission review all pending items and have Ms. Stern Goldstein created a new memorandum to submit for Board approval. Ms. Hendrixson added; the Commission will be receiving additional items for review from the Environmental Advisory Council (EAC) under invasive plants for the September regular meeting. Ms. Mason clarified; the EAC will be submitting a standalone ordinance for the brush, grass and weeds and subdivision land development.

April 27, 2015 - Memorandum

Outdoor Storage (H-4 Use)

The Commission agreed by consensus to include Section 1 under, uses that may be exempt include, but not limited to.

In-Law Suites (H-12 Use)

Ms. Hendrixson reminded; the pending issue is to decide what definition to tie the use under. Ms. Stern Goldstein explained; the issue with the definition with family is a Housing and Urban Development (HUD) issue to keep municipalities from discriminating against non-traditional families. There is also a question on the number of family

members, because a limit cannot be placed on unrelated individuals living together who are not related in a protected class. The issue the Commission previously discussed was the number of people.

Upon a discussion amongst the Commission regarding the definition of family and in-law suite, Ms. Stern Goldstein suggested if the Commission agrees not to expand the concept of an Accessory Dwelling Unit and having it remain as In-Law Suite, there are several changes to be made. Mr. Kelso commented; the Commission should be careful with terminology regarding Accessory Dwelling Units. Other consideration to rename In-Law Suite should be presented, such as Family Suite.

Ms. Stern Goldstein continued; another issue is should in-law suites should be controlled. One suggestion was to add a requirement to a deed restriction, have a description or identification of occupant or occupants, add a recordable document, and rental dwelling units shall not be permitted to be used as an income property. As per Code Enforcement Director; Sinclair Salisbury comments, if an in-law suite is permitted, the next owner of the property will be permitted to rent out the unit.

Upon a brief discussion regarding the restrictions, Ms. Stern Goldstein indicated; the items presented are listed under Mr. Salisbury's concerns list. The Commission agreed by consensus to have the use of In-Law Suite Use under the H-12 Use remain the same.

Upon Ms. Stern Goldstein's question on how to proceed with the definition of family, Mr. Kelso suggested to explore comprehensively across the Township in terms of the different districts and what opportunities may occur with the approach. Having blanket changes of definitions and applying it township wide is not a good zoning practice. Upon Mr. Kelso's request to view the HUD audit of family, Ms. Hendrixson suggested revisiting the issue of family definition once the report is viewed.

Livestock (A-1 Use and H-11 Use)

Ms. Mason reported; the A1 and H11 Use currently conflicts with one another and the township has requested they become consistent. Ms. Stern Goldstein clarified; the inconsistencies are noted as; accessory structures are required to be located only on the side view yards and no closer to 100 feet from the properties lines. H11 is under Livestock along residential areas. However, it's approaching 100 feet, because the A1 Use requires 100 feet and requires 5 acres for livestock.

Upon a discussion regarding the A-1 and H-11 use pertaining to the number of animals and acreage, Ms. Stern Goldstein indicated Mr. Salisbury's concern is the 50 feet versus 100 feet requirement. The Commission agreed by consensus to revise Section 175-16.H(11)C under the H11 Use to allow Accessory structures shall be located in the side and rear yards and no closer than 100 from the property line.

Accessory Structures and Detached Garages

Ms. Mason reported; a detached garage can be 15 feet. However, a larger accessory structure must meet the ordinance requirements. Mr. Lowenstein questioned; How is a garage separate from other structures. Ms. Stern Goldstein responded; the reason the section is requested to be removed is because of restriction with having a car stored in the structure. The recommendation is to change the use to a larger accessory structure per the minimum yard requirement.

Mr. Kelso recommended to add garage under the definition of accessory building. Ms. Stern Goldstein clarified; the proposed section is changing an existing paragraph to remove the entire section of accessory residential garages to include the clause of 15 feet for detach garages. Mr. Kelso then suggested instead of removing the definition of private garages, change to private garage as an accessory structure.

Agriculture (A-1) Use

The issue is the requirement of an annual permit be removed and sales shall include both farm stands and farm markets. The commission agreed by consensus to remove Section 175-16.A(1)(b).

Automotive Sales (Use E-11) Parking Requirements

The requirement may be excessive due to car dealerships having to attend a Zoning Hearing Board (ZHB) meeting to obtain a variance based upon the code requiring a larger space than can be built. In most cases the ZHB has granted the relief needed with no issues. Ms. Stern Goldstein suggested; if a change is to be made, based it upon gross floor area of the building. Currently the outdoor storage is fluid for customers and employees.

Mr. Lowenstein suggested to have parking requirements as showroom versus a garage area. Ms. Stern Goldstein indicated the issue is having enough parking for customers and employees into the site. Mr. Deppeler suggested to have the requirement remain at 100 feet of gross floor area (GFA). If the require was reduced at one spot per 300 square feet, it will result in having additional requests be submitted. The Commission agreed by consensus to have one (1) off-street parking space for each 100 feet of gross floor area (GFA) remain the same.

Swimming Pools (H-6) Accessory Use

The issue is to remove Chapter 175, Section 175-16.H(6)(t) the term BOCA National Codes/1990 and changing to Accumulative Supplements with Pennsylvania Uniform Construction Code (UCC). This will enable having annual inspections conducted by the building inspector, health officer or other official designated by the Board of Supervisors or Health Department as deemed necessary. The Commission agreed by consensus to remove Chapter 175, Section 175-16.H(6)(t) referencing BOCA National Codes/1990 and change to Accumulative Supplements with Pennsylvania Uniform Construction Code (UCC).

Mineral Extraction

The request is to change the new use to Mineral Extraction into current language from the Pennsylvania Municipal Planning Code (MPC) definition. This will change the G13 use as Quarry to G13 Mineral Extraction and regulations. The Commission agreed by consensus to Article II, Definitions, Section 175-9, Terms defined as G13 Mineral Extraction.

Mr. Kelso questioned; what is being done about definitions. Ms. Stern Goldstein answered; mineral and mineral extraction are proposed as two separate definitions. Ms. Mason added; the G13 use will now be referred to as Mineral Extraction.

February 25, 2013 - Memorandum

Agritainment / Special Events

Ms. Stern Goldstein reported; Mr. Salisbury is concerned with winerys hosting weddings without an ordinance in place. At a previous meeting, Mr. Lowenstein indicated no change was needed. The Commission agreed by consensus Section 175-16.H(16) for Agritainment / Special Events shall remain the same.

May 14, 2010 - Memorandum

Solar Energy

Solar energy is an accessory use and the issue is the placing of solar panels along the yard instead of a roof. Previously, the Commission indicated panels on the roof is acceptable, because it's part of the structure. For yard placement, the panels will be considered an accessory structure if it's over 144 square feet of setbacks.

Ms. Hendrixson questioned if a definition is in place and is it known to search for the use under accessory structure for a solar collector. Ms. Stern Goldstein indicated yes.

Mr. Deppeler questioned if the word solar collector can be added to the auxiliary structure. Ms. Stern Goldstein answered; some solar collectors are installed on a roof. He then suggested renaming as free standing solar array and is the structure considered impervious surface. Ms. Stern Goldstein answered the structure will not be considered impervious surface and depends what is placed underneath. Ms. Hendrixson suggested to add the solar panels to accessory structure. The Commission agreed by consensus not to change Section 175-9. However, refer to as Solar Collector.

April 27, 2015 - Memorandum

Clearing or Removal of Trees

Ms. Stern Goldstein reported; one section changed to a zoning permit is required to remove ten healthy trees of six inch caliber or greater in size measured. The Commission agreed by consensus to change Chapter 175, Section 175-126.B as presented.

Impervious Surface

Ms. Mason indicated the change is to clarify the definition of impervious surface to include allowances of the use of impervious products systems and re-evaluate the maximum coverage limits for all other uses. Mr. Kelso added; the issue is how the zoning officer, or the township engineer defines. Currently, the definition is soft as any surface with does not absorb rain; all buildings, parking areas, driveways, roads, sidewalk and any other area of concrete asphalt or hard surfaces. The problem is with interpretation.

Ms. Stern Goldstein indicated; there are two separate items as the definitions in zoning used when the impervious surface is being viewed when developing land. Secondly, under the subdivision land development (SALDO) for storm water and many confuse the two definitions. However, the definition of the ordinance is clear.

Mr. Kelso commented; the definition is vague enough to allow for changing trends and materials and how it applies to properties. Ms. Hendrixson added; the ordinance needs to show how much, where some can be 50% or 20%.

Upon a discussion regarding the use of impervious surface, Mr. Deppeler commented; the impervious surface issue was covered by way of storm water management and questioned; why the subject should be addressed. Ms. Stern Goldstein answered; it's listed as an item of concern from Mr. Salisbury. As per Mr. Deppeler's recommendation, the Commission agreed not to address the matter.

November 21, 2016 - Memorandum

Formatting Discrepancies

The discrepancy is listed under Chapter 175, Section 175-48 under the R2 Zoning District. There is a minimum open space requirement for all other uses, which shouldn't be. There is a formatting error in the ordinance. The second discrepancy is listed under all other uses for maximum impervious surface ratio should be noted as 0.3 acres.

Lastly, the minimum lot area should be recorded as five acres. The Commission agreed by consensus to correct all errors under Chapter 175, Section 175-48 as presented.

Referencing the Clearing of Tree's section, Mr. Deppeler questioned what defines a tree. Ms. Stern Goldstein answered; a tree is defined by size as six inches in caliber.

Signage in SLDO

Ms. Stern Goldstein reported; there was some signage regulation remaining in the SLDO and signage in zoning. The Commission agreed by consensus to remove sign regulations currently located within zoning under SLDO.

Stormwater Management

The Commission agreed by consensus to complete general revisions as per the recommendation of Township Engineer; Mario Canales.

Ms. Stern Goldstein informed; a new memorandum will be completed noting all changes for the Planning Commission's regular meeting scheduled in September.

Continued Discussion:

The Commission wished member; George Lowenstein a Happy 80th Birthday, as per Mr. Colello's announcement.

Ms. Mason reported; the Commission is scheduled to review the Comprehensive Plan at the September Regular meeting.

Ms. Hendrixson requested Commission's consideration to review options for Airbnb rentals in the township. Referencing an article regarding a nearby municipality creating an ordinance to regulate Airbnbs, Ms. Hendrixson will distribute the article for Commission comments at a future meeting. Ms. Stern Goldstein indicated; the issue will be listed under short term rentals. Mr. Kelso offered to provide Buckingham Township's ordinance as well.

Mr. Colello reported; The Board recently approved the Tradesville Overlay District ordinance, agreeing to having two entrance and exit along the site. The access will be defined as one exit, plus an emergency exit. Bucks County Planning Commission recommended to record two accesses with the discretion of the Doylestown Township Board of Supervisors.

Adjournment:

Hearing no further business, the August 27, 2018 Doylestown Township Planning Commission meeting was adjourned at 9:05pm.