



# Board of Supervisors

## Regular Meeting

425 Wells Road  
Doylestown, PA 18901  
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215-348-9915

~ Minutes ~

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Tuesday, January 15, 2019

7:00 PM

Meeting / Activity Trailer

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### I. 7:00 PM REGULAR MEETING

Members of the Board of Supervisors in attendance included Chairperson; Barbara N. Lyons, Vice Chairman; Richard F. Colello with Supervisors; Ken L. Snyder, Jennifer V. Herring and Ryan Manion.

Township Staff in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Dave Tomko, Township Solicitor; Jeffrey P. Garton, Chief of Police; A. Dean Logan and Township Engineer; Geoffrey J. Attanasio

#### A. Pledge to the flag

#### B. Presentation

Mr. Colello made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors appoint Ted Feldstein as a member of the Doylestown Township Planning Commission.

Mr. Ted Feldstein was appointed by a 5 to 0 vote.

Mrs. Lyons informed; the Pavilion at Furlong presentation this evening is informational purposes only and no Board decision will be made.

Mrs. Lyons presented the new Doylestown Township Flag as designed by a contest winner Mike Cuomo in celebration of the 2018 Bicentennial.

#### 1. Pavilion at Furlong (Grasso) – Proposed Senior Living

Mr. Garton reported; the development of the Pavilion at Furlong has been ongoing for many years for the property located on the corner of Rogers Road, Route 263 and Route 313. The current applicant received approval pursuant to a court order for a mixed development for a daycare center and retail. The applicant requested to present a change of the plan to the Board of Supervisors. The request is to change the mixed used plan to a senior living center plan. Mr. Garton reminded the applicants; no Board approval will be entered for the proposed plan presented at tonight's meeting.

Attorney for The Grasso Group, William E. Benner of Benner and Wild provided a brief history of the plan to include, in July of 2017 a settlement agreement was approved for a mixed use development to provide a daycare, contractor's office, retail, urgent care center and a 10,000 square feet commercial store, totaling 52,051 square feet of space. In December of 2017, the

Board of Supervisors approved the Grasso Group request to amend the stipulation agreement to provide public water and sewer connection. In February of 2018, a new concept for a senior housing project was presented to the township staff and consultants for consideration. The proposed development plan is less intense with less impervious coverage. Regarding traffic issues, the Pennsylvania Department of Transportation (Penn Dot) has been updated on the concept. The applicant would like the Township to consider a modification to the stipulation agreement as a substitution to the sketch plan.

The new use calls for senior citizen housing with 124 independent living units. The Doylestown Township Planning Commission reviewed the plan in November of 2018. However, no resolution or recommendation was submitted. The Commission requested further guidance from the Board of Supervisors as to if the plan is worth pursuing. Mr. Benner introduced Design Engineer; Scott Mills, Traffic Engineer; Michael Roth of McMahan Engineers and applicant; Michael Grasso.

The newly proposed site will be supported by approximately 48 employees working in shifts, the facility will provide meal services and each unit are equipped with a separate full kitchen. The proposed site is considered independent living not assisted nor continuing care retirement community with residences expected to be 75 years of age. Considering the age, bus and van services will be offered.

Mrs. Lyons clarified; based upon the November meeting minutes, the Planning Commission did not recommend the plan be presented to the Board of Supervisors. She suggested embellishing the plan based upon the Commission's recommendations and return to a future meeting to receive a recommendation. Mr. Benner responded; it's not the intent to misrepresent the Commission's decision, but was the impression received. He then requested Board guidance on how to proceed with the plan. Mrs. Lyons reiterated; the Board does not provide direction or comments on development plans without a recommendation from the Planning Commission. She suggested to complete additional homework and revise the plan as per the Commission's previous notes and pursuant to the planning process.

Mr. Colello concurred; the Planning Commission did not recommend the applicant receive guidance from the Board. He clarified; in order for the Planning Commission to submit a recommendation, more information was needed. Specifically, the sketch plan was too sketchy, the number of staff was not confirmed and overall the plan was too vague. He suggested, prior to meeting with Planning Commission again, more detail and work needs to be completed. Mr. Benner responded; Mr. Grasso is fully prepared to spend time with the Planning Commission to ensure an informed decision. However, the applicant is concerned the overall concept may not be within the township's vision and request to receive direction before dedicating additional time on revising the plan.

Mr. Snyder questioned; if additional details were flushed out since meeting with the Planning Commission in November. Mr. Benner answered; yes, such as the number of employees, age, meal plan and kitchen facilities. Additionally, the height of the building was reconciled as 50 feet along some areas, with traffic and parking needs viewed. Mr. Snyder commented; the

proposed plan is less intrusive and encouraged the applicant to continue work on submitting a plan suitable for the Planning Commission's review.

Ms. Manion commented; the Board places a lot of trust in the Planning Commission to provide insight on all plan submissions.

Public Comments:

Resident: Joseph O'Malley of 138 Rogers Road commented; it's unfair to the residents to rush the review of a plan without enough information. Ms. Lyons responded; the applicant has indicated there was no ill will and was a misunderstanding.

Resident: Chelsea Paskman of 125 Rogers Road agreed notice of tonight's presentation was inappropriate and commented; minutes of the November Planning Commission meeting clearly specified the decision of the Commission and provides direct feedback. Mr. Benner's comments of no intent doesn't seem right to the residents.

Resident: Pierre Menard of 1 Old Nursery Road questioned; how many residents will occupy the proposed senior living facility. Mr. Michael Grasso answered; of the 124 units, there will be 10 to 12 two bedroom units. Most residents will be single and each apartment has a full kitchen. However, there is an option to serve breakfast and dinner in a separate dining area. Additional amenities include: cocktail hour, indoor pool, gymnasium and beauty salon.

Mr. Menard questioned; does the new use require zoning changes. Mr. Garton answered; an amendment to the stipulation agreement and amended court order will be required. Mr. Menard questioned; what will be the impervious surface. Mr. Mill answered; the new plan will be approximately three acres. The previous plan was six acres. Mr. Menard questioned; if the new plan will allow for expansions. Mr. Mill answered; as part of the amended stipulation, any proposals after will require Board approval. Mr. Garton clarified; as part of a court order, the senior living facility will be the only improvement allowed.

Resident: Mary Lou Streznewski of 22 Brook Drive commented on the concern of traffic, where reasonable information has not been submitted regarding the impact of Rogers Road with the coordination of Temple Judea and Route 263. Specifically, she questioned what is the plan is for entering and departing from the site.

Resident: Bob Cisik of Windover Lane questioned the status of sewer or water lines and where the connection will be made from. Mr. Benner answered; the lines will be public, but a source has yet been decided. Mr. Benner offered to discuss in detail at the next Planning Commission meeting. Mr. Cisek commented; the process of Temple Judea development plan was also challenging. However, there has been no traffic or noise since the completion of the project.

Mr. Benner concluded; if an agreement to the stipulation is approved, the current plan will substitute the previous commercial development.

C. Visitors/Public Comments

Resident; Jacqueline Murphy of Chestnut Valley Drive requested clarification of consumer fireworks under the Fireworks Ordinance. She informed the Board of a possible violation off North Shady Retreat Road as a resident excessively discharging fireworks in the form of bombs. Upon contacting the police, Ms. Murphy indicated her complaints were received by chuckles. Chief Logan indicated a response will be provided once the matter is researched further.

Mrs. Lyons informed; the matter should be discussed with Chief Logan and taken very seriously. Ms. Murphy further informed; the actions have been going on for nine years and she has experienced the disruptions since moving in three years prior. During the three years, fireworks have been discharged over 200 times at different times during the day from the 400 block North along Shady Retreat Road. More often discharges occur during between 9:00pm until 2:00am and excessively during the weekends.

Mrs. Lyons explained; consumer fireworks are not considered bombs. Mr. Garton added; the ordinance will limit discharge during certain periods of the year. Ms. Murphy concluded she will refer to the Police Chief to resolve the matter.

## II. ANNOUNCEMENTS

- A. The next meeting of the Board of Supervisors is scheduled for Tuesday, February 5, 2019 at 5:00pm
- B. Movie, Ski Resort and Philadelphia Flower Show tickets are available through the Township at discounted prices. For more info contact our Administration Offices or online at [www.doylestownrec.com](http://www.doylestownrec.com)
- C. Christmas Tree Drop-Off - Trees can be dropped off at the New Britain Road entrance of Central Park until February 10th
- D. Doylestown Twp. Park and Recreation in partnership with Premier World Discovery is offering two trips in 2019;
  - 1. California Rail Discovery – April 3, 2019 - 7-day trip
  - 2. Rome - Country Roads of Tuscany – November, 2019 – 9-day trip.

## III. MINUTES APPROVAL – Reorganization Meeting – January 2, 2018

Mr. Snyder made a MOTION; seconded by Ms. Herring the January 7, 2018 Doylestown Township Board of Supervisors Reorganization meeting minutes be approved.

MOTION was ADOPTED 5 to 0.

## IV. CORRESPONDENCES - Volunteer Resignation – Dr. J. Solkov, Park and Recreation

Ms. Herring made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors accept Dr. Jan Solkov resignation as a volunteer to the Park & Recreation Board with regret.

MOTION CARRIED 5 to 0.

**V. REPORTS**

A. Solicitor

Green Point Program

Mr. Garton reported; as per Ms. Herring's suggestion for a Green's Point Program to encourage homeowners, contractors and developers utilize more user-friendly construction methods, a draft ordinance was created for discussion. The draft ordinance was also shared with Director of Code Enforcement: Sinclair Salisbury who added comments and noted on a December 14, 2018 memorandum. Mr. Garton requested Board direction on how to move forward.

Mrs. Lyons directed to have Mr. Salisbury's comments included onto the ordinance and not sure what cost the township will have in losing permits fees and maintaining the program. Ms. Mason responded; one suggestion was to incorporate an independent, third party evaluator to oversee points each applicant applies for. One concern is the number of businesses and residents that will utilize the program. Upon reaching out to other municipalities which implemented the program, there was not a high volume of users. However, from an environmental standpoint, Warwick Township has a 10% reduction in permit fee versus 50% provided by the Borough. Smaller construction projects may benefit from the program. For larger projects, it may be significant if all points are met. Ms. Mason suggested the Board consider alternatives to avoid losing funds with permits fees.

Mr. Colello requested to have Township Planning Consultant; Judy Stern Goldstein reviews the draft ordinance and provide comments as by a Subdivision Land Development Ordinance (SALDO) perspective. He also would like a clear understanding of what the impact will be for the township before considering an option to limit permit fees.

Mr. Snyder questioned what the cost is for a third party evaluator and what the tradeoff is for points acquired. Mr. Salisbury answered; the charge for a third party evaluator is currently unknown. However, the cost for verification will be completed by the applicant and will decide if a third party is worth engaging for inspections. In addition, not every item in the ordinance will need to be verified by a third party. Only complex construction projects may require one. The applicant will make the decision, once determined necessary.

Mrs. Lyons questioned; is there anything preventing the township in creating an ordinance to reflect green product construction. Mr. Garton answered; the township is regulated by the International Building Code and cannot do away of what is permitted in the code. Mr. Salisbury added; a certain performance has to be met and the code doesn't state the township has to build their own structure out of wood and drywall. Only structural and energy regulations are required to be met.

Ms. Manion questioned; outside of a third party, is there any training or certifications the township can obtain. Mr. Salisbury indicated he is currently a certified green building inspector

for residential properties. However, he's unable to become a third party evaluator for all complex projects.

Mr. Garton concluded; the draft ordinance will be amended to include Mr. Salisbury and Ms. Stern Goldstein's comments. Mr. Snyder requested to also include what the impact of the township will be.

B. Police Chief

Tennis \ Basketball Uses

Mr. Garton reported; upon a conversation with a non-resident of Doylestown Township regarding not permitted to utilize the tennis and basketball courts for soccer, Ms. Mason provided a January 10, 2019 memorandum outlining the policy and procedures of permitted uses for tennis and basketball courts in Central Park. Ms. Mason clarified; the Chief of Police concerns is regarding the court use for pickle ball. Chief Logan added; as per the ordinance, other uses are permitted. There is also an issue with the wooden soccer nets placed on the fields and shoes used. With a large group not complying to regulations, a tactful approach is needed for enforcement and correct individuals are contacted.

Chief Logan requested the matter continue to be managed by the department where violators will be approached and cited for the courts. Mrs. Lyons agreed and requested the Chief be advised.

C. Township Engineer

D. Manager

Training Request \ NJIAAI Conference Training - Rick Schea

Ms. Manion made a MOTION; seconded by Ms. Herring the Doylestown Township Board of Supervisors approve Fire Marshall; Rick Schea attend the March 6th through 8th, 2019, New Jersey Chapter Of The International Association Of Arson Investigator (NJIAAI) AGM Conference with an overnight stay. The conference fee was previously paid, but due to a snow storm the event was canceled. Further; have Mr. Schea attend the March 26th through 28th, 2019 National Facilities Management & Technology Conference in Baltimore, MD with Rob Dando with overnight stays.

MOTION CARRIED 5 to 0.

Training Request \ Annual Pennsylvania Park and Recreation Society Conference -Karen Sweeney and Kaitlyn Finley

Ms. Manion made a MOTION; seconded by Ms. Herring the Doylestown Township Board of Supervisors approve Director of Parks & Recreation; Karen Sweeney attend the April 1st through 5th, 2019, Annual Pennsylvania Park and Recreation Society Conference at the Penn Slater Conference Center with an overnight stay. Further; approve Parks & Recreation Program

Coordinator; Kaitlyn Finley to attend the Annual Pennsylvania Park and Recreation Society Conference from April 2nd through 5th, 2019 with an overnight stay.

MOTION CARRIED 5 to 0.

#### Swamp Road and Old Easton Road Projects

Ms. Mason referenced the December 13, 2018 meeting minutes of the Steering Committee and indicated there is no action until the connector road is completed. It's anticipated construction will begin in the year 2020 where three movements off Old Easton Road and Main Street will no longer be permitted. The north bound Old Easton Road and Main Street will become left and right turns only. The left turn from east bound Swamp Road will no longer be allowed. The left turn lane only will be installed along the west bound road and the south bound Old Easton Road will become a right turn only onto Swamp Road. The equipment will remain and tested due to Penn Dot's request to remove upon completion of a full evaluation.

Mr. Snyder questioned what the evaluation period is. Ms. Mason answered; there is a 90 day evaluation period and will begin when the connector road is completed in the year 2020.

E. Director of Operations

F. Supervisors

As per Mr. Snyder's request, Mr. Tomko reported; the CS Datam session and robotic training with C.S. Davidson was completed. Approximately twenty staff members participated and was very well received. Mr. Snyder questioned; what is the strategy to introduce the program. Mr. Tomko answered; the use and flexibility of the program will be viewed before implementation. He and Mr. Garr have scheduled a meeting to discuss how the system will benefit the Roads program for future years.

Upon a discussion of when the 2019 Roads program will begin, Mrs. Lyons informed of a request to have Shady Retreat and East Roads be considered for the Roads program. Mr. Tomko acknowledged receipt of the request.

Mr. Snyder reported; the Pension Advisory Committee is preparing to submit a list of proposals and recommendations for Board consideration at a future meeting. He then questioned what the new procedure is for annual Boards and Commissions reports and what the schedule is. Mrs. Lyons answered; Chairmen of each Committee will decide when to schedule their annual reports.

Mr. Colello referenced a recent Pennsylvania State Association of Township Supervisors (PSATS) magazine article informing of the possibly deadly results with radon. In addition to smoking, 40% of homes in Pennsylvania have unsafe levels of radon detected. Mr. Colello informed free kits are available and urged homeowners to have their homes tested. The remediation may cost approximately \$1,000.00. Information will be posted on the township's website with links to obtain a kit.

Mrs. Lyons informed; several candidates were interviewed for available police officer positions. As a result, five candidates will be further evaluated.

## VI. PUBLIC HEARING

### A. Amendment to Zoning Ordinance – Clean Up

Mr. Garton reported; the Doylestown Township Planning Commission invested many hours reviewing the cleanup ordinance. When the reviews returned from the Bucks County Planning Commission, concerns arose regarding some elements in various sections, such as group homes. Mr. Garton, Ms. Mason and Township Planning Consultant; Judy Stern Goldstein collectively recommend to strike sections 38 through 46 from the Clean Up Ordinance, which are related to the concerns. This will provide more time to evaluate the aspect of the cleanup. The Ordinance has been duly advertised. However, a public hearing needs to be conducted. A copy has been forwarded to The Intelligencer and Bucks County Law Library.

Mrs. Lyons opened the floor for a public hearing, where no response was received.

Ms. Herring made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors adopt the Amendment to the Zoning Clean Up Ordinance removing Sections 38 through 46 and complete editorial corrections as noted on the Bucks County Planning Memorandum dated January 2, 2019.

MOTION was ADOPTED 5 to 0.

### B. Amendment to Subdivision/Land Development Ordinance – Clean-Up

Mrs. Lyons opened the floor for a public hearing, where no response was received.

Ms. Manion made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors adopt the Amendment to Subdivision \ Land Development Ordinance to remove the signage standard provision section as it relates to the zoning ordinance.

MOTION was ADOPTED 5 to 0.

### C. Amendment to Fireworks Ordinance

Mr. Garton reported; the Fireworks Ordinance is incorporating restriction previously discussed and duly advertised. Additionally, a letter was forwarded to the Township informing of the law change regarding tent sales and not valid. Changes do not affect the ordinance for Board approval. The Fireworks Ordinance related to the uses and time was duly advertised.

Mrs. Lyons opened the floor for a public hearing, where no response was received.

Mr. Snyder made a MOTION; seconded by Ms. Herring the Doylestown Township Board of Supervisors adopt the Amendment to the Fireworks Ordinance.

MOTION was ADOPTED 5 to 0.

**VII. NEW BUSINESS****A. Historic Significance – 2225 Lower State Road – Eric Clase**

Mrs. Lyons reported; there is no challenge to the significance of the historic attributes for the existing home located at 2225 Lower State Road. This issue is the facility intends to be nine (9) units along four acres, which is not within Doylestown Township Zoning Ordinance under the B15 Use. Mr. Garton clarified; the applicant is only questioning if the properties belongs on the Township's historic list of properties.

Mr. Colello questioned if the request to add the existing home onto the Township historic listing will bind the township to accept the applicants request to allow nine units be constructed under the B15 Use. Eric Clase of Gilmore & Associates answered no and the request will need to be address with the Zoning Hearing Board to obtain relief of variances. President of the Heritage Conservancy; Jeffrey L. Marshall indicated; the existing home meets the ordinance requirements for historic reference due to its eligibility under the National Registry for the Pennsylvania Historical Association. He provided the Board with related materials.

Mr. Snyder questioned if listing the home as historical significant will impact the township in the geographic area. Ms. Mason answered no, there are no other issues are noted along the area.

Ms. Manion questioned if the intent is to sell the home. Mr. Clase answered; the home will not be sold and considered standalone, where relief will be requested from the Zoning Hearing Board. The home was purchased by the applicant and will be occupied.

Mr. Snyder made a MOTION; seconded by Ms. Herring the Doylestown Township Board of Supervisor approve the existing home located at 2225 Lower State Road be recognized and added to the Township's Significant Historical Home listing.

MOTION CARRIED 5 to 0.

**B. Nationwide 457 Plan**

Ms. Mason reported; only one employee is currently in the program and is currently speaking to a financial advisor of another program. Additionally, the employee has not received any information regarding the Nationwide 457 Plan and it's unclear if they are enrolled in the specific investment plan. Board action is requested and Ms. Mason recommends utilizing the existing default method based upon the information received.

Ms. Manion made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisor review the Nationwide 457 Plan and proceed with utilizing the existing default method based upon the information received, as per the recommendation of Township Manager; Ms. Mason

MOTION CARRIED 5 to 0.

C. Appointment of Fire Police for 2019

Mr. Snyder made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors appoint the following Fire Police Officers for 2019:

- FP 19 Captain; Nick Popchuk*
- FP 19-1 Lieutenant; Quentin Maust*
- FP 19-2 Officer; George Erb*
- FP 19-3 Officer; Gian Luiso*
- FP 19-4 Officer; Samuel Casare*
- FP 19-5 Officer; Ross Thomas*
- FP 19-6 Officer; Matt Howe*

MOTION CARRIED 5 to 0.

D. Treasurer’s Report – January 15, 2019

Ms. Manion made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors approved the January 15, 2019 Treasurer's Report.

MOTION was ADOPTED 5 to 0.

E. Bills Lists – January 15, 2019

Ms. Manion made a MOTION; seconded by Ms. Herring the Doylestown Township Board of Supervisors approved the January 15, 2019 Bill's List in the amount of \$575,085.81.

MOTION was ADOPTED 5 to 0.

**VIII. ANNOUNCEMENTS**

**IX. ADJOURNMENT**

Hearing no further business, the January 15, 2019 Doylestown Township Board of Supervisors Regular meeting was adjourned at 8:15 pm.

Respectfully submitted by

Stephanie J. Mason

Secretary