

**Meeting Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting
September 24, 2018**

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, September 24, 2018 at Meeting/Activity Trailer, 425 Wells Road, Doylestown, PA 18901. Members of the Doylestown Township Planning Commission in attendance included Chairperson: Judy Hendrixson, Vice Chairman; Gregory Reppa with members; George Lowenstein, and Thomas Kelso. Others in attendance included, Board of Supervisor Liaison: Richard Colello and Township Planning Consultant; Judy Stern Goldstein

Absent: Member; Jeremy Deppeler and Township Manager; Stephanie Mason

Review of Minutes:

In the form of a motion by Mr. Kelso; seconded by Mr. Lowenstein the August 27, 2018 Doylestown Township Planning Commission meeting minutes were approved.

Motion carried 4 to 0.

Public Comments:

Zoning Ordinance Clean Up – Continued Discussion

Ms. Stern Goldstein reported; the August 27th Zoning Ordinance Clean Up memorandum reflects the Planning Commission's comments from the last meeting. The memo also includes explanations, proposed changes and reasoning for Board review.

ADA Parking Width:

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.

Mr. Reppa questioned; if the 10x20 American Disabilities ACT (ADA) parking width acceptable. Ms. Stern Goldstein answered; the township's standard is 10x20. For the ADA, it will show either five or eight foot width, depending if the space is considered accessible. Ms. Hendrixson commented; with so many SUVs and vans on the road, a change was necessary.

Ms. Hendrixson explained the Zoning Ordinance Clean up procedure to Resident; Robert W. Tumelty 3443 Bristol Road, who joined the meeting.

Mr. Tumelty commented; many stop signs along the area are not visible. Ms. Stern Goldstein responded; stop signs will be a township staff issue and offered to pass along his comments. Mr. Tumelty clarified; one stop signs along Bristol Road and Lower State Road and with the no turn on right sign. Mr. Lowenstein added; if the stop signs are located along a State road, Penn Dot will need to be contacted. Ms. Hendrixson suggested to contact the Township's offices to have concerns directed accordingly.

7:07pm - Director of Code Enforcement: Sinclair Salisbury arrived at the meeting

Upon a discussion regarding the width of parking spaces, Mr. Colello suggested the Commission consider changed the width to 10x18 instead of 10x20. Mr. Kelso commented; the issue was placed in the Zoning Ordinance but should be placed under the Subdivision Land Development Ordinance (SALDO). It will provide the Board with more strength with negotiating. It will also not be viewed comprehensively in its relationship with density and impervious coverage.

Ms. Stern Goldstein commented; a mix is notable in the ordinance as approximately 75% in SALDO and the remaining in zoning. However, more are under the SALDO as part of design standards for parking lots. The issue is if the parking lots are under SALDO and not in zoning, the adaptive reuse and redevelopment in an existing building. If it's only in SALDO, it may be restriped to make smaller.

Upon a question regarding how the parking size should be change, Ms. Stern Goldstein clarified; the handicapped parking spaces were required to be 5 x 8 and the van accessible are 10 x 18. The sizes do not match the standards accessible design. The goal is to abide by the ADA compliant standards. Upon a discussion regarding required spaces within the ADA requirements, Ms. Hendrixson suggested to change the ADA parking spaces to 10 x 18 with 24 foot isles. Mr. Salisbury commented; the property owners must comply with regulations and the township should not leave the door open to comply with the standards.

Resident; Mr. Tumelty questioned of islands are related to parking spaces. Ms. Stern Goldstein answered; islands are included in the code and part of the parking lot design. The islands also need to be landscaped in accordance with the land development plan process. Mr. Tumelty commented; no vegetation survives in the islands and interfere with snow plowing.

Upon calling the question to resize parking lots to 10 x 18, Ms. Hendrixson and Mr. Reppa agreed . Mr. Lowenstein and Mr. Kelso were not in favor of the change, due to removing the option to negotiate with developers. Many of the land developments, such as with the hospital, relief was granted for larger parking spaces. Having the parking lots remain the same will allow the Board to provide a give and take. It will also control density to provide impact and option for impervious coverage. Mr. Reppa added; modifications to the requirements within the parking lot itself will provide more green space under SALDO. Ms. Stern Goldstein indicated; the township ordinance notes more than adequate parking lot landscaping

The Commission agreed by consensus to table the decision of parking spaces. However, the Commission agrees to change the ADA specification wording and have the spaces remain at 10 x 20 under Section 175-16.B.(15)(g)[4].

Mr. Kelso commented; more should be added to the ADA reference to what the standard is by noting a publication number. Ms. Stern Goldstein offered to provide the information.

Mr. Kelso questioned; if Executive Director of Housing Equality Center of Pennsylvania; Rachel Wentworth's letter was distributed to the Commission. Ms. Mason answered; the memo was received in today's mail in will be presented at the November Regular meeting.

Fair Housing:

Mr. Reppa commented; State College has a definition on file indicating no more than three individuals are allowed in a home to prevent student housing from encroaching into a neighborhood. The township ordinance seems to leave a similar regulation open.

Ms. Stern Goldstein reported; the Fair Housing section is currently on hold pending a decision regarding a list noting several people. Mr. Colello noted; the August 24th Planning Commission regular meeting minutes records the Commission was going to be provided a copy of the Housing and Urban Development (HUD) report. Ms. Stern Goldstein explained; the report is a memorandum from a telephone conversation with Executive Director of Housing

Equality Center of Pennsylvania; Rachel Wentworth. Rachel questioned the township's group home regulations in residential and indicated it could not remain as stated. To resolve, Ms. Stern Goldstein created people living with family section and institutional use with a separation. The only item removed from the definition of family was servants. It was replaced with a section indicating family does not include a larger institutional group.

Mr. Kelso question if the township has a copy of the HUD study, Ms. Stern Goldstein explained; a memo outlining a phone conversation is on file and no documentation of a study was provided. Mr. Kelso suggested to place the Fair Housing section on hold until the HUD documentation is presented.

Upon Ms. Stern Goldstein reading Ms. Wentworth's memo regarding the acceptable definition of family and B15 use, Mr. Lowenstein agreed with Mr. Kelso's suggestion in placing the Fair Housing section on hold until documentation is received. Mr. Colello requested a copy of Ms. Wentworth's memo be forwarded to the Commission.

Airbnb – Short Term Rentals

Ms. Hendrixson referenced a news article regarding municipalities creating an ordinance for Airbnbs as a short-term rental. Ms. Stern Goldstein added; the ordinance also notes a thirty day cut off period. Other municipalities request registration requirements for short term rentals with a limit of thirty days.

Mr. Reppa questioned; if any complaints was submitted to the township. Mr. Salisbury indicated no. Ms. Stern Goldstein added; some municipalities are anticipating complaints. Ms. Hendrixson informed; Doylestown Township created an ordinance due to their concerns of complaints regarding parking. Mr. Colello commented; another issue will be noise with possible parties and will only take one complaint to become a concern. The township has a choice to catch up when the issue arises or begin planning. Ms. Hendrixson added; the Boro requires an annual permit be required with a fee for short term rentals. Ms. Stern Goldstein advised; once a permit fee is implemented, the township will need to include inspections to deem the property safe for rental.

Upon a discussion regarding the definition of a short term rental compared to a resident renting out their home, Mr. Colello suggested to create an ordinance. Ms. Stern Goldstein responded; the first step is to determine what would the Commission like to regulate. Mr. Kelso indicated; due to recent hearings, the court defined Airbnb rentals differently than bed and breakfast, which is a problem. The township has a good regulation on traditional bed and breakfast venues with very little problems.

Mr. Reppa questioned if short term rentals should be considered a standalone ordinance. Ms. Stern Goldstein answered; Airbnbs doesn't have to be under zoning and some short term rentals are listed under standalone. However, the duration of the individual will be an issue. Mr. Reppa suggested to approach as a standalone ordinance with regulatory use instead of zoning. Ms. Hendrixson suggested Ms. Stern Goldstein provide examples of standalone ordinance for Airbnbs for Commission review. Ms. Stern Goldstein agreed. Mr. Kelso commented; the standalone ordinance may have issues, due to the same regulations under the zoning ordinance. With standalone ordinance, appeals may be murky and needs to be defined. Mr. Salisbury added; when appealing to the Zoning Hearing Board, a fee is attached.

C13 | Institutional Residence

Mr. Lowenstein referenced Section E and what is more dominant than medical support. If the situation is not considered medical, what type of services will be provided. Ms. Stern Goldstein explained; the medical service is defined as treatment for a primary need and not a hospital. The treatment may be considered under emotional, alcohol, drug related, mental or physical disability. Mr. Lowenstein indicated; the section has a conflict and medical services should be medical related and not incidental. Ms. Stern Goldstein indicated; the ordinance doesn't state it cannot be medical related but not a hospital. Mr. Lowenstein suggested to rewrite the section and to review how hospital is defined versus assisted living.

Ms. Stern Goldstein explained; under the C13 use for drug and alcohol is limited and was expanded to include other types of treatment. Additionally, the B11 use was removed under the community home, because it was problematic. Either people are living as a family or institutional type use. Mr. Kelso commented; the C13 use provides the zoning officer with additional work and doesn't fit the township's normal procedures. It will also provide the zoning officer to make decisions.

The Commission agreed to have the C13 use for Institutional Residence and reasonable accommodations remain the same as per the Missed Items August 27, 2018 memorandum.

Merger of Lots

Ms. Stern Goldstein reported; it was the impression the Merger of Lots ordinance received Board review. However, no records were found. The ordinance was added to receive Planning Commission approval to resubmit for Board review.

Mineral Extraction

Upon reviewing the August 27th Ordinance Clean up Recommendation memorandum, Mr. Lowenstein requested to review the Mineral Extraction ordinance. He then questioned how the ordinance was written. Ms. Stern Goldstein answered; information for the G13 Mineral Extraction ordinance was taken from the **Marginal Propensity to Consume** (MPC). Other sections were written from the existing Quarry ordinance.

Mr. Reppa questioned if the only change was the definition from Quarry to Mineral extraction. Ms. Stern Goldstein answered; most of the change was in the title. Mr. Salisbury added; the ordinance defines as being recommended to mineral extraction somewhere along the township. This is to prevent from drilling along residential lots, as happening in other townships. It will also limit the regulations to the district and any listed under quarry was expended to the mineral extraction and included in the use.

Ms. Hendrixson questioned if the wording is included under the code. Ms. Stern Goldstein answered; most of the wording is included and a mixture of the Department of Environmental Protection (DEP) and MPC.

Mr. Salisbury referenced item I on page six and recommended to expand and include any piping. He informed; there is no requirement to notify of collection piping and where it goes. He also recommends having the map provided with distributions or collection piping systems connection with any mineral extractions. Ms. Stern Goldstein indicated the piping is a different issue under property rights. Ms. Hendrixson commented; including maps would be beneficial. Mr. Lowenstein requested to add the distribution and collection piping section to the mineral extraction ordinance as per Mr. Salisbury's recommendation. Ms. Hendrixson agreed. Ms. Stern Goldstein questioned; if all distribution criteria should be included or just piping. Ms. Hendrixson clarified; all piping including distribution collections.

Mr. Kelso commented; how the ordinance is changed will not provide the Commission of what they are looking for. If the concern is off site piping and a use on the property, the ordinance is addressing something different. If the ordinance is changed as suggested, the Commission will not receive what they are looking for. A land development plan submission is required to show all piping as a requirement. However, if the concern is for one site to another, the ordinance may not work. Ms. Stern Goldstein added; a conveyance line or pipeline is not mineral extraction, but under Public Utilities Commission (PUC) issue and not under Mineral Extraction. Mr. Kelso added; the issue shows up during the permit process and DEP conveyance.

Mr. Kelso noted; the appropriate land reclamation and the area submitted to the zoning officer noted under section M is a strong statement. The reclamation plan is what the township lives with forever and a state requirement. Ms. Hendrixson questioned if the reclamation plan remains being submitted to the zoning officer. Ms. Stern Goldstein

clarified; the plan is submitted to the state and a copy remains on file with the zoning officer. The process includes the entire township commenting on the reclamation plan as part of the overall permit with public hearings.

The Commission agreed to have the Mineral Extraction remain and include maps as per the recommendation of Code Enforcement Officer; Sinclair Salisbury.

Upon a discussion regarding the timing of submitting the Ordinance Clean up Recommendations for Board approval, Ms. Stern Goldstein reported; documentation received by the Environmental Advisory Council (EAC) are comments regarding the ordinance guidelines and other issues. Ms. Hendrixson clarified; the EAC wanted to provide the comments for the Commission's consideration as amendments to the ordinance. Ms. Stern Goldstein noted; all comments are to be considered under the Subdivision Land Development ordinance (SALDO).

Ms. Hendrixson offered to advise the EAC they are on the right track and move forward.

Discuss Draft Letter to Doylestown Borough - Wawa

Ms. Hendrixson referenced the draft letter to Council President; Jack O'Brien and explained; with the assistance of Board Chairperson; Barbara Lyons the letter was drafted to provide comments regarding possible issues with the proposed Wawa development plan and requested the Commission's comments.

Mr. Kelso suggested the first paragraph become more specific on what the Doylestown Borough Planning Commission means. He then suggested to rewrite an awkward section that references the neighborhood to read Doylestown Township residents. Mr. Salisbury suggested instead to read as adjacent neighborhoods or similar. Mr. Kelso's other suggestions included, the last sentence of the first paragraph should read more specific and terminology is needed in terms of the street scape and the gateway. Additionally, more planning terminology should be added.

Mr. Kelso indicated the zoning hearing case allowed for no top TVs. Ms. Hendrixson indicted no pump top TVs were mentioned. The letter suggested a recommendation to limit the use during the evening and no over night use. Mr. Kelso commented; the statement is confusing. Ms. Hendrixson clarified; the statement is to provide concerns that may become an issue. Other suggestions from Mr. Kelso included adding a positive note as the Doylestown Township Planning Commission looks forward in working together to develop a street scape and gateway that serves both the residents and townships. This will open a discussion regarding broader planning issues. It will also push the noise and lighting back to the Borough's neighborhood and suggested a sound barrier be utilized on the property.

Mr. Kelso indicated he was not in favor of sending a letter, but instead view the plan in detail once it's submitted. Mr. Reppa suggested to add a note, the Commission will provide further comments once the plan is received. Ms. Hendrixson reminded the Commission, Ms. Mason recommended the letter designed to provide resident's concerns that may not have been heard.

Mr. Colello noted several grammatical corrections as, Steeplechase Road is one word, change conscientious to conscience and change process to progress. Mr. Kelso suggested instead of conscience, change to consider.

Ms. Hendrixson offered to correct the letter and resubmit for Commission's review. Mr. Reppa recommended the changes be made as suggested and forward the letter for Mrs. Lyons final review.

Ms. Stern Goldstein informed she will not be attending the October Planning Commission Regular meeting. Mr. Lowenstein requested a replacement attend the meeting. Ms. Hendrixson asked if all materials requested at tonight be forwarded before the October meeting. Ms. Stern Goldstein indicated the short term rental information will be provided.

Adjournment:

Hearing no further business, the September 24, 2018 Doylestown Township Planning Commission meeting was adjourned at 8:48pm.