



# Board of Supervisors

## Regular Meeting

425 Wells Road  
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215-348-9915

~ Minutes ~

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Tuesday, December 2, 2014

7:00 PM

Public Meeting Room

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### I. 7:00 PM REGULAR MEETING

Members of the Board of Supervisors in attendance included Chairman; Barbara N. Lyons, Vice Chairman; Richard F. Colello, Supervisors; Ken L. Snyder and Shawn Touhill.

Township Staff in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffrey P. Garton, Chief of Police; A. Dean Logan and Township Engineer; Mario Canales

Absent: Supervisor; Ryan Manion.

A. Pledge to the flag

B. Visitors/Public Comments

No comment

### II. ANNOUNCEMENTS

A. The next meeting of the Board of Supervisors is scheduled for Tuesday, December 16, 2014

B. Great Gift Ideas!

1. Movie Tickets – Super Saver tickets are valid at Regal, Edward and United Artists Theaters. Individual Tickets -\$9.00 ea. Ultimate Ticket Package (includes 2 tickets and \$10 gift certificate) - \$26.00 Contact the Administration Office.

2. Help Build the Kingdom at Kids Castle - Buy a Commemorative Brick - Visit [www.savekidscastle.org](http://www.savekidscastle.org) for more information

### III. MINUTES APPROVAL – Regular Meeting – November 18, 2014

Mr. Touhill made a MOTION; seconded by Mr. Snyder the November 18, 2014 Doylestown Township Regular Meeting minutes be approve.

MOTION was ADOPTED 4 to 0.

### IV. REPORTS

A. Solicitor

No Report

B. Police Chief

No Report

## C. Township Engineer

## 1. 2014 Road Program – Final Payment Request

Mr. Canales reported the contractor for the 2014 Road Program has submitted their final payment application and recommends payment be made in the amount of \$13,643.75.

Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisor approve payment be made in the amount of \$13,643.75 to General Asphalt Paving Company, Inc. as final payment toward the 2014 Road Program with comments.

Mr. Snyder questioned if funds allocated to the General Funds for the project are for road repairs go back into the general fund. Mr. John answered; funds will go back into the general fund. The funds originally came from the back up fund and will remain until the end of the year.

MOTION CARRIED 4 to 0.

## 2. FEMA Floodplain Ordinance Update

Mr. Canales presented the proposed Flood Plain Ordinance which is based on a model ordinance by Federal Emergency Management Agency (FEMA) and tailored for Doylestown Township with input from township staff, Planning Commission and Environmental Advisory Committee (EAC). Based on recommendations from the Planning Commission, it has been developed as a standalone ordinance. The township zoning ordinance will need to be revised to repeal the current flood plain section and to make other various modifications. Modifications are to provide consistency between the zoning ordinance and new flood plain ordinance. The township has designated the Zoning Officer as the Flood Plain Ordinance administrator with the Code Enforcement Officer as the alternate.

The ordinance maintains the existing overlay concept and does allow for certain residential and non-residential development within the flood plain area once a variance is obtained from the Zoning Hearing Board. Outlined requirements and standards outlined within the ordinance will have to be met, such as elevation and flood proofing.

The ordinance prohibits development for hospitals, nursing homes, jails, prisons, manufactured home parks, manufactured home subdivisions and new accessory structures, which is consistent with the township's existing ordinance. The in-kind of existing accessory structures is also allowed by right, subject to certain conditions.

Mr. Canales concluded by requesting Board authorization to forward the ordinance to FEMA for preliminary approval and to advertise upon FEMA approval. The ordinance needs to be adopted by March 16, 2015.

Upon a discussion amongst the Board regarding the best option for Board approval, Mr. Garton indicated since the township's proposed flood ordinance mirrors FEMA's ordinance, he doesn't foresee receiving any comments. Mr. Canales agreed. Mr. Garton suggested not to advertise the ordinance until FEMA returns the ordinance. If there any amendments to be made, it will be presented to the Board.

Mr. Colello made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors authorize the Proposed Flood Plain Ordinance be forwarded to the Federal Emergency Management Agency (FEMA) for preliminary approval with comments.

Mr. Snyder questioned if the seven points noted by the Planning Commission are included in the proposed ordinance. Mr. Canales indicated yes.

Mr. Colello complimented Ms. Mason, Mr. Canales along with the Planning Commission and EAC on a

job well done in preparing the ordinance. The township is very proud of their skilled and talented volunteers.

MOTION was ADOPTED 4 to 0.

Mr. Colello made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors authorized advertisement of the Proposed Flood Plain Ordinance upon approval from the Federal Emergency Management Agency (FEMA) without significant changes. Further, if the ordinance is returned with significant changes from FEMA, Board approval for amendments will be requirement prior to advertisement.

MOTION was ADOPTED 4 to 0.

- D. Manager  
No Report
- E. Supervisors

1. Consideration of Resolution on County Parks Smoking Ban– B. Lyons

Mrs. Lyons presented for Board consideration the County Parks Smoking Ban resolution to address smoking in county parks throughout the County. The township prohibits smoking in our park systems. However, there is a County Park located within the Doylestown Township boundaries where smoking is permitted. The mission of the resolution is to provide consistency and keep children safe to play in a smoke free environment. Mrs. Lyons is also requesting the Board approach the County Board of Commissioners to consider banning smoking of any lighted cigar or cigarette to include smokeless tobacco within all county parks system.

Mr. Snyder questioned if the township will work with other municipalities prior to submitting the resolution, in order to provide more weight to the cause. Mrs. Lyons responded; she prefers to first submit the resolution to the County and send copies to other municipalities for adoption.

Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisor forward the proposed resolution to ban smoking of any kind in all County Park Systems.

After noting several spelling errors, Mr. Colello suggested to have the resolution proof read and corrected before submittal.

Mr. Touhill amended the MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors forward the proposed resolution to ban smoking of any kind in all County Park Systems. Further, prior to submittal have the resolution proof read and corrected.

MOTION was ADOPTED 4 to 0.

2. Update on Twp. Drug Prevention and Recovery Initiative – B. Lyons

Mrs. Lyons reported on three deaths recorded within the last month and a half due to drug overdose. With this information, Mrs. Lyons would like the township take a more responsible approach in providing drug addiction education for the health and safety of all residents. Upon meeting with Detective Breslau, who travels educating townships of his program to provide a drug that assists in drug addiction recovery. Det. Breslau also provided a power-point video called "Mommy and Daddy Dearest", which provides helpful facts for parents to help explain drug addiction in the home. For example; the word "trees" is considered another word for marijuana. Mrs. Lyons requested the power-point presentation be posted on the township's website and communication systems along with another video called "Anonymous". She

then provided Ms. Mason links to [www.shatterproofbilly.org](http://www.shatterproofbilly.org), How to save a life and the CB Cares Educational Foundation links for posting as well.

Mr. Snyder questioned where does the township see the program heading. Mrs. Lyon responded; the main goal is to provide education to assist parents in speaking with their children about drug & alcohol addiction for drug use prevention and to break down the stigma. Most deaths are caused by prescription overdose and heroin is more prevalent to be obtained than a soda out of a vending machine. Chief Logan added; Det. Breslau's pamphlet is a wonderful piece of material to be placed on the website and provides a great start for families to become familiar of what's is going on in their community. Det. Breslau is also taking a regional approach by speaking with municipalities outside Bucks County to assist in creating awareness.

Mr. Touhill reported along with five other rivers, Neshaminy Creek has been nominated for River of the Year in Pennsylvania and encouraged anyone to log onto <http://www.heritageconservancy.org> to cast their vote. Voting will take place until December 15, 2015 until 5:00pm.

Mr. Snyder reported the Roads Department has completed several projects under budget and thanked Mr. John for a job well done.

Mr. Colello reported two land development plans recently reviewed by the Planning Commission are included in tonight's agenda for Board approval. The first is the Snyder Tract and second, Casa Bella.

Mrs. Lyons reported on her attendance along with Ms. Mason and Mr. Snyder at the Village Improvement Association meeting where a check in the amount of \$10,000 was presented to the township for the Sensory Trail. The Association has agreed to sponsor a pod.

## V. CORRESPONDENCE

### A. Resignation from Bike/Hike Committee – A. Mazzanti

Mr. Colello made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors accept with regrets the resignation of Amy Mazzanti as member of the Bike and Hike Committee.

MOTION CARRIED 4 to 0.

## VI. NEW BUSINESS

### A. Land Developments

#### 1. Snyder Tract –Minor Final Subdivision Plan

Mr. Garton reported the Snyder Tract Minor Final Subdivision plan is related to tax parcel 9-9-4-1 and proposing to subdivide the tract into two lots. There are several existing structures on the property, including two dwelling units with certain accessory buildings. The subdivision consist of one lot at 14 acres to include the existing two story home with several accessory buildings. Lot two at one acre will maintain the existing two story building dwelling. The only proposed improvements is a 500 foot parking area located on lot two. Site on frontage will be off Limekiln Road.

The plans were designed by McGill & Wilson Engineers dated December 19, 2014. The Doylestown Township Planning Commission recommended Board approval of the plan with certain conditions on October 27, 2014. Attorney for the applicants; Stephen H. Goldstein reviewed and agreed with conditions prior to the meeting.

Prior to Board approval, Township Solicitor; Mr. Garton set forth the following conditions ...

1. *Compliance with the comments received from the Environmental Advisory Council in a memorandum dated October 20, 2014;*
2. *Compliance with the Boucher & James, Inc. report dated October 22, 2014, except the Board of Supervisors did grant the following waivers from the provisions of the Subdivision/Land Development Ordinance:*
  - a. *From the provisions of SLDO §153-20.D.(18), regarding the overall landscaping plan;*
  - b. *From the provisions of SLDO §153-34.B(1), regarding individual lot landscaping;*
  - c. *From the provisions of SLDO §153-34.B.(3), regarding street trees;*
  - d. *From the provisions of SLDO §153-34.B.(6), regarding a landscape conservation plan;*
3. *Compliance with the Pickering Corts & Summerson review letter dated October 7, 2014, but the Board did grant waivers from the following provisions of the Subdivision/Land Development Ordinance:*
  - a. *From the provisions of §153-20.C(10), with respect to showing features within 400 feet as there are no new dwellings or construction proposed;*
  - b. *From the provisions of §153-24.B(2)(a), regarding the obligation to widen Limekiln Pike;*
  - c. *From the provisions of §153-31.C(1), regarding the need for a natural discharge easement;*
4. *Compliance with the recommendations from Michael Baker, Jr., Inc. dated October 9, 2014;*
5. *Compliance with the Bucks County Planning Commission report dated October 16, 2014, except as modified by any waivers previously granted by the Board of Supervisors. In addition, the Board also granted a waiver of the provisions of §153-27(A)(4) with respect to the driveway arrangements;*
6. *Receipt of all permits and approvals from any agencies having jurisdiction over the project; and*
7. *Applicant to pay all outstanding fees and expenses incurred by the Township in connection with the Application, including professional services.*

Mr. Colello made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve applicants; Snyder Tract Minor Final Subdivision Plan at 565 North West Street with the conditions as set forth by Township Solicitor: Jeffrey P. Garton.

MOTION was ADOPTED 3 - 0 to 1 with Mr. Touhill abstaining due to his property's proximity with the plan.

## 2. Casa Bella - Final Land Development

Mr. Garton reported on applicants; Casa Bella Final Land Development plan to propose subdividing tax parcel 9-4-10-7 into four lots and served by a cul-de-sac. Plans were prepared by Site Works Consultants dated March 17, 2014, last revised September 23, 2014. The Board approved the preliminary land development on July 15, 2014 subject to various conditions. The Doylestown Township Planning Commission recommended Board approval with certain conditions on October 27, 2014. Applicant; Chris Pisani of Casa Bella Development, LLC reviewed and agreed to the conditions, prior to tonight's meeting.

Prior to Board approval, Mr. Garton set forth the following conditions...

1. *Continued compliance with conditions of Preliminary Plan approval, unless modified by terms and conditions of Final Plan*
2. *Compliance with comments received by Michael Baker Jr. Engineering dated October 14, 2014.*
3. *Compliance with correspondence received by the Department of Environmental Protection (DEP) dated October 14, 2014*

4. *Compliance with Boucher & James, Inc report dated October 20, 2014*
5. *Compliance with Pennoni Associates correspondence dated October 21, 2014*
6. *Compliance with Code Enforcement Director; Sinclair Salisbury memorandum dated October 24, 2014*
7. *Compliance with Pickering, Corts & Summerson report dated October 17, 2014*
8. *Due now and until signing plans, applicants will provide detailed plans of the mid-block crossing connection and revised bus stop area.*
9. *Applicants request a waiver from SLDO §153-31.A.(5), because a storm water basin will be placed along the storm water easement.*
10. *The amount of fee in lieu of sidewalks shall be paid will be determine between now and the execution of funding o Development and Financial Security Agreements.*

Mr. Touhill made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors approve applicants; Casa Bella Final Land Development plan with condition as set forth by Township Solicitor; Jeffrey P. Garton.

Mr. Colello apologized for a mix-up with the Environmental Advisory Committee (EAC) and commented he was pleased the issue with the trees was resolved.

MOTION was ADOPTED 4 to 0.

- B. Zoning Hearing Board Application – Christine Cole -70 East Road – Request special exception and variance.

Mrs. Lyons announced, for the record, that she and Mr. Touhill will recuse themselves from discussion or voting on this matter. Mr. Touhill previously owned the property and Mrs. Lyons resides within 500 feet of the property. Mr. Garton notified the applicants due to only two participating Board members, no official action will be taken at tonight's meeting.

Attorney for the applicant; John A. VanLuvanee addressed the board and provided a brief background of the proposed Oscar Hammerstein II Museum & Theatre Education Center ongoing plans. A Zoning Hearing Board application has been filed for the 4.949 acres site off East Road. The property was previously owned by famous lyricist, Oscar Hammerstein II, until his passing in 1960. In 1988 property was placed on the national register of historic places, as well as Doylestown Township's Historic and Cultural resources list. Mr. VanLuvanee then noted the township's C8 Use, which provides special exception in the R1 District for a community facility or cultural center. The general nature of the zoning application filed by the applicants will be for special exception.

Applicant; Christine Cole purchased the property from Supervisor; Shawn Touhill in 2007, where Mr. Touhill was processing a four lot subdivision and retained the right to repurchase two of the lots. One lot would have the house and the second would have the barn with two additions. Prior to filing an application with the Zoning Hearing Board, an agreement was tendered with Mr. Touhill. A special factor to note is the subdivision can be finalized with posting financial security to have the plan recorded. Also, the Pennsylvania Non-Profit Corporation of Oscar Hammerstein Highland Farms has been approved for 501C3 charitable organization status by the Internal Revenue Service (IRS).

Upon explaining the mission of the applicants with regards to preserving the site, Mr. VanLuvanee explained over \$100,000 was raised in support of the plan. The funds were allocated towards renovation and a market study completed in 2013. The concept is that once approvals required are obtained to implement the master plan, the project could work long term financially with the house and barn being preserved intact. Upon speaking with Jeff Marshall of Heritage Conservancy, it was agreed the home and barn needs to be preserved together to maintain historic significance.

The applicants will request special exception to use the property as a private organization \ community

center. Variances will also be requested for non residential use in the R1 District with regards of the minimum 5 acres lot size and having only one principal building located on site. The construction of an educational center with a theater building is proposed to be connected to the existing barn. For parking, instead of the 128 spaces required for use, 89 automobile and 8 bus spaces will be proposed. In order to balance the imperious surface and preserve the green, a variance will be needed.

Mr. VanLuvanee concluded by requesting the Board's support and direct the township solicitor not to attend the Zoning Hearing Board meeting on behalf of the township, but welcomes the Board's attendance.

Executive Director of the Oscar Hammerstein II Museum & Theater Education Center; Will Hammerstein provided the Board with two goals that will be achieved should plan be approved. The first is to preserve and protect his grandfather's farm for future generations. The second is to create a cultural institution and add a new dimension for Doylestown Township.

Upon providing a brief history of Oscar Hammerstein's legacy which included the creation of songs such as "Oh What a Beautiful Morning" which was inspired by Highland Farms, Mr. Hammerstein explained to attract visitors and donors a programming plan is needed to be implemented. To begin, the plan to restore the home and barn is necessary to conduct house tours and display museum exhibits. The educational center and theater will be a key components for fund raising. The revenue that will be generated will enable to run and preserve the property. The issues with traffic and parking can be resolved and should not prevent the plan from moving forward. Mr. Hammerstein concluded by explaining it's critical for all to understand if the approvals are denied, Highland Farms will not survive. The barn will fall down and the context lost and the property will likely be divided into three or four parts. This will result in the property cutting down in size with only the home and pool remaining off a 2 acre farm. Lastly, it will foreclose any future use or substance in the future.

Mr. Colello commented on the imperious surface and indicated what the applicants are looking for is 2 1/2 times more than what is present, which is significant. This will be a large hurdle to overcome and doesn't see where a middle ground can be decided. With the parking, Mr. Colello commented 89 car and 8 bus spaces will have a large impact on traffic along a primarily residential area. Mr. VanLuvanee responded; the traffic will not be an everyday occurrence. With the proposed land development, traffic issues will be addressed and imperious surface will be addressed under storm water management. There are districts in the township which allow 50% imperious. The applicants are not proposing to exceed what is permitted under the other zoning districts. It becomes a question of storm water management and the applicants will try to demonstrate what they can to meet requirements. However, the parking and imperious issues cannot be addressed until the Zoning Hearing Board grants approval.

Mr. Colello then commented the height of the building is to be determined. Mr. VanLuvanee responded; the applicants have yet requested a variance. Mr. Hammerstein added; where the proposed addition is located, the natural grade is downhill. The audience can be placed at the top of the hill with the stage placed at the bottom. The stage is needed to be 20 foot high with additional 25 feet for scenery and rigging. As a result, this will be below the ceiling height of the barn and can be worked out. Mr. Colello questioned if noise was considered during more populated days, such as a Friday. Mr. Hammerstein answered; he will cooperate to accomplish what needs to be done to continue his grandfather's legacy of being a good neighbor. He will agree to a curfew, if the township's requires one. Mr. VanLuvanee added; upon several discussion with the applicants, no horns or loud speaker systems will be used.

Mr. Snyder requested clarification on the educational center and daily operations. Applicant; Christine Cole answered; music theater, acting and dance classes will be taught and Oscar Hammerstein shows performed. Mr. Snyder then questioned if the classes and tours will run every day. Ms. Cole answered; House tours will run by appointment and classes will run on demand, but most likely not every day. Mr. Hammerstein added; an open door policy for the house tours is preferred. However, tours will be scheduled by appointment if needed as a creative solution.

Mr. Colello commented the plan still has a long way to go and is pleased the solicitor will attend the Zoning Hearing Board meeting. He also offered his attendance in opposition. The plan offers too much for such a small place.

Ms. Mason suggested the solicitor attend the December 15, 2015 Zoning Hearing Board meeting to provide a full report so the Board can take an official position on the application at their next meeting.

C. Doylestown Twp. Telecommunication Advisory Board – Revise Resolution and Member Composition

Mrs. Lyons reported the township's Telecommunications Advisory Board (TAB) is requesting to revise a resolution and member composition to appoint non-residents members. Mr. Garton added; legally non-residents can be appointed to the township boards and commissions.

Mr. Snyder explained the TAB works very hard with only three members with various type of work which requires different skilled set. The board is in need of two additional members with an expanded skilled set and assist in providing good service.

Mr. Garton will create a modified resolution and member composition to add two additional members and authorize the board to appoint non-resident members. The modified resolution will be presented at the December 16, 2014 Board of Supervisors Regular meeting for approval.

## VII. ANNOUNCEMENTS

A. The next meeting of the Board of Supervisors is scheduled for Tuesday, December 16, 2014

B. Great Gift Ideas!

1. Movie Tickets – Super Saver tickets are valid at Regal, Edward and United Artists Theaters. Individual Tickets -\$9.00 ea. Ultimate Ticket Package (includes 2 tickets and \$10 gift certificate) - \$26.00 Contact the Administration Office.
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## VIII. ADJOURNMENT

The December 2, 2014 Board of Supervisors Regular meeting was adjourned at 8:07 pm.

Respectfully submitted by;

Stephanie J. Mason  
Secretary