

**Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting**

January 24, 2011

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, January 24, 2011 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included: Chairman; George Lowenstein, Vice Chairman; Judy Hendrixson, Thomas Kelso, Edward Redfield, and Kenneth L. Snyder. Also present: Board of Supervisor Liaison; Richard F. Colello and Township Manager; Ms. Stephanie J. Mason, Planning Consultant; Ms. Judy Stern Goldstein

Public/Commission Comments:

Resident; The son of Michael & Mary Ann Fetter, Mark of 5 Old Nursery Way asked if he could video and/or audio tape the meeting for his parents. Mr. Lowenstein informed the public the meeting will be videotaped by Mr. Fetter.

Review of Minutes:

In a form of a motion, the minutes of the December 14, 2010 Planning Commission Regular Meeting minutes were approved by Mr. Redfield, seconded by Ms. Hendrixson.

Motion was adopted 4 to 0.

Reorganization of Planning Commission for 2011

Mr. Lowenstein called the question of nominations for Chairman of the Planning Commission. Mr. Redfield nominated George Lowenstein as Chairman of the Planning Commission, seconded by Mr. Snyder.

Mr. George Lowenstein was *elected* Chairman of the Planning Commission by a 4 to 0 vote.

Mr. Lowenstein called the question of nominations for Vice Chairman of the Planning Commission. Mr. Redfield nominated Ms. Judy Hendrixson as Vice Chairman of the Planning Commission, seconded by Mr. Snyder.

Ms. Judy Hendrixson was *elected* Vice Chairman of the Planning Commission by a 4 to 0 vote.

Board of Supervisor's Meeting – February 1, 2011

Mr. Lowenstein invited all interested to attend the February 1, 2011; Board of Supervisor's meeting, where all Boards and Commissions will present their annual reports. Mr. Thomas Kelso will speak on behalf of the Planning Commission.

Street Hierarchy

Mr. Lowenstein informed the public the Planning Commission will take a relook at the Street Hierarchy Ordinance. The Planning Commission would like to update the ordinances, so they may be more specific and address issues with speed limits and width of certain streets to keep consistent with township present traffic patterns and its Comprehensive plan. Mr. Lowenstein then welcomed any help or suggestions from the public during the process.

Board of Supervisor Liaison to the Traffic Committee; Cynthia Philo questioned would it be better if the Planning Commission worked together with the Traffic Committee to review the Street Hierarchy Ordinance. Mr. Lowenstein responded; originally the two committees did work together, however the Planning Commission would first like to narrow the problems with the ordinance before presenting to the Traffic Committee for their comments.

ACT 167 Storm Water Management Ordinances

The Environmental Protection Agency (EPA) requires new regulations to be incorporated with township's ordinances, regarding storm water and major streams surroundings. Because, this process will take a couple of months, Mr. Lowenstein asked Ms. Mason to schedule Township Engineer; Mario Canales to speak at the next Planning Commission Regular meeting of February 28, 2011 to provide his recommendations. This will assist the Board of Supervisors to enact legislation by May of 2011. Ms. Mason agreed.

Delaware Valley College – Proposed Parking Lot / TP#09-007-042

Gilmore & Associates Engineer; Mr. Thomas Hanna presented the commission with a preliminary sketch plan and area photos of a proposed 100 spot parking lot to be constructed on the south side of campus located off Farm View Road.

Mr. Hanna continued by stating the small proposed parking lot project is needed due to a growing demand for additional parking. The layout of the parking lot will consist of double wide 2400 foot driveway adjacent to an existing pedestrian crossing path near the Septa Rail station. The main function of the parking lot is to accommodate the day to day need of parking for the campus and nearby softball and soccer sport events.

Delaware Valley College's Director of Facilities; Mr. Ted Staniewicz added the college has an agreement with Septa, at their cost, to provide an upgraded sight and voice warning system for pedestrian's safety that will hopefully be installed during the parking lot construction.

Mr. Hanna then addressed Ms. Stern Goldstein's comments regarding a need for zoning relief of buffer requirements surrounding the parking lot. The ordinance requires a 10 foot wide grass isle, separating two parking sections at an east west direction. Gilmore & Associates are trying to accommodate the request with a narrow band to include a drainage swale that comes down the parking lot with a steep drop off to maintain within the dimension. They are also requesting zoning relief from the Zoning Hearing Board to eliminate the grass isle, in order to maintain the site and fit the dimension as required by the ordinance. If standard parking requirements are met, the isle would need to be pushed out beyond the dimensions and encroach onto the wood line.

For the 4 foot high buffer requirement surrounding the parking lot, Mr. Hanna stated there is a conflict with the ordinance regarding the pedestrian access from the north side of the playing fields with required dimensions. Currently the field is an institutional zone for C2 school use; however, accommodations will be made regarding the storm water and management control going into a Land Development. Upon soil testing, it would be favorable to provide an infiltration for the storm water.

Mr. Lowenstein questioned if best practice with storm water management regulations in regards to oil into the ground will be in place and how close are the railroad tracks into the parking lot. Mr. Hanna indicated they will apply best practices to any oil seeping into the ground and the railroad tracks lead into the parking area near the Septa stop. Mr. Lowenstein then asked how far residential homes from the any lighting disturbance are. Mr. Staniewicz answered; about 100 feet, with no disturbance. Mr. Stern Goldstein clarified the perimeter residents. Mr. Staniewicz responded; about 1000 feet away with a significant change in elevation from the tree line.

Mr. Redfield asked if lighting will be implemented for nighttime. Mr. Hanna answered; yes, and included in the Land Development plan during nighttime and/or increased activity.

Mr. Snyder asked if the parking lot will be long-term. Mr. Staniewicz answered; the parking lot will be used for long-term purposes for additional parking and sports activities only and not for farm use.

Mr. Redfield questioned any problems with the area and alcohol use. Mr. Staniewicz responded; emergency phones will be added and campus security will be present.

Ms. Stern Goldstein informed the commission, Delaware Valley College is complying with the basic parking lot ordinances and their request for variances is limited to items they feel doesn't work on the college campus at this location.

Mr. Lowenstein then asked what the applicants needed from the commission. Mr. Steniewicz indicated they would like to receive comments from the Planning Commission prior their plan submission to the Zoning Hearing Board. Mr. Lowenstein commented he did not see any problems with their requests.

Delaware Valley College will present their Preliminary Land Development plan to the Zoning Hearing Board and meet with the Planning Commission in the future to discuss the findings.

York & Swamp Associates, LLC – TP#09-022-139,09-028-002, 09-028-003, 09-028-004, 09-028-004-001/Sketch Plan

Attorney for York & Swamp Associates; Mr. William Banner provided a brief history of the ongoing land development plan to include two years ago, dimensional variances was presented to Zoning Hearing Board for a commercial project that called for a pharmacy, bank and retail store, which was denied. Upon a year's discussion with nearby homeowners, township staff and traffic engineer to formulate a plan to have the industrial and commercial zoned portion be developed into a residential property, in November of 2010, the plan was submitted to the Board of Supervisors for their consideration, where they abided the decision of the court of the denial of variances requested by York & Swamp Associates. To date the appeal is pending.

Mr. Banner indicated York & Swamp Associates is now submitting for the commission's comments and input a Zoning Compliance Plan and request their support of submittal for a Preliminary Land Development Plan.

York & Swamp Associates representative; Mr. Eric Kuhn presented the commission with a sketch plan and summarized the property as a combined 17 ½ acres, split zone for C1 and LI. The C1 portion is scheduled to be developed for retail use off of York Road. The 10,000 square foot building originally developed for the pharmacy is not marketable, so the building will now be considered a small single retail user. The bank will remain in the compliance plan to include a three drive thru with an out lane. Finally, a strip of retail stores in a 15,000 square foot building will be divided as multiple retail users. The access point for C1 zone will be a right in and out off Swamp Road and a signalized access off York Road.

The LI portion is scheduled for Day Care user with an 8,400 square foot, two story (44 & 44) building and 10,000 square foot imperious playground area. Along Rogers Road, there will be a 33,000 square foot proposed warehouse with concrete pad for flex space. An additional cell tower is zoned as F4, special conditional use to generate revenue without tying up a lot of imperious. The info structures will be on site, sanitary in the form of mounds and an onsite water wells. There is also a water tower for fire compression. Finally imperious road are added for emergency vehicle access with parking proposed at 214 (required 203) and 35.67 proposed imperious onsite (required 40%). Mr. Kuhn concluded by stating there has been

efforts made for allowable uses as per conversations with the township staff regarding the flood of traffic and the plan is very well thought through.

Mr. Lowenstein questioned why is the plan not called for zoned C2. Mr. Banner answered; the intention is to develop a plan that is C1 compliance. Previously there was an interest for C1 zoning from CVS, but the national retailers prototype calls for a store that is larger than the 10,000 square foot limit. The efforts to come to an understanding failed.

Mr. Snyder questioned why the compliance plan includes a pharmacy. Mr. Kuhn indicated it was a drafting error that will be changed to proposed retailer user. Ms. Stern Goldstein then asked if the drive thru indicated for the pharmacy is an error as well. Mr. Kuhn indicated yes, and will change due to retail store not needing a drive thru. Mr. Snyder then questioned the parking along Route 313 defined as front yard for both Swamp and York Road. The plan includes the parking as single front yard use of York Road. Mr. Stern Goldstein suggested Mr. Kuhn refer to the zoning ordinance for front yard use for clarification.

Ms. Hendrixson questioned the buffer requirements for residential use. Mr. Kuhn clarified the buffer requirements meets the C1 zoning use.

Mr. Snyder requested clarification with regards to the warehouse and sizes of trucks. It will be flex space use with a poured concrete pad and buffer building on top with the ability to divide into different users at 5,000 square foot slots. Mr. Snyder then questioned if the trucks will have access from Route 263. Mr. Kuhn indicated there will not but will verify with a traffic review.

Mr. Lowenstein then questioned the size of the water tower. The water has not been fully engineered; however the plan indicates the tower will be approximately 30 feet high to hold fire suppression.

Mr. Snyder then questioned if there is an idea for the height of the cell tower. Mr. Banner indicated there has been interested by two carriers and one tower company to be a lead provider and the height will be depended upon the need of these carriers. The height will be within the township's height limitations and setback ordinances.

Ms. Hendrixson voiced her concern will trucks coming into Rogers Road and the signal at Swamp Road. Mr. Kuhn indicated the plan will not add any more traffic in the area.

Mr. Lowenstein opened the floor for public comments and/or questions.

Attorney for Temple Judea; John VanLuvanne pointed, since Penn Dot will not approved the installation of two traffic lights between Swamp and Edison Furlong Roads, his client would like to meet with York & Swamp Associates in order to reach a resolution regarding a traffic concept plan. Mr. Banner agreed to meet and work through a satisfactory resolution with regards to the traffic concept plan. Mr. Lowenstein questioned if the agreement will interfere with any construction plans. Mr. Banner answered it will not.

Resident; James Bingler of Turkey Lane, Furlong questioned what type of imperious materials will be used for the roads and driveways. Mr. Kuhn indicated they were unsure of what materials will be used for the roads, but may be imperious pavers, such as stone. Mr. Bingler then indicated stone materials for driveways are considered impervious. Mr. Stern Goldstein agreed, by the calculations are any impact of stone as per the ordinance. Mr. Bingler then questioned the zoning for cell towers near residential areas. Mr. Kuhn was unsure, but is allowed as conditional use for both C1 and LI ordinances.

Resident; Mark Fetter questioned why was the original sewerage plan and public water been eliminated. Mr. Banner answered; the original plan failed to capture the community's support and the sketch plan will be a less intense plan and provides onsite water and sewer per Department of Health and Department of Environmental Protection regulations.

Resident; Joe O'Malley of 138 Rogers Road, Furlong questioned, will the proposed sketch plan take into consideration traffic with tractor trailers running on Rogers Road. Specifically, with tractors trailers making a right turn onto Rogers Roads without endangering other drivers and pedestrians. Mr. Lowenstein indicated the applicant must treat potential traffic impact issues with a traffic study. Mr. O'Malley then indicated he would like Penn Dot to pay for any traffic studies. Mr. Kelso indicated Penn Dot normally does not perform traffic studies; the applicants are required to obtain a permit from Penn Dot.

Resident; Mary Lou Streznewski of 22 Brook Drive, Furlong requested a definition of retail and what could it include a restaurant. Ms. Stern Goldstein referenced township ordinance §175-16(1) E-1 that indicates retail at not more than 10,000 square feet and not including restaurants and over the counter sells of alcohol in taverns or bars. Mrs. Streznewski then indicated as per the hierarchy of street roads, Rogers Road is not designed for improved traffic and should be considered in the sketch plan. She then questioned the traffic light on Route 313 with an in and out lane. She feels this will cause mayhem and wondered how it would be regulated. Mr. Lowenstein all traffic issues will be collected and previous reports looked into minimizing entrances and exits.

Mr. Snyder questioned if the sketch plans looked into roads beds to determined if the roads can handle large trucks and if the intersection of Route 263, Rogers and Spring Valley Road to know if the feasibility of making turns. Grasso Group owner; Joseph Grasso indicated he has not, but the current sketch plan is the only use they can find for the property, unless the commission has another suggestion.

Resident; Constance Victor of Rogers Road, Furlong, why is there no other way for the trucks to go other than Rogers Road. Mr. Grasso answered; this is not the originally sketch plan and he can't afford to sit on the property any longer. He never wanted to have an entrance on to Rogers Road, since the township denied the previous residential sketch plan this is the only alternative he has. Ms. Victor doesn't believe it's feasible to have trucks go on Rogers Road and should be diverted onto a main road instead.

Resident; Hugh Clark questioned why can't a stretch of Rogers Road be closed off to send trucks to the existing traffic light to eliminate the trucks from turning left.

Resident; James Bingler commented the community is more in need of a post office than a day care center and would it be considered. Mr. Kuhn spoke with a real estate representative regarding a post office with no response, but will look into the matter.

Ms. Stern Goldstein indicated although there was no formal request to review the plans she provided the following comments pertaining to York & Swamp Associates proposed sketch plans.

1. *The sketch plan was presented as a zoning compliance plan, which currently does not meet.*
2. *Parking for the commercial uses (bank, retail) is currently under the LI district and not permitted.*
3. *Parking for daycare under C1 district is considered LI and not permitted.*
4. *Under the LI district portion, four separate uses are listed by right and conditional use. Each lot is required are less than 12 acres of accumulative area, which is not permitted in accordance to township ordinance.*
5. *F1 water use requires a setback of the height of the tower, plus 200 feet. The tower itself is less than 200 feet from the property line.*
6. *There is more than 40% of imperious surface under the C1 portion of the lot.*
7. *E2 retail is larger than 10,000 square feet permitted. Ms. Stern Goldstein also indicated the applicants listed as a drafting error.*
8. *The proper island width of 10 feet between the rows of parking is not shown for the daycare parking lot.*
9. *The loading birth shown in front of the building for warehouse use should be shown to the rear of the property.*

Resident; Mark Fetter commented on the safety of driving a trailer through Rogers Road, by indicating as a seasoned truck driver it's a hazardous situation and not for the best interest and safety of the residents. He also stated at a previous, unrelated meeting, the Chief of Police indicated there was too much traffic on Roger Road and the current sketch plan will add to it.

Resident; Mary Low Streznewski questioned under the LI district are there standards for air pollution. Ms. Stern Goldstein answered; the LI district itself does not have air pollution restrictions, however compliance of township zoning ordinance under the performing standard does, as well as the Department of Environmental.

Eastburn Tract – TP# 09-022-089 & 09-022-089-001 Sketch Plan

President of Zaveta Custom Homes; Mr. Richard D. Zaveta presented the commission with a brief history of the proposed sketch plan for the Eastburn Tract by referencing their previous approval of a preliminary land development plan for 14 new residential lots, plus the maintenance of an existing estate home.

Mr. Zaveta is now requesting approval from the Planning Commission for 7 new residential lots, plus the existing estate home. The property is 50 acres with a frontage on Short and Windover Roads. Mr. Zaveta recently met with the Open Space Committee, where as per their recommendations he reduced the previous lot line to make a continuous straight line through the property. With this detail there are three descriptions. The minimum protection reflects the traditional building envelope to allow disturbance of tree clearing, restricted to a ½ acre building envelope for each of the four lots. The standard protection area has significant restrictions where the level of protection precludes house construction activity and limits tree disturbance and promote good stewardship of the standard protection area so that its soil and other natural resources will always be able to support sustainable agriculture or forestry. However, it does allow for driveways, previously tested septic systems, subsurface groundwater recharge systems and entrances piers with appropriate fencing. The maximum protective area to include the pond, where all trees are protected and cutting can only be performed by an approved forestry management plan. Streams, water courses and steep slopes are fully protected.

Mr. Zaveta had previous success with a natural land trust conservation easement in Upper Makefield Township, where ten building lots were allowed to be developed on 180 acres.

Out of 50 acres the only portion of the property that does not have any form of conservation easement is 6.45 acres. Mr. Zaveta then requested direction from the commission. The complexity of the plan is to take half of the density and the obligation to make up funding for taking this approach, which is why the open space approach is taken.

Coming off of Windover Road there is a dead end road with no farm access, there is a compact shell, crushed stone road material with driveway width requirements. No disturbance will be made to the road to minimize disruption to limit imperious. Mr. Zaveta indicated his clients are flexible with the complexity in working with the township and open space committees in receiving easement or co-easement.

Mr. Lowenstein questioned if farming will continue on the property. Mr. Zaveta answered; the goal of the standard protection is to promote soil in order to maintain sustainable agriculture, so no decision has been made to date.

Mr. Snyder questioned who maintains the maximum protection area. Mr. Zaveta indicated the main state will have ownership; however Heritage and/or Bedminster Conservancy will perform inspections annually to stay in conservation compliance. Ms. Mason added the township works conservancies utilizing Open Space funds to ensure compliance.

A discussion ensued between the commission and Mr. Zaveta, where he reference an area photo to show where the maximum protection is located.

Mr. Lowenstein questioned if an encroachment will be made in the pond area. Ms. Stern Goldstein indicated the pond area has a 50 foot with 100% protection and the existing pond on Eastburn Tract is at approximately 80 feet.

Mr. Kelso commented the township ordinance does not address conservation based ordinances and the sketch plan should be reviewed by the Zoning Hearing Board. Ms. Stern Goldstein agreed with Mr. Kelso, but indicated the lots sizes are within the zoning ordinances, which is something that usually does not occur with the conservation subdivision plan.

Mr. Lowenstein questioned will it avoid zoning problems to have the farm road was construction as the main entrance and allows the existing roadway to become meadow. Mr. Kelso didn't think it would matter. Mr. Zaveta indicated it would be complicated and require many hours of planning time and direction from the Boards and commission.

Mr. Zaveta then presented the commission with photos of the property to including trees, farm house road and pond.

Ms. Stern Goldstein questioned if retainable walls will be able to be eliminated. Mr. Zaveta answered; yes, because of the driveway approach, there is no need to go through mass verticals and base instructions were in the way. Ms. Stern Goldstein then indicated less earth movement will be possible. Mr. Zaveta stated since each house will have an onsite pecculation and ground water recharge tests will be implemented the water will flow into the road.

A resident asked what the next step to move the project along. Mr. Lowenstein responded by asking Mr. Zaveta if he would like to meet with either the Zoning Hearing Board or Open Space Committee. Mr. Kelso suggested a list of waivers and variances be developed prior to meeting with the Zoning Hearing Board in order to understand what changes have to be made and saves time.

Resident; Michael Zillegen of 126 Short Road believes it's a great improvement and well thought out plan. He then asked what the home sizes compared to previous plans. Mr. Zaveta answered; the homes are 80 foot building envelopes with a $\frac{1}{2}$ to $\frac{3}{4}$ acre disturbance, which is equal to 4,000 to 5,800 square foot of living space. The previous plans showed 1 $\frac{1}{2}$ acres disturbance.

Resident; Glen McGrath of 95 Cherry Lane asked how much commitment is needed from the conservation organization. Mr. Zaveta had conversations with Heritage Conservancy, but an important step is conversation with the Planning Commission. Another key factor is how the Open Space Committee comments. Ms. Mason informed Mr. Zaveta the Board of Supervisors approved an appraisal on the property, as per the Open Space Conservation Municipal Program at their January 18, 2011 meeting.

Resident; Eric Silldorff of 145 Short Road how much public access will the easement have. Mr. Zaveta answered no public access will be allowed because of significant hardship of the small road.

Mr. Lowenstein thanked Mr. Zaveta for this time and believes the plan is a wonderful improvement.

Adjournment

9:19 p.m.