

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

October 24, 2016

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, October 24, 2016 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Doylestown Township Planning Commission in attendance included Chairperson; Judy Hendrixson, Vice Chairman; Thomas Kelso with members; George Lowenstein and Ed Harvey. Township staff in attendance included Township Manager; Stephanie J. Mason, Board of Supervisor Liaison; Richard F. Colello, Township Planning Consultant; Judy Stern Goldstein and Director of Code Enforcement; Sinclair Salisbury.

Absent: Commission member; Edward Redfield

Review of Minutes:

In the form of a motion by Mr. Harvey seconded by Mr. Kelso the September 26, 2016 Doylestown Township Planning Regular meeting minutes were approved.

Motion carried 4 to 0.

Public\Commission Comments

Ms. Mason updated the Commission on the status of the following land development plans.

- a) WB Homes is scheduled to attend a November Planning Commission meeting who were referred from the Board of Supervisors. The plan is regarding a property located between Bristol and Upper State Road seeking to become a part of the Township's historical registry list under the B15 Use.
- b) Doylestown Hospital may be addressing the Commission after meeting with the Zoning Hearing Board. The Hospital is proposing to extend the previous emergency room building into a cardiac wing and proposing a new structure for an orthopedic wing, surgery center and parking.
- c) Hammerstein may be scheduled in the beginning of 2017. Currently, the applicant is devising a land development plan.

Mr. Kelso suggested the Commission view Bristol Road comprehensively in terms of a bike path and other significant parcels.

Zoning Ordinance Amendments – Continued Discussion

Ms. Stern Goldstein referenced Mr. Salisbury April, 2016 memo regarding the Zoning Ordinance and reported; the information has not been updated and may not be prepared for review. Ms. Stern Goldstein suggested to review items not related to subdivision or land development with Mr. Salisbury to determine what items are completed and what is still pending then categorized for Commission review.

Ms. Hendrixson noted; some definitions are outdated and need revision.

Ms. Stern Goldstein added; miscellaneous items which are not subdivision or land development items were approved by the Board of Supervisors, such as the Alarm Ordinance is reflective in the Zoning Ordinance.

Mr. Kelso noted an error on an advertisement regarding the Zoning Hearing for Metro Storage. The advertisement recorded the meeting date as Monday, October 27th. October 27, 2016 should be noted as Thursday. Ms. Mason responded; the correct date was announced at the October 18th Board of Supervisors meeting and is a continuation. As per Mr. Salisbury comments, Ms. Mason reported; the hearing is nearing completion except for neighbor comments. Additionally, the Board forward a letter to the Zoning Hearing Board expressing their support of the plan.

Upon reviewing other plans scheduled for the Zoning Hearing Board, Mr. Colello noted; an opposition regarding the property located on 106 Julie Lane due to several unauthorized improvements completed.

As discussion developed amongst the Commission regarding the definition of Family under the township's ordinance. The Commission discussed how the definition is related to the group homes regulations under the township, state and government regulations.

Ms. Stern Goldstein indicated; under each regulation, it's determined municipalities cannot discriminate against a protective class, such as a group of people who have an addiction. Addiction and the mentally disabled is considered a protective class, but not drug users under the Fair Housing and Americans with Disabilities (ADA) ACT. There are federal regulations municipalities need to comply with. For the size of each family in one resident, building code regulations will need to be followed.

Mr. Colello commented; other municipalities, such as Hatboro recorded their ordinance limiting families as four persons regardless of government regulations. Ms. Stern Goldstein clarified; ordinances cannot limit the number of persons in a protection class living together as a family. Mr. Salisbury added; if they meet the square footage of the home.

Mr. Lowenstein questioned what is the rational of the wording. Ms. Stern Goldstein answered; to prohibit the number of persons allowed in a group home. Mr. Kelso added; each township needs to be careful to protect themselves against group homes looking to file lawsuits for discrimination.

Ms. Mason indicated; a group home in Doylestown Township are required to apply for special exception in the residential districts. Each has a corporation which owns the home with individuals living together as a family and a staff of caregivers. Per the new ordinance, this will no longer be required. Ms. Stern Goldstein clarified; if a single-family dwelling is permitted in the district, which individual people are living together in a group home and meet the definition of family, a hearing with the Zoning Hearing Board is not required. It will be considered discriminatory, even with a corporation involved. Additionally, under the institutional component where individuals are not living together as a family unit, but a caregiver visits the home is considered under institutional residents. Mr. Kelso questioned; if the township will not have a group home definition under the ordinance. Ms. Stern Goldstein explained; there will not be a group home definition, because it's considered either a family or institutional residents.

Upon Mr. Harvey and Mr. Colello's question why the township is addressing the issue of group homes if there is no issue. Ms. Stern Goldstein explained; due to audits completed by the Department of Housing and Urban Development (HUD) of regulations under the Fair Housing ACT and as per information received by other municipalities indicating enforcement has increased. The issue of discrimination of group homes and the definition of protective families are also covered under the Federal Civil Rights ACT (Title A of 1968), Federal Fair Housing ACT,

State ACT of Pennsylvania of Human Relations (of 1955, PL 74#222), municipal ordinances and American with Disabilities ACT (ADA). The ACTS themselves have not been changed, but enforcement has increased.

Mr. Colello questioned why is Horsham Township allowed to change their ordinance recording a family maximum as four persons. Ms. Stern Goldstein answered; the decision for each municipality to record their ordinances differently goes against the Fair Housing ACT.

As per Mr. Lowenstein's comment on how group homes should be interpreted in the township's ordinance, Mr. Kelso indicated the group home section is the one area that will be most challenged. He then questioned; if there is a way to modify the section. Ms. Stern Goldstein explained; if the group home section is removed, the current definition of family does not limit the number of people allowed to occupy a residence.

Mr. Salisbury suggested; to avoid a potential legal problem, an ordinance should be created that makes the least possible trouble for residents. The ordinance should comply with the federal regulations, remove anything with a potential problem to create a simplified document. Mr. Kelso requested to receive guidance from the Township Solicitor; Jeffrey P. Garton. Mr. Kelso indicated this is an important issue, which should have everyone's consensus.

Upon Ms. Mason's request for clarification, Mr. Kelso indicated to request Mr. Garton's guidance if there can be limitations of the number of residents beyond what is currently required. Mr. Colello added; if the law is clear, then why can a solicitor change a regulation and can it be upheld. Mr. Harvey commented; placing a specific number of persons in a residence may cause additional problems.

Ms. Mason offered to contact Hatboro Township to receive additional information. Ms. Stern Goldstein suggested to contact the Borough Manager.

Second On-Lot Sewer Location – Continued Discussion

Ms. Mason reported; the Public, Water and Sewer Authority discussed the second on-lot sewer location at their last meeting, where they approved to have a second on-lot sewer location ordinance created. Mr. Garton cautioned the Board to ensure when an ordinance is created, it will not be conflict with what is currently recorded. Mr. Colello added; the Department of Environmental Protection (DEP) does require an alternate on-lot sewer location. However, the township does not require a second location be noted on the maps. Mr. Kelso disagreed by stating the DEP does not require an alternate location in every case. The people responsible for issuing sewage permits is the Bucks County Health Department who also acts as the township's sewage enforcement officer. The only time a second location is required is when a subdivision land development plan application is submitted with an existing home with an on-lot sewage system that doesn't have a current permit. They do not require a permit for lot #2 that doesn't have a house designated today. Lot #1 also doesn't require an alternate if it has a permitted system. Mr. Kelso suggested contacting the Bucks County Health Department for confirmation. Buckingham Township indicates a municipality through a planning marginal process can require a replacement area if the site has marginal site conditions.

Mr. Colello clarified; to place marginal soil language. This will enable the township to adopt an ordinance indicating if the property has marginal site conditions, an alternate on-lot sewage location is required. Mr. Kelso stated; if the site has well drain soil on eleven acres (11) there is sufficient room to place an alternate system.

Ms. Mason reported; the Public, Water and Sewer Advisory's concerns are the older neighborhoods along the township that are subdivided with an acre of land, where possible additions, such decks and pools are constructed where enough space for an alternate on-lot sewer system cannot be designated. Instead, sand mounds are placed. Mr. Harvey commented; it will be easier if all residents agree to connect to a public sewer connection.

Mr. Kelso indicated for existing homes, the township will not require a replacement system. Ms. Hendrixson responded; subdivision may be required. Mr. Kelso disagreed, because it's very difficult to construct a subdivision with on-lot systems. He then questioned; what can be done for the existing properties and can the township require an alternative system be placed. Ms. Mason indicated to have a requirement be implement during a sale of a home for an existing system in the R1 District with an on-lot one acre zone property to have a second location supplied for an inground system will cause problems. The commission agreed.

Ms. Salisbury questioned; if the township has the authority to require a second system location be documented. The commission indicated no. Mr. Kelso added; the Health Department does not have the right to establish its own regulations. Mrs. Hendrixson indicated; the issue will be addressed through individual home inspections.

Ms. Mason questioned if Doylestown Township should mirror Buckingham Township's marginal soil regulations. Mr. Kelso responded; Buckingham does not view many on-lot systems on new subdivisions and almost all have replacement areas. However, he doesn't see a down side in Doylestown adopting a similar regulation and worth exploring. Ms. Mason agreed a second location should be marked out on the record plan.

Ms. Mason questioned; if the Township should draft an ordinance for Planning Commission review. Ms. Stern Goldstein agreed and suggested to lump it with another Subdivision Land Ordinance (SALDO) and add to the SALDO changes. Mr. Colello requested to have a draft also sent to the Public, Water and Sewer Advisory Committee. The Commission agreed.

Mr. Kelso questioned if the commission feels there is a problem with the impervious surface coverage ratio in the R1 District for existing homes. Mr. Salisbury responded; the default is currently at 20% and adjusted to certain subdivision plans. Ms. Stern Goldstein added; sometimes subdivision plans have less on some lots, because the impervious surface went over due to uneven allocations.

Upon a discussion amongst the Commission regarding public water and sewer connection and the 3M Module for Chestnut Valley, Mr. Kelso recommended not to move forward with the plan. If the township moves forward with the 3M module, Mr. Kelso stated the community will not move forward with public connection. Mr. Kelso referenced another community with failing systems for over thirty years (30) and stated; DEP has not made any actions. They require townships to conduct studies, but never moves forward. He recommended the township inform DEP, the studies are completed, but connections cannot be completed this year.

Mr. Colello requested clarification if once DEP strongly suggests to have failing system connect to a public connection, the township is not obligated to do so. Mr. Kelso answered; he has cautioned other municipalities from having a required public connection, because most townships know the answer prior to the time and money spent on preparations. Ms. Mason indicated upon discussion with DEP, it was recommended to have a public connection. However, it was found no one was sent to the Health Department with any failures. Mr. Colello suggested once the proposal is received to have township staff and the Board review the report once again to re-prioritize.

Adjournment:

Hearing no further business, the October 24, 2016 Doylestown Township Planning Commission Regular meeting adjourned at 8:11 p.m.