

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

May 23, 2016

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, May 23, 2016 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included, Chairman; Judy Hendrixson, Vice Chairman; Thomas Kelso and members; Ed Harvey and George Lowenstein. Others in attendance included, Township Manager; Stephanie J. Mason, Board of Supervisor Liaison; Richard F. Colello, Township Planning Consultant; Judy Stern Goldstein and Code Enforcement Director; Sinclair Salisbury.

Absent: Planning Commission Member; Edward Redfield

Minutes:

In the form of a motion by Mr. Kelso; seconded by Mr. Lowenstein, the April 25, 2016 Doylestown Township Planning Commission Regular meeting minutes were approved noting the following corrections ...

Page 4; Cross Key Update Section – Remove second paragraph referencing Royal Farm Convenience Store.

Motion Carried 4 to 0.

Comments: No comments

New Britain Township – Comprehensive Plan Update

Ms. Mason reported; the recent update to the New Britain Comprehensive plan notes two goals. The first is to extend Bristol Road and widen Ferry Road towards Route 313, where it should be along Doylestown side.

In the form of a MOTION by Mr. Kelso; seconded by Mr. Lowenstein the Doylestown Township Planning Commission is in support of the New Britain Comprehensive plan update and recommends the Township create a letter noting the Planning Commission comments be included with the Doylestown Township Board of Supervisors' as recorded at their Regular meeting of May 17, 2016 before forwarding to New Britain Township.

MOTION CARRIED 4 to 0.

Zoning Ordinance - Continued Discussion Review of Proposed Amendments

Upon reviewing the proposed amendments of the Zoning Ordinance, the Commission noted the issue under the B11 use and what defines a family. Ms. Stern Goldstein explained people living together as a family, it's to be one residential use. The true institutional use is licensed by the state and will fall under the C13 use. The B11 use has concerns where the township is trying to create something they don't have. A second class of residential use cannot be utilized if people are living in as a residential unit. The township may want some in between designation and it cannot be completed with the B11 use. Some municipalities are trying to create two tiers that have a maximum amount of non-related residents living together as a family. However, the Department of Housing and Urban Development (HUD) does not allow it. Mr. Salisbury added; theoretically there is a certain square footage for

residences and occupancy under the building and proper maintenance codes. Only upon a health or emergency situation can the township enforce the rule.

Mr. Lowenstein questioned; how will the disability section be enforced. Ms. Stern suggested to eliminate what would have been the B11 use instead of changing it to what might fit into the definition of family.

Ms. Mason questioned how will a sorority house be defined. Ms. Stern Goldstein answered; a sentence can be added indicating a sorority home has been deemed by HUD as an appropriate residential use not included in a situation such as student housing, dormitories, student housing, monasteries or nunneries.

Mr. Lowenstein questioned if a group home considered a family. Ms. Mason indicated yes and the township has several group homes, such as, the Bucks County Association of Retarded Citizens (BARK) and Today Inc for troubled teens who have completed the zoning process. Ms. Hendrixson added; they are old and not considered a family, because they were grandfathered in under a different use. Ms. Stern Goldstein clarified; today the group homes will be considered a family. Ms. Stern Goldstein then read the HUD definition of a family use, which indicated a limited of unrelated individuals living in one dwelling unit. The restrictions include, a protection class which need to pull resources in order to obtain affordable housing. The restriction indicates the family is not required to be related.

For the Commission's consideration, Ms. Stern Goldstein explained two issues with HUD and the definition of family. The first being, people can file grievances under ADA and the zoning ordinance can be claimed invalid based on HUD findings. The second is any funding received will be eliminated. To place a limit on unwilling persons is going against both the spirit and current interpretation.

Mr. Kelso responded; The B11 amendment subjects the township for unnecessary lawsuits, such as what Buckingham Township experienced. He doesn't recommend it for the township, because the risk is too high on one side versus the problems that may arise.

Upon a discussion regarding the definition of family and institution, Ms. Stern Goldstein clarified the last sentence of the family language act from Montgomery Township, which states as a family does not include larger institutional groups living situation such as, student housing, dormitories, fraternities, sororities, monasteries and nunneries. Students living together is not housing unless it's part of an institution offered by an institution.

Ms. Mason questioned how will the medical drug rehab be addressed. Ms. Stern Goldstein indicated any drug rehabilitation center will be considered a family. However, an institutional, such Lenape Foundation will be considered under the C13 institutional use. Ms. Stern Goldstein suggested to remove the B11 use, because it may cause trouble for the township. She explained with a home occupied by senior citizens, which have a hired cook and house cleaner will be considered a family.

Ms. Stern Goldstein then clarified the institutional component C13 use. Currently as a drug and alcohol institutional center, the use is limited to clinics for the diagnosis treatment and rehabilitation persons with dependency on drugs or alcohol. The facilities must be licensed by the Commonwealth of Pennsylvania with a lot size of five acres. Upon a search, there are required licenses for a drug and rehab center as opposed to a recovery house where people are living as a family. The B11 is in between and too nebulous and may place the township at risk.

Ms. Mason questioned how would a recommendation to the Board of Supervisors be addressed with housing and find a way to somewhat legally regulate the requirements. Ms. Stern Goldstein responded; the requirements will be regulated the same as others. Ms. Mason indicated there are variations of the C13 use currently standing as

standard rehab facilities and as part of a home environment. Ms. Stern Goldstein responded; it will have to be coordinated with the emergency services and police departments along with the property maintenance code.

Mr. Kelso questioned where is the B11 use allowed. Ms. Stern Goldstein answered; currently the use is considered by special exception under the R1, R2A and I Districts. However, having applicants be forced to attend a Zoning Hearing Board for a special exception for something that can qualify as a disability, may become an issue. Mr. Kelso then questioned where does the special exception go as a use, such as with nunneries. Ms. Stern Goldstein answered; it will be considered a C8 private organization. The C8 is permitted by right in the C1, C3, C4, I and I2 Districts. It's also permitted by right in the residential districts R1, R2, R2A and R2B. Ms. Mason questioned if the C8 should be removed from the residential district. Ms. Stern Goldstein noted special exceptions in the residential district, where items such as traffic and buffering can be viewed. Mr. Kelso stated the C8 is a permitted use that cannot be denied and conditions cannot be placed.

Upon Ms. Stern Goldstein referencing the conditions for a community center and special conditions, Ms. Mason questioned how can the B11 use be eliminated and where can it be addressed. Ms. Stern Goldstein responded; it will be very difficult with not knowing the make-up of a family until a violation has been committed. Mr. Kelso commented; if the B11 use is eliminated, what may be considered community homes will absorb the definition of a family or the C13 use. Ms. Mason added; the C13 use focuses on drug and alcohol. Ms. Mason suggested to expand the C13 use to incorporate disabilities. Ms. Kelso indicated once an institution is involved, another class use can be created.

Ms. Hendrixson commented; removing the B11 use may cause additional concerns, because the definition of a family doesn't always suit the situation. Mr. Lowenstein responded; the ordinance doesn't have to be kept the same. Upon a discussion regarding if the B11 use should be removed, Mr. Kelso noted the use is permitted in all residential uses and will be no different than a family. It will be treated the same and does not matter if the B11 use is removed.

Ms. Mason questioned can recovery centers can be regulated. Mr. Kelso indicated recovery homes are regulated under the C4 zoning. It is difficult to regulate programs not run by an institution and will be covered by police actions. Trying to extend the definition may create issues for the township. He suggested it will be more beneficial to review the current regulations from a use standpoint and address some of the uses. Ms. Mason added; to first focus on the C13 use before viewing the institutional use. Ms. Stern Goldstein offered to conduct an additional search to determine what is and not acceptable with the institutional use.

Discussion of Act 16 of 2016

Ms. Mason reported; at the May 17, 2016 Regular meeting, the Board of Supervisors recommended the Act 16 be shared with the Planning Commission and consideration of the township solicitor. The office of State Representative; Marguerite Quinn has confirmed there offices have received many requests for marijuana dispensaries permits. Mr. Salisbury questioned; if marijuana dispensaries are a legal enterprise with a state permit Ms. Stern Goldstein answered; if grown, it will fall under an agriculture issue. Processing will fall under a processing activity issue and manufacturing will fall under the Limited Industrial District. Mr. Kelso added; a dispensary will be required to meet the same municipal zoning use requirements as in a commercial facility located in the same zoning district. This may limit how the commission can address ACT 16.

Upon a question from Ms. Mason, Ms. Stern Goldstein clarified the C4 District does not permit manufacturing, research, mini warehouse and warehouse. In some cases, a special exception can be requested.

Mr. Kelso questioned if there are special exceptions listed for a greenhouse. Ms. Stern Goldstein answered; special exception will be listed under the A1 District. Mr. Kelso then noted issues which may arise, such as in Chester County from storm water runoff and impervious coverage. One of the main issues is water demand and the focus should be on greenhouses. Ms. Mason agreed and stated Act 16 has a potential of becoming a large scale issue with additional concern with trucking.

Ms. Mason suggested to review how Wrightstown has addressed the issue and receive all materials. Ms. Kelso added; dispensaries will become a commercial operation where townships are restricted on how to regulate them. Ms. Mason reported the Pennsylvania State Health Department will be supplying guidelines within six months. Ms. Stern Goldstein offered to also review Lower Makefield guidelines with greenhouses. This issue with greenhouse will be the intense use of water with a large impervious surface.

The Commission agreed to review the greenhouse use for consideration of the ACT 16 and monitor the regulations of other municipalities for reference. Mr. Kelso suggested in updating the township's greenhouse regulations.

90 Day Review

Ms. Mason reported; 651 Shady Retreat requested an extension. The Enclave is schedule to address the Planning Commission in June and Tabor has submitted an application for a zoning change from C3 to R1 District.

Adjournment:

Hearing no further business, the May 23, 2016 Doylestown Township Planning Commission Regular meeting was adjourned at 8:34 p.m.