

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

March 27, 2017

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, March 27, 2017 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, Ed Harvey and Gregory Reppa. Others in attendance included Township Manager; Stephanie J. Mason, Board of Supervisor Liaison: Richard Colello and Director of Codes; Sinclair Salisbury.

Absent: Township Planning Consultant; Judy Stern Goldstein. In Ms. Stern Goldstein's absence, Mr. Stacy Yoder of Boucher & James, Inc. was present.

Review of Minutes:

In the form of a motion by Mr. Harvey; seconded by Mr. Lowenstein the February 27, 2017 Doylestown Township Planning Commission meeting minutes were approved with the following corrections as noted by Mr. Kelso...

- 1) Page 1; Review of Minutes Section – Change Ms. Kelso to Mr. Kelso
- 2) Page 4; Bucks County Planning Commission to present Cross Keys Study Presentation – First and second paragraph to read as follows ...

Mr. Kelso commented; the timing of the study is perfect. The **area** is currently undergoing many activities. With the Biotech Center being the largest employed site, there is a demand to have walking paths available between **Old Easton and Easton Roads** on the east side.

Ms. Kaminski clarified; the first plan is to eliminate the existing traffic light at the intersection and provide a connector road. Upon a meeting with Penn Dot, if the connector road **was to be** built in conjunction with the WaWa, they had to be combined. The traffic signal is needed to be removed and replaced with a connector road. Mr. Kelso indicated; the change would **impact** the Northside of Easton Road. Ms. Kaminski agreed and indicated there are other traffic signals at North Street. The biggest problem is along the retail **businesses** located **south of Swamp and east of Easton Road**.

Mr. Kelso referenced the **flashing beacon for pedestrians that was mentioned in the plan and questioned its status**.

- 3) Page 5; Metro Storage Doylestown LLC – Preliminary Land Development Plan – First sentence should read, Mr. Kelso removed himself from participating in Metro Storage presentation due to a pending contract between his firm; Castle Valley Consultants and Bohler Engineering to complete a portion of the stormwater design.

- 4) Page 9; Metro Storage Doylestown LLC – Preliminary Land Development Plan – Motion should read, Motion Carried 3 to 0 with Mr. Kelso abstaining due to a pending contract between his firm; Castle Valley Consultants and Bohler Engineering to complete a portion of the stormwater design.

Motion carried 5 to 0.

Public Comments:

Municipal Building Complex Renovations:

Mr. Colello reported; during the March 21, 2017 Board of Supervisors meeting, there was a large attendance for the Municipal Building renovation presentation. The residents voiced their concern with other allowed uses. The Board decided to take another approach by attending a Zoning Hearing Board meeting. The residents indicated; the plans will enable either a detention or recycling facility be placed under the institutional use. With many misconceptions, Mr. Garton recommended; to have the Board reject the plan instead of trying to explain Central Park will not become a recycling facility nor will it be sold to the County to become a recycling facility or anything similar.

Mr. Lowenstein questioned; why a Zoning Hearing Board meeting needed. Ms. Mason answered; the Municipal Building Renovation plans need variances. However, the zoning will not be changed nor are consolidation of properties needed. The major issue will be impervious surface. With various parcels, the plans are currently over the impervious surface requirements and some areas are non-conforming on the lot. Additionally, the plans encroach onto the R1 District. All properties combined will total 140 acres.

Ms. Hendrixson questioned; how will the issue affect the timing of the renovations. Ms. Mason answered; the process is still moving according to schedule. On May 25th the township will seek variances, due to several homes that will be within 500 feet from the property.

Mr. Salisbury arrived at the meeting at 7:14pm.

Tabor Property:

Mr. Colello reported; at the same meeting, the Board agreed to follow the Commission's recommendation in having the zoning remain commercial along the Tabor property. Developer for the Tabor property; Chris Chandor is still interested in repurposing three existing, historical structures. However, he is unsure the site can work with a commercial property. Mr. Colello suggested to Mr. Chandor, he schedule a second presentation with the Planning Commission with a more economically feasible plan. Ms. Mason added; upon reaching out to Mr. Chandor, he will be rethinking the plans before scheduling another meeting with the Planning Commission.

Municipal Building Renovation status:

Ms. Mason reported; the Board voted to have three temporary trailers installed on site during the renovation process. The trailers can accommodate up to 30 people for meetings. They will be utilized as the Administration office, Police Department and Park & Recreation office \ public meeting rooms.

Ordinance Amendment – Medical Marijuana \ Continued Discussion

Upon reviewing the Medical Marijuana Ordinance Amendment, Mr. Lowenstein commented; definitions under the ordinance amendment does not assist with how they are used. As an example; on the first page under Caregiver, the definition was never previously used nor will be in the future. Additionally, he is uncertain if the definition will help the ordinance, depending upon how it's used.

Mr. Lowenstein noted; under the ACT section, it specifies any added amendments will have to change the entire ordinance pertaining to the year. Mr. Salisbury suggested; instead, using the term "as amended". Mr. Lowenstein agreed and indicated it will add the possibly of changing the ordinance again.

Mr. Lowenstein noted; under Grower \ Processor section, the ordinance defines a corporation as a person. Mr. Salisbury answered; the phrase is standard verbiage used under the State. Mr. Lowenstein indicated it's wrong and doesn't see a reason it should be used. Mr. Kelso added; there may be legal ramifications in terms of corporation versus a person. He then suggested to have the Township Solicitor; Jeffrey P. Garton view the section to decide.

Ms. Mason questioned how much of the Medical Marijuana ordinance is taken from ACT 16. Ms. Yoder responded; the ordinance is word for word from the ACT 16. Ms. Mason added; the Township is required to follow exactly was is written under the ACT. Upon a discussion, Mr. Lowenstein suggested to have the as amended term added, because it will not change anything. The remaining ordinance will be in accordance with the ACT. He then requested to have the issue reviewed and identify the necessary, especially when it used as a definition. Ms. Mason requested clarification if the ordinance should state; *for the Medical Marijuana dispensaries and the grower, as defined by ACT 16 of 2016 or as amended.* The Commission agreed. The definition will be per the ACT and whatever is current. Mr. Lowenstein suggested; placing the date, followed by the as amended term.

For Caregiver, Ms. Mason clarified; two definitions are to be noted or have the same as amended term placed. Ms. Hendrixson indicated; Caregiver is already defined and as amended term may not be needed. Ms. Mason noted; the Township will not regulate how the Caregiver picks up the medical marijuana. It will be up to the State as defined under the ACT.

Mr. Lowenstein questioned; will the Township assess the Security Plan. Mr. Kelso noted; the Planning Commission removed the section, where the Police Chief will be allowed to assess the plan. Ms. Mason added; the Township will be allowed to know what each dispensary has on file for Emergency Management purposes.

Mr. Lowenstein referenced; Section E on page 2 and questioned why is Section 1102 of the Medical Marijuana Act mentioned and not only the ACT. The Section is also mentioned on Section 3,G. Ms. Mason added; when changing to the ACT 16, the term as amended should also be noted. Ms. Yoder agreed.

Mr. Kelso noted the Growing Process requirement is under the light industrial district and quarry. He then suggested the Commission should review the requirement the industrial district needs to be within 1,000 feet from a school. Mr. Kelso questioned; if there is anything left after applying the provision. Ms. Mason suggested; Ms. Yoder speak with Ms. Stern to have the provision permitted for quarries. Ms. Yoder responded; quarries were mentioned in the ACT, because it's regulated the same as other manufacturing processing.

Ms. Hendrixson requested Boucher & James provide a map noting any LI District not within 1,000 feet from a daycare along Doylestown Township.

In the form of a motion by Mr. Kelso the Doylestown Township Planning Commission recommend the Doylestown Township Board of Supervisors consider the revisions made to the Township's Zoning Ordinance for Medical Marijuana and Dispensaries and in the Medical Marijuana Grower Processor Regulations as noted.

Motioned Carried 5 to 0.

Mr. Colello questioned; if the motion is contingent upon the locating a section on each of the four LI Districts in the Township. Upon a discussion regarding if the quarry section is needed under the ACT, Mr. Kelso suggested to remove the quarry district.

Mr. Kelso AMENDED the motion; seconded by Mr. Harvey to add; assuring the staff there is adequate space in the zoned areas, but not excluding the use through the conditions of the ordinance. Further, remove the section which references a quarry district from the Grower Processor section.

MOTION CARRIED 5 to 0.

Doylestown Township Comprehensive Plan Update

Ms. Hendrixson reported; the Doylestown Township Comprehensive plan has not been updated in ten years. She then referenced the questionnaire created by Ms. Yoder and questioned; should the questionnaire be forwarded to the residents and \or how should they move forward. Ms. Hendrixson suggested to schedule separate work shop to discuss the Comprehensive plan in detail. In the past, the plan was only amended. New changes should reflect new developments in the area and Del Val University.

Mr. Kelso suggested the Planning Commission should first read the Comprehensive plan any identify any issues. Then a scope should be developed, because the plan can be many different things. Not much has changed spacially with the comprehensive plan in terms of uses and the zoning ordinance. The plan was last viewed in total in 1989 after the zoning was revised.

Mr. Lowenstein questioned; is the Commission considering fresh writing or viewing the existing plan and attachments. Ms. Hendrixson answered; the Commission should look at the plan which encompasses other completed studies to determine if it's enough or brought in tighter. Currently, there are various pieces that may need to be more unified.

Mr. Lowenstein questioned; if a list of attached items can be provided. Ms. Mason offered to forward all attachments, which are part of the 2008 version.

Mr. Kelso noted; there are separate ways to approach revising the plan. Doylestown Township may have issues may be budgetary and more facility oriented than the land use. Ms. Hendrixson added; part of comprehensive planning is to also view sections which may not need to be revised to confirm if its valid. As a whole, Bucks County is losing population and some of the land use requirements change, because of demographics. Mr. Kelso commented; the plan should also view land development in the future. Currently, there is a lot happening in the Township.

Ms. Hendrixson suggested the Planning Commission members each review the Comprehensive plan thoroughly and submit comments. The plan in the current state is not ready to have surveys sent out. She then requested electronic copies be provided to the Commission. Ms. Mason agreed.

Upon a brief discussion regarding if surveys are valid, Mr. Kelso commented; once the plan is reviewed, the commission should be working towards hiring a consultant to assist in developing the scope of the revised plan, if necessary.

Ms. Hendrixson suggested to schedule a separate Comprehensive Plan workshop session either during next month's regular meeting or as a separate one.

Ordinance Clean up – Continued Discussion

Upon reviewing Boucher & James, Inc. December 14, 2016 memorandum, the Planning Commission implemented the following changes ...

Remove Tax Parcel No. 9-7-138 from R1 Residential to I Institutional.

Change numbers in Section 2 under Article IV, Use Regulations, Section 175-16.B.(15)(g)(4) except for number 7 noted as respectively. Additionally, change numbers, except for first under single dwelling attach unit with historic structure.

Mr. Harvey left the meeting at 8:02pm.

Upon reviewing Section 3, Article IV Use Regulations, Section 175-16.H.(3)(d), Mr. Salisbury suggested to remove the special provisions for a detached garage and replace with an accessory structure. The Commission agreed. Ms. Mason added; when the structure is over 144 square feet for a shed, requirements will have to be met to include 25 feet from the side yard.

Ms. Yoder noted; Sections 3, 4, 5 and 6 references residential accessories structures and confirmed the definition of garage will be defined, detached garage removed after the first definition and out of Section H1.

Mr. Colello commented; if the decision to remove the detached will solve the issue of a large structure. Ms. Mason noted; the ordinance allows the structure to be within 15 feet of the property. Mr. Colello then ask if limiting the size of the structure can be considered, so a shed cannot be the same size as a home. Ms. Hendrixson responded; the shed will be limited to the size of the lot.

Upon a discussion regarding limiting the size of a structure compared to a home, Mr. Reppa commented; in some situations, a large shed is needed for a home business or to store large equipment. Mr. Salisbury responded; in those situation, a meeting with the Zoning Hearing Board is needed.

Mr. Kelso questioned; what shed size will be considered a problem. Mr. Salisbury answered; a shed which 40 x 30, a three-car detached garage and pole barn. Ms. Mason added; the large sheds are legal. Mr. Salisbury recommended; removing the special provisions for a garage and rename accessory buildings over 144 square feet will be an improvement. Mr. Kelso suggested reviewing the impervious coverage if the large structures become a growing problem. The current impervious surface coverage provision is tight.

Upon a discussion regarding accessory use, Mr. Colello commented; part of the Commission's job is to protect the residents. If large structures begin to become an issue, the township has failed. Mr. Kelso responded; it may be personal preference and not the same issue for everyone. Upon Mr. Kelso's suggestion to research alternatives, Ms. Mason offered to provide a listing of other municipalities' provision for large structures. Ms. Yoder indicated; she is unaware of any issues with large structures. The number of accessory structures is not regulated and doesn't recall an issue based upon the square footage of a home. Ms. Mason added; In the R1 District, the impervious surface will have to be below 20%. Mr. Kelso indicated it will only apply if the lot is small. Ms. Mason agreed.

Mr. Salisbury questioned if tennis courts should be removed under Section F. Ms. Mason answered; if the square foot is larger than 144 feet. She then requested Ms. Yoder to review the section for revisions tennis courts and swimming pools.

For Section 7, Article IV, Use Regulations, Section 175-16.H.(4)(b), Ms. Hendrixson requested clarification on outdoor storage.

Ms. Yoder answered; the main issue was the section was listed as a use, but permitted in any section of the zoning district. Ms. Mason added; the section is identified as permitted, but not permitted anywhere. Ms. Hendrixson then questioned; what is the definition of outdoor storage. She indicated; it's not a structure, but general items. Ms. Mason responded; outdoor storage is listed under residential uses. Additionally, the permitted use is also located in shopping centers for seasonal items, such as stacks of top soil. Mr. Kelso suggested to add the phrase "are exempt and include". He then questioned what are the definitions and if limits are noted. Outdoor coverage should be a part of the impervious surface. Ms. Mason answered; no general definition recorded for storage. A specific definition will include outdoor storage in H4 as a use definition.

Mr. Kelso noted; the outdoor space is will not be an issue with new land development plan, because it's not an accessory to the use, it is the use. However, there is an issue will be with pre-existing uses on non-conforming lots. Ms. Hendrixson indicated; items on the paved areas should be limited. Ms. Mason responded; paving is confusing under the ordinance, where it's listed in several uses that conflict with one another.

Upon a discussion regarding if outdoor furniture should be allowed to impact the impervious surface, Ms. Yoder indicated; the ordinance states outdoor storages is not allowed to use parking areas. No part of the street right of way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required front yard shall be occupied by outside storage.

Ms. Mason indicated; the word exempt should be viewed closer. Ms. Hendrixson agreed and suggested changing to the word shall.

Section 8; Article IV, Use Regulations, Section 175-16.H(6)(e) will be removed.

Section 9; Article IV, Use Regulations, Section 175-16.H(6)(t) will remain

Section 10; Article IV, Use Regulations, Section 175-16.H(11)(c) the setback was increase from 50 to 100 feet pertaining to accessory structure to house livestock in residential areas

Section 11; Article V, General Requirements, Section 175-17.F(1) was reviewed

Section 12; Article V, General Requirements, Section 175-23.A(1) will remain

Section 13; Article IX, R-2a Residential District, Section 175-48 a formatting change to correct numbers and shift to the appropriate column

Section 14; Article IX, R-2a Residential District, Section 175-48 a formatting change to correct numbers and shift to the appropriate column

Section 15; Article IX, R-2a Residential District, Section 175-48 a formatting change to correct numbers and shift to the appropriate column

Section 16, Article XIV, C-2 Commercial District, Section 175-71.A outdoor storage is permitted to be a use, but not permitted anywhere. The section notes the district where the use will be permit outdoor use. However, it will not be permitted under residential.

Section 17, Article XIV, Quarry District, Section 175-79.A outdoor storage is permitted to be a use, but not permitted anywhere. The section notes the district where the use will be permit outdoor use. However, it will not be permitted under residential.

Section 18, Article XVII, Limited Industrial, Section 175-84.A outdoor storage is permitted to be a use, but not permitted anywhere. The section notes the district where the use will be permit outdoor use. However, it will not be permitted under residential.

Ms. Mason questioned; why wasn't the C1 District considered, because it's where outdoor storage ends up. The commission agreed.

Section 19; Article XXII, Administrative, Section 175-126.B. assist in clarifying what defines healthy trees as being 6 inches of caliber.

Section 20; Summary of Permitted Uses will be added to C1 District.

Upon reviewing Ms. Stern Goldstein and Ms. Yoder's December 14, 2016 Merger of Lots Amendment memorandum, Ms. Mason indicated; Ms. Stern Goldstein incorporated the merger of lots to address and avoid having the same case law.

Upon reviewing Ms. Stern Goldstein and Ms. Yoder's December 14, 2016 SALDO Sewage Disposal Ordinance Amendments memorandum, Ms. Mason reported; the Public Water and Sewer Advisory Board recommendations for sewage disposal can be incorporated with Ms. Stern Goldstein's memo. Ms. Mason added; If recommended by the Commission, notations regarding Chapter 136 is not part of zoning, but will be in the code book. It will enable an area along a residential property be designated for a second septic system. Mr. Colello added; the second system will be recorded on the plot plan to avoid other improvements to be placed.

Ms. Mason requested Ms. Yoder create a new memorandum of the Commission's recommendation regarding the outdoor storage and size of the accessory structure. Additionally, keep a second memorandum with pending items. Ms. Yoder agreed.

Distributed Antenna Systems (DAS)

Mr. Kelso reported: a Uniform Commercial Code (UCC) ruling for Distributed Antenna Systems (DAS) regarding cell phones passed. The ruling provides an opportunity for the Township to regulate. Ms. Mason indicated; the Township has amended their ordinances, which was filed and scheduled to be viewed by the Zoning Hearing Board. Mr. Kelso questioned; if the ordinance needs to be changed. Ms. Mason answered; the ordinance has been set up to state; if the DAS is attached to an existing pole with the same height, no problems should occur. If a DOS is schedule to be placed in an area the Township has not set up, the matter will need to be viewed by the Zoning Hearing Board.

Mr. Kelso questioned; with the Public Utilities Commission (PUC) no longer involved and they want to locate an area along one of the Township's right of ways, can a fee be charged. Ms. Mason indicated yes, where it's noted under the Zoning Ordinance and fee schedule. The fee is recorded as 5% of revenues. Mr. Kelso then questioned if there is a licensing agreement on file. Ms. Mason answered; when an application is submitted for installation under the Township's right of way, a licensing agreement is required.

Adjournment: Hearing no further business, the March 27, 2017 Doylestown Township Planning Commission Meeting was adjourned at 9:00pm.