

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

May 28, 2019

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Tuesday, May 28, 2019 at Meeting/Activity Trailer, 425 Wells Road, Doylestown, PA 18901. Members of the Doylestown Township Planning Commission in attendance were Chairperson: Judy Hendrixson, with members; George Lowenstein, Ted Feldstein and Thomas Kelso. Others in attendance included, Planning Consultant; Judy Goldstein, Board of Supervisors Liaison; Rick Colello, Township Manager; Stephanie Mason.

**Absent: Vice Chairman; Gregory Reppa.**

**Review of Minutes:**

In the form of a motion by Mr. Lowenstein; seconded by Mr. Kelso the minutes of the April 22, 2019 Doylestown Township Planning Commission were approved with amendments on Page 2, Paragraph 5: with Mr. Kelso indicating a preliminary grading plan was requested and how far along in stormwater management was being considered. On Page 3: Paragraph 6, Mr. Kelso suggested that it be deleted as it was unclear.

Minutes were approved.

**Public Comments:**

Brooks Tract

Mr. Blackburn from Wisler Pearlstein was present indicating the subdivision at Cherry Lane and Pine View since they were last at the Planning Commission meeting they determined that Lots 2 & 3 would have single access would be shared lots 4 & 5 off of Pine View.

The questions that came up were all looked into and they are seeking preliminary final approval.

Lots 2 & 3 would be connected to the public water as well as opportunity for the existing dwelling to connect. At this time not able to get public water to lots 4 & 5 to create a closed loop system.

Mr. Colello asked for clarification on the existing home. They indicated that it would be connected. They indicated that the run is too long for lots 4 & 5 but they would continue to talk to DTMA about possible future connection, fire hydrants on the service will be added along Cherry but functional and economic reasons for not connecting lots 4 & 5.

Mr. Keith Hass, Executive Director of the Authority indicated that it was more of an economical issue.

Mr. Blackburn indicated that there is an economical concern as well as people wanting private wells at this time.

Bike/Hike Trail Waiver

Is not being requested any more as conversation with Baker Engineering has taken place. In addition a refuge area on the curve of Pine View has been added to the plans, basically a sidewalk that will assist people walking along the roadway to take refuge if cars are coming in the curve.

There was also a question regarding some of the neighbors and the boundary where trees are located and that was clarified as well.

Mr. Ron Monkres from Gilmore, indicating that clarifications have been made to the extent of disturbance and further follow up with the neighbors will be done, especially with bamboo. It was noted that property owners will need to communicate with the developer or builder at the time for providing access to their properties to remove said bamboo.

On-lot disposal systems are being incorporated in the design; mounds are being used on lots 4 & 5 and at grade are being used for the other lots.

Discussion on the width of the shoulder to be added for the driveway which is 12' and that is a will comply as well.

Review of the requested waivers was discussed that were provided on May 28<sup>th</sup>.

Mr. Gary Graff, adjacent property owner, questioned the bamboo and that it is encroaching on their property. The eradication of that bamboo was reviewed by Boucher & James and made notes on the plan by the engineer.

Ms. Janice Graff, 134 Watercrest, raised the question on what will be used for the eradication of the bamboo. Ms. Goldstein read from the notes on the plan indicating that a physical remover over excavating but not poison, but some other equipment was also indicated that the equipment needs to be cleaned property before going off site so that it doesn't spread.

Top soil will be used to re-stabilize the area as well; restoration will occur with and be under an 18 month maintenance period. Again, it was suggested that if the builder needs to come on to any private property, negotiation with that private property needs to take place.

Discussion from Mr. Blackburn on the depth of the lots, under SALDO 153-29A1 and there was some discussion indicating that it could be a waiver.

Mr. Kelso then made a motion to recommend that the Planning Commission recommend Preliminary/Final of Brooks Tract to the Board of Supervisors supporting the waiver requested at May 28<sup>th</sup> and the additional waiver on the log depth from SALDO 153-29A1.

Compliance with reviews of Boucher & James, Planning Consultant dated 5/22/19, Boucher & James, Township Engineer review dated 5/23/19, Baker Engineers review of 5/19/19 and SC Engineers review of 5/27/19.

Lots 1, 2 & 3 are to connect to DTMA public water.

The applicant will work with neighbors regarding the removal of bamboo.

Seconded by Mr. Feldstein the motion carried 4 – 0.

#### Ashbridge at Furlong (Grasso)

Mr. Lowenstein commented that the last minutes refer to sketch plans vs. court stipulated plans and feels more clarification is needed.

Mr. Benner explained the history of property that back in 2011 a building that was over 10 sq. ft. proposed as a pharmacy went to the Zoning Hearing Board and was denied for a variance. The applicant took an appeal and

discussions with the developer the litigation was settled with the agreement of several proposals that were reviewed by the Planning Commission, the Board of Supervisors and eventually attached to a stipulation.

The applicant is now proposing to amend the existing stipulation where yes a sketch plan that came to being through discussion with the Planning Commission and the Board of Supervisors that could eventually be developed would be part of the stipulation.

Mr. Benner indicated that over time Mr. Grasso had several different attorneys and eventually he came to be part of that. He and Mr. Garton worked together to develop the stipulated agreement that was approved by his client and the Board of Supervisor and was recorded with the courts. This stipulation stands in place of Zoning Ordinance and land use regulations and at this time as indicated its pending an amendment to this stipulation and settlement agreement but the sketch plan would be attached is what we are talking about.

Mr. Benner further explained that a sketch plan attached to the stipulation would resemble what is being discussed and would help control what would eventually be developed if the Planning Commission recommends to the Board of Supervisors entering into a stipulated settlement agreement it would be tailored to the plans that the applicant has been showing to the Planning Commission. If the Planning Commission recommends conceptually substituting this concept of development vs. the mixed use as approved the Board of Supervisors would most like direct the Township Solicitor to work with Mr. Benner again to revise said stipulation.

The sketch plan that has been discussed is not a preliminary plan at this point but a concept. Some engineering grading to a degree has been done. Identified things in the SALDO Ordinance that might need to be waived would have to occur. Adjustments to the agreement would have to occur as well.

Mr. Benner further explained that the stipulation would stand in place of zoning ordinance and land use regulations. He believes his clients have been presenting what they believe to be a sketch plan that after further refinement could be attached to a stipulation.

He further went on to indicated there has been one amendment to the original stipulation that the Board of Supervisors approved and that was to replace private onsite water & sewer with public water & sewer.

Mr. Lowenstein said before we go ahead he would like to look at the stipulation again.

Mr. Benner indicated it might be a good opportunity to pivot to tonight so when we ended the April 22, 2019 meeting he indicated that there was a request from the Planning Commission to provide a preliminary grading plan and they have done that. That additional information on parking was requested and they are ready to discuss that. Architectural rendering was also requested, all of this has been provided to the committee. He is hoping that the Planning Commission will be in a position at the conclusion of the meeting to make a recommendation to the Board of Supervisors that they should amend the stipulation, if you find merit with the concept that has been raised.

Mr. Lowenstein indicated that he thought that if he had all the information then he would be in a position to make a recommendation however, that will be determined on what information is provided by Mr. Benner. At this time he still has a lot of questions. He doesn't want to give the Board a message where the Board has to work out all the details, he would prefer that the Planning Commission have further opportunity to vet things and weigh in on concepts than the Board of Supervisors.

Mr. Benner says he is happy to go over the information that his team has brought and he would be happy to work with Mr. Garton on the stipulation. He believes it is a give and take with input on plans by the Planning Commission and the Board of Supervisors.

Ms. Goldstein inquired of Mr. Benner if he was prepared to go over everything tonight, he indicated that he was.

In terms of water & sewer, architectures, parking, grading, traffic calming he is prepared to discuss all of it. Indicating that this facility would server 55 year and older it would be part of the stipulation and possible covenants.

Mr. Scott Mill, VanCleaf Engineers, reviewed the grading plan indicating the slope in the lot is 5%, 1 – 2 % required for handicap, 300' is the floor elevation. The doors are located at the back of the building the need for a retaining wall of 10' – 13' between York and lot. Stormwater basin is similar but not sized but believes it will have ample room.

Ms. Hendrixson asked about the retaining wall and the grading and the wooded area.

Mr. Mill indicated that the path is in the same location, the grading is inside the path, the wall is near the ratio 305 or 306, 5' above at about 299 it would be a stacked retaining wall. There does have to be a 16' cut needed for the path on the outside would put a fence around it.

Ms. Goldstein indicated the last plan a lot of discussion, there had been a lot of replanting and a lot of calculations to be done, that number will need to be worked out and add it to the stipulation going forward. May need tree replacement.

Mr. Benner indicated the stipulation is very specific on trees at present, it was adapted a bit but any changes would definitely be addressed.

Ms. Hendrixson indicated 16' below property 300 floor level based on a 4 story building. A third retaining wall 8' wall is shown. 290' at corner ties in at about 294' contoured.

Mr. Kelso commented at the intersection you can see it at the full height. Mr. Kelso further commented that the earthwork balancing visual aspect is going to be massage, the scale of everything else out there especially on smaller properties. He believes the applicant needs to do something to soften the property. He acknowledged the 4 to 1 slope that it is steep but it is a big building; have to try to do a good job to make it fit.

Mr. Snyder asked about the distance to the right of way of 263 and the edge of the building. It was indicated that is about 75' to 80'.

There is an 8' wide bike/hike path with a detailed split rail fence that is shown as well.

Mr. Kelso commented that distance relating to the wall is very close to the property line on 263.

Ms. Hendrixson asked if the building could be slid down, maybe closer to the pump station on Rogers parallel to the road. It was indicated that it run into problems.

Mr. Plotnick, the architect indicated that the building could be pushed and pulled.

Ms. Goldstein questioned the grading comes to the property the roadway is 32' to the building elevation with the buffer, there is a lot of buffer and landscaping proposed.

Mr. Kelso asked what the building south of the parking lot was – it is the pump station.

### Water and Sewer

Discussion on sewer and water the applicant is proposing a high pressure force main that will carry sewage to treatment plant in Doylestown Borough. Wanting to make the line available to residential properties in the future, the applicant is willing to install a low pressure line along Rogers Road again tying into from the pump station and up, this low pressure line will go to existing treatment plants as well. There is also the proposal for a 10" water line outside of

the direct connection to homes recapture on the public lines would not be required. It is about 10,000 linear feet of main for sewer and about 8,000 linear feet for water.

Mr. Kelso said that is a nice gift.

Mr. Benner indicated that his client was willing to absorb all the costs to install these lines and make them accessible.

### Architecture

Mr. Plotnick talked about the front facing building with Juliet balcony, shingled roof and gable element with Bucks County stone. He also went over an interior layout of the facility; a one bedroom apartment would be approximately 525 square feet. It would open up for outdoor space. It is showing at 4 stories with about 30 units on the 4<sup>th</sup> floor. The applicant met with the Fire Marshal and they have ways of accessing the various sides of the building.

Ms. Chelsea Paskman, 125 Rogers Road, questioned the 4 story height, indicating the massive view on the nearby properties.

Mr. O'Malley, Rogers Road, indicated the front view but the residential 4 floors of the gable really looking at almost a 5 story building in height.

Mr. Colello questioned if it is 55' in height, it exceeds what is permissible under zoning and believes it should be reduced in height. He also commented that since the impervious surface is much lower perhaps the building could be reconfigured to take up a little be more impervious but not be as bulky.

Ms. Goldstein indicated that the building height is measured from the midpoint of the ground.

Mr. Colello indicated that we should go back to what Mr. Lowenstein said.

Mr. Benner indicated that since the beginning of this process a few months ago, they indicated that the building would be approximately 4 stories and that really hasn't changed. The intent was to try to keep the impervious down.

Mr. Colello said that there needs to be clarity for Mr. Lowenstein what the actual height is in feet.

Mr. Lowenstein explained that it is not necessary to recommend something to the Board of Supervisors just in concept but whatever we send to the Board of Supervisors has to have detail and not vague detail but detail.

Mr. Kelso commented that even though we said 4 stories it was difficult to visualize it until the grading plans were provided this evening. That truly gave a clear view of what was being proposed as part of the sketch and concept.

Mr. Dave Dodge, Kuhn Drive, indicated that the building looks like it sits almost 80' above Rogers because it sits on a hill.

Ms. Hendrixson indicated that buffering would be required but needs to fit within the Townships surrounding areas and not look like an apartment that could go anywhere.

Mr. Plotnick indicated that he is using stone and elements material that are indigenous to the area. He says it still needs to be further developed.

### Parking

Mr. Mark Roth, provided a parking chart, please see attached, 80 spaces adjacent, 40 spaces on the side, 120 units proposing spaces. He indicated that he does not want to see the facility over parked. He also did some comparisons to other places. There was also discussion regarding traffic calming method along Rogers Road and he indicated that he was following PennDot's handbook. The existing roadway variety of options, you can narrow the lanes that would perhaps help with speed, you can do section of humps or tables, there is a variety of things that could be utilized.

Ms. Goldstein questioned Ashbridge Manor that is in Downingtown and how many residents.

They indicated that facility is fully occupied, average age about 75 years old and only 20 residents have cars. There was discussion that it sits off the main line.

Ms. Paskman, Rogers Road, traffic and narrowing the lanes versus widening maybe beneficial. 263 required by land development and speeding cars coming off Route 263 are concern along all of Rogers not just in that area. Whether it is 3D narrowing there allowances more to go back to ideas of calming such as dead ending Rogers Road near the project as an option. It was indicated that neighbors coming in would find alternate routes but it would reduce the additional traffic that comes onto Rogers Road from this proposed project as well as existing commercial type facilities. Certainly something the Traffic Advisory Committee could under take during the land develop process. It was indicated that closing off the road was suggested previously. Ms. Paskman believes it would be a win / win for the area. Again it was recommended that it be taken up with the Traffic Advisory Committee.

Another suggested was that the traffic coming out of the facility on Rogers Road would be prohibited from making a right hand turn.

Mr. Roth indicated that this could be done by signage and he would recommend that to his client. Although he didn't believe it was warranted, it is certainly something for consideration.

Mr. Snyder asked again about the access to the building from the fire company, again the engineer indicated that was discussed with the Fire Marshal and they have it so that the fire company can easily access the facility.

Ms. Paskman, asked about the stormwater basin, the engineer indicated that would done as part of land development and if she has suggestions he would be happy to hear them.

Being no further discussion Ms. Hendrixson asked if there was a motion. Being none she then made a motion that the Planning Commission recommend to the Board of Supervisors the concept plan be incorporated into the amended stipulation and that the stipulated agreement further be developed regarding the height of the building and that it should be 3 stories not 4 and Board of Supervisors looking to move forward with further configuration of the building.

Motion died for lack of a second.

Mr. Lowenstein commented that the Planning Commission is dealing with zoning and land development and to be able to separate you have to come back with words and legal documents. To recommend to the Board of Supervisors a concept adjusting and wanting us to endorse and move it to the next step relating to the configuration to the number units and meet and try to do more is getting ahead of ourselves with this concept.

Mr. Kelso indicated that he believes that there are still issues and would like to see more options to look at at this stage. He is not convinced and he believes the Planning Commission should be provided more info on the building and having it not have so much bulk and the traffic.

Mr. Lowenstein indicated that he doesn't want to move this on and worries about throwing it back and relying on the attorneys to resolve everything. He believes the Planning Commission is still concerned with safety. He further state the last time the motion was very thoughtful and at this time it just lacks information.

Mr. Kelso indicated that he would really like to see the building shift and a friendly view to York Road and scale the building in manor of appearance; it just seems out of scale.

Ms. Hendrixson indicated lower it down to 3 stories, maybe make it a u-shape with a central angle and increase the footprint to come to see various options.

Mr. Dodger indicated that the first floor of the basement could be lowered with all the utilities in the lower level.

Mr. Colello indicated that seems like the Planning Commission is not ready to make any recommendations very clear and would suggest that the applicant think about things and come back at a later date.

Mr. Benner said he understood the concerns with the building and the height about lowering the height and the impact to York Road. He said he would take a hard look at that with Mr. Grasso but he couldn't promise whether the applicant could return any time soon to address these issues.

Ms. Goldstein indicated that information and more detail would be helpful.

Mr. Benner indicated this would be a totally different concept and it's going to require a lot of work.

Ms. Goldstein that this is the first time the Planning Commission has really had an opportunity to see, because of the grading plan and the mass of the building as designed.

#### Tabor Property

Mr. Carr and Mr. Lyons were present. It was indicated that Mr. Carr had prepared a draft amendment for the zoning for the C17 use for consideration by the Planning Commission.

Ordinance amendment to allow the use met the criteria in the district and getting rid of the state agency requirement as well.

He indicated might want to consider open space requirement but not necessary for the area, it would be 40% and you wouldn't be able to have a building.

Being no further discussion Mr. Kelso made a motion that the Planning Commission recommend to the Board of Supervisors to approve the proposed amendment to the C17 Zoning Use and make it applicable to the Tabor Property.

Motion was seconded by Mr. Feldstein and carried unanimously.

#### **Adjournment:**

Being no further business the May 28, 2019 Doylestown Township Planning Commission Regular meeting was adjourned at 9:20pm.