

Borough of Doylestown Zoning & Planning Committee

Meeting Minutes

Meeting Date: Monday, April 9, 2018
Scheduled Time: 7:00 PM
Location: Council Chambers

Present

Councilpersons present were Susan Gordon, Don Berk, and Ben Bell. Staff present was Karyn Hyland, Director of Building & Zoning, and Phil Ehlinger, Deputy Borough Manager.

Call to Order

The April meeting of the Zoning & Planning Committee was held in the Council Chambers of Borough Hall, 57 W Court Street on Monday, April 9, 2018, and was called to order at 7:00 PM.

Review and Approval of Minutes

On a motion from Ms. Gordon, seconded by Mr. Bell, the previous meeting minutes were unanimously approved.

Zoning Hearing Board Upcoming Meeting – April 12, 2018

#2018-04 – 383 W. Oakland Avenue, TP #8-7-12, Kyle & Joan Given, owners

Ms. Hyland reported that this was presented to Council last month; it is a request for dimensional variances to expand an existing garage.

#2018-07 – 98 Harvey Avenue, TP #8-4-259, Karen Grimes, owner

Ms. Hyland reported that this is an application for an addition to the rear of a twin home; the applicants are requesting relief for building coverage and floor area ratio.

Zoning Hearing Board Upcoming Meeting – April 18, 2018

#2018-01 – 228 E. Court Street, TP #8-9-170, Daniel & Marie Carchedi, owners

Ms. Hyland reported that this application has been before the Committee several times for dimensional relief. Responding to a question from Mr. Bell, Ms. Hyland stated that the applicants' attorney has sent a letter stating that they have come to an agreement with the neighboring property owner with four conditions. There has been no response from the neighbor's attorney yet.

#2018-06 – 168 E. Oakland Avenue, Lot 2, TP #8-9-87-2, 120 Athens Avenue Associates LLC, owners

Ms. Hyland reported that this is a request to modify the condition of a previous ZHB decision. The original condition was that a specific tree would remain; the applicant has submitted an application requesting that this condition be removed from the decision.

Ms. Hyland noted that the Committee's decision for all of the above applications is to determine whether the Solicitor should be sent to the ZHB meeting to represent the Borough's interests. This would mean that the Borough has a community-wide interest in an application. The applicant was present at the meeting, but stated that they would hold any comments pending Council's decision. Mr. Bell noted that the process is designed to protect resident interests; in the case of #2018-06, all parties agreed to the ZHB decision, and resident interests are at risk of being eroded by opening a "back door" to reverse a decision that one party is no longer happy with. The meeting was opened to public comment.

Nancy, a resident in the Maple Wood area of Doylestown, stated that the tree in question is a healthy one that has survived the recent onslaught of storms, blights, etc. Saving trees is important to preserving the

beauty of the town. Julie Kimmel, a Borough resident, stated that trees exist in relationship to each other, and that it is important to preserve mature trees. Kathy Pelly, a Borough Resident, stated that alternate plans could be explored in order to save the tree; she added that many properties have recently been "clear-cut" of their mature trees, and that this tree in particular was a specimen that the Shade Tree Commission particularly wanted to be preserved. Ima Shantz of East Oakland Avenue stated that trees are important for providing fresh air and shade for the community, and suggested that there be a "tree preservation ordinance" to protect trees from unnecessary removal.

Mr. Berk explained to residents that the property owners wanted to shift the footprint of their proposed building, thereby endangering the tree. Ms. Hyland added that this is a "by-right" plan, and that, as part of the original subdivision of the property, the tree was scheduled to stay. Several months later, the applicants came to the ZHB to ask if the house could be closer to the road, allowing for a wraparound porch; at the time, the applicants agreed to save the tree as part of that decision. Now that the project is under construction, the applicants believe they cannot build what is proposed and still save the tree. Mr. Bell noted that residents were free to share their concerns at the April 18th meeting as well. Another resident asked whether trees of a certain age were specifically protected; Ms. Hyland replied that any tree of over 8 caliper inches requires a permit to be removed and is reviewed by the Shade Tree Commission. She added that this application was submitted before the "heritage tree" ordinance was passed, so it would not be subject to those requirements.

On a motion from Ms. Gordon, seconded by Mr. Bell, the Committee voted unanimously to send the Solicitor to the ZHB meeting to represent the interests of the Borough.

Historic & Architectural Review Board Recommendations – March 22, 2018

Signs

15 W. Oakland Avenue, Colloquia Partners LLC, applicant

There were no questions or comments; on a motion from Mr. Berk, seconded by Mr. Bell, the Committee voted unanimously to forward the HARB sign recommendations to Borough Council.

Buildings

228 E. Court Street, amended application, Daniel & Marie Carchedi, owners

Ms. Hyland explained that this was a modified application; the architectural features are the same, but have been re-oriented. The applicants also wish to replace the 3rd floor windows. The HARB recommended that the windows be restored or replaced in-kind with wood. On a motion from Mr. Berk, seconded by Mr. Bell, the Committee voted unanimously to forward the HARB building recommendations to Borough Council.

Land Development/Subdivision None.

Land Development Waivers None.

Ordinances, Amendments & Resolutions

Authorization to Advertise Ordinance Regulating the Location of Consumer Fireworks Sales

Ms. Hyland explained that, in late 2017, Pennsylvania passed Act 43 which amended the tax code. Deep within that, the sale of consumer fireworks was made legal. Many municipalities have instituted zoning to regulate where such fireworks are sold. There are two types of sales locations: in-store and temporary. Mr. Ehlinger added that some building codes, as well as restrictions on how far apart such locations need to be, is all contained in the state's licensing requirements. Borough Staff decided on the locations best suited to fireworks sales; the Solicitor drafted an ordinance that allows for fireworks sales in permanent locations in the CI and PI districts, and temporary sales in the RC district. Responding to a question from Mr. Bell, Mr. Ehlinger confirmed that the ordinance would be enforced through zoning. Ms. Hyland noted

that any time a new business moves in, they must submit a zoning application which is reviewed to sure they are in compliance with a host of requirements.

Mr. Ehlinger stated that this is essentially a new use; by creating it as a "separate animal," the Borough can ensure additional protections. On a motion from Mr. Berk, seconded by Mr. Bell, the Committee voted unanimously to recommend advertisement of the draft ordinance.

New/Old Business

War Memorial Field Sewer Connection Agreement

Ms. Hyland explained that the War Memorial Field is under construction. For the new concession stands, it would be easier to go across Memorial Drive and tie into the sanitary sewer line on the Township side of the road. As part of that arrangement, the Bucks County Water and Sewer Authority has required Doylestown to sign a user agreement. Since the Borough owns the property, they must sign off on it; the Solicitor has reviewed and approved it. Ms. Hyland noted that all costs and obligations are on the tenant. The Borough would simply have to notify the BCWSA if there was a tenant change.

On a motion from Mr. Bell, seconded by Mr. Berk, the Committee voted unanimously to recommend adoption of the agreement.

Responding to a question from Mr. Bell, Mr. Ehlinger stated that the draft grading ordinance is still in progress; it started as a 35-page model and is being edited down. Responding to a question from Ms. Gordon, Mr. Ehlinger stated that he has a draft questionnaire ready for the Comprehensive Plan update, and that he will also gather some example plans for the Committee to review.

Adjournment

On a motion from Mr. Berk, seconded by Mr. Bell, the Zoning and Planning Committee adjourned at 7:40pm.

Respectfully Submitted,

Dirk A. Linthicum

Meeting Minutes Secretary