

# Borough of Doylestown Zoning & Planning Committee

## Meeting Minutes

Meeting Date: Monday, June 11, 2018  
Scheduled Time: 7:00 PM  
Location: Council Chambers

### Present

Councilpersons present were Chairman Tim Brennan, Susan Gordon, Don Berk, and Ben Bell. Staff present was Karyn Hyland, Director of Building & Zoning, James Dougherty of Gilmore & Associates, and Phil Enlinger, Deputy Borough Manager.

### Call to Order

The June meeting of the Zoning & Planning Committee was held in the Council Chambers of Borough Hall, 57 W Court Street on Monday, June 11, 2018, and was called to order by Mr. Brennan at 7:03 PM.

### Review and Approval of Minutes

On a motion from Ms. Gordon, seconded by Mr. Berk, the Committee voted unanimously to approve the meeting minutes from April and May.

### Zoning Hearing Board Upcoming Meeting – June 20, 2018

#### #2018-06 – 168 E. Oakland Ave Lot 2, 120 Athens Ave Associates LLC

Ms. Hyland noted that this application is a continuance to modify the condition of a previous approval, and that Council had already voted to send the Solicitor to represent the Borough. Mr. Ehlinger specified that the issue at hand is an existing zoning decision that speaks to a specific tree that was to be saved; the applicant, through design changes, now desires to have the tree removed. Mr. Adam Smerconish appeared on behalf of the owners and distributed some photographs. The images show a tree, close in type and proximity to the one under discussion, which fell during a recent storm. The applicants now believe that the tree under discussion will not survive the property development process due to disruption of its root base. Mr. Smerconish believes that the tree wouldn't even survive the Borough-approved plans, stating that 50 feet is needed to preserve the root base. Responding to questions from Mr. Bell, Mr. Smerconish could not speak to the species of the fallen tree, or what other old-growth trees may be nearby. Mr. Smerconish added that the applicants have engaged a certified tree expert who created an extensive report.

Responding to a question from Mr. Brennan, Ms. Hyland confirmed that removing the tree would still constitute a change to the approved plan. Mr. Smerconish requested that the Committee reconsider its decision to send the Solicitor to the ZHB meeting. Mr. Brennan noted that, from Borough Council to Committee meetings to meeting residents on the street, there is significant interest in preserving the tree. He expressed hope that a resolution could be found that satisfies all parties involved, but stated that his motion would still be to send the Solicitor. Ms. Gordon agreed.

Ms. Kathy Pelly of 106 E. Oakland stated that there was "very selective issuing of information" to the neighborhood regarding the application; she added that a tree on her own property endured a nearby construction project but that it survived and is "more magnificent than it was before." Mr. Nick DeRose of 175 E. Oakland stated that he was concerned about the possibly safety hazard posed by the tree, and suggested that it be taken down and replaced with newer, more sustainable trees. Mr. Bell referenced the aforementioned tree expert's report, which noted that there was no evidence of decay in the tree and that it is in "excellent condition." Mr. Brennan stated that the issue will be addressed at the Zoning Hearing Board meeting, noting that community interest in the issue is still significant. No new action was taken.

2018-12 – 300-360 N. Broad Street, Turog Properties LTD

Ms. Hyland reported that this application is for an internal expansion of a nonconforming use (a pet grooming salon).

2018-11 – 258 & 260 W. Ashland Street, County Builders Inc.

Ms. Hyland reported that this is an application for 10 townhomes to be constructed at the intersection of W. Ashland and Washington. Mr. Stuart Nicholson of 270 Paine Street stated that he and several other neighbors wish to express their support for the new plan; they were previously energetically opposed to the previous development. Ms. Stevie Baggett of 205 Washington Street agreed, stating that everyone she has spoken to has been very positive about the new development. Mr. Brennan stated that he was overjoyed to see the project working out.

No further action was taken on the ZHB applications.

**Historic & Architectural Review Board Recommendations** – May 24, 2018

Signs

22 S. Main Street, Urbanlux, applicant

Buildings

106 N. Hamilton Street, Barbara Brown, applicant

174 Lafayette Street, Bruce & Linda Barlow, applicants

163 E. Ashland Street, James & Robin Wagner, applicants

Ms. Hyland noted that the Committee had previously seen 174 Lafayette and 163 E. Ashland as ZHB applications. The HARB recommended Certificates of Appropriateness for all the applications.

On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee voted unanimously to handle all the HARB applications together. On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee voted unanimously to forward the HARB recommendations to Borough Council.

**Land Development/Subdivision**

2018-02 – Center Square Towers Parking Expansion, 555 N. Broad Street, TP #8-5-8-3, Zencorr Properties LTD

Ms. Hyland reported that this was seen as a ZHB application, and that it is here now as a Land Development application to expand their parking from 237 spaces to 353 spaces. This project also includes some walkways, lighting, and an additional driveway onto Veteran's Lane. Mr. Piero Corrado and Mr. Heath Mortimer appeared before the Committee and distributed copies of their plan. Mr. Mortimer gave a general overview of the property, noting where the primary additional parking will be located. He noted that they have obtained all the necessary permits.

Mr. Brennan noted that he has received many comments regarding the new access point. Mr. Mortimer introduced their traffic consultant, Mr. Guy DiMartino, who had prepared and traffic study that was submitted to the Borough. In response to questions from the Committee, Mr. DiMartino explained that the goal is always to create a four-way intersection, rather than two off-set "T" intersections. He added that traffic volumes were studied, including cut-throughs of the nearby neighborhood, and that all nearby intersections were given a service level of "A."

Mr. Gary Sentin of 39 Woodbridge Drive, representing the Lantern Hill community, stated that they had hired their own traffic engineer due to neighborhood concerns. Their worries are that people will ignore stop signs and speed limits through the neighborhood, creating safety issues for families and children. The community is requesting that the entrance be moved toward a commercial parking lot further up the street, and that it be made a right-out only for residents (with a two-way option only for emergency vehicles). Mr. Sentin also noted that the area of the proposed new intersection is prone to flooding. Mr. Brennan suggested that signage would help alleviate any potential problem. The applicants noted that, according to their traffic study, future growth was accounted for and the intersections will still be at level

"A." As far as stormwater, the applicants suggested that rainwater conditions will actually improve after the project is completed; Mr. Mortimer noted that their plans were reviewed by both the Borough and the State. They added that they attempted to place the entrance elsewhere, but that their options were limited. Ms. Hyland noted that there is a protected reforestation area that would preclude placing the entrance near the commercial area mentioned earlier.

Ms. Hyland explained to the Committee that this application had been through the Planning Commission; the Commission was concerned that a single access for such a huge building was not up to today's standards. The Planning Commission had recommended approval of the plans. Mr. Sentin stated that the response from the Planning Commission to their community concerns was "unsatisfactory." Ms. Hyland stated that the Borough's own studies have been in line with the Center Square traffic impact study. Mr. Brennan suggested that signage could discourage motorists from cutting through Lantern Hill.

Ms. Gordon noted that there have been no reported accidents in the area in question since 2013, according to Doylestown Police information. Mr. Ehlinger stated that, according to the traffic impact study, level of service is remarkably good. The speculation that there will be considerable cut-through traffic is not shared by the ZHB, the Planning Commission, or the traffic engineers involved. If a problem results, he stated that Doylestown has a "toolbox" of solutions, and that traffic enforcement can be elevated. He stated that the application meets the Ordinance of the Borough, and that problems can be dealt with as they arise; "No thru traffic" or "Local traffic only" signs could certainly be employed. Mr. Ehlinger also suggested raised crosswalks and road lining as traffic calming measures. He added that residents can appear before the Public Safety Committee, where discussions about similar issues are frequently held.

Mr. Brennan made a motion to recommend approval of the application, with the amendment that signage be provided on Woodbridge Drive by the developer. Ms. Gordon seconded the motion, and it was unanimously approved.

**Land Development Waivers** None.

### **Ordinances, Amendments & Resolutions**

#### **Resolution Ratifying Bucks County 2018-2028 Municipal Waste Management Plan**

Ms. Hyland explained that the County is required to update their trash management plan every 10 years. She noted that it is mostly a planning tool to study population growth and to ensure that there is sufficient waste management capacity. The plan relies heavily on the private sector, and doesn't obligate the Borough to comply with anything. Responding to a question from Mr. Bell, Ms. Hyland stated that the plan does not specify how many private haulers are permitted within a municipality. She added that it does provide a summary table of how each municipality deals with the issue; Doylestown allows the market to address the situation on its own. Mr. Ehlinger noted that state law preempts Doylestown from regulating issues such as the number of haulers, their hours of operation, etc.

On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee voted unanimously to recommend approval of the resolution.

### **New/Old Business**

#### **Comprehensive Plan Survey**

Mr. Ehlinger reminded the Committee that they had been discussing an update of the 1997 comprehensive plan. The first step in the process is a survey to be taken by Borough Council and the Planning Commission. Mr. Bell suggested that the survey could be hosted online, and that it could be made available to other community advisory commissions, which could provide good additional insights. Mr. Brennan agreed; Mr. Ehlinger stated that the survey would be distributed according to their recommendations.

#### **Draft Grading Ordinance**

Mr. Ehlinger explained that the Borough had been seeking an additional regulatory tool to deal with incidental (as well as less-than-incidental) changes to property grading that can be related to construction and landscaping, as well as providing additional tree protections. The draft Ordinance requires applicants who are changing their lot topography to submit drawings that anticipate any adverse impacts in drainage, flows, and stormwater management; it would also protect trees on the property from excessive fill, root impact, etc. In a full land development, there are many tree protections; in "incidental" projects, the range of tree protections is not nearly as broad. Mr. Ehlinger noted that the draft Ordinance covers a category that, until now, "fell into the cracks" in small projects; it also tries to be sensitive to property owners' limitations. Mr. Bell and Mr. Brennan thanked Borough staff for their efforts in preparing the draft.

Ms. Kathy Pelly of 160 E. Oakland thought that the Ordinance was "admirable," and asked what follow-ups would be done to ensure that applicants "did what they said." Ms. Hyland stated that properties are visited several times throughout construction. A grading permit would also be issued, and it would not be "closed out" until the Borough was satisfied. Mr. Ehlinger noted that the draft still had to go through the Planning Commission and the Bucks County Planning Committee. No action was needed to be taken by the Zoning and Planning Committee at this time.

**Adjournment**

The Zoning and Planning Committee adjourned at 8:48pm.

Respectfully Submitted,

Dirk A. Linthicum

Meeting Minutes Secretary