

# Borough of Doylestown Zoning & Planning Committee

## Meeting Minutes

Meeting Date: Monday, March 14, 2022  
Scheduled Time: 7:00 PM, Borough Council Chambers

### Present

Members present were Chairperson Tim Brennan, Dennis Livrone, Jennifer Jarret, and Amy Popkin. Also present were Karyn Hyland, Director of Building & Zoning, Borough Manager John Davis, Deputy Borough Manager Phil Ehlinger, Mayor Noni West, Borough Council President Jack O'Brien, Council Vice President Wendy Margolis, Borough Fire Marshal Scott Fleischer, and Borough Planning Commission Chair James Lannon.

### Call to Order

The March meeting of the Zoning & Planning Committee was held on Monday, March 14, 2022, and was called to order by Mr. Brennan at 7:00 PM.

### Review and Approval of Minutes

Minutes from the February meeting were approved. (Jarret/Livrone)

### Zoning Hearing Board

57 N Clinton Street – This application includes a dimensional variance for a garage, to be placed a few feet from the side yard.

50 North Main Street – Applicant is requesting relief to build a garage with five stepped-down parking bays and to decrease the number of dwelling units in the building. This is an amendment to the existing land development application.

275 West Court Street – This is an application to refinish the second floor of an existing garage; will increase the floor-area ratio.

14 East Court Street – A variance is requested for the side yard setback to place a generator within a few feet of the property line.

440 Boro Mill Hill Road – This application is to add a second dwelling unit, detached from the existing building for an in-law suite.

Mr. Brennan explained to the audience the goals of the Committee's discussion of Zoning Hearing Board hearings. No motion by the Committee was necessary.

### HARB Recommendations

SIGN APPLICATIONS: None.

BUILDING APPLICATIONS:

209 West Court Street, Joseph Piccillo and Julie James – This application for window replacement was recommended to be approved as submitted by the Historic and Architectural Review Board.

41-43 East State Street, Lynn and William Goldman – This is the former Zen Den location. It has already received variances for parking and is planned to be a restaurant with rooftop bar.

On a motion from Mr. Brennan, seconded by Ms. Jarret, the Committee voted unanimously to recommend Borough Council approve the applications as submitted.

**Land Development Waiver:** None

**Ordinances, Amendments & Resolutions:**

**Open Container Ordinance:** Ms. Hyland explained the reasoning for this ordinance, to address sidewalk dining licenses, Borough-sponsored events, and platform dining licenses, if applicable. Mr. Livrone asked questions regarding scheduled Borough events and what that would entail. In response to questions from Mr. Brennan and Ms. Popkin, Ms. Hyland explained the open containers are limited to the outdoor dining licensed area. The Committee tabled the discussion for now, pending the platform dining decision.

**Resolution Authorizing Traffic Signal Maintenance Agreement and Applications for Traffic Signal Approval:** This resolution authorizes the Borough Manager to sign off on modifications to existing signals and addition of new signals to PennDot.

On a motion from Mr. Brennan, seconded by Ms. Jarret, the Committee voted to move this motion forward.

**Platform Dining Ordinance:** Ms. Hyland provided an update on this plan and discussed concerns expressed from impacted businesses in the area as well as event coordinators. Borough staff has met with Discover Doylestown and Car Show representatives and have made some changes. Previously, up to four platforms per block were planned; this has been decreased to two per block, as well as some language changes in the renewal process. Scott Fleischer has reviewed the safety plan, and the planned platform dining does not interfere with emergency vehicles as the plan stands. Ms. Hyland did note that research has been done and the platforms will require a full day of construction and a day for removal.

Mr. Livrone asked Mr. Ehlinger to explain wheel stops, which he explained as a parking bumper meant to be a safety precaution. Mr. Davis explained, since the pandemic began, various outdoor dining plans have been put into place and have been successful. Outdoor dining remains a popular idea and the Borough would like to see it brought into a normal course of post-pandemic business. A new season of street closures has been approved for this Spring/Summer, as well as outdoor dining in certain private property locations. It is hoped this plan would provide a safer outdoor dining experience and strike a balance between retail and restaurants as well as bring more visitors to the Borough, and will hopefully strike a balance between all involved.

Chris Suessenguth, Doylestown Borough's Memorial Day Parade Marshal, expressed concerns for the bands and other marching units during the parade if the platforms are to be installed by Memorial Day. John Davis noted May 1 is the anticipated start date and he isn't sure where they will be placed at this point, although those showing interest are on both East and West State Street. At 6 feet into the street, he doesn't feel it would impede on it but may restrict spectators in some areas.

Paul Boger, from Discover Doylestown and the Doylestown Arts Festival, expressed his ongoing concerns with lost space and revenue for events in a time when so much money has already been lost due to the pandemic. He would still prefer to see the platforms removed during events. He also doesn't see that allowing such a minimal number of platforms per block would be fair to other restaurants in town and there are many. He suggested platforms be removed for town-wide events and interchangeable among restaurants. He can't say how many booths could be taken, but it could be a loss of 10-14 booths per event.

Mr. Davis explained to the committee that a meeting was held with business owners and Borough staff since the last Zoning and Planning Committee meeting to discuss possible resolutions during events. One option offered was to open the Plaza West parking lot for the car show, which would more than compensate for the spaces lost. For the art show, East State Street between Pine and Broad Streets could be opened to allow for more space. These options are open to the event organizers regardless of how the platform dining ordinance discussion ends. Mr. Livrone questioned whether the residents of that block off East State Street would be ok with that plan, although Mr. Davis explained the area is closed during events anyway. Mr. Boger said they are grateful for those offers but would still prefer the platforms be removed and noted the space expansion offered would probably allow them to break even financially, although logistically, it would add new challenges to the planning of events.

In response to questions from Ms. Jarret regarding the possibility of adjusting the dates of this program, Mr. Davis explained the various Borough events span from Spring into late Fall, and the license fees paid to the Borough to recover the lost parking revenue as well as platform construction fees are not nominal, and a substantial season is necessary to make sense for restaurants to participate. Mr. Livrone and Mr. Brennan considered the timeframe could be decreased from seven months to four, which would then have no effect on the Memorial Day Parade or the Art Festival. However, the cost of the platforms would not make it financially feasible.

Todd McCarty, Doylestown Inn owner, discussed his appreciation of the Borough and their help during the worst of the pandemic. Sidewalk dining was crucial to his business and he doesn't feel indoor dining has fully recovered; visitors to the Borough will still want to continue outdoor dining. He explained the high cost of platform construction and installation, which is in the \$10,000 - \$15,000 range. He is working with his contractor to find a way to design platforms that are a bit easier to break down, although that does increase the cost to closer to \$15,000 - \$20,000 per platform. He is open to the possibility of then taking the platforms down for specific, limited events in order to make this plan work. In response to questions from Ms. Jarret, he noted his preference would be to keep the season length and break down the platforms for certain events. As the current ordinance is written, there is a statement regarding the required temporary removal of platforms, but that is meant more for emergencies and not events. Mr. Brennan asked for those specific events requiring removal to be added to the ordinance to allow for a bit of predictability, aside from emergencies. Ms. Hyland discussed the need to review any materials prior to construction to make sure it would be safe and sturdy. Todd will provide the specifications of his planned platform.

Tim Perizi, of Heirloom, spoke regarding his thoughts as a business owner. He doesn't love the idea of platform dining but knows outdoor dining is part of a current dining experience and will accept the cost and potential first-year financial loss to be successful, as well as providing a quality service to the community.

Nerice Kendter, owner of Busy Bee Toys, asked when this concept was discussed and wondered if the needs of other businesses were considered. She is worried about platforms taking crucial parking spaces for seven months of the year. Mr. Davis explained this program as a continuation of outdoor dining expanded during the pandemic and the attempt to continue it while keeping it contained. At this point, a loss of 4-5 parking spaces of the approximately 600 spaces in the center of town was felt to be a reasonable tradeoff. Ms. Kendter asked for businesses surrounding those restaurants that participate in this program, if passed, to be notified. She is also concerned with safety, which Ms. Jarret explained is paramount in the planning of these platform areas.

Regarding renewals, existing license holders are first to be able to renew in coming years. Borough Council has the right to repeal the ordinance at any time. Ms. Popkin is concerned with the limited number of restaurants that can benefit from this, and feels the outdoor dining street closures benefit more restaurants and provide a nicer atmosphere. Kris Boger spoke to Ms. Popkin's point, agreeing that the planned outdoor dining street closures allow for businesses other than the restaurants to participate.

Larry Woodson and Rick Milham, of the Doylestown at Dusk Car Show, spoke on their appreciation of the extra space offered by the Borough, but spots on the street are ideal. They remain concerned with anything that would occupy the existing space and they share the concerns raised by others. They would strongly prefer the platforms be removed for their event.

Elizabeth Hanson, of the Doylestown 5K, asked the Committee to keep in mind the long-standing reputation of the race, which is held on Memorial Day weekend. The finish line is on East State Street and the race would need to be redrawn; there is no time to do that for this year.

Mike Kendrick and Kris Boger spoke regarding the Pride Festival, which is to be held on June 18. The event would lose approximately 44 feet of tent space in the area of East State Street but they would be satisfied with the platforms removed for the event.

John Davis responded to questions from Hayden Janssen regarding the lost parking revenues, which will be recouped in the annual license fees paid by participating restaurants, and the fairness of 'grandfathered-in' restaurants year to year, which the Borough feels is fair, given the restaurant chooses to continue, in order to recoup costs from platform construction.

Mr. Davis noted there would be three events per season affecting each area. Platform specifications would be required as part of the application process.

On a motion from Mr. Brennan and seconded by Ms. Jarret, the Committee voted unanimously to approve the advertisement of the ordinance, with the addition that the Borough can request the platforms be removed as needed. Next meeting, resolution will include fees, to be voted on next mtg.

The Committee returned to Mr. Brennan's motion to recommend advertisement of the amended open container ordinance. It was seconded by Mr. Livrone and voted on unanimously.

**Subdivision and Land Development:** None.

**New/Old Business:** None.

**Adjournment**

The Committee voted to adjourn at 9:50 pm.

Respectfully Submitted,

Amy Kramer  
Meeting Minutes Secretary