

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
OCTOBER 23, 2018**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:55 p.m.

Members present: Brian Binney, Edward Crohe, Robert Crozier, John Haney, Thomas Hughes,
Mary Leszczuk

Members absent: Stephen Hammer

Also present: Joseph Russella, P.E. (DL Howell and Associates) representing Newport Village Apartments

For the Township: Joseph Jones, P.E. Township Engineer, Thomas A. Bennett, CCEO/ Zoning Officer and
Diane Beri, Recording Secretary

NOTE: Item #2 (Superior Motor Service, 965 Lincoln Highway, Morrisville) originally on the agenda requested a postponement until the November 27, 2018 meeting.

Item #1: Newport Village Apartments, 8590 New Falls Road, Levittown, PA 19054; TMP #13-018-074-001 and #13-018-074-002; Zoned: HR. Owner: The Westover Companies. Preliminary Land Development – Demolition of existing pool, deck and sidewalks. Construct 1,982 sq. ft. accessory building and associated sidewalks.

Joe Russella presents the application. The applicant is requesting that a 1,982 sq. ft. accessory building be constructed for a rental office for the apartment complex as well as a fitness center for the residents of the complex. The fitness center is not for the general public. The applicant is trying to make the complex more marketable in comparison to some of the newer complexes. The rental office will be for the groundskeeper and the part-time employee who oversees the apartment business (pay your bill, going to lease an apartment, etc.). The plan that is proposed is not intended to increase population of the residents; it is to provide the residents with a fitness center.

The plan shows the footprint of the new building; to the west of the building is where the previous pool was located which has been filled in.

Member Leszczuk asks how many of the trees will be cut down.

Mr. Russella states that initially ten trees will be removed. The Township Engineer's review letter does ask for more analysis of the trees in the brush area.

Chairman Binney states that with regard to the canopy of trees that will be removed, it appears that everything remaining will be scrub and junk trees. If that is removed as well, you will be able to see through to the house that abuts this property. I would like to see some kind of screen planting where the chain link fence is located near the sewer connection.

Member Crohe asks if the structure that you want to build is in the same location as the existing pool and deck or a different location.

Mr. Russella states it's very close to the same vicinity as the pool – just east of the pool location. Mr. Russella also states that the new building will be handicap accessible, unlike the apartment that they currently are using for a leasing office.

In response to questions by Chairman Binney, Mr. Russella states that the two handicap spaces will be moved a bit closer to the front door, but not directly outside the front door.

Jones Engineering Associates Review Letter dated October 18, 2018

All items are a will comply.

Member Leszczuk makes a motion to recommend approval for a Waiver of Land Development application for Newport Village Apartments, 8590 New Falls Road, Levittown, PA 19054, TMP #13-018-074-001 and #13-018-074-002, based on Jones Engineering Associates review letter dated October 18, 2018, and Remington Vernick's review letter dated October 18, 2018.

Member Haney seconds the motion.

All in favor 6-0. APPROVED FOR WAIVER OF LAND DEVELOPMENT

Item #3: Review of Falls Township Zoning Ordinances

Mr. Jones begins by stating about two years ago, with Mr. Bennett and the solicitor's office, we embarked on an effort to update all of our ordinances, including the zoning ordinances. The main effort was to clear up ambiguities between the zoning ordinances and the subdivision / land development ordinance. We met weekly. The object wasn't to change the zoning ordinances substantively, but to make clarifications where things were inconsistent (e.g., the Highway Commercial district didn't reference the table for dimensional requirements).

Additionally, we took that same approach with the subdivision / land development ordinance. The only substantive change was that we increased the time from when an applicant must submit a plan from fifteen days to thirty days before the Planning Commission meeting to be able to be on that agenda. That change is not necessarily going to impact every application; it's just going to give us the ability to do a thorough review on certain applications that are more complicated.

We also adjusted the parking requirements. We had very little parking requirements in the zoning ordinance. We added a lot more to give us the ability to regulate parking better. Another point was that we clarified the inconsistency between the dimensions of parking spaces from the zoning ordinance to the subdivision /land development ordinance. While doing that, there were a couple of bookkeeping items in the stormwater management ordinance which are technical in nature, but necessary to provide clarification which gives us the ability to make clearer review comments.

The Earth Disturbance requirements that pertain to commercial projects but don't rise to the level of land development require a technical review. Currently, we have one paragraph where we have to identify any plan requirement problems. We expanded that paragraph to have enough items in it so that our review letters don't have a lot of bullet points. It's not going to increase or change how applicants can build things; it gives us the ability to have a more effective review.

Some new ordinances are also being introduced. One ordinance deals with the occupation of the Township's right of way. Another new ordinance deals with tree replacement. Currently there are no regulations to restrict tree removal. It is only regulated in the current subdivision / land development ordinance so unless it rises to the level of a land development, we can't regulate it. This ordinance was introduced so we can regulate where trees are

taken down, how many trees and how they replace the trees. The ordinance has a 5,000 sq. ft. threshold so for the average lot owner to build a single home or to clear out some trees to build a pool this ordinance would not apply.

There is also a dumpster and pod ordinance.

Any proposed substantive changes (like a certain use in a certain zone) have to be sent to the Township solicitor's office before they advertise the ordinances for adoption. We have about a week and a half before the ordinances are advertised. They are going to collect the comments from this meeting. If they are substantive, they will make the changes before they submit for advertising. There will be a thirty-day review period; the Board of Supervisors is scheduled to adopt them at an early meeting in December. Any other comments that are not substantive can be completed up until they are adopted in December.

Mr. Bennett states that with regard to the "chicken ordinance" they made it pretty strict so that somebody in a residential area can have chickens. You have to meet certain setbacks.

Mr. Bennett states with regard to the dumpster ordinance, they originally wanted every dumpster or pod to get a permit and pay a fee. My suggestion was that dumpsters/pods should not be required to have a permit or pay permit fees for less than 30 days. However, I do agree with a time limit on dumpsters. Most dumpster companies charge more the longer you have the dumpster so most people don't want to keep them; however, as you know, some people keep them for months. Right now you're not allowed to have Pods at all. If somebody had a fire or a flood, I'd let them have one while they are dealing with the insurance company.

Chairman Binney states that it seems to me that we shouldn't be charging fees to people who want to put roofs on their houses or change siding.

Mr. Bennett says he agrees 100%. At the current time, we do not allow any dumpsters / pods in the street. This new ordinance allows them in the street, with police department approval, if there's absolutely no other place to put them.

Discussion occurs with regard to wording in the dumpster/pod ordinance dealing with maintaining the required amount of parking spaces when placing a dumpster/pod on your property.

Chairman Binney states that with regard to the zoning ordinances, he did notice the Business Professional zoning designation is no longer under Definitions. Yet we have parcels that are zoned Business Professional.

Mr. Bennett says we are going to change them to Neighborhood Commercial. The property that T&M Associates sits on will be Highway Commercial. Two properties on Woolston Drive will go to Neighborhood Commercial. Costello Fuel is going to go to Neighborhood Commercial, which better fits the use and the area. Penn Warner Clubhouse is going to Commercial Recreational. The NCR / VPB zoning district in Fallsington will be changed to NCR. The parcels that were zoned VPB were rolled into the NCR zoning district with a comment.

Chairman Binney, under the Definitions section, asks when you were deciding what the height of the building is, how come you excluded elevator penthouses?

Mr. Jones says that when we went through the Definitions section we were using multiple ordinances from other jurisdictions to make them consistent for our intentions.

Mr. Bennett says he believe it was in there before.

Chairman Binney – Group day cares – There's family day care which is up to 6 children, then there's a group day care from 6 to 12 children. Both are a permitted use in the High Density Residential district, which are typically

townhomes which aren't going to have parking. The requirements mandate that you have one parking space for each employee plus a number of parking spaces depending upon the number of children. Why would we allow that in those districts because parking would be an issue?

Chairman Binney states that in an HR (High Density Residential) zoning district, a day care is permitted by Conditional Use, which is an approved use with conditions. Since this zoning is typically for townhomes with limited parking, I think it should not be allowed in the HR Districts, but allow it in the other residential zoning districts.

Mr. Jones states that makes a lot of sense.

Member Crohe asks if a parcel was zoned HR and was vacant, could a daycare facility be built on that parcel?

Chairman Binney states that the daycare we are referencing is for people who have home daycares in residential zoning.

Member Hughes states that it appears that recovery homes have been added to the zoning ordinances and wanted to know why.

Chairman Binney states that under federal law, you cannot discriminate against them in your zoning, but you can regulate it. The new regulations stipulate how many parking spaces you need for employees for people who live there.

Mr. Bennett says that under the Fair Housing Law, you must allow those types of homes. We are trying to put some conditions on those types of facilities to keep them to a limit.

Mr. Jones states that if they are not specifically excluded, the applicant could make an argument that it fits in with the zoning requirements.

Chairman Binney states that in the MHC (Manufactured Home Community) zoning district, it states that screened patios/porches shall be located 10 feet from the nearest lot line. Do all of these mobile home communities have lot lines?

Mr. Bennett responds no.

Chairman Binney asks if a requirement should be in there that they have to be separated from the nearest structure?

Mr. Bennett states that there is a 25 ft. spacing between manufactured homes. Decks are 15 feet. A screened porch would be considered part of the main structure. Under the old zoning ordinances, they precluded wooden decks, just allowed steel decks which no one does any more.

Chairman Binney states the definition of a Recreational Vehicle says "a trailer not exceeding 30 ft. and a boat exceeding 10 ft." So if somebody has a bigger motor home than 30 feet, they can't keep it at their house?

Chairman Binney states under the definition of Municipal Building and/or Use it doesn't refer to rescue squads. After discussion it's determine that the definition does say "other uses that would be customarily associated with" so that covers rescue squads.

Discussion occurs about chickens and the addition of wording in the LR (Low Density Residential Section 209-12) zoning district which all the other residential districts refer back to. Mr. Bennett reads the new wording. In summary, minimum lot size is one-half acre. No more than 3 chicken hens on lots less than two acres. No more

than 10 chicken hens on lots greater than two acres. No roosters. No chicken coop in the front yard. Setback requirements for chicken coops are given. Chickens are not permitted to run at large.

Mr. Jones suggests that any substantive changes need to be submitted to the Township solicitor before they advertise (within a week and a half). We'll have another thirty days to correct any non-substantive changes before the Board of Supervisors adopts them in early December. Everyone is encouraged to use BaseCamp to upload any of their suggestions or comments.

Item # 3: Approval of the Minutes

Motion to approve August and September minutes.

All in favor 6-0.

Meeting adjourned 7:55 p.m.