

A regular meeting of the Borough Council of Quakertown was held November 4, 2015, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Council members David Erwin, Lisa Gaier, Michael Johnson, Douglas Propst, Jann Paulovitz, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Kris Barndt.

President Roberts stated there are two hearings tonight. One for Renew Development concerning a conditional use at the location of 105 East Mill Street. The other hearing will be for Caine Lihn and Josh Heidecker concerning a conditional use at the location of 132 East Broad Street.

President Roberts called to order the hearing of the Renew Development, 105 East Mill Street.

May Wear, 57 N. 9<sup>th</sup> Street – Ms. Wear’s concern was ample parking for the development.

Developer Ken Bissinger of Renew Design Group – Mr. Bissinger stated he has worked with the Borough’s Planning Commission. He explained it is a senior independent living facility, with most residents well into their retirement age. This type of facility requires typically 1.5 spaces per unit, but Mr. Bissinger asked the Planning Commission for two spaces which would be for a normal apartment unit.

Shana Bishop, 108 E. Mill Street – Ms. Bishop’s concern is the proposed driveway to the facility being a foot away from her house and also speeding down the driveway.

Mr. Bissinger stated it would not be a foot away from her house. He pointed out the property lines on the plans and showed an easement on this property that allows the alleyway access. Mr. Bissinger stated he moved the driveway close to 10 feet further away from her house than what is currently existing and that it will be paved to current specifications.

Mr. Bissinger stated he will own the driveway and will be responsible to maintain it and does not want speeding vehicles either. He will meet with the Borough to do what it takes to stop speeding.

Monica Heffner, 105 East Mill Street – Ms. Heffner’s concern was the driveway being too close to the four way stop sign and being able to pull out of the driveway, and also flooding concerns.

Mr. Bissinger stated he is aware of the stop sign and had traffic representatives study the site to make sure it would be successful. With seniors living there Mr. Bissinger does not want a dangerous intersection.

Ms. Heffner stated her basement floods now and is concerned with new paved areas.

Mr. Bissinger stated he has a pretty elaborate storm water management system and explained how it will catch and detain water.

Ms. Heffner mentioned that there are always vehicles parked along Mill Street which can create problems.

Patrick Cary, 107 E. Mill Street – Mr. Cary mentioned several years ago there were plans to build a project on this property and it was denied by the Borough because of the driveway

distance to the four way stop sign. Also the house at 108 Mill Street is right up on the sidewalk and creates sight line problems.

Mr. Cary stated that on the plans it looks like bushes will be placed along his garage and asked who would maintain them.

Mr. Bissinger stated it would be the independent community's responsibility to maintain shrubbery and the plantings are part of the Borough's ordinance to have a certain amount of landscaping and buffer between properties.

Steve Biddle, 130 S. Main Street – Mr. Biddle wanted to applaud the developer for what he is doing with the stormwater, but feels the density of the project will bring too much traffic and has too little onsite parking.

President Roberts stated this plan has already been approved by the Bucks County Planning Commission and this project has the required number of parking spaces required.

Councilman Erwin asked if an agreement has been reached pertaining to the sewer easement running up the alley way since the proposed driveway will be on top of it.

Mr. Bissinger explained he has discussed the proposed driveway with the Sewer Department and they seemed okay with it and has not received a negative comment from them as of this moment. Closer towards construction, Mr. Bissinger will meet with the Sewer Department to make any adjustments which they feel necessary. Mr. Bissinger stated it is quite common that a sewer line is under a driveway.

Councilman Erwin asked the Borough Solicitor to check ownership of that road.

Councilman Johnson asked if Mr. Bissinger's group will be responsible for all maintenance of the roadway going into the project.

Mr. Bissinger stated yes it would be his responsibility to maintain the driveway and he would not ask for it to be dedicated.

Councilman Rosenberger asked if this development could ever be turned into 22 individual owned properties if Renew Group would ever sell to another corporation.

Mr. Bissinger stated because he has a group of seniors interested in the community already, which initially sparked the project to get going, they are planning a co-op form of ownership where the concept is to help each other age. The buildings are designed around a court yard so people can see one another which helps people aging in place. The co-op would have much stronger by-laws as far as residents that can move in. Each resident would own a share in the corporation that owns the entire property which would be a not for profit co-op. Mr. Bissinger mentioned the average size of unit is 800 square feet and most are only one bedroom.

President Roberts stated Council could not make a condition which would guarantee the housing to never be sold.

Councilman Rosenberger asked if the project is deed restricted for age 55 and above tenants.

Mr. Bissinger replied that he has not asked for that deed restriction, however, his group's

intention is to certainly do it. The interested people wanting to move in are closer to their 70's, and has not been designated age restricted as of yet.

President Roberts replied Council's assumption is that the project is an age restricted community.

Mr. Bissinger stated that it is their intent, but has never publicly asked for the project to be age restricted.

Councilman Rosenberger stated the age restriction should be added into Council's approval.

Councilman Erwin asked if the Planning Commission reviewed the findings from the previous denied development plans so they were aware of issues with the stop sign and safety concerns.

Doug Wilhelm, Code Officer replied that Planning Commission was aware of the prior concerns.

Councilman Erwin asked what waivers the developer will be seeking with the Zoning Hearing Board.

Mr. Wilhelm stated there are two waivers which will go in front of the Zoning Hearing Board. One waiver is the carport set back from the front yard and the other waiver is to allow parking spaces and access drives to be located within 20 feet of the building.

Councilwoman Gaier mentioned tonight Renew Development Group is also requesting two waivers in zoning. One, is to waive the required sidewalk width of eight feet to the existing sidewalk's current width of five feet. Second, is to waive the required 200 feet separation from the proposed access to the right-of-way of any public street which currently is 178 feet from Hellertown Avenue.

President Roberts closed the hearing at 8:16 p.m. (Full transcript on file.)

President Roberts called to order the conditional use hearing for a hookah lounge at 132 East Broad Street at 8:16 p.m.

Matthew Pearson, 129 E. Broad Street – Mr. Pearson would not like to see this kind of establishment across from his house.

Connie Heuckeroth, 1566 Richlandtown Pike, Quakertown – Ms. Heuckeroth is the owner of 127-129 E. Broad Street. She feels it is not a good area for this type of business because the Borough is trying to clean up that area of town and there are a lot of school students which walk past that area. Ms. Heuckeroth has heard the hookah lounge advertised on Chanel 69 News and feels people will be coming from everywhere.

Joshua Heidecker, co-owner of the hookah lounge replied that shades could be pulled down during the hours the students walk by if that is a concern.

May Wear, 57 N. 9<sup>th</sup> Street – Ms. Wear asked what the time of operation would be and if more police security would be needed.

Caine Lihn, 263 Perkasie Avenue, Quakertown, co-owner of the hookah lounge stated the

hours of operation would be mostly evening hours Wednesday & Thursday opening 4:00 pm to 10:00 pm, Friday 4:00 pm to 1:00 am, Saturday 12:00 pm to 1:00 am and Sunday 4:00 pm to 10:00 pm. Mr. Lihn mentioned alcohol would not be permitted and they are trying to create a relaxed alternative for night life.

Steve Biddle, 130 S. Main Street – Mr. Biddle questioned if Council could impose more conservative closing hours initially for a certain time period, and then grant approval for longer hours if there were not a great burden of complaints. Mr. Biddle is concerned there may be too much late night noise for the residents who live upstairs and adjacent to the lounge.

President Roberts stated that Council is aware that that can be one of the conditions.

Councilwoman Gaier questioned if there will be something in place that would be utilized to determine people entering are 18 years old and above.

Mr. Lihn replied there is software available that checks the information automatically. Everyone will be carded. The products offered for sale will be vapor and cigarette products, e-cigarettes, flavored juices and the apparatus in which they are smoked through along with hookah products. Mr. Lihn added that a coffee and tea bar will be installed, as well as, eight tables with seating. M. Lihn stated they may offer pre-packaged and prepared food.

Councilwoman Gaier mentioned there is a concern regarding noise levels of music being played there.

Mr. Heidecker answered the lounge will have the atmosphere of an acoustic coffee house so that you will still be able to talk to the people you are sitting next to.

Councilman Johnson questioned if there will be big screen televisions in the lounge.

Mr. Lihn replied that they may supply television entertainment.

Councilman Propst questioned any health concerns from the vapor products or the hookah.

Mr. Lihn stated the vapor products have no health concerns. It is a process of turning the flavored liquid into a vapor for tasting. It is an alternative for smoking. The shisha, which is the product smoked in the hookah is actually a tobacco leaf suspended in a liquid. Mr. Lihn mentioned this product has nicotine and there is some smoke from this. The vapors are also offered in nicotine levels to help people quit smoking.

President Roberts closed the hearing at 8:44 p.m. (Full transcript on file.)

President Roberts called a four minute recess.

President Roberts called the meeting back to order.

RESOLVED, That, the Minutes of October 7, 2015 be approved as written. Motion of Councilman Erwin, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following check registers be approved for payment:

October 9, 2015	-	\$ 5,401.65
October 15, 2015	-	1,614,165.19
October 20, 2015	-	36,310.00
October 22, 2015,	-	720.00
October 23, 2015	-	16,140.93
October 29, 2015	-	309,053.16
October 30, 2015	-	10,452.71

Motion of Councilman Rosenberger, seconded by Councilwoman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the Financial Statement, Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Erwin, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

### **PLANNING & ZONING COMMITTEE**

Councilwoman Gaier stated the Borough has been designated a Classic Town which is a great opportunity and great program to promote the Borough's events to draw people to the Borough.

Karen Cilurso, Project Manager of the Delaware Valley Regional Planning Commission was present to thank the Borough and welcome them into the Classic Town program and present a plaque and banner.

Tara King from the Upper Bucks Chamber of Commerce was present and stated the Classic Town program is one more step closer to all the hard work everyone here has put into moving Quakertown forward.

RESOLVED, That the following Resolution 114-15, Renew Development's request for a conditional use at 105 E. Mill Street for an Independent Living Community, be adopted:

#### RESOLUTION 114-15

WHEREAS, Renew Development Group of Souderton, Pennsylvania submitted an application to develop a twenty-two unit Independent Living Community at 105 E. Mill Street, Tax Map Parcel 35-009-015-2; and

WHEREAS, plans were approved by the Planning Commission and recommended to Borough Council on October 8, 2015 and reviewed by the Borough Engineer on August 11, 2015; and

WHEREAS, Renew Development Group is requesting a conditional use from the provisions of Zoning Ordinance Chapter 27, §314.4.F permitting multifamily dwellings and duplex dwelling units in the (LI) Light Industrial District and the (POMU) Pedestrian-Oriented, Mixed-Use Overlay District; and

WHEREAS, Renew Development Group is also requesting waivers from:

- Zoning Ordinance Chapter 27, §314.1.7.B (2) requiring an eight foot sidewalk along the street frontage of all developments in the Pedestrian-Mixed-Use Overlay District unless a lesser width is determined preferable by Borough Council. *The pre-existing sidewalk on Mill Street is 5 feet.*
- Zoning Ordinance Chapter 27, §405.C (2) requiring a 200 foot separation from the proposed access to the right-of-way line of any public street. *The proposed access to the proposed community development is 178 feet from the right-of-way of Hellertown Avenue.*

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the conditional use of Parcel 35-009-015-2 to permit multifamily and duplex dwelling units in the Light Industrial and Pedestrian-Oriented, Mixed-Use Overlay Districts subject to the following conditions:

1. The Developer agrees the development is to be restricted to age 55 and above.
2. The Developer agrees to create a blanket easement over said property to provide the Borough of Quakertown and its successors access for the sanitary sewer, storm water facilities and the water/electric utilities prior to construction of the project at 105 E. Mill Street.
3. The Developer agrees to construct and maintain an access driveway as shown on the plans, to service their development. The Developer also agrees to provide access to said driveway to the adjacent property owners who front on Hellertown Avenue.

BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown grants the request to waive the requirement of Zoning Ordinance Chapter 27, §314.1.7.B (2) requiring an eight foot sidewalk along the street frontage of the proposed community development and also to waive Chapter 27, §405.C (2) requiring a 200 foot separation from the proposed access to Hellertown Avenue.

Motion of Councilwoman Gaier, seconded by Councilman Johnson.

Councilman Rosenberger questioned if the independent living community would be aged restricted as assumed and if not, could the Borough put a condition on the project so that the community could not eventually be turned into a development filled with children.

Councilman Erwin mentioned there are still outstanding questions regarding the sewer easement running up the alleyway, to verify ownership of that easement and that it will remain in place so the Borough can always have access.

Councilman Erwin questioned the concerns of the distance to the four way stop sign.

President Roberts replied that the Planning Commission handled the stop sign distance issue.

Motion of Councilman Rosenberger, seconded by Councilman Propst to table the decision and vote until November 23, 2015 to address several questions. A roll call vote was taken and the motion was unanimously carried.

Councilwoman Gaier stated she would like to amend Resolution 118-15, regarding the conditional use for the hookah lounge, by adding alcohol is prohibited from the premises.

President Roberts requested the closing hours be changed on Friday and Saturday to 12:30 am. for an extended time at which the owners may come back and seek an extension of hours.

RESOLVED, That the following Resolution 118-15, request for a conditional use at 132 East Broad Street for a hookah lounge, be adopted;

#### RESOLUTION 118-15

WHEREAS, Caine Lihn and Josh Heidecker of Quakertown, Pennsylvania, submitted an application to establish a Hookah lounge and retail store at 132 East Broad Street; and

WHEREAS, this site is located in the Town Center District and also in the Pedestrian-Oriented Mixed-Use Overlay District which requires a conditional use approval from Council for a Hookah lounge use; and

WHEREAS, the Quakertown Planning Commission at their meeting on October 8, 2015, had presented their recommendation to Council; and

WHEREAS, alcohol shall be prohibited from the property at all times; and

WHEREAS, the hours of operation on Friday and Saturday evenings shall end no later than 12:30 am and the business owners may seek an extension of the hours of operation on Friday and Saturday evenings after 6 months.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Borough of Quakertown grants the conditional use at 132 East Broad Street for a Hookah lounge.

Motion of Councilwoman Gaier, seconded by Councilman Johnson. A roll call vote was taken. Council members voting yes: Gaier, Johnson, Paulovitz, Propst, Rosenberger, Roberts. Council members voting no: Erwin

RESOLVED, That the following Resolution 122-15, request to cosign for a Route 663 traffic study funding, be adopted;

#### RESOLUTION 122-15

WHEREAS, the Borough Manager has received a letter of request from several local municipalities, St. Luke's Hospital, Quakertown Community School District, Senator Mensch and Life Quest regarding the Borough's cooperation on seeking funding for a study pertaining to Route 663 traffic.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown to authorize the Borough Manager to cosign a request letter for Delaware Valley River Planning Commission's (DVRPC) consideration for grant funding and approval of a traffic study concerning the Route 663 corridor project.

Motion of Councilwoman Gaier, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

### **REVENUE & FINANCE COMMITTEE**

Councilman Rosenberger stated that there are not any items for action under the Revenue & Finance Committee.

### **HEALTH, SAFETY & WELFARE COMMITTEE**

RESOLVED, That, the following Resolution 119-15, establishing a Boy Scouts of America Explorer Program, be adopted:

#### **RESOLUTION 119-15**

WHEREAS, a request was received from Dana Kuhns of Boy Scouts of America and Dr. William Harner of the Quakertown Community School District to establish a Boy Scouts of America Explorer Program; and

WHEREAS, the Explorer program provides a structure with the intended purpose to prepare young people to make ethical and moral choices over their lifetime by instilling values through the Scout Oath and the mentoring through the program leaders; and

WHEREAS, "First Responders" would be the concept to include fire, EMS and police and would fall under the leadership of School Resource Officer, Robert Lee and guided by a committee of community people approved by Borough Council and appointed by SRO Lee.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown agrees to the Boy Scouts of America Program which will be self sustaining. Small expenses would be shared between the Quakertown Community School District, the Police Department, the Fire Department and St. Luke's.

Motion of Councilman Johnson, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

### **PUBLIC UTILITIES COMMITTEE**

Councilman Erwin stated that there are not any items for action under the Public Utilities Committee.

### **PUBLIC WORKS COMMITTEE**

RESOLVED, That, the following Resolution 117-15, Quakertown High School's request to hang banners on street light posts, be adopted:



RESOLUTION 117-15

WHEREAS, a request was received from Quakertown High School to hang additional school banners on the street light posts on Park Avenue.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown grants the request of Quakertown Community High School to hang approximately ten additional High School banners on the remaining street light posts on Park Avenue from 4<sup>th</sup> Street to 10th Street.

Motion of Councilwoman Paulovitz, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

**PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 120-15, designation of the Highland Trail route, be adopted:

RESOLUTION 120-15

WHEREAS, the Council of the Borough of Quakertown approves the designated Highlands Trail route running from Mill Street's park complex across Route 309 as presented at the October 26, 2015 Work Session.

Motion of Councilman Propst, seconded by Councilman Johnson. A roll call vote was made and the motion was unanimously carried.

RESOLVED, That, the following Resolution 121-15, Quakertown High School's request to hold a bonfire and pep rally, be adopted;

RESOLUTION 121-15

WHEREAS, a request was received from George Banas, Jr., the Coach of the Quakertown Senior High School Football Team to conduct their 2015 Bon Fire and Pep Rally at the Borough's skating pond parking lot.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Senior High School Football Team to conduct their 2015 Thanksgiving Day Bon Fire and Pep Rally on November 24, 2015 from 7:00 pm to 9:00 pm, at

the Borough's skating pond parking lot, provided they add the Borough as an additional insured on the insurance.

Motion of Councilman Propst, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

President Roberts declared this meeting adjourned until November 23, 2015 at 7:30 pm and also stated Council will assemble in an executive session related to negotiations of a collective bargaining agreement.

The meeting adjourned at 7:52.

*(Continued meeting on November 23, 2015, 7:30 pm)*

President Roberts called to order the continued meeting of November 4, 2015.

### **PLANNING & ZONING COMMITTEE**

RESOLVED, That, the following Resolution 114-15, Renew Development's request for a conditional use for an Independent Living Community, be adopted:

#### RESOLUTION 114-15

WHEREAS, Renew Development Group of Souderton, Pennsylvania submitted an application to develop a twenty-two unit Independent Living Community at 105 E. Mill Street, Tax Map Parcel 35-009-015-2; and

WHEREAS, plans were approved by the Planning Commission and recommended to Borough Council on October 8, 2015 and reviewed by the Borough Engineer on August 11, 2015; and

WHEREAS, Renew Development Group is requesting a conditional use from the provisions of Zoning Ordinance Chapter 27, §314.4.F permitting multifamily dwellings and duplex dwelling units in the (LI) Light Industrial District and the (POMU) Pedestrian-Oriented, Mixed-Use Overlay District; and

WHEREAS, Renew Development Group is also requesting waivers from:

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1. The Developer agrees the development is to be restricted to age 55 and above.
2. The Developer agrees to create a blanket easement over said property to provide the Borough of Quakertown and its successors access for the sanitary sewer, storm water facilities and the water/electric utilities prior to construction of the project at 105 E. Mill Street.
3. The Developer agrees to construct and maintain an access driveway as shown on the plans, to service their development. The Developer also agrees to provide access to said driveway to the adjacent property owners who front on Hellertown Avenue.

BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown grants the request to waive the requirement of Zoning Ordinance Chapter 27, §314.1.7.B (2) requiring an eight foot sidewalk along the street frontage of the proposed community development and also to waive Chapter 27, §405.C (2) requiring a 200 foot separation from the proposed access to Hellertown Avenue.

Motion of Councilwoman Gaier, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

President Roberts adjourned the meeting at 7:38 pm.

BOROUGH OF QUAKERTOWN

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L. James Roberts, Jr.  
President of Council

Attest:

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Scott C. McElree  
Borough Secretary