

**MEETING MINUTES**  
**July 14, 2020**  
**7:00 p.m.**

A Meeting of the New Britain Township Planning Commission was held on July 14, 2020, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA beginning at 7:00 p.m. In attendance were: Chair Marco Tustanowsky, Vice Chair Stephanie Shortall, Deborah Rendon, Alfred Tocci, Michelle Martin and Gregory Hood. Theresa Rizzo Grimes was absent. Twp. Zoning Officer Kelsey Harris, Assistant Twp. Manager Michael Walsh, and Township Solicitor H. Peter Nelson, Esq., of Grim Biehn & Thatcher were also in attendance.

**Public Meeting**

**1. Approval of Minutes:**

**1.1 Minutes of January 14, 2020 Planning Commission Meeting:**

**MOTION: Upon motion of Ms. Shortall, seconded by Mr. Tocci, the January 14, 2020 minutes were approved with one correction. Ms. Rendon abstained.**

**2. Review of proposed Zoning Ordinance Amendment**

**2.1** Mr. Nelson and Ms. Harris presented to the Planning Commission the proposed Zoning Ordinance Amendment. The proposal includes the adopting of new and/or amending of existing content including definitions, uses and/or use regulations, dimensional standards in the Watershed zoning district regarding impervious surfaces, a comprehensive update of the sign ordinance to reflect Supreme Court rulings, and other minor changes involving buffer yards, parking requirements and grammatical/spelling errors.

Mr. Tustanowsky suggested the Commission look through the changes by Article and raise their questions as they move forward.

Article II regarding the addition of Animal Equivalent Units (AEU) in definitions. Ms. Rendon questioned how the Township could weigh individual livestock animals to enforce this. Mr. Nelson explained that the AEU was established by Penn State University as a general average to look to when enforcing requirements for the number of livestock. He explained that the Township would likely adhere to the average guidelines set forth by the University unless a serious issue arises regarding enforcement.

Article XI regarding the A9 Commercial Kennel use. Mr. Tustanowsky questioned the reasoning behind increasing the number of pets per acre. Mr. Nelson stated that he felt the Township was being too restrictive and felt that 10 pets per acre was more appropriate compared to how other municipalities regulate that type of use.

Article XII also regarding the A9 Commercial Kennel use. Mr. Nelson continued that Ms. Harris recommended changing the hours of operations to 7 am to 7 pm to allow for working people to drop off

and pick up their pets at reasonable times without being in violation of the ordinance. Mr. Tustanowsky asked if Pabby's Pet Resort fell into this use. Mr. Nelson stated that there was a different use for Pabby's called that regulates daytime pet sitting, not overnight stays like a kennel.

Article XV regarding the B2 Cluster Subdivision use. Mr. Nelson explained that this update was meant to clear a conflict he found in another part of the ordinance regarding open space requirements for the Cluster Subdivision.

Article XVI regarding regulations for E4 Commercial Swimming Pool use. Mr. Nelson explained that this section was updated to create specific standards for commercial swimming pools that the Township did not address in the zoning. He explained that most of the update mirrors what is already required by the state's Building Code but will now also be stated within the zoning ordinance.

Articles XVII-XXVI are regarding G4 Wireless Telecommunications Facility use, Mr. Nelson explained that these updates were reflective of Federal standards for municipalities. Mr. Tustanowsky asked if a homeowner would be permitted to have a small wireless facility installed on their property. Mr. Nelson confirmed that a homeowner would be able to do that if the utility company agreed. Ms. Rendon asked if there were fees involved that the municipality could charge the utility companies. Mr. Nelson confirmed but stated that all the fees are put in place by the FCC and the municipality must comply.

Article XXVII for regulation of H4 Non-Commercial Swimming Pool use. Mr. Nelson stated that the Township staff has encountered several issues regarding the swimming pool setbacks being too restrictive for certain lots. This change will allow more flexibility. Mr. Tustanowsky asked if any safety regulations were updated. Ms. Harris stated that the safety requirements are addressed in the Building Code and the zoning ordinance reflects some of those requirements. Ms. Rendon asked about the setback language regarding placing the pool between the principal building and any right of way. She stated that people with corner lots may have issues. Mr. Nelson agreed that a corner lot may face some challenges, however the language is appropriate for the intended purpose of this regulation and did not feel it should be adjusted. He further stated that certain corner lots, if they cannot comply, would be able to seek zoning relief from the Zoning Hearing Board.

Article XXVIII regarding H14 Household Pets use, Mr. Nelson explained that the definition has been changed to be more inclusive of commonly owned pets. Other language within this regulation was modified to be more concise. The number of allowable pets was not changed.

Article XXIX is a new proposed use, H16 Short Term Rental. Mr. Nelson explained that this use was written to regulate Airbnb and VRBO type rentals. He explained some of the issues that have been occurring in the Poconos regarding this type of use and how this will prevent "party house" type rentals in residential neighborhoods. Ms. Shortall asked if this is limited to single family detached dwellings. Mr. Nelson confirmed. Ms. Rendon asked if the Township currently requires permits for this activity. Ms. Harris stated that we did not require permits because we had not classified it as a use or were able to regulate it until now. Ms. Rendon asked if the Township would proactively search out Airbnb or VRBO properties to make

them get permits. Mr. Nelson stated that the Township is reactive and does not actively search for code violations. The properties will be addressed when they are brought to the Township's attention as being a short term rental. Ms. Rendon asked about homeowners renting rooms to college students during the school year. Mr. Nelson explained that that type of use is considered a Boarding House and does not fall under the Short Term Rental use.

Article XXXII is a new use for J35 Planned Integrated Development (PID) use. Mr. Nelson explained that this new use was written with the intent to help revitalize the C1 Commercial District by providing a use that integrates a residential aspect with commercial uses. Mr. Nelson stated that B5 Single-Family Attached use is included as a sub-use (townhouses only), however, the staff went back and forth on including it as they were not sure how appropriate it would be for the C1 district. He stated that the staff was hoping the Commission could provide feedback on townhouses as an option for the PID use. Ms. Shortall commented that she felt townhouses were not an appropriate use for the integrated concept. Mr. Tustanowsky referenced a project that was proposed but never approved, of townhouses near the CHOP center on Butler Avenue and felt that neither of these commercial areas seemed appropriate for townhouses and Ms. Rendon agreed. Ms. Martin stated that she would be interested to see the concept of townhouses and would like to leave that as an option. The Commission left the B5 sub-use as an option for the PID use. Ms. Shortall had an additional comment regarding the Open Space requirements and suggested removing "Public Artwork" because it could be loosely interpreted, and some forms of art could be potentially inappropriate or offensive in that type of outdoor public setting. Ms. Rendon also suggested allowing a drive thru pharmacy as part of this use.

Article XXXV- XXXVI for the WS District, regarding changes made to dimensional requirements for impervious surfaces. Mr. Nelson explained that these changes were to allow WS residents to make standard upgrades (pools, patios, sheds, etc.) to their properties without facing the same restrictions as a developer building new homes. Mr. Nelson explained that the current restrictions have caused several homeowners to need zoning relief for reasonable residential improvements. He further explained that the intent of the WS district was to be restrictive of development, but not to prevent residents from constructing these standard improvements. Mr. Hood asked if this change is still reserving a certain amount of impervious surface to be used only by the homeowner. Mr. Nelson confirmed that two percentage points will be reserved for only the homeowner's use. Mr. Nelson further explained that the way the ordinance is written now requires the impervious surface calculations to be done by deducting the easements imposed through subdivision from the lot area, which were not accounted for during development because those easements didn't exist, now it is causing the homeowners to exceed the allowable impervious surface ratio. A new calculation called the Watershed Buildable Area (WSBA) is being presented that would eliminate the deduction of conservation easements from the lot area calculations and only remove the utility easements/right of ways and 100% protected natural resources from the lot area to calculate impervious surface ratios. The Commission agreed this was a fair change of the zoning ordinance for WS residents.

Article XLIII-XLIV regarding added language for minimum lot area requirements. Mr. Nelson explained that language being proposed for this section is intended to preserve the requirements for existing open

spaces from previous subdivisions if that lot should be a part of any new subdivisions. Mr. Nelson stated that some other language was changed regarding the merging of undersized lots to make it more concise.

Article LV is the sign ordinance. Mr. Nelson stated that this is essentially an entirely new ordinance which was written to be compliant with Supreme Court case ruling and to be more flexible and realistic to businesses promoting their services. Mr. Nelson further explained that the case ruling dealt with municipalities regulating content based on their zoning ordinances, which was found to be unconstitutional. He explained that municipalities can regulate size, location, duration, but not the content of the sign. Mr. Tustanowsky inquired about directional real estate signs and what they are classified as, Mr. Nelson responded that they would be a type of temporary sign and the ordinance does regulate the duration of display and size of the signs. Mr. Hood asked to why we are prohibiting animated signs since so many churches and business establishments use these types of signs to help promote their events. Ms. Harris explained that the animated signs are moving, oscillating, flashing, scrolling, etc. The new ordinance allows for Electronic Message Center signs, which are electronic signs that have changing messages or displays. The regulations will require that a single message be static for a certain amount of time before changing to a new message or display. The intent is to not cause a dangerous distraction to motorists operating vehicles in the roadway. Mr. Hood then inquired about mobile signs and asked if that applied to pick-up trucks that have been “wrapped” to display their company names. Mr. Nelson responded that those types of advertisements are not considered mobile signs because the vehicles are functioning for a purpose other than signage. Mr. Hood also stated that there are several businesses in the Township that have “roof signs” and we should not prohibit them. He stated Mavis Tire as an example along Butler Avenue. Mr. Nelson agreed and stated that we will look to change the language of how we define what a roof sign is to prevent creating nonconforming signs. Mr. Tustanowsky asked if the Butler Ave. Overlay District has its own set of regulations for signs. Mr. Nelson stated that the only other place within the zoning ordinance with its own sign regulations is the J31 Planned Community Center Mixed Use in section 305 of the ordinance. All other uses would have to comply with the proposed sign ordinance.

Article XLVII regarding Buffer yards. Mr. Nelson explained that this update was done to provide clear and concise language as to what and how many plantings are required within a buffer yard. Mr. Nelson stated that having this type of language will make it easier to enforce the buffer yards because you know exactly how many plantings need to be planted per feet.

Article LVIII-LIV regarding parking regulations. Mr. Nelson explained that we made submission of a site plan required for any parking area modification. Mr. Hood asked if that meant any change requires surveyed plans. Ms. Harris stated that they would not necessarily be required to have surveyed plans, but because the Township must track the addition of impervious surfaces for Stormwater Management purposes, some type of accurately scaled site plan must be reviewed for parking areas.

After further discussion between the Commission members, Mr. Nelson and Ms. Harris, regarding the J35 Planned Integrated Development Use, the Commission reconsidered and decided that they would recommend that the B5 Single-Family Attached sub-use is removed as a permitted sub-use in the PID.

Generally, the Commission members agreed that the townhouses did not blend the commercial and residential uses as they believed was the intention of the PID use.

Other Articles of the proposed Zoning Amendment were briefly reviewed and were considered standard “housekeeping” items. The Commission did not find any major issues that would require substantial revisions to the proposed ordinance amendment.

There were no further questions or comments at this time.

**MOTION: Upon motion by Ms. Shortall, seconded by Ms. Martin, and unanimously carried, the Planning Commission recommends the following comments/revisions be considered by the Board of Supervisors regarding the proposed Zoning Ordinance Amendment:**

**From Article XXXII remove the B5 Single-Family Attached use as a permitted sub-use in the J35 Planned Integrated Development (PID) use regulations. Remove the dimensional requirements of the B5 sub-use from the J35 use regulations. Also, from Article XXXII remove “public artwork” from the Open Space requirements of the J35 PID use. From Article LV, Signs, Section 27-2602 Prohibited Signs, eliminate section “i.” prohibiting all roof signs.**

**3. Public Comment: None**

**4. Adjournment**

**MOTION: A motion was made by Ms. Shortall, seconded by Ms. Rendon, and unanimously carried to adjourn the July 14, 2020 meeting at 8:30 p.m.**

Respectfully Submitted,

---

Marco Tustanowsky, Chair

---

Kelsey Harris, Zoning Officer