

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
APRIL 2, 2018**

The regular meeting of the Board of Supervisors was called to order at 7:32 PM in the Township Building by Chairman Boorse with the pledge of allegiance. A quorum of Supervisors was declared.

Scott Boorse	-	Chairman, Board of Supervisors
Michael Shiring	-	Vice-Chairman, Board of Supervisors
J. Daniel Hill	-	Member, Board of Supervisors

Supervisor Hill moved to approve the March 5, 2018 minutes as written. Chairman Boorse seconded the motion. Vice-Chairman Shiring abstained from voting as he was not in attendance for the meeting. The minutes were approved with two in favor and one abstention.

Vice-Chairman Shiring moved to approve the bills submitted for payment. General Fund bills totaled \$80,465.99. Sewer Fund bills totaled \$19,709.58. State Fund Check #185 for \$776.65 was approved for payment to East Bradford Township for maintenance of East Regimental Drive.

State Representative Carolyn Comitta from the 156<sup>th</sup> District was present to meet the residents and hear about issues being addressed by the Supervisors. She represents Birmingham Township; Thornbury Township, Chester County; East Goshen Township; the Borough of West Chester, where she previously served as mayor; Westtown Township and upper West Goshen Township. Her office is located in the Borough in the old Biddle Street Elementary School on Washington Street. She is hosting an expo for seniors on May 19<sup>th</sup> and can help with State issues such as PennDOT; the PUC; and tax rebates.

**NEW POLICE HIRE**

Prior to tonight's meeting the Board of Supervisors interviewed a candidate for a part-time police department position. As recommended by Chief Nelling, Chairman Boorse moved to hire Peter Smith Gardner as a part-time police officer at the training rate of \$19.00/hr. Vice-Chairman Shiring seconded the motion which was unanimously approved.

**HARB REPORT**

HARB met on March 26<sup>th</sup> to consider two applications. Their normal meeting date for March was rescheduled due to inclement weather.

**HAINES/1040 LITTLE RIDGE DRIVE/STUCCO REMEDIATION**

HARB recommended that a Certificate of Appropriateness be issued to Doug and Jean Haines, 1040 Little Ridge Drive, for the following projects:

- Remove existing stucco and replace it with James Hardie siding, color Cobble Stone, style Select Cedarmill
- Replace trim with HardieTrim, color white
- Replace soffits with HardieSoffit Panels, color white

- Replace windows with Andersen windows, same style and color on existing house
- Remove stucco from chimney and replace it with natural stone veneer
- Replace roof with GAF Ultra HD shingles, color Pewter Gray

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for 1040 Little Ridge Drive as recommended by HARB. Chairman Boorse seconded the motion which was unanimously approved.

#### GATES/1031 COUNTRY CLUB ROAD/DEMOLITION OF HOUSE

HARB recommended that a Certificate of Appropriateness be issued to Kevin and Julia Gates, 1031 Country Club Road, for the demolition of the existing house. Julia Gates explained that the house was built in the early 1990's and is located near the rear of the six acre property. They are planning on building a new house near the front of the property which would allow for a larger back yard area. The Board approved the demolition of a collapsing roof on a farm accessory building at the March 5<sup>th</sup> meeting. The outbuildings were built in the 1800's. The Gates are looking into options for preservation of the outbuildings.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for the demolition of the house at 1031 Country Club Road as recommended by HARB. Supervisor Hill seconded the motion which was unanimously approved.

#### HISTORICAL COMMISSION REPORT

##### 1360 OLD WILMINGTON PIKE DEMOLITION OF HOUSE

At its meeting on February 27<sup>th</sup>, the Historical Commission recommended to deny the request of Peter Anastasiadis to demolish the house and barn at 1360 Old Wilmington Pike which is classified as a Class II historical structure.

Mr. Anastasiadis said that his plans are for a three lot subdivision on this property which isn't feasible with the existing location of the house. He has also had an engineering evaluation done on the buildings by Long, Tann & D'Onofrio Structural Engineers who have indicated a cost of \$251,000.00 to address the structural stability and repairs needed for the barn and house.

In a letter dated February 17, 2018, the Township Building Inspector, Rich Jensen, indicated that the evaluation by the structural engineers addressed the major elements and conditions of the structures. He felt the estimated cost for repairs was reasonable, and perhaps even on the low side. He also noted in his letter that the structures had many repairs and additions over the years.

The Board reviewed all correspondence in detail along with numerous pictures of the property submitted with the engineering report. Mr. Anastasiadis explained that the repairs over the years have added weight to the roof and the existing roof rafters are undersized for support of the current building. The beam is close to collapse due to significant deterioration from water infiltration. There is also a significant slope to the flooring; notable insect infiltration; and support for the floor joists has been compromised.

Mike Forbes, Historical Commission Chairman, said that the property was originally part of the Brinton Family land grant. The property was part of the Dilworth property and separated out and

sold to Kintzelman. There was no notable person historically that lived in the house and no special materials were used to construct the house. Mr. Forbes noted that the house was occupied up until about six months ago.

In the review by the structural engineer, it was concluded that the cost of renovations exceeds 50% of the value of the structure to meet current building code standards. Rich Jensen had agreed with the conclusion for a one-time project but there is no requirement that all the repairs be done at one time, and smaller ongoing repairs would not trigger the 50% rule.

Vice-Chairman Shiring stated that he has to look closely at the ordinance criteria in reviewing this application. Section 122.36.4.F(10) addresses whether the required retention of the resource would represent an unreasonable economic hardship. He feels that it is an economic hardship to require someone to put the kind of money into these buildings as identified in the structural engineering report.

Vice-Chairman Shiring moved to approve the demolition permit application of Peter Anastasiadis for the barn and house at 1360 Old Wilmington Pike based on the January 16, 2018 structural engineering review letter from Long, Tann & D'Onofrio; the February 17, 2018 review letter from Rich Jensen; and based on the specific criteria of Section 122.36.4 of the Zoning Ordinance. Chairman Boorse seconded the motion which was unanimously approved.

### **ZONING HEARING BOARD (ZHB)**

#### **1245 CREEK ROAD – APRIL 18<sup>TH</sup> HEARING**

The ZHB will be holding a hearing on Wednesday, April 18<sup>th</sup> @ 7 PM to consider the application of Todd's Landscape & Design Services, Inc., for the following variance relief with respect to the property owned by Eric Felix at 1245 Creek Road: (1) a variance from the swimming pool setback requirement in Section 122-13.C(2) of the Zoning Chapter of the Birmingham Township Code (Code) to have a swimming pool and swimming pool house in front of the front façade of the primary structure; and (2) a variance from the 3.5% maximum impervious coverage requirement in Section 122-16.B(2) of the Code to have impervious coverage which exceeds 3.5%.

A review letter dated April 2, 2018 has been received from the Township Engineer, Jim Hatfield, with regards to the ZHB and Land Disturbance applications. Mr. Hatfield noted that the 2003 ZHB variance was granted based on an incorrect calculation of gross lot area instead of net lot area. The existing impervious cover is 3.96% and will increase to 4.66% with the proposed pool house; concrete patio; pool area; and parking. The net area of the tract is 20.444 acres. The additional coverage for these improvements is approximately 1,600 square feet.

Todd Mummert of Todd's Landscape & Design stated that the pool was part of the original permit for the house and the electric and plumbing utilities for the pool were previously installed. Mr. Felix is looking to enlarge the pool house. Also, a parking area was part of the plan, but not built. There were many aspects of the house that were not completed by the original owner and the applicant is looking to complete them now.

Chairman Boorse asked about proposed lighting for the pool. Mr. Mummert noted that the lighting will be all low voltage ground and in pool lighting with no pole lighting.

Vice-Chairman Shiring moved to have the Board of Supervisors take a non-position on the application and to defer to the expertise of the ZHB to determine that the applicant addressed the items in the April 2, 2018 review letter from the Township Engineer and meets the burdens of the ordinance. Supervisor Hill seconded the motion which was unanimously approved.

### **STARBUCKS REQUEST FOR ADDITIONAL EDU'S**

In the March 22, 2018 review letter from the Township's Sewer Engineer, Sandi Morgan of AECOM, she noted that the Board of Supervisors is responsible for the allocation of sewage capacity and that three additional EDU's need to be authorized for the Starbucks facility at 1304 Wilmington Pike based on a sewage capacity of 700 gallons per day. There is currently one EDU allocated for the building which was previously a bank. If a different sewage volume is required by the Pennsylvania Department of Environmental Protection (PADEP), the number of EDU's to be purchased would be adjusted accordingly.

Matt Chartrand of Bohler Engineering reported that a letter dated March 23, 2018 has been received from the PADEP. PADEP has determined that the project is exempt from the requirement to revise the Official Plan for new land development and the project is approved to generate 700 gallons of sewage per day into the Township's wastewater treatment facility.

Vice-Chairman Shiring moved to approve the allocation of three additional EDU's for Starbucks, from one to four, based on the March 23, 2018 approval letter from PADEP for the generation of 700 gallons of sewage per day to be treated at the Township's wastewater treatment facility. Chairman Boorse seconded the motion which was unanimously approved.

### **PLANNING COMMISSION REPORT**

Chairman Boorse explained that newly appointed Planning Commission member Steven Johnsen will now not be able to serve on the Planning Commission due to new travel requirements for his job. Christopher Nash, recently appointed to HARB, had originally expressed interest in the Planning Commission. Chairman Boorse moved to accept the resignation of Steven Johnsen from the Planning Commission and to appoint Christopher Nash to a term ending in 2019. Vice-Chairman Shiring seconded the motion which was unanimously approved. Mr. Nash will continue to serve on HARB as well.

### **THORNBURY TOWNSHIP, CHESTER COUNTY COMPREHENSIVE PLAN UPDATE**

At its meeting on March 13, 2018, the Planning Commission reviewed an update to the Comprehensive Plan for Thornbury Township, Chester County. The Planning Commission made the following comments on the Plan:

- The primary goal is to accommodate growth while preserving resources and the character of the Township;
- Ready Chesco will be used as the emergency notification service;
- More education will be provided to the residents on the responsibilities of maintaining on-lot septic systems.

The Planning Commission had no issues or recommendations on the Comprehensive Plan Update for Thornbury Township, Chester County.

Vice-Chairman Shiring moved to accept the comments in the March 25, 2018 letter from the Planning Commission on the Thornbury Township, Chester County Comprehensive Plan Update and to forward a review letter to the Chester County Planning Commission that there were no issues or recommendations on the Thornbury Township Comprehensive Plan Update from Birmingham Township. Supervisor Hill seconded the motion which was unanimously approved.

#### **ALTERNATIVE ENERGY ORDINANCE**

Due to the increased number of applications to the Zoning Hearing Board for solar panel permits, the Board of Supervisors asked the Planning Commission to review the ordinance requirements for applicability. In order for neighbors to be notified of such applications to the Township, the Planning Commission recommended that the ordinance remain as written, which requires special exception approval. One change recommended to the ordinance was the inclusion of a clause allowing for the sole principal use for solar or wind energy in the commercial district by special exception also.

Vice-Chairman Shiring moved to authorize the Planning Commission Solicitor Fronefield Crawford, Jr. to prepare an ordinance amendment to Chapter 122-105.8 of the Code to include special exception approval for the sole principal use of solar or wind energy in the commercial districts. The ordinance proposal will be compiled with other ordinance provisions for a future hearing. Supervisor Hill seconded the motion which was unanimously approved.

#### **BRANDYWINE CONSERVANCY DCNR GRANT SUPPORT LETTER REQUEST**

The Township is in receipt of a request from the Brandywine Conservancy & Museum of Art for a letter of support for a grant application with the Pennsylvania Department of Conservation and Natural Resources (DCNR) to fund a master site development plan for the 113 acre Birmingham Hill tract in the heart of the historic Brandywine Battlefield. The master planning process will evaluate recreation, sustainability, historic interpretation, educational programs, public access and historic and natural resource protection for the benefit of the local community as well as a national audience. Chairman Boorse moved to authorize a letter of support for the DCNR grant application for the Brandywine Conservancy & Museum of Art for the 113 acre Birmingham Hill tract. Vice-Chairman Shiring seconded the motion which was unanimously approved.

#### **2018 ROAD PROGRAM**

The 2018 Road Program contract was awarded to Innovative Construction Services for \$220,134.50. Additional, minor repairs have been identified that need to be added to the road program:

- Inlet repair at 601 Jaeger Circle
- Pavement patch at Wooded Knoll Drive near the tennis court
- Shoulder regrading along Masters Way
- 1500 linear feet of crack sealing at various locations

The estimated cost of the additional work is \$5,971.50.

Vice-Chairman Shiring moved to authorize the additional work for the 2018 road program as identified by the Township Engineer for a cost of up to \$6,000.00. Chairman Boorse seconded the motion which was unanimously approved.

**PUBLIC COMMENT**

Representative Comitta said she would be glad to prepare letters of support for grant applications. She has also been lobbying hard to bring money into the district.

There was no other public comment.

The meeting was adjourned at 8:36 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

**Check Register****BIRMINGHAM TOWNSHIP**

09-Apr-18

<b>Check No</b>	<b>Check Date</b>	<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Amount</b>
<b>TRUMARK SEWER FUND</b>				
9594	4/9/2018	366	BUCKLEY,BRION,MCGUIRE ATTY	\$120.00
9595	4/9/2018	798	PA ONE CALL SYSTEM,INC.	\$20.00
9596	4/9/2018	29	PECO ENERGY	\$141.92
9597	4/9/2018	1001834	WM P MCGOVERN INC	\$255.00
			<b>Bank Totals:</b>	<b>\$536.92</b>
			<b>Total Of Checks:</b>	<b>\$536.92</b>

**Check Register****BIRMINGHAM TOWNSHIP**

09-Apr-18

<b>Check No</b>	<b>Check Date</b>	<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Amount</b>
<b>TRUMARK GENERAL FUND</b>				
19208	4/9/2018	80	AQUA PENNSYLVANIA	\$2,348.25
19209	4/9/2018	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,149.30
19210	4/9/2018	775	CONVENIENT CAR CARE CORPO	\$299.40
19211	4/9/2018	560	DRUGSCAN,INC.	\$168.00
19212	4/9/2018	114	FRONEFIELD CRAWFORD. JR. LL	\$700.00
19213	4/9/2018	422	HARRY TILLMAN AUTOMOTIVE L	\$52.99
19214	4/9/2018	1002052	JENNIFER A BOORSE	\$600.00
19215	4/9/2018	904	MATTHEW BENDER & CO.,INC	\$44.00
19216	4/9/2018	205	PARKWAY DRY CLEANERS, INC.	\$132.66
19217	4/9/2018	29	PECO ENERGY	\$654.69
19218	4/9/2018	1001954	RADLEY RUN COUNTRY CLUB	\$564.48
19219	4/9/2018	171	REILLY & SONS INC.	\$455.63
19220	4/9/2018	811	S & S CLEANING SERVICE	\$388.00
19221	4/9/2018	23	VANDEMARK & LYNCH, INC.	\$6,955.37
			<b>Bank Totals:</b>	<b>\$14,512.77</b>
			<b>Total Of Checks:</b>	<b>\$14,512.77</b>

**Check Register**

**BIRMINGHAM TOWNSHIP**

16-Apr-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19222	4/16/2018	30	PECO ENERGY (TRAFFIC LIGHT)	\$12.04
<b>Bank Totals:</b>				<b>\$12.04</b>
<b>Total Of Checks:</b>				<b>\$12.04</b>

# Check Register

BIRMINGHAM TOWNSHIP

24-Apr-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19223	4/24/2018	1001926	AJ BLOSENSKI, INC.	\$147.74
19224	4/24/2018	517	INDEPENDENCE BLUE CROSS	\$6,666.00
19225	4/24/2018	30	PECO ENERGY (TRAFFIC LIGHT)	\$48.08
19226	4/24/2018	1002154	VERIZON 610-4291316 676	\$54.91
19227	4/24/2018	61	VERIZON 610-793-2600-794	\$328.11
19228	4/24/2018	1001913	VERIZON WIRELESS	\$189.02
			<b>Bank Totals:</b>	<b>\$7,433.86</b>
			<b>Total Of Checks:</b>	<b>\$7,433.86</b>

# Check Register

BIRMINGHAM TOWNSHIP

24-Apr-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9598	4/24/2018	29	PECO ENERGY	\$2,736.18
9599	4/24/2018	586	VERIZON 610-399-6923 315	\$57.60
9600	4/24/2018	574	WASTE MANAGEMENT OF SOUT	\$135.21
			<b>Bank Totals:</b>	<b>\$2,928.99</b>
			<b>Total Of Checks:</b>	<b>\$2,928.99</b>

**Check Register****BIRMINGHAM TOWNSHIP**

07-May-18

<b>Check No</b>	<b>Check Date</b>	<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Amount</b>
<b>TRUMARK GENERAL FUND</b>				
19229	5/7/2018	8	10-8 EMERGENCY VEHICLE SER	\$310.91
19230	5/7/2018	80	AQUA PENNSYLVANIA	\$2,391.25
19231	5/7/2018	1002416	BLUE360 MEDIA	\$85.72
19232	5/7/2018	9	BRUCE E MAPES, PHD	\$200.00
19233	5/7/2018	366	BUCKLEY,BRION,MCGUIRE ATTY	\$504.00
19234	5/7/2018	873	CARDMEMBER SERVICE	\$475.85
19235	5/7/2018	1002417	CHRISTOPHER S. VASEK	\$93.00
19236	5/7/2018	932	CITY OF COATESVILLE POLICE D	\$225.00
19237	5/7/2018	415	COLLEEN M. PIMER	\$310.00
19238	5/7/2018	1001902	COMCAST CABLE	\$104.85
19239	5/7/2018	1002415	ELI J. POT	\$75.00
19240	5/7/2018	232	ELYSE/BERBEN INSIGNIA	\$59.20
19241	5/7/2018	2	FREEDOM SYSTEMS	\$1,206.75
19242	5/7/2018	46	GALLS, LLC	\$346.77
19243	5/7/2018	702	GEORGE SPYROPOULOS, D.O.	\$150.00
19244	5/7/2018	780	GUMBALL MEDIA,LLC\LAND ART	\$2,943.00
19245	5/7/2018	21	H. A. THOMSON	\$7,629.99
19246	5/7/2018	422	HARRY TILLMAN AUTOMOTIVE L	\$1,486.40
19247	5/7/2018	6	INNOVATIVE CONSTRUCTION SE	\$5,475.00
19248	5/7/2018	711	JUDY JENSEN	\$450.00
19249	5/7/2018	1001755	MAJIC LANDSCAPES	\$2,957.00
19250	5/7/2018	3	PA TWP HEALTH INS COOP TRU	\$1,599.32
19251	5/7/2018	1002418	PACE ELECTRICAL & GENERATO	\$1,504.00
19252	5/7/2018	29	PECO ENERGY	\$408.13
19253	5/7/2018	171	REILLY & SONS INC.	\$1,184.59
19254	5/7/2018	75	RJCRAIG GRAPHICS & DESIGN	\$118.00
19255	5/7/2018	507	ROTHWELL DOCUMENT SOLUTI	\$205.57
19256	5/7/2018	1002371	RUGGERI CADILLAC OF WEST C	\$594.44
19257	5/7/2018	811	S & S CLEANING SERVICE	\$388.00
19258	5/7/2018	26	SIGNAL SERVICE INC.	\$270.00
19259	5/7/2018	1002414	SRN	\$44.00
19260	5/7/2018	1001833	STAPLES BUSINESS ADVANTAG	\$1,099.99
19261	5/7/2018	115	THOMAS R. NELLING	\$127.70
19262	5/7/2018	829	U.S. FINANCIAL LIFE INSURANCE	\$908.60
<b>Bank Totals:</b>				<b>\$35,932.03</b>
<b>Total Of Checks:</b>				<b>\$35,932.03</b>

**Check Register****BIRMINGHAM TOWNSHIP**

07-May-18

<b>Check No</b>	<b>Check Date</b>	<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Amount</b>
<b>TRUMARK SEWER FUND</b>				
9601	5/7/2018	80	AQUA PENNSYLVANIA	\$1,555.61
9602	5/7/2018	366	BUCKLEY, BRION, MCGUIRE ATTY	\$330.00
9603	5/7/2018	1001859	COYNE CHEMICAL	\$2,962.08
9604	5/7/2018	2	FREEDOM SYSTEMS	\$804.50
9605	5/7/2018	780	GUMBALL MEDIA, LLC\LAND ART	\$4,425.00
9606	5/7/2018	1001755	MAJIC LANDSCAPES	\$234.00
9607	5/7/2018	29	PECO ENERGY	\$187.66
9608	5/7/2018	586	VERIZON 610-399-6923 315	\$37.88
9609	5/7/2018	1001695	W G MALDEN INC	\$310.65
9610	5/7/2018	1002401	WALTON WATER SERVICES	\$7,212.85
9611	5/7/2018	821	WILLIAM J KIRKPATRICK	\$20.93
9612	5/7/2018	734	XYLEM WATER SOLUTIONS	\$2,290.00
			<b>Bank Totals:</b>	<b>\$20,371.16</b>
			<b>Total Of Checks:</b>	<b>\$20,371.16</b>