

**BIRMINGHAM TOWNSHIP
PLANNING COMMISSION MINUTES
May 13, 2008**

The regular meeting of the Planning Commission was called to order by Vice Chairman Eric Hawkins promptly at 7:30 p.m. at the Birmingham Township Building. The following Township Officials were in attendance:

Scott Boorse	Member, Planning Commission
Peter Davenport	Member, Planning Commission
Eric Hawkins	Vice Chairman Planning Commission
Debbie Hineman	Planning Commission Member
Janet Decaestecker	Planning Commission Member
Frone Crawford	Solicitor, Planning Commission
Andrew McReynolds	Solicitor, Planning Commission
Mary Pat McCarthy	Planning Commission Secretary

Absent were Planning Commission Members, Christopher Bailey, Chairman Nick DiMarino, Scott Towler and Douglas Marshall.

Mary Pat McCarthy was introduced as the new Planning Commission Secretary.

Approval of April 8, 2008 Minutes

Ms Hineman moved to approve the April 8, 2008 minutes as written (approved all in favor) one abstention- Janet Decaestecker as she was not in attendance at the April Meeting.

Cricket Communications, Inc. Conditional Use Hearing (public comment)

George Asimos, Attorney for Cricket Communications spoke about the company and its request. Cricket is a new entry to the Philadelphia market. They will provide low cost fixed price cellular service. They are currently building their network out and are looking to get their network up and running by November. Mr. Asimos spoke to the fact that 10 days ago Cricket Communications filed a conditional use application to install an antenna on one of the two towers behind Stoltzfus. The antenna will be below the current height. There will be a small increase in the fenced in area below the tower for equipment. The new fenced in area will add an additional length of 2.5 feet and width of 15.5 feet to the current structure.

The American Tower Corporation has stated these towers are adequate structurally to handle the additional antenna. Cricket does realize that they will be subject to review by the Birmingham Township Code Enforcement Office. The towers will not interfere with County Emergency as they run on different frequencies. Tests were also conducted to ensure the height allowance would not cause interference for other carriers on the tower.

Vice Chairman Hawkins disclosed that he had worked at 2 sites where Cricket Communications was installed. He questioned whether he needed to recuse himself from the discussion. Solicitor Crawford stated since Vice Chairman Hawkins had no financial interest he could participate in the discussion.

There was concern that the rendered drawings did not show a fence between the Stoltzfus Building and the Nextel Equipment Area. The Planning Commission members were concerned from a safety and security issue

to prevent people from getting back behind that area. Mr. Asimos was not sure if this area was fenced but was under the impression that Stoltzfus has this area secure. He would verify this before the next meeting.

The planning commission recommended sending the Cricket Communications Conditional Use Application to the Board of Supervisors for approval at the conditional use hearing. The recommendation is as follows:

Install antennas 160 feet above grade level of the Stoltzfus property to the existing cell tower. It must meet condition 122-05 D.4.

Vice Chair Hawkins called for the approval Ms Decaestecker second the motion all were in favor.

Zoning Districts

The Commission revisited the following topics from the previous meeting and Vice Chair Hawkins gave a brief explanation of the four items the commission is going to tackle and asked for updates:

- 1) Commercial
 - Is the current zoning consistent throughout the district?
 - What will happen in the future?
- 2) Properties of Interest to Birmingham Township
 - to preserve open space
 - where does it make sense for other reasons
- 3) Township Building and Sandy Hollow
 - should the zoning be changed to Municipal Properties?
- 4) Roundelay Estate and Roundelay Drive

Additional volunteers were requested for the groups. Ms Decaestecker volunteered to be on Properties of Interest. Solicitor Crawford explained that this committee is a two step process. One to look for properties and then to have a mechanism to obtain the property. First you will identify the properties by making a catalog list and then the township might want acquisition in fee, such as Sandy Hollow, for a park or you may want to preserve this property by development rights acquisition or conservation easement. Either one you would catalog as a property that township might have interest in acquiring.

Vice Chair Hawkins provided the following update;

He felt that we needed to cast a wider net in identifying properties of interest. The following entities need to be approached; Chester County Historic Preservation Officer, Pennsylvania Museum and Historic Commission Brandywine Battlefield Task Force, County Planning Commission and The Township Historian. We need to send a letter to these entities stating we are looking for properties of interest to Birmingham Township. We should give them a month or two months to answer with their recommendation. Solicitor Crawford asked if the letter would be sent with criteria. Vice Chair Hawkins thought by setting criteria we might miss some properties when sending the letters out. Solicitor Crawford thought that having some type of criteria will help with a defense on why particular properties were selected over others. Also, by having this criterion the township would understand the level of priority for the acquisition of the property. Solicitor Crawford also let the Commission know that there is a provision in Open Space Lands Act that allows the township to have dedicated tax financing to purchase to purchase properties such as these. There are several townships in the county that have done

this. E Marlborough and E Bradford both have a percentage of a mil dedicated to this Dedicated Income Stream. It is out there if the township wants to use it. By having this income you would have the money available if there is an opportunity. There is a lot of flexibility to doing this. This change in funding would have to be done by referendum. This funding issue should be looked at while looking at properties to acquire.

Commercial District Update –Mr. Boorse spoke that Doug Marshall has started a spread sheet of the different zonings. The group discussed that we might not need 3 or 4 districts.

It was discussed that the new cars parked behind the car wash and the RV dealership are possibly getting out of control. It was felt that there was an agreement with Thornbury zoning that Birmingham maintained control of the property in Thornbury behind these businesses. The dealerships are not supposed to store cars on the green areas. There is a concern about impervious ground coverage and potential environmental issues downstream. It was identified that the zoning officer needs to go out and check these sites.

There were no updates for the groups working on;

Should the township and Sandy Hollow be municipal properties?

Roundelay Estate and Roundelay Drive

The group discussed the best way to be productive while completing these tasks. It was suggested that email be utilized, especially due to everyone's summer schedule. Solicitor Crawford offered Andrew McReynolds as a resource to members as we proceed on these tasks.

No other business the meeting adjourned at 8:24. (Hawkins)

Respectfully submitted,

Mary Pat McCarthy

