

**BIRMINGHAM TOWNSHIP
PLANNING COMMISSION MINUTES**

April 8, 2008

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

Nick Dimarino	Chairman, Planning Commission
Scott Boorse	Member, Planning Commission
Peter Davenport	Member, Planning Commission
Eric Hawkins (7:37)	Vice Chairman Planning Commission
Debbie Hineman	Planning Commission Member
Douglas Marshall	Planning Commission Member
Scott Towler	Planning Commission Member
Frone Crawford	Solicitor, Planning Commission
Andrew McReynolds	Solicitor, Planning Commission
Karen McFadden	Secretary, Planning Commission

Absent were Planning Commission Members, Christopher Bailey and Janet Decaestecker.

APPROVAL OF March 11, 2008 MINUTES

Ms. Hineman moved to approve the March 11, 2008 minutes as written (approved all in favor). Scott Towler and Pete Davenport abstained since they were not present at the April 8, 2008 meeting.

WEST CHESTER REGIONAL PLANNING COMMISSION UPDATE

Mr. Scott Boorse reported that the issue of the Affordable Housing Needs Study is still open. Mr. Boorse said that while West Chester was not initially aware of the Chester County study, they believe the regional study would be more specific to the area with more focus on the municipalities that are surrounding West Chester. Two of the Townships have gone on record in support of the regional study while East Bradford has come out against it. Scott Boorse said that West Chester would be the first region to take on an independent study, Kennett and Coatesville could follow. Scott reported on comments made by Kathy McCarthy from the Chester County Planning Commission that the county study would be strictly on the overall county numbers and not a diligent look at each region within the county. Scott went on to say that the studies would be done in tandem but that the regional study would be completed slightly sooner (18 months) than the County study (24 months) and that the plan is to incorporate the West Chester Study into the Chester County study.

Scott suggested that the Planning Commission make a resolution for the Board of Supervisors to support/oppose the regional study. Nick Dimarino said that he had spoken with Al Bush on this subject. Al Bush suggested that the Planning Commission

send an expression of opinion and the Supervisors would review and send correspondence to the West Chester Regional Planning Commission.

Mr. Dimarino suggested an informal poll of the group for their thoughts and input. He began by saying that when these studies are done they inevitably support the hypothesis and come to the conclusion that was set before them. He further suggested that low price housing will be sold to whom ever wishes to buy it, not necessarily local workers. He recalled the comparison to Delaware County where homes had decreased in value. His conclusion was that it had more to do with the close proximity to Philadelphia and less to do with affordable housing being unavailable. He went on to say that East Goshen has moderately priced housing. Doug Marshall voiced his agreement with Nick. You can't control who will move in and out of which homes. Deb Hineman expressed her lack of support for the study.

Eric Hawkins voiced his opinion stating that these studies are cyclical. It is important to show compliance with Federal and State laws. A regional study will show the status of the township. It is important to keep open the regional advantages to the township. He questioned the requirement to offer all kinds of housing. Eric went on to state that he is not sure that the township is "built out" as several have stated.

Frone Crawford commented from the legal perspective, there is no mandate for a municipality to provide for a housing type. In this region all municipalities have complied with the law. The only place that you can provide for higher density housing is in the commercial area. East Goshen Township along West Chester Pike has high density affordable housing. The region is in compliance. There's been a good faith effort in the West Chester Region to provide various types of housing. Frone stated that the study is not necessary from a legal defensibility standpoint; there is no legal obligation and no vulnerability legally.

Eric Hawkins asked what the cost of the study would be. Scott replied that it was fully funded. 75% would be from grants and 25% would be funded from the WCRPC, from monies that had already been earmarked for this purpose. No additional funding is required.

Eric went on to make a motion that the Planning Commission recommend to the Supervisors that they support the West Chester Regional Planning Commission in their study of affordable housing needs. The motion was seconded by Scott Boorse. Mr. Dimarino called for all those in favor. Four members voted in favor. Mr. Dimarino called for all those opposed. Three members were opposed. The motion carried in support of the regional study.

Scott Boorse read a letter from Kathy McCarthy of the Chester County Planning Commission regarding the high and rising cost of housing in the region.

ZONING ORDINANCE AMENDMENTS

Mr. Dimarino reported that the Board of Supervisors had reviewed the fence and wall ordinance and had decided to move the height requirement from 3 feet to 4 feet for retaining walls that would need an engineering review. The remainder of the ordinance would be left as it was submitted. Doug Marshall expressed his concern about the 50% rule for historic walls that need to be repaired. Mr. Dimarino suggested that we could make a separate note regarding the issue of walls in the historic district. Eric Hawkins suggested that an historic structure should be addressed separately, as a reconstruction. HARB already has jurisdiction. If it is over 4 foot it is a structure and it must be reviewed by HARB.

Eric Hawkins made a motion that with the change to 4 foot on the retaining wall the zoning ordinance be recommended for approval by the Board of Supervisors. The motion was seconded and approved all in favor.

ZONING DISTRICTS

Mr. Dimarino opened this topic by commenting that the zoning maps that had gone up at the last meeting were still in place. He went on to outline the major areas for consideration with the zoning review:

- 1) Commercial District
 - Is the current zoning consistent throughout the district?
 - What will happen in the future?
- 2) Properties to acquire
 - 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) Rondelay Estate and Roundelay Drive

Mr. Dimarino asked for comment from Frone Crawford regarding what should be the focus of the Planning Commissions Zoning Review. Frone Crawford presented a concise overview of the history of how the commercial district developed. He suggested the question be asked are there other uses that may be needed, less break line more multiple uses could be considered. Look at the rationale for 4 commercial zones. C3 was put in place on the theory that there could be vulnerability if the township did not have an area that was zoned for adult uses. Another idea to consider, Birmingham was first to have transferable development rights and was generous with the base density allowed. It may be too late but it could be an idea to look into. As far as the municipal properties, they are not high on the priority list. Impervious cover is the only issue. Scott Boorse recalled that the parking area at Sandy Hollow was as large as could be in place without putting in a drainage system. Because it is in a residential district, storm water management structures would require a variance.

Identify properties on the map, that the township may be interested in purchasing. Frone suggested that they be marked for public use, such as trails. Or there may be an interest in preservation of properties against development. Properties can maintain agricultural

use. They could be preserved but remain in private hands. The identified properties should be indicated on the zoning map.

Frone said the institutional zoning of Rondelay would be on the low end of the priority list. The question is, if you remove institutional uses, do you need to provide for them elsewhere. If you rezone, what are the ramifications. This may be something to deal with much later.

Nick Dimarino went on to suggest that the commission members break into small work groups that meet in between meetings to discuss and come up with recommendations on the various zoning issues. Nick gained informal agreement among the group to do so. He said he would send out an e-mail to ask for volunteers for the various groups. This will be discussed further at the next meeting.

Scott Boorse suggested that as the Planning Commission moves forward looking at properties to acquire, RPOS should be included at some point. As a former member of RPOS, he recalled that this was something they were discussing at the time. In the comprehensive plan there is a list of properties. Frone also mentioned the open space map. Scott Boorse mentioned the Historic District Zoning Map. He questioned, now that the Sullivan property has been eased should it be included in its entirety? Frone agreed that it had not been looked at in awhile and would be a worthwhile consideration.

Nick reiterated that he would send out an e-mail asking for volunteers for each area of consideration.

OTHER BUSINESS

Brandywine Environmental Stream Team

Mr. Doug Marshall made a presentation providing a comprehensive overview of the work that the Stream Team does to monitor the health of streams in Birmingham Township. The organization is funded by grants. They are working to change red streams to blue streams. The group documents the habitat and compares results to the previous year. They work with land owners to facilitate best practices, such as no mowing near the stream bed, no dumping or fertilizers, planting native trees and shrubs. Doug reports that Birmingham Township homeowners have been supportive of their efforts. Pete Davenport asked Doug Marshall if he was familiar with Stroud Water Research. Doug said they had provided training for stream team members. Pete asked if Doug would be willing to make the presentation for Stroud in the future. Doug would be pleased to do so.

With no further discussion Mr. DiMarino called for a motion to adjourn. Mr. Hawkins so motioned and the meeting was adjourned at 9:05(ND)

Respectfully submitted,
Karen McFadden
Secretary, Birmingham Township Planning Commission