

**BIRMINGHAM TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MEETING OF OCTOBER 13, 2009**

The regular October meeting was called to order in the Township Building at 7:30 pm by Chairman Nick DiMarino with the following members present: Scott Boorse, Mary Pat McCarthy, Debbie Hineman, Janet DeCaesteker, Pete Davenport and Doug Marshall. Frone Crawford and Andrew McReynolds were also present.

The minutes of the September 15 meeting were approved as presented. (Boorse, McCarthy)

ATT antenna: Land use attorney Michael Shiring (Riley Riper Hollin & Colagreco) and Project Manager Greg DiStefano presented a plan for a new cellphone antenna that New Cingular Wireless wants to “co-locate” on the T-Mobile pole, the shorter of the two Stolfus poles. The pole is 135 feet tall and the new antenna is proposed for 125 feet. ATT desires PC approval before the November 2 conditional use hearing before the Supervisors. The plan is for a three-sector antenna with four vertical panels on each sector. This would relocate the antenna from its current telephone pole at “the patio place” on Route 202. Drawing Z3 showed an 11’ x 20’ equipment cabinet in the existing facility at the base of the new location. Mr. Shiring distributed an “Existing Reliable Coverage” map showing which areas would be covered by the newly located antenna, an “Affidavit of Service” showing that the neighbors had been notified of the meeting, and a “Structural Analysis Report” that went to the Township Engineer. In answer to Mr. Crawford’s questions, Mr. Shiring confirmed that the tower is in Birmingham and the cabinet is in Thornbury Township, and that no increase in impervious coverage is proposed for Birmingham. The PC members recommended that the Supervisors approve the proposal. (Boorse, DeCaesteker)

Sprint/Nextel-Clearwire antenna: Attorney Michael Grab and Project Manager David DiStefano presented a plan for a new wireless broadband two-dish and three-panel antenna that they desire to co-locate on the taller of the two Stolfus towers at 173 feet, with cabinets at the base. Their Structural Analysis will go to the Township Engineer. Mr. Grab said there would be no new lighting and that the panels are 42” high. Mr. Grab distributed a two-page coverage map (before and after the new antenna).

Lloyd Roach, Birmingham Township Emergency Management Coordinator, stated that the original order permitting the tower’s erection at Stolfus had a condition that sufficient space and wind-loading capacity would be provided for Township services antennas (e.g. a UHF repeater for the fire board). Mr. Roach asked if the Sprint proposal would allow for these additions. The Project Manager said he would make sure it did.

The PC members voted to recommend that the Supervisors approve the Sprint proposal with the condition that sufficient structural and loading capacity be provided for the Township services. (Boorse, McCarthy)

Former Bennigan's Property: Attorney John Jaros, representing John and Lisa Durham, presented a request to amend the conditional use that was granted for the operation of Bennigan's Restaurant on the east side of Route 202 in Dilworthtown. The Durhams wish to add music and dancing to the restaurant use, deriving no revenues from the music and dancing components. Mrs. Durham described the proposed use (hours, music styles, dancing styles, parking, seat location, etc.). The original conditional use order was for a shopping center with three pads, including one restaurant; that order was amended to permit curbside pickup at the restaurant. Mr. Jaros said he feels that the proposal is a supplement or amendment or accessory to the original use – an accessory use. Mr. Crawford explained that the use is conditioned on the facts as presented at the original hearing, so this proposal is a change to the original facts. Mr. Crawford said the applicants may be asked to modify the hours in exchange for expanding the use. Mr. DiMarino expressed concern about the dangerous curbside pickup traffic location, as well as the potential nuisance to the neighbors and setting a precedent (if entertainment for the age level described by the Durhams is permitted now, it may later be targeted for a younger more unruly audience). Mrs. Durham said the current noise ordinance should be adequate. Mrs. Hineman asked the capacity; Mrs. Durham said it was 200 and the parking is adequate. Mr. Durham suggested that the employees police the area at closing every night. Mrs. Durham said there could eventually be parties or meetings in the afternoons. The Durhams stated that there would be no outside music or seating without additional permits. Mr. DiMarino said prohibition of that could be one of the conditions to prevent nuisance. Mrs. McCarthy expressed concern that the restaurant could be a venue for bigger bands. Upon receiving a sense that the PC members were in favor of the proposed use, Mr. DiMarino asked Mr. Crawford to research the original order and provide his recommendations to the Planning Commission at the November 10 meeting, in time for the November 11 Conditional Use hearing.

Billboards: Continued discussion of possible billboard heights resulted in agreement that there should be a minimum clearance of six feet between the bottom of the billboard and the ground below, and that there should be a maximum of fifteen feet permitted height for billboards. With that change in the proposed ordinance, the PC recommends the ordinance be sent to the Supervisors.

Mr. DiMarino said that topics for the next meeting(s) are temporary signs in Commercial Districts (Mr. Crawford will look at ordinances from nearby townships), and power generating windmills.

The meeting adjourned at 7:42. (Hineman, Boorse)

Respectfully submitted,

Jacquie Roach

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.