

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
JUNE 15, 2009**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Conklin with the pledge of allegiance and a moment of silence. A quorum of Supervisors was declared. The following Township Officials were in attendance:

John Conklin	-	Chairman, Board of Supervisors
William Kirkpatrick	-	Vice-Chairman, Board of Supervisors
Al Bush	-	Member, Board of Supervisors
Thomas Nelling	-	Chief of Police
Kristin Camp	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the June 1, 2009 minutes as written. (Approved all in favor.)

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$20,095.88. Sewer Fund bills totaled \$11,948.12. (Approved all in favor.)

BECKER SUBDIVISION EXTENSION REQUEST

Becker Builders received approval for a three lot subdivision on Brinton's Bridge Road on June 17, 2004. Under the Municipalities Planning Code the approval expires in five years if construction hasn't begun. Jack Becker attended the June 1st Township meeting requesting an extension of the approved plan. The Board deferred action until tonight's meeting in order for the Township Solicitor and the Township Engineer to review the ordinances adopted in the last five years to determine whether any ordinances adopted would impact the subdivision plan. The Board was specifically concerned about any stormwater management requirements as a result of the Township's MS4 permit obligations. The Township Engineer reviewed the stormwater management design of the plan. Several recommendations were made by the Engineer in a review letter dated June 3, 2009.

- The applicant will need to re-apply for an NPDES permit from the Chester County Conservation District. If the site design changes as a result of the new NPDES permit, revised plans will need to be submitted to the Township for approval.
- Copies of the test results for the new infiltration locations of the proposed roof drain infiltration beds should be provided to the Township.
- A separate Stormwater Operations and Maintenance Agreement should be executed and recorded rather than relying on the notes on the approved subdivision plan.
- A re-application for the PennDOT Highway Occupancy Permit will be necessary.
- Septic system permits will need to be obtained from the Chester County Health Department.

Mr. Becker said that he has a good tenant on the property and they would be thrilled to stay there for a few more years. He also has two other projects that he is working on at this time which have a higher priority. The Brinton's Bridge Road property was a joint venture with his son Mike, who will eventually run the business. Chairman Conklin commented that it did not appear that the subdivision was going to be completed anytime soon, and perhaps not even if an extension was approved, so he did not see the point of granting an extension.

Mr. Becker replied that he had spent a lot of time and money getting the subdivision approved initially so he would like to protect his investment.

Mr. Kirkpatrick said that he had driven by the property and that the garage is falling down. He encouraged Mr. Becker to have it taken down in the near future. Mr. Becker indicated that the garage was a safety concern and the walls were intentionally knocked down to alleviate any safety issues. He was willing to finish demolishing the garage.

Mr. Kirkpatrick proposed a four year extension. Mr. Bush was only agreeable to a three year extension. Chairman Conklin was not in favor of an extension.

Mr. Bush moved to adopt Resolution #090615 to grant an extension of time of three years pursuant to Section 508(4) of the Pennsylvania Municipalities Planning Code for a final minor subdivision plan for Becker Builders for a three lot residential subdivision located at 1010 Brinton's Bridge Road subject to:

- The conditions as noted in the June 3, 2009 Memorandum from the Township Engineer.
- Application of an NPDES permit from the Chester County Health Department.
- Application of a Highway Occupancy Permit from the Chester County Health Department.
- Application for new septic system permits from the Chester County Health Department
- Submission to the Township of revised plans, if required, in order to obtain the new permits.
- Compliance with all stormwater regulations enacted by the Pennsylvania Department of Environmental Protection.
- Execution of a Stormwater Operations and Maintenance Agreement prior to the issuance of a building permit.
- Reimbursement to the Township for all fees incurred for the Township Engineer and Township Solicitor to review the extension request.
- Removal of the existing garage on the property within six months.
- Prior to the issuance of a building permit, payment must be made to the Township of the \$4,000.00 for the fee in lieu of open space.

Mr. Kirkpatrick seconded the motion and it was carried. Chairman Conklin opposed the motion. The motion was approved with two in favor and one opposed.

DISKIN FAMILY PARTNERHSHIP

Chairman Conklin said that the Diskin Family Partnership, L.P. has tied into the public sewer for its properties at 1350 and 1360 Wilmington Pike. These are two parcels in common ownership. The connection has been reviewed by URS Corporation. Solicitor Camp has recommended that the Township enter into an agreement with the Diskin Family that a separate connection to the sewer system will be required if either property is sold as the connection for both properties is through a common pump station through a common force main behind 1350 Wilmington Pike, which is currently a vacant building. Hyundai Auto Dealership is located at 1360 Wilmington Pike. Mrs. Camp noted that the agreement also memorializes the EDU numbers allocated for each property. Mr. Kirkpatrick moved to enter into an agreement regarding the connection of a property to public sewer with the Diskin Family Partnership as drafted by the Township Solicitor for the properties located at 1350 and 1360 Wilmington Pike. (Approved all in favor.)

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 7:51 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer