

**BIRMINGHAM TOWNSHIP PLANNING COMMISSION**  
**Minutes of the Meeting of April 13, 2010**

The regular meeting of the Birmingham Township Planning Commission was called to order by Chairman Nick DiMarino at 7:30 p.m. in the Township Building. The following members were present: Scott Boorse, Mary Pat McCarthy, Janet DeCaestecker, Debbie Hineman, Doug Marshall and Pete Davenport. Eric Hawkins and Scott Towler were absent. Planning Commission Solicitor Fronefield Crawford was present.

The minutes of the meeting of March 9 were approved. (Boorse, Marshall, all in favor.)

**C.J. Tire:** Patrick McKenna, attorney for C.J. Tire of 1309 Wilmington Pike, requested that the Planning Commission recommend Supervisor approval of their Conditional Use application, including a waiver of a formal landscape plan. Noting that this is the same plan that was submitted two years ago, Mr. McKenna provided a background summary of the application, noting that the applicant is in compliance with the Township's recently adopted parking regulations. Mr. McKenna reviewed the Township Engineer's letter of April 9 and said the trash screening would be taken care of the next day. C. J. Tire Director of Sales Greg Mynaugh showed photographs of the site before C.J. Tire occupied it and of the site today, illustrating the improved appearance and landscaping. Mr. McKenna requested that the PC recommend a waiver of the usual requirement for a landscape plan sealed by a registered landscape architect. The PC members agreed that the photographic evidence and their own inspections satisfied them. On a motion by Scott Boorse, seconded by Mary Pat McCarthy, the Planning Commission voted to recommend that the Supervisors approve the C.J. Tire Conditional Use application and waive the requirement for a professionally sealed landscape plan. (All in favor.)

**Boor Final Subdivision Plan:** Register Associates' Jim Fritsch presented a Final Minor Subdivision Plan for the Boor property at 1128 Dorset Drive in Spring Meadows. (The Supervisors approved the Preliminary Plan at their March 15 meeting.) Addressing the remaining issues outstanding listed in the Township Engineer's letter of April 9, Mr. Fritsch said attorney Art Sagnor was working on the agreements concerning a shared driveway and its easement and maintenance (#1), and maintenance agreement for access to the pond (#2). The Engineer's letter listed requirements relative to the Boor house's status as a Class II Historic Resource. Mr. Fritsch said that he felt that the landscape issue had been addressed and that the historical integrity will be preserved. Mr. Fritsch said that the Lot 2 house as proposed would be 195 feet from the Boor house, so he would request a waiver of the 200-foot requirement. If it is not granted, the house can be re-situated. In either case, he expects to have a note on the plan for future owners' reference that nothing may be built within 200 feet of the Boor house. Mr. Fritsch said he thought the Supervisors could waive the requirement for a historic resource impact study.

In summarizing, Mr. DiMarino said he himself found the landscape requirement unclear, and that, since the other two issues concern location, one should ask what the requirements are trying to achieve. Mr. Crawford suggested that the plan be reviewed by

the Township's Historical Commission. Mr. Crawford said the existing landscape may be "blessed" by a registered landscape architect, or the Historical Commission may suggest screening between the new lot and the old house. Doug Marshall raised concerns from previous PC meetings. The PC had recommended that the orientation of any new house built on Lot 2 should minimize the loss of privacy to the surrounding homes. The PC had recommended that the Lot 1 owner abandon rights to the driveway that crosses the open space to the south. Minutes of the March 13 Supervisor meeting did not record specific acceptance or rejection of these recommendations. Mr. DiMarino said these recommendations could be re-introduced. On a motion by Mr. Marshall, seconded by Mrs. Hineman, the PC recommended that the plan be reviewed by the Historical Commission and returned to the Planning Commission. The motion was passed with all in favor.

**Chadds Ford Township Comprehensive Plan:** In reporting his impressions of the plan, Mr. DiMarino noted that it is conceptual, not specific, that he finds growth projections unreliable, and that the developable tract closest to Birmingham is zoned two-acres. Nick also said the plan appeared to be beginning a historic preservation effort, lists a potential area of inter-township cooperation in Dilworthtown, recommends a scenic easement on Oakland Road, and recommends traffic calming where Route 1 intersects with Creek Road. Lloyd Roach, Birmingham's Emergency Management Coordinator, recommended that, in commenting on the plan, Birmingham suggest attention be paid to flood hazard mitigation plans in the Chadds Ford village area at Route 1 and Creek Road, especially with the ever-increasing impervious cover. After discussion, Doug Marshall made a motion that the Planning Commission recommend that the Birmingham Supervisors convey to Chadds Ford Township that Birmingham will be happy to cooperate wherever the two townships intersect, and that Birmingham suggests flood hazard mitigation plans be made for the Route1-Creek Road area. Mrs. Hineman seconded the motion and it was passed with all in favor.

**On-site Power Generation:** Mr. DiMarino asked that, during the next meetings, the PC prepare recommendations for the Supervisors regarding regulation of on-site power generation, especially windmills and solar arrays. Mr. Crawford said the courts recognize these as accessory uses when serving only the property where they stand. He said East Whiteland regulates them with special exception; in the Tinkwig case a 55-foot windmill was permitted for a residence; as a principal use, they cannot be totally excluded. There was discussion of possibilities (e.g. biofuel production), of issues (e.g. location, size, free-standing vs. house-mounted, appearance), and of regulatory options. Mr. Crawford will explore other relative township ordinances.

The meeting was adjourned at 8:48 (Hineman, Marshall, all in favor). Mr. DiMarino said he will be absent from the next meeting.

Respectfully submitted,

Jacquie Roach



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