

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

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

Minutes of the June 8 meeting were approved (all in favor) with the following corrections:

- Change every instance of “should” to “shall”
- On page 2 under “Noise” change “constant” to “average over a 24-hour period”

(Hawkins, Hineman, all in favor)

Boor Subdivision: Regester’s Jim Fritsch, representing Barbara Boor, requested final approval for the proposed minor subdivision of Spring Meadows Lot 73. Mr. Fritsch said the plan had been presented at the April 27 Historical Commission meeting, resulting in the following:

that applicant Barbara Boor be granted waivers for

1. § 122-36.6.B - the required 200-foot setback from the historic structure - in favor of the currently proposed 195-foot setback; and
2. § 122-36.6.A -the required professionally-sealed landscape plan – because the revised plan shows the existing landscape elements and new 8- to 15-foot screening between the Lot 1 parking area and Lot 2; and
3. § 122-36.8.A(1) -the required Historic Resource Impact Study,

**with the following conditions:**

1. Because Barbara Boor’s attorney stated that Mrs. Boor has a great deal of historical information about the “Samuel Painter House,” in lieu of her having to pay for a formal Historic Impact Study Mrs. Boor must submit all of that information to the Historical Commission, and
2. If and/or when the owner of the proposed Lot 2 applies for a building permit, he/she/they must submit the plan to a review by the Birmingham Township Historical Architectural Review Board (HARB) **and** provide a Historic Resource Impact Study called for in § 122-36.8.A(1) detailing the impact the proposed structure to be erected on Lot 2 would have on Lot 1.

Mr. DiMarino asked about the agreements discussed by Jim Hatfield several meetings ago.

Grace Kaminstein asked if the two Historical Commission conditions had been met. The first condition has not yet been met; the second cannot be met unless and/or until the owner of the proposed Lot 2 applies for a building permit.

Doug Marshall suggested that, if and/or when a building permit is applied for, the Historic Resources Impact Study be reviewed by the Historical Commission and the result of the review be submitted to HARB before the permit is granted.

Lenore Larry, 1134 Dorset Drive, asked for assurance that both lots would be subject to the Spring Meadows Restrictive Covenant and the owners be required to pay dues to the Spring Meadows homeowners association. Mr. Fritsch said notes 37 & 38 on the plan cover that, along with a document currently being worked on by Boor attorney Art Sagnor and Township Solicitor Kristen Camp. Mr. DiMarino said Mrs. Camp had approved the document.

Mr. Marshall made a motion to recommend approval of the plan with the conditions set by the Historical Commission and Condition #1 on the April 9 letter from Township Engineer Jim Hatfield (a Township-approved shared driveway Easement and Maintenance Agreement for the current and proposed driveways). Mr. DiMarino seconded the motion. The motion **failed** with two in favor, four against, and one abstention. Mr. DiMarino declared that the Planning Commission had voted against approval of the plan. Mr. Fritsch asked to be on the Supervisor meeting agenda July 19. Mr. DiMarino stated that the Township Secretary is responsible for that schedule and should be contacted to arrange the appointment.

Arden Forge: Joe Viscuso, Gary Whelan and Anthony Diver requested conditional final approval for the land development plan for the Arden Forge property. Mr. Viscuso reviewed the eight items on the June 2 letter from Township Engineer Jim Hatfield: #8 – declaration of covenants will be done at the appropriate time (too early now); #7 – PennDOT has granted a permit and Mr. Viscuso gave Mr. DiMarino a copy of it; #1 – The plan will be reviewed at the July 27 Historical Commission meeting (the HARB recommendations were approved at the July 5 Supervisors meeting); #2 – (The tenants list) & #3 – (parking and loading areas) – covered by notes on the plan; #4 – (sewage module) is not yet resolved but is in process; regarding soil removal, a note on the plan will be amended; #5 - They are making sure no water will drain onto the adjoining property.

Discussion included the sewage planning module and its requirements being greater than the needs of the proposed tenants (e.g. there will be no showers), and the enforcement of parking and pedestrian activity. After several PC members agreed with Mr. Boorse's comment that the applicants had done a wonderful job and should be granted leeway, Mr. Marshall made a motion to recommend that the Supervisors grant final approval of the plan subject to the conditions as set for the in the Hatfield letter of June 2. Mrs. Hineman seconded the motion and it passed with all in favor.

Temporary Sign Ordinance: The proposed ordinance regulating temporary signs, now including language allowing and regulating off-site real estate open house signs, was discussed. The Planning Commission voted to allow off-site real estate open house signs, but not to include them among those requiring a permit. ( 4 in favor, 3 against)

Alternative Energy Ordinance: A discussion of wind turbines focused on safety and noise. The height of the propeller at its full extension added to the height of the hub must be at least the minimum setback. Frone explained the intent of regulating and the importance of definitions. Section 2 in a proposed ordinance regulates alternate energy as a principal use and requires 20 acres for wind and fewer acres for solar. Section 4 regulates accessory use. The proposal would require a conditional use permit for a principal use and a special exception for accessory use.

The consensus among the PC members was to prohibit solar and wind energy production as a principal use. Mr. DiMarino's audiotape of a simple fan was an influencing factor.

As an accessory use, regulating the nuisances of appearance and noise by special exception would require the applicant to demonstrate to the neighbors that the use would not be a nuisance. In response to a question from Lloyd Roach, Mr. Crawford said he thought that neither solar arrays nor wind turbines would be permitted in the (open areas of) flood plains. Noting that setback requirements would be different for solar than for wind, Mr. DiMarino asked Mr. Crawford to re-draft the ordinance. Mr. Crawford said he may need professional advice on the noise issue.

With no further business, the meeting was adjourned at 9:01 (Hawkins, Hineman, all in favor).

Respectfully submitted,

Jacquie Roach  
PC Secretary

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.