

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
FEBRUARY 22, 2011**

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.

John Conklin	-	Chairman, Board of Supervisors
William Kirkpatrick	-	Vice-Chairman, Board of Supervisors
Al Bush	-	Member, Board of Supervisors

Chairman Conklin moved to approve the February 7, 2011 minutes as written. Mr. Bush seconded the motion and it was carried. Mr. Kirkpatrick abstained from voting as he was not in attendance for the meeting.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$17,468.49. Sewer Fund bills totaled \$8,521.01. Chairman Conklin seconded the motion and the bills were unanimously approved.

PUBLIC COMMENT

The Commonwealth of Pennsylvania Sunshine Law Act 93 (as amended in 1998) requires public comment to be held before official action is taken.

Mrs. Nelling expressed thanks to Michael Sloan, owner of Mercedes-Benz, for the donation of the chairs for the meeting room table as well as chairs for the office; file cabinets and desks. Mercedes-Benz had to change out the furniture because of corporate requirements and thought the Township could benefit.

Mr. Rathbun, Roadmaster, said that the spring road inspection date of March 31st would have to be changed due to vacation plans. A road inspection date of Thursday, April 7th was scheduled.

POLICE PERSONNEL

Chief Nelling said that he had received a letter of resignation from Sergeant Bruce Abele effective February 27, 2011. Chairman Conklin moved to accept the resignation from Sgt. Abele. Mr. Kirkpatrick seconded the motion and it was unanimously approved.

Chief Nelling recommended the full-time hire of Robert Inverso, Jr. from part-time status at his current rate of \$19.00/hr. with benefits effective March 7, 2011. Chairman Conklin moved to hire Robert Inverso Jr. as a full-time police officer from the recommendation by Chief Nelling. Mr. Bush seconded the motion and it was unanimously approved.

OTTO'S BMW SKETCH PLAN

Michael Vadasz of MVL Family Limited Partnership was present to discuss a proposed land development plan for the Otto's BMW Dealership on Wilmington Pike. Consultants

present for MLV Partnership included Brian Nagle, Esq.; Joe Orsatti, landscape architect, and Angelo Capuzzi, engineer with Chester Valley Engineers.

Mr. Nagle explained that the plan proposes the expansion of the existing use by Otto's BMW onto the adjacent Sunoco property. The BMW property is 4.3 acres and the Sunoco property is 2.3 acres. The proposed land development plan will require conditional use approval for the following items.

1. A reduction of the seventy foot front yard setback to allow a building setback and a parking setback of fifty feet in the front yard. Mr. Nagle noted that the plan shows a parking setback of thirty-five feet but that this has now been changed to fifty feet from the recommendation of the Township Planning Commission.
2. To allow the location of curbs, parking, light standards, and a retaining wall within the eighty foot rear yard setback up to fifty feet from the rear property line.
3. To allow impervious coverage on the consolidated lots at sixty percent of the net lot area.

Mr. Capuzzi reviewed several issues with the consolidation of the two parcels.

1. The fifty foot right of way will be from the ultimate right of way of Rt. 202.
2. There will be no front yard lawn display.
3. The building addition will be 20,200 sq. ft. for an additional 27 service bays with two parking spaces allotted for each bay.
4. There will be twenty parking spaces eliminated at Otto's.
5. There will be solar panels on the roof which will not be visible from the highway. The roof will also accommodate 42 parking spaces.
6. There will be twenty new employees at the facility.
7. The Rt. 202 entrance for Sunoco will be closed off with only the existing Rt. 202 entrance for Otto's BMW remaining. Access to the service area for Otto's will be from Penn Oaks Drive.
8. Impervious cover for Otto's is 62% and Sunoco is 41%.
9. Light standards will be cut-off fixtures no higher than twenty feet.

The following comments were made by Mr. Kirkpatrick:

1. Attention needs to be given to landscaping the rear of the property for buffering the neighbors in Thornbury Township.
2. Service bays in the rear should be closed.
3. Traffic safety concerns with the elimination of the access from Rt. 202 with no decel lane on Rt. 202 to Penn Oaks Drive should be addressed.

The following comments were made by Chairman Conklin:

1. Assurance that the solar panels would not be visible from Rt. 202.
2. Benefit of closing the existing access to the Sunoco portion.

The Supervisors were all happy to see the Sunoco lot being developed and they were in favor of the proposed plan.

Mr. Orsatti reviewed the landscape plan.

1. There are existing white pines on the rear of the property with voids in the trees.
2. The ordinance requires a twenty foot wide buffer.
3. The existing building is at the low point on the property with the grade rising towards Thornbury Township. The parking area is depressed with a retaining wall to the rear. The tops of the cars are below the retaining wall.
4. The landscaping will be a three tier effect with the retaining wall; buffer area; and white pines.
5. The lighting will be recessed ballasts. The light source won't be visible.

Mr. Vadasz noted that the service bays are not opened because they are air conditioned. He also commented that the Minis are going to be sold at the Exton facility. He felt that the traffic situation would be greatly improved with the proposed changes.

Mr. Nagle anticipates a conditional use application being submitted shortly with the anticipation of a hearing towards the end of April.

The meeting was adjourned at 8:01 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer