

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting June 14, 2016

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:30pm in the township building.

PRESENT: Nick DiMarino, Scott Garrison, Eric Hawkins, Dan Hill, Mary Pat McCarthy, Frone Crawford

ABSENT:

Also Present: Jim Hatfield, Twp Engineer; Mike Shirring, BOS liaison; Matthew Bush, Steve DiMarco, David Vitali

A motion to approve the minutes of the May 10, 2016 meeting was made by Nick DiMarino and seconded by Scott Garrison. Motion carried unanimously.

Public Comment:

Freddy's Frozen Custard - Land Development Plan

Matt Bush, begins by discussing Jim Hatfield's letter dated June 10, 2016.

1. A note regarding wells and the environmental covenant. Still awaiting a final letter from the previous owners Mobil Oil/Tyree. Mr. DiMarino asks who would sign this document? Mr. Hatfield states it would be a primary person at Tyree and the underlying owner, Marty Rudman. Ms. McCarthy asks about the remediation testing. Mr. Vitali talks about a letter from the state regarding the remediation testing. Mr. Vitali states there is no additional testing on the actual site; however there are two or three off-site wells still being monitored. Mr. DiMarino states there seem to be lots of questions outstanding about the contamination...Jim Hatfield references a page of the covenant letter that provides clarification to this issue. Mr. DiMarino would like Jim Hatfield and Frone Crawford to make a recommendation that the township would not be on the hook in the future if there was a problem with contamination.
2. Will comply with a note referencing the screening for the rooftop equipment.
3. Acknowledge that the Board will make sure the landscaping is adequate. Applicant has already made changes to the species of the trees to comply with the ordinance.
4. Certifications have been modified to comply with the ordinance. Mr. DiMarco and Mr. Vitali have been working with the condo association to get the O&M agreement signed.
5. Pedestrian connections to adjacent parcels (from the CCPC recommendation). It would be the preference of the applicant to not have to make these connections. Mr. Bush discusses mid block crossing calculation...width of the road, speed limit of the road. Mr. Bush does not believe it makes sense to pursue this. Jim Hatfield states that the safety issue could be dealt with through a couple of options (1) by adding a stop sign, (2) a speed bump or a speed table, (3) extra signage, or (4) a sidewalk option. Jim Hatfield

states that this is a recommending body and that if they feel it is necessary, they can recommend it to the BOS. Mr. Hawkins is against the addition of a speed hump, speed table, etc due to firefighting equipment that is located on the bottom of a truck. He thinks extra signage is a good idea. No member of the PC is in agreement with a four way stop sign at the intersection of Old Wilmington Pike and the entrance to the Knolls. Signage and marking option is a possibility. Mr. Hawkins thinks that the crosswalk needs to be at the intersection of Knolls Road and Old Wilmington Pike where a competent driver would expect it to be. (Note: there is an existing crosswalk on Old Wilmington Pike, parallel to Route 202 connecting the Stillman Volvo dealership property with the condo property where Freddy's is proposing to locate.) Ms. McCarthy thinks that it is necessary to find a safe solution for the young people to be able to cross from the adjacent development to Freddy's. Mr. Hatfield says that in other land development he has seen the applicant initiate the discussion with adjacent land owners/HOAs. If the discussion does not progress, the township can choose to get involved or not. Mr. Hawkins asks the applicant if they would be willing to look into this issue? The applicant is willing and Jim Hatfield states he can put them in touch with the HOA president to begin a discussion. Mr. DiMarino does not think these are worth the effort. No members of the PC are in favor of a connection to the hotel to the south of the property on Rt. 202.

6. Will comply. Using existing lighting fixtures and will simply supplement.
7. Will add spot grades to provide positive drainage away from the building

Mr. DiMarino questions item #2 and #9 in the actual letter from Jim Hatfield and the wording "should". It is determined that the wording should be "shall". Applicant is planning to comply with both of these.

Mr. Vitali asks if there is a way to commit to moving this forward as long they are willing to look into the pedestrian option and will comply with all other outstanding issues. Mr. Crawford has not seen Jim Hatfield's latest review letter. Jim Hatfield states that the applicant seems to be willing to be compliant with all of his outstanding issues. However, there are still items from the AECOM/Sandy Morgan issue. Jim Hatfield thinks the applicant is looking for the most expedient way for them to get to the approval process. Ms. McCarthy wants Frone Crawford to review the environmental issue and provide guidance to the PC. Frone Crawford thinks that a recommendation contingent upon the environmental issue and the outcome of discussions about the crosswalk. Contingent preliminary approval still requires the applicant to come back before the PC to gain final approval. Mr. Hawkins adds an additional question about having the money available to make the crosswalk. Frone states the applicant needs to determine if the construction of the sidewalk extension and the crosswalk are in the right-of-ways.

Frone Crawford states the PC can recommend preliminary approval of the land development plan contingent on the following three items:

1. Resolving all remaining items in the review letters from Jim Hatfield and Sandy Morgan;
2. Design of a crosswalk with safety features and signage;
3. Review of the environmental issues by Frone Crawford to verify no liability falls to the township.

Mr. DiMarino moved motion; Mr. Hawkins seconded the motion and it passed unanimously.

Compiling Easements and Deed Restrictions on Wastewater and stormwater control facilities in the township

81 +/- facilities within the township and the onus is already on the township that these systems need to be inspected and maintain in an on-going basis. Mr. Crawford suggested that the township do the first inspection so that the township has a basis to go on. Mr. DiMarino wants to make sure that the township is willing to go down the path of spending money to do these title searches and inspections. Mr. Crawford clarifies that the township has primary responsibility pursuant to the EPA rules - downhill from the EPA, PA DEP and ultimately to the township. The township has the option to pass it through based O&M agreement or notes on the plans for those properties.

Mike Shirring states that a full title search for 81 properties would be a significant expense to the township. Jim Hatfield says that the O&M agreements are relatively new and many of these properties are older than 10 plus years. Mr. DiMarino has looked through the plans in the township office and did not find any O&M information or notes on the construction plans as these were primarily constructed in the 1970s and 1980s prior to this being a documented note on the plan. The title search may or may not indicate this information.

Jim Hatfield states that the MS4 permitting is being ramped up more and more each year and this is something that the township is going to have to deal with. Eventually the township is going to have to have a more formalized process to verify that these systems are being inspected and maintained. Scott Boorse asks if this is the township's responsibility or the landowner's? Jim Hatfield states that it is the township's responsibility to ensure that the process is happening. Mr. Boorse states that the township could send a letter to these homeowners stating that under MS4 regulations the homeowner needs to be having these systems inspected and maintained on a periodic basis.

Mike Shirring wants to discuss the option of having a paralegal start doing the title searches and see what the cost would be for this. Frone Crawford believes they can be done for a modest cost.

Design Standards for Commercial Properties

Frone Crawford met with Kristin Camp and they came to a consensus on the items discussed last month. He wants to go over the consensus items with the PC group and then he will draft language to update the commercial zoning ordinance. The summary is:

1. C3 goes away - definitions and all
2. Three car dealerships on west side would change to C2A; remaining properties on the west side would be C1
3. Properties on the east side would be C2; subject to conditional use. Kristin Camp and Frone Crawford are balancing case law here as they must make provisions for all reasonable uses under the ordinance.

Based on this discussion, Frone Crawford will draft language for updating the commercial zoning ordinance for the next meeting.

East Bradford Township Comprehensive Plan

Nick summarizes the Comprehensive Plan:

- Their Township residents are as old as those in Birmingham Township;
- Broad Objective: Protect/preserve an increasing amount of open space in their Township -- focusing on the Downingtown Pike corridor to the West Chester Borough;
- Add trails and bikeways;
- Want to increase their tourism;
- Retain open space tax;
- Their commercial properties are not working well and need to be redesigned for economic sustainability;
- Three priority levels of projects in their CP with the majority referencing recreation and preservation

Nick recommends that the BOS complement them on their Comprehensive Plan. Birmingham Township sees no issues with regard to their plan or proposals.

New Business:

None.

Motion to adjourn the meeting was made at 9:06pm by Nick DiMarino and seconded by Eric Hawkins and approved unanimously. Next meeting is scheduled for July 12, 2016.

Respectfully submitted,
Jennifer A. Boorse
Planning Commission Secretary