

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting April 12, 2016

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:31pm in the township building.

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

ABSENT:

A motion to approve the minutes of the March 8, 2016 meeting was made by Eric Hawkins and seconded by Nick DiMarino. Motion carried unanimously.

Public Comment:

Design Standards for Commercial Properties

Frone Crawford sent an email with recommendations for the PC to consider. He provides a historical summary of how the township's commercial zoning was developed. Originally there was just C1 and C2 – light commercial and heavy commercial; with C2 being the undesirable items. Then C3 was included and that had all the undesirable items included in that zone such as the adult uses and heavy duty warehousing. Mr. Crawford realized that maybe the three zones are good and just needed to be tweaked to include the mixed use aspect on the west side of Rt. 202 backing up to residential. Nick asks why C2-A was developed and Frone states it was to accommodate the impervious coverage. So the proposal is really two major points: more flexibility for a newer hybrid type of facility like a workout facility, and shifting the more undesirable items into the C-2 zone, C-1 would allow additional options now – hotel, daycare facilities for children or adults, fitness facility, medical clinic or mixed use buildings.

Mr. DiMarino has a new map from Jim Hatfield with the full property lines for each parcel. However, it does not include the zoning in the adjacent township. Mr. Crawford states that the golf course is zoned residential and is permanently deed restricted as it was part of the density agreement made when Penn Oaks built the condos.

Mr. Crawford states that the group should review the documents that he forwarded to the PC today and send him any comments or questions they have. Then next month a recommendation can be made on the first step.

Compiling Easements and Deed Restrictions on Wastewater and Stormwater Control Facilities in the Township:

Mr. DiMarino sent a one page summary to Jim Hatfield and Frone Crawford regarding Ordinance 167. In conjunction with this summary, he now has answers to the questions surrounding this topic.

Question one: Will there be new requirements that the township must meet? The answer is that the requirements are already in force. So we are not looking at the future on this item.

Question two: What are those requirements? Requirements are to inspect, operate, maintain and keep records for 10 years. No directive to report to anybody. Mr. Crawford clarifies that under the DEP MS-4 program the township has to report to DEP. This is not in the ordinance. This seems to leave the township un-protected if this is left up to the homeowner. Perhaps an inspection system needs to be put in place where a summer intern does the initial inspection to come up with what the maintenance should be and then the homeowner or business owner can comply with the maintenance/repair.

It is necessary to determine if the township is inclined to do the initial inspections to get the ball rolling forward. The current ordinance contains wording requiring an inspection every two years. Mr. Crawford thinks this wording is good, especially for homeowner associations and businesses. For more recent subdivisions, Operation and Maintenance Agreements may be readily accessible; but probably not for older developments. Homeowner Association agreements should outline generic maintenance information, but will definitely list where the responsibility falls. However, for commercial properties the information may be located directly on the land development plan.

The first step is to have someone look through the subdivision plans in the township to see what/who is responsible for those systems. This may be information that Jim Hatfield has readily available.

Ms. McCarthy states that individual homeowners need to be required to maintain their systems also and may be required to have inspections also. Mr. Crawford states that the HOA's are the largest class of facilities and those that will most affect the overall stream quality protected by storm water management facilities. Some of the smaller/individual homeowner SWM systems may be servicing more than just the individual lot, but this would need to be determined by reviewing the deeds. Mr. DiMarino will ask Jim Hatfield if he has the detailed information on these SWM systems. If not, we can see if the township building inspector can develop a list of these for the PC. In some instances it may not be directly outlined. However, if the land development plan is for an 8 lot subdivision and only two of the lots have SW basins, it would be pretty evident that those are servicing more than just one lot.

The outfalls are the township responsibility because in some cases the outfalls are not on the homeowners property where the actual storm water device is located. Mr. Crawford states that in these situations where the outfall is on a different property, there should be an easement that would outline the maintenance agreement and probably absolve the downhill property owner. Mr. Hawkins states that included in this list of outfalls would be any culverts that run under the roads within the township.

Mr. DiMarino states that the PC has a plan to move forward with the storm water portion. There is no plan for the waste water yet. The township needs to do some continuing education on the requirements for home owners to continue ongoing maintenance on their on-site septic systems. We have about 1,000 individual on-site systems. The township could require each individual home owner to send a copy of the invoice annually or bi-annually to verify that it is being maintained. Mr. Crawford is going to look at the DEP requirements or recommendations on this issue. Mr. Hawkins suggests that the information is available from the county, but they may charge a fee for the information.

New Business:

Review amending Ordinance B Chapter 122 based on the March 7, 2016 letter from Kristin addressing the March 2, 2016 email from Jim Hatfield indicating that the appendix/table did not

accurately reflect the information contained in the body of the ordinance regarding set-backs. Kristen offered a two page ordinance revision that the PC can adopt. Nick made a motion that based on the fact that Kristen has prepared the ordinance, the PC recommends approval of the front page of the ordinance as written without actually reviewing the table/attachment, as that review has been completed by Jim Hatfield and Kristen. Eric Hawkins seconded the motion. Motion passed unanimously.

Motion to adjourn the meeting was made at 8:46pm by Nick DiMarino and seconded by Mr. Hill and approved unanimously. Next meeting is scheduled for May 10, 2016.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary