

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting August 13, 2019

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

PRESENT: Scott Garrison, MaryPat McCarthy, Christopher Nash

ABSENT: Brendan Murphy, Eric Hawkins

Also present: Frone Crawford, Esq., Rick Bates, Ken LaRosa,
Irene & Joseph Kisleiko (723 Pheasant Run)
Martin Zarge (647 Brintons Bridge Road)
Pretap Kesarkar (1370 Old Wilmington Rd)

A motion to approve the minutes of the July 9, 2019 meeting was made by **Mr. Garrison** and seconded by **Mr. Nash**. Motion carried unanimously.

Boorse Subdivision Plan

The applicant sent the required notification letters to all neighbors within 500' of the proposed subdivision. The letters were sent to 23 neighbors via both regular and return receipt certified mail. Two neighbors are in attendance this evening due to receiving their letters.

Mr. Bates of Lexington, Ltd is in attendance this evening to present the Boorse subdivision plan. He has a copy of the final plans from DL Howell that have already been sent to the Planning Commission members. Additionally, the members have received a copy of the most recent letter dated August 5, 2019 from James Hatfield of VanDemark and Lynch (township engineer) and the Chester County Planning Commission letter dated July 30, 2019.

Mr. Bates stated that the proposed subdivision is a minor subdivision taking the existing 4-acre lot and subdividing it into two 2-acre lots.

Mr. Crawford asked if there is a common driveway existing today. Mr. Bates indicated that there is a common driveway, however, there is not a common driveway easement. That is currently being drafted by Brian Nagle. Mr. Bates indicated that there was an initial review letter from Mr. James Hatfield and that all of the items in that letter have been addressed. The second letter dated August 5th, indicates the items have been addressed in bold and that the second set of plans that is before the committee has all the items corrected on it.

Mr. Crawford noted that there are two comments from the Township solicitor, Kristin Camp, with regard to the subdivision. They pertain to the driveway agreement and the

landscape plan and the Historic Resource Impact Study required for the Historical Commission. Mr. Bates indicated that the landscape plan is in the works. Mr. Crawford stated that perhaps the landscape plan will serve the purpose, but that the HRIS should be addressed, although that may be a BOS decision. Mr. Crawford indicated that the PC should be cognizant of these two issues in moving the subdivision forward.

Mr. Crawford stated that of course soil testing and septic will need to be addressed also. It is noted that this is simply a minor subdivision and that no building permit is being requested at this time. Of course, soil testing and DEP permits will be handled at the time of land development. Ms. McCarthy asked about the non-building waiver. Mr. Crawford answered this question indicating that this is not a normal practice, but that it is clearly allowed (per both Kristin Camp and Jim Hatfield). Mr. Bates noted that the reasoning for delaying this item is that it provides flexibility as to the location of the house and the size of the house (3, 4 or 5 bedroom houses have different septic requirements). He also notes that the sewer modules are only valid for five years which provides flexibility in the timing of building on the lots based on when they sell. Mr. Crawford noted that it is important to understand that just because these lots are approved and recorded, does not make them buildable until the waiver item is handled. Mr. Bates indicated that the language on the plan addresses this and it was provided to him by the township engineer, Jim Hatfield. (Mr. Crawford states that the item addressing this issue is #13 on Jim Hatfield's review letter dated August 5, 2019).

Ms. Irene Kisleiko noted that her and her husband are in attendance tonight as a result of receiving the neighbor notification letter. They are just interested in understanding what is transpiring. She asked if there is a pending sale of the lots at this time? Mr. Bates stated that the lots are not listed for sale at this time as it is required to go through this process prior to listing them for sale. She asked if there will be a restriction as to the type of home that will be built? Mr. Bates discussed the impervious coverage requirements and how these requirements relate to lots in the township.

Mr. Joseph Kisleiko noted that the existing property is heavily treed and asked if many trees will be sacrificed to build new homes. Mr. Bates indicated that the approval tonight is simply for the subdivision of the 4-acre lot into two 2-acre lots and not for what or where a home will actually be built in the future. Mr. Kisleiko also asked if there will be future notification to neighbors. Mr. Bates stated that once it moves on to the BOS for approval, he does not believe any more notifications are required.

Mr. Martin Zarge asked if the access to the new lots will be on the existing driveway. Mr. Bates noted that is the intent. Mr. Zarge also asked what the set-backs are from the side properties. Mr. Bates indicated that the setbacks are an aggregate 60 feet with a minimum of 25 feet.

Mr. Crawford noted that one of the reasons for the two-step approach to this subdivision is that the intent is to build a custom home on each lot and this will allow the new owner to have some say in where the new house is located.

Mr. Pretap Kesarkar asked what the maximum size house will be since these will be 2-acre lots. Mr. Bates stated that it will be relative to the impervious coverage calculation - since this township only allows 10% impervious coverage, on a 2-acre lot that would allow approximately 8000 square feet - this amount includes the driveway, any patios as well as the footprint of the house.

Mr. Nash made a motion to recommend preliminary approval to the BOS of this minor subdivision pending the four items that are still outstanding:

1. A copy of the cross-access driveway easement and;
2. Review of the landscape plan being presented to the Historic Commission; (the Planning Commission would like to have these plans brought back to their September meeting);
3. Review of the notes regarding the non-building waiver by Kristin Camp on the plan;
4. The Planning Commission would like the BOS to decide if an HRIS is required above and beyond the landscape plan or if this will be waived.

Mr. Garrison seconded the motion and it passed unanimously.

Review Revised Wireless Communications Facilities Ordinance

Mr. Frone Crawford presented the final version of the Revised Wireless Communications Facilities Ordinance. It has been reviewed by Kim Venzie also and she agrees with the changes that have been incorporated.

Mr. Nash made a motion to recommend that the Revised Wireless Communications Facilities Ordinance be forwarded on to the BOS for approval and adoption. Motion was seconded by Mr. Garrison and passed unanimously,

New Business:

None

Motion to adjourn the meeting was made at 8:12pm by Mr. Garrison and seconded by Mr. Nash and approved unanimously. Next meeting is scheduled for September 10, 2019.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary