

## **Birmingham Township Planning Commission (BTPC)**

### **Minutes of the meeting of January 12, 2016**

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

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

Also Present: Matthew S. Bush, PE, JMR Engineering

ABSENT:

A motion to approve the minutes of the December 8, 2015 meeting was made by Mr. Hill and seconded by Mr. DiMarino. Motion carried.

**No public comment.**

### **Planning Commission Organizational Discussion**

A motion was made by Mr. DiMarino to elect Ms. McCarthy for the Chairperson and Mr. Hill as Vice Chairperson. Motion was seconded by Mr. Garrison. Motion carried.

Mr. DiMarino made a motion to retain Mr. Crawford for his services for the year. Motion was seconded by Ms. McCarthy. Motion carried. A motion was also made to retain Jennifer Boorse as the secretary for the year. Motion carried.

Mr. DiMarino notes that the 2016 budget was already approved and provided to the township at the end of 2015.

### **Freddy's Conditional Use Application**

Matthew Bush, engineer, for the applicant Steve DiMarco is in attendance and wants to present the most recent version of the proposed plan for the Freddy's site. Mr. Bush distributes the most recent revised version of the proposed plan. They are currently working through the 12/7/15 letter from the township engineer, Jim Hatfield. The applicant has a CU meeting with the BOS scheduled for Feb 2, 2016. MP asks Mr. Bush to go through the township engineer letter item by item.

1.a. The location and elevation of the benchmark item needs to be noted on the plan

1.b. Planning Module exemption needs to be obtained from PADEP.

i) The AECOM letter provides guidance for the applicant to change over from the previous On the Run site usage to the proposed Freddy's restaurant usage.

ii) Applicant needs to note the re-routing of the storm pipe on the Land Development Plan

iii) Requires applicant to inspect the current stormwater management facilities on the site to verify it is fully functioning and operating as designed prior to any construction.

1.c. Deals with lighting. Mr. Bush asked Mr. Hatfield to defer this point to the land development phase and he doesn't have an issue with this. Mr. DiMarino verifies that the applicant will do a lighting study with the final land development plan. Normally the lighting is handled during the CU stage, but the applicant is asking to defer that in this case. Ms. McCarthy asks why the deferment? Mr. Bush states because there are already existing lights on the site. There will not be an issue with complying with the lighting ordinance.

2.a and b. At the ZHB the applicant did receive approval for the reduction in parking spaces for the entire site. The applicant was required to get a variance because there isn't enough parking on the entire site for the bank, the office and the new Freddy's. The prepared a parking study for the ZHB and showed that they are able to meet the parking requirements for the IT manual based on the peak demands for each of the individual building uses. Peak demand times will be weekday/lunchtime. One of the conditions was traffic ingress/egress and that was noted here. The applicant has no issue with complying with the wording/signage as noted in this letter. Mr. Bush notes that an additional issue came up when they met with BOS regarding the first three parking spaces on the plan. The applicant has noted these three parking spots specifically as employee only spaces on the plan per the ZHB request.

2.c. This is an issue that the applicant is coordinating with PennDot as to whether a new HOP will be required. Mr. DiMarino notes that the three close driveways will be a challenged even though some will be labelled as "Entrance Only" and "Exit Only". He recommends possibly closing the "Exit Only" on the Freddy's site and proposes directing that traffic to exit on the driveway supporting the entire condominium property. Apparently this topic was also discussed at the ZHB as a potential issue.

3. Currently the applicant's counsel is still trying to get clarification on this item from the township solicitor. The applicant is proposing to use the same set back as the bank currently- which is 53.7 feet. It is not clear yet whether the applicant needs to go back to the ZHB for another variance on this set-back.

4. Because the applicant is reducing the impervious coverage and it will be less non-conforming than the previous usage, the current variance remains in place. Mr. DiMarino questions this. Mr. Crawford defers to the township solicitor on this.

5. Mr. Hatfield wants the applicant to clarify that the delivery trucks will comply with the current Township code 122.102.H. Mr. DiMarco is not present at this meeting to speak to this topic. However, Mr. Bush states that in his recollection from the prior meeting, the deliveries were to occur between midnight and 7am. Mr. DiMarino recalls that the applicant had stated at the previous meeting that there wouldn't be a specific loading area as the delivery trucks would just use parking spaces since deliveries would not occur when customers are present on the site. Mr. Hawkins notes that the ordinance is very specific about deliveries that occur between 10pm and 7am not being heard across property lines.

6. Mr. Bush has no new information on the signage at this time. He recalls that at the previous meeting, Mr. DiMarco had sample sign from a Freddy's store in Florida. He notes that the applicant will comply with the township signage ordinance. Mr. DiMarino states that hopefully the sign will not be a neon sign.

7. Mr. Bush states that the applicant will comply with receiving a "clean bill of health" from DEP regarding removal of the underground storage tanks and the current groundwater monitoring system.

Mr. Hawkins asks if there are written answers to all of these items for the 12/7/15 and 12/14/15 letters. He states that he feels at a disadvantage as questions that the PC raised at their previous meeting in July were never addressed in writing. Mr. Bush indicates that he just learned today about the meeting today so he is not sure whether the submission process was met. Ms. McCarthy states that she had spoken with someone in December and indicated that the PC was unable to put them on the agenda in December as there were many items outstanding and the PC requires a minimum amount of time in order for the members to review the plan/items and provide the township with the proper recommendation. Mr. Bush states that he understands if the PC doesn't feel like they have had the correct amount of time in order to review the information. He states that as far as Jim Hatfield's 12/7/15 letter, the applicant is planning to comply with all of the items noted. Mr. DiMarino asks Mr. Bush what exactly the applicant is looking for out of this meeting tonight. Mr. DiMarino states that he has some concerns that this site requires a construction "shoe-horn" to fit this business into this property.

Mr. DiMarino asks Mr. Crawford for clarification on the CU hearing. Mr. Crawford states that final plans are not required for a CU hearing/application; rather it that this is a step in which to discuss and determine feasibility issues regarding all the various ordinances affecting the specific plan. Perhaps Jim Hatfield should be asked if there is a way to redesign/improve the egress onto Rt. 202. Discussion ensued about this. Mr. Bush states that the loose ends are items that can be tied up and handled during the final land development plan. Mr. DiMarino asks Mr. Crawford why the township CU hearings are done before the final land development plan. Mr. Crawford discusses the customary sequence for CU and then final engineering plans. Once final land development plans are approved, it is not possible to go back and state that the stormwater management plan or other engineering issues are then not sufficient.

Mr. DiMarino states that the feasibility issues in this situation are: circulation (egress onto 202 and truck deliveries), details of lighting and noise abatement. A standard for CU approval is safety and thus the circulation issue should be addressed before the CU plan is recommended. Mr. Bush disagrees with Mr. Crawford stating that these issues can still be addressed after the CU approval. Mr. Crawford states that he disagrees because there is a vested right for an applicant to proceed to final land development once a CU approval is obtained.

Discussion ensues about timetables and what the various PC options are for recommending or denying the CU application. Mr. Crawford addresses the purposes of having both a Planning Commission and a Township Engineer. The engineer looks at the objective viewpoints – HOP permits, etc. The Planning

Commission's responsibility looks at the more subjective and personal safety issues. Mr. Crawford states that the preference he is hearing from the PC tonight would be for the applicant to address the issue of circulation and amend the egress issue for safety reasons. Mr. DiMarino makes a motion to recommend the BOS deny approval for this CU application due to safety issues with the current circulation plan, especially egress onto Rt. 202. Mr. Hawkins seconded. Motion carried unanimously.

#### **Design standards for commercial properties**

Mr. Crawford provided the PC with a list to see what the current zones are within the township. C2-A was designed for the northern end car dealerships, specifically the Mercedes dealership. C2 was the catch-all for all industrial uses – truck terminal, manufacturing, etc. This was originally designed to allow for all types of uses within the township. C3 was created to limit adult entertainment to this area rather than within other areas in the township. Mr. Crawford thinks it would be good to keep the C2 zoning to allow for this type of industrial development within the township, yet make it more restrictive. Mr. Crawford addresses the desire of the PC to differentiate the type of development on the east and west sides of the corridor. He also thinks that the wording in the ordinance should be updated to be less antiquated; an example would be to change public garage to automobile repair shop. These are more so tidying issues. The bigger question is fundamental changes: such as do you want to include a more mixed use. Mr. Crawford suggests having Jim Hatfield create a map with a bigger format that shows the commercial corridor with the various zones highlighted so that the PC can see the aerial overlay of the zones in the commercial district. This will allow the PC to see the area more clearly and then propose the changes to the zoning.

#### **Compiling easements and deed restrictions on wastewater and stormwater control facilities in the township**

This topic will be tabled until next month when there should be more information available from Jim Hatfield.

Motion to adjourn the meeting was made at 9:06pm by Ms. McCarthy and seconded by Mr. Garrison and approved unanimously. Next meeting is scheduled for February 9, 2016.

Respectfully submitted,  
Jennifer Boorse  
Planning Commission Secretary