

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

### **Minutes of the meeting January 14, 2020**

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

PRESENT: Scott Garrison, Eric Hawkins, Mary Pat McCarthy, Brendan Murphy, Christopher Nash

Also present: Frone Crawford, Esq

Alyson Zarro (Riley Riper), Ted Gacomis (P.E. Edward Walsh Assocs)

Jim Este (Penn Oaks HP/Allied Partners)

Brian Nagle, Esq (MacElree), Neal Camens (Chester Valley Engineers),

Michael Vadasz (MLV Family LP)

A motion to approve the minutes of the December 10, 2019 meeting was made by **Mr. Murphy** and seconded by **Mr. Garrison**. Motion passed unanimously.

### **Reorganization of Committee for 2020**

There was a brief discussion about the various committee positions for 2020 and the fact that Mr. Nash is stepping down due to work constraints.

Mr. Garrison made a motion nominating Mary Pat McCarthy as Chairperson. Mr. Hawkins seconded and it passed unanimously.

Mr. Garrison made a motion to nominate Mr. Murphy as the Vice Chairperson. Mr. Hawkins seconded the motion and it passed unanimously.

Mr. Murphy made a motion to nominate Mr. Garrison as the HARB liaison. Ms. McCarthy seconded the motion and it passed unanimously.

Following is the PC slate for 2020:

Chairperson: Mary Pat McCarthy

Vice Chairperson: Brenden Murphy

HARB liaison: Scott Garrison

### **Sketch Plan review for 1305 Wilmington Pike**

Ms. Alyson Zarro is in attendance tonight to present the sketch plan for this property. She introduced Mr. Jim Este, VP of Real Estate for Allied Partners (representative of the property owner) to discuss the proposal. Also, in attendance is Ted Gacomis, Civil Engineer for the project. If the proposal is approved and built, the plan is for Allied Partners to occupy about 10,000 square feet of the building as their

corporate headquarters. The project is a small office building with retail space on the first floor.

Mr. Gacomis of Edward Walsh Associates presented the plan. It consists of a 10,000 sq foot footprint - including elevator shafts and everything. They are planning for some retail on the first floor possibly 4 or 5 stores with 20-25 foot units. The top two floors will be office space - some of which will be occupied by Allied Partners as their corporate headquarters.

Mr. Gacomis provided a walk-through of the site plan. They are looking for an access off of Penn Oaks Drive rather than off of Rt. 202. They have actually just completed their field survey last week (not part of the sketch plan). The topography of the property consists of scrub brush and a small portion of steep slope (greater than 25%). There are some mature trees along the streetscape and they plan to keep some of those, although they are not exactly specimen trees. They are maintaining the 100' set back from the Thornbury township line at the rear of the property since that is zoned residential. The acreage that will be developed is just over 3 acres (2.96 acres when the steep slope is netted out).

Mr. Gacomis discussed the reasoning for the entrance to be located off of Penn Oaks Drive vs. Rt. 202 -- including their concern about whether they would even be able to get a permit from PennDot for such an entrance off of 202.

Ms. Zarro speaks to comment #2 in the township engineering letter about the non-conforming lot requiring a variance. Apparently after the township solicitor (Ms. Camp) reviewed this section of the ordinance and had a discussion with the township engineer, they determined that a variance is not necessary as the lot width is non-conforming.

Mr. Gacomis discussed the parking required by the township ordinance. At this point it is too early to state the specifics, but they are aware of the ordinance requirements and plan to work within those boundaries. The actual number of spaces may be adjusted depending on the clients they get to use the retail space (such as a restaurant). The current proposed plan is approaching 49% impervious coverage - so it's under the 50% limitation per the ordinance. He also notes that they have proposed in the back a 30' lane for some potential delivery trucks (box truck types).

The last item that Mr. Gacomis addressed is the proposed stormwater management area on the plan. It is the applicant's intent to test the ground to be able to have an infiltration system underground so that it is not an unsightly basin that is able to be seen from the parking area.

Mr. Este discussed the rendering of the proposed building to discuss how it fits into the Chester County landscape. This rendering is just of the front. However, he indicated that the sides and the rear will look similar. The rear will have a lobby for entering into the office space on the second and third floors so as not to conflict with the parking in the front for the retail space. They are considering some possibilities along the rear of

the building such as a balcony for the offices and also perhaps solar panels above a carport entrance for the office parking. These ideas are just in the exploration stages currently and have not been vetted for practicality.

Ms. Zarro stated that she understands there are height limits within our ordinance. They haven't finalized this aspect of the project yet, However, they may have to ask for a variance on this if they are off once the project moves along. Mr. Este also stated that they did not see within our ordinance a definition for how square footage is calculated or defined. In other municipalities that he has worked, they net out stairwells, elevator shafts, chaseways, etc. They are often netted out as they aren't used by the customers and thus can't be charged for. They will need clarification on the definition of this calculation. However, they do meet the area and bulk requirements.

Mr. Hawkins asked for steep slope clarification on the sketch plan that the PC received prior to the meeting which differs from the actual topography survey the applicant brought tonight. Mr. Gacomis states that if they require a retaining wall, it will most likely be a stepped wall that will be landscaped.

Mr. Hawkins asked if the site is public water and public sewer. They are still exploring this issue with Lisa Donlan and she is getting the information from AECOM. They have not started with a NEPDS yet.

Ms. Zarro stated that per comment #1 in the township engineer's letter because they are proposing multi use in the building and they will need to apply for conditional use.

Mr. Hawkins indicates that the applicant should be prepared with signage and lighting to stay within the township ordinance and be prepared to present those items when they come back for approvals. Brief discussion ensued about the signage and lighting requirements within the township.

Ms. McCarthy noted that the applicant should consider a deceleration lane on Rt 202 as that is a location where many people make u-turns and with proposed retail at this location, people will be turning to access the property via Penn Oaks Drive. She also noted that with the proposed retail, they should think about location for dumpsters and the need for grease traps for any type of restaurants. Mr. Este stated they are sensitive to those issues as they are familiar with the requirements from other municipalities.

Mr. Hawkins asked if there are any existing easements on the property or if they will need any. There will be easements for utilities such as telephone, gas, etc. They may need to provide an easement for sewer also.

### **Conditional Use Application of Otto's Imported Cars, Ltd**

Brian Nagle is in attendance tonight to present the Conditional Use Application for the Otto's proposal to install 2 vehicle stackers at the rear of the property. Mr. Nagle has a packet of information for the committee to review. This is an amendment to the last

conditional use application that was submitted when Otto's acquired the Sunoco property. This CU application is to amend what is permitted to be on the property and to now allow 19 vehicle stackers to be there in place of the current 21 spaces located at the rear of the property. (exhibit A-9)

Ms. McCarthy asked if there is a picture of what the vehicle stacker actually looks like. (please see exhibit A-8)

Mr. Neal Camens (Civil Engineer) is in attendance to discuss the engineering of removing the 21 existing parking spaces and replacing them with stacked parking that will allow for 38 spaces via the stackers. Mr. Camens states that the vehicle-stackers will not be visible from Rt. 202 except for a very small spot when driving south past the Infiniti dealer. This change is necessary because of the consolidation of the Mini dealership inventory with the Otto's BMW dealership. Additionally, from Penn Oaks Drive they should not be visible as there are trees planted that will block the stackers. The same goes for the residences located behind Otto's as they are located higher due to the elevation and the tall trees which are a buffer.

Mr. Crawford asked if they determined if there is a setback requirement due to the "structure" nature of the vehicle stackers. Mr. Camens deferred to Mr. Nagle - who stated they don't think that it does. Mr. Nagle spoke with the township solicitor about this and they determined that what was necessary was to amend the conditional use to allow for these vehicle stackers. There is already a provision in the current Conditional Use allowing for curbing, parking, retaining walls and other items within the 50-80 feet. Mr. Crawford confirms that from this conversation, there is no need for a variance - just the amendment for the Conditional Use.

Mr. Vadasz states that currently each existing parking space is 9'2" wide and by using the vehicle stackers, each space becomes 8'6" thus allowing him to place 19 spaces in the area that currently allows for 13 vehicles. The straight-line area is 160 feet long.

Ms. McCarthy asked for clarification on some of the photographs that Mr. Vadasz brought to show the area where the vehicle stackers will be located in comparison to the current views. She also asked if there is a noise level when you have to move the vehicles around? Mr. Vadasz states that the technology is hydro-electric and it is very quiet. He plans to make the best business decisions about what vehicles to put on the top of the stackers so as not to be moving them around constantly.

Mr. Hawkins made a motion to recommend that the Conditional Use application be forwarded to the Board of Supervisors for review and approval, subject to compliance with all engineering and township solicitor comments. Seconded by Mr. Garrison and approved unanimously.

### **Zoning Ordinance Revisions for Accessory Structures and Alternative Energy**

Mr. Crawford addresses the issues that arose at the last meeting when he wasn't here. He goes over the interpretation of lot line, street line, etc. The front yard setbacks are measured specifically from the street line which is the edge of the right-of-way, as defined. This change does not affect front yard setbacks. What it affects is a rear yard on a reverse frontage lot. Because the rear yard is measured from the lot line. The argument was made that if there is a reverse frontage lot and the title line is in the middle of the road - that is the lot line that the rear yard setback should be measured. This amendment is to eliminate the ambiguity because the lot line is being defined as the street line, where a title line runs into the right-of-way. The definition of street line remains as is and the definition of lot line is modified to take into account that if the title line is in the middle of the street then the lot line is still as defined at the edge of the street right-of way (whether it is a rear, front or side makes no difference).

This change evoked the whole issue of setbacks on accessory structures. It seemed appropriate to look at accessory structures along with this definition clarification. However, per the memo that his colleague wrote after the December PC meeting, there are more issues that were raised.

Originally, Mr. Crawford was just trying to get the PC to clarify as a policy matter what accessory structure setbacks should be. There is already a height limit within the ordinance for all accessory structures of 20 feet. There is no difference within the ordinance on the size of the structure as long as it meets the height and is accessory (no difference in whether the size is 50 or 500 square feet).

If the PC wants to differentiate, the ordinance would state that any accessory structure over a certain square footage has to meet the principal setback requirement. This is a simple way to deal with this; however, then a determination is needed for what a "normal" sized shed is.

Discussion ensued about whether the consideration should be reasonable square footage for an accessory structure or height or both. After considerable discussion, it was decided to limit both. Lower the height to 15 feet for accessory structures and also limit any accessory structures over 160 square feet from being built outside the principal building setback.

Mr. Crawford states that he created a chart to show the PC members what all of the accessory structure setbacks are for the various zoning districts within the township. After looking at the chart, the PC decided to make two changes to make them more reasonably consistent: Change the A-RT from a 40' accessory structure setback to a 30' and change the R-2 accessory structure setback from 10' to 15'.

The next item to discuss is the possibility of eliminating the special exception requirement for rooftop solar arrays for single family use dwellings outside of the Historic district. According to Mr. Crawford's research of surrounding municipalities; some do allow for this. After polling the members of the PC - it was split as to those who think it should be By-Right and those who think it should stay as a Special Exception.

Per discussion a consensus was made that the current application process allows for both owner rights and also for consideration by the neighbors for their concerns. The PC suggests that the Special Exception fee for solar should be lowered to \$500 to make it less costly. Ms. McCarthy summed up the discussion with a recommendation that solar applications remain a Special Exception for single family residences but that the fee be lowered to \$500. And that ground arrays are not permitted within the Historic District.

Mr. Murphy asked again about the impact that ground arrays have on impervious coverage. Mr. Crawford does not have an answer at this time.

**New Business/Public Comment:**

None

Motion to adjourn the meeting was made at 9:38pm by Mr. Murphy and seconded by Mr. Nash and approved unanimously. Next meeting is scheduled for February 11, 2020.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary