

**Birmingham Township Planning Commission (BTPC)**  
**Minutes of the meeting July 12, 2022**

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:00pm.

PRESENT: Scott Garrison, Eric Hawkins, Mary Pat McCarthy, Brendan Murphy, David Shields

ABSENT:

Also present: Adam Brower, PE (EB Walsh & Assocs) Richard Orlow (Piazza Mgmt Company), Ed Foley (township solicitor for the Planning Commission), Lowell Leaman (Arro Engineering)

Mr. Shields made a motion to approve the June 14, 2022 minutes. Motion was seconded by Mr. Garrison and it passed unanimously.

Ms. McCarthy noted that per the email correspondence a different date must be selected and advertised for the August Planning Commission meeting. She asked the committee members which of the proposed meeting dates (8/2 or 8/30) works so that there is a quorum. Mr. Brower noted that the later date might work best so that Arro will have time to review the resubmission of the Stillman Volvo land development plan. The members agreed on the August 30<sup>th</sup> date.

**VMDT Partnership 1350/1360 Wilmington Pike Preliminary/Final Land Development**

Adam Brower and Rich Orlow are in attendance tonight to present the preliminary/final VMDT land development plan. The plan was resubmitted after the June Planning Commission meeting and the latest review letter from Arro Engineering is dated July 11, 2022. One item to note that Mr. Brower had mentioned at the June meeting was that the scope of work was being reduced in the new plan – so there are no new improvements being shown for the northern building; everything is limited to the existing Hyundai building.

Mr. Brower noted that they will be in compliance with all of the outstanding items in the new review letter date July 11, 2022. There are two waivers that the applicant is requesting. The first is for the stormwater – it is a bit complicated – there is a reduction in impervious. The waiver will allow recognition the existing pervious as impervious and not to have to do the meadow. The second is to allow combination of the two-step process (preliminary/final) into one step.

Other than these items, all other items in the letter are will comply. Mr. Shields asked if they are asking for preliminary/final approval tonight? Mr. Brower confirmed.

Mr. Hawkins asked if the applicant had looked into his question from last month about whether the original subdivision was under a special exception? Mr. Orlow noted that

there was a conditional use hearing before the supervisors back then. Mr. Hawkins noted that the document he looked at had 31 conditions and many of them were forward looking. Mr. Brower noted they looked at these conditions when they were doing a previous project when it was the Toyota dealership and they appeared to be in compliance.

Mr. Foley referenced a special exception decision by the Zoning Hearing Board in 1986 stating new car sales only including trucks up to 1.5 tons. Mr. Hawkins states that one of the exceptions is no outside speakers and no other buildings. Mr. Foley noted that the only other items that he wanted clarification on from that hearing would be: (1) no paint or body shop on the premises, (2) that lighting must comply with the ordinance, and (3) that there are enough parking spaces as required. Mr. Orlow confirmed these are all in compliance. Ms. McCarthy asked Mr. Hawkins to reiterate his concerns clearly for the minutes. Mr. Foley stated for the minutes that the applicant must continue to comply with all conditions imposed by the July 10, 1986 decision and order of the Zoning Hearing Board that granted a special exception.

Mr. Brower went through the July 11, 2022 Arro Engineering letter item by item to address any issues they foresee in compliance.

Under the Zoning section, there will be a new sign and they will obtain the required separate permit for that sign. Ms. McCarthy noted that they have a lot of signs. Mr. Orlow confirmed that is the case and they will have one monument per store because that is what the zoning allows. Mr. Hawkins asked if they will be lighted signs and Mr. Orlow confirmed they are backlit.

Under the SALDO:

1. They did provide the required notices at the last meeting.
2. That will be prepared in advance of asking the Supervisors to sign anything.
3. They can generate and submit a cost to Arro in order to post the security for the agreement.
4. They will include the note on the plan that both water and sewer are public
5. Before Mr. Brower will put his signature on the plan he will make sure the surveyors signature and seal are on it.
6. This speaks to some of the exceptions – going back to when they did an ALTA survey, there are not actual restrictions on the property; no easement – just exceptions. Mr. Brower will ask Mr. Schlott exactly what notations he wants on the plan. Mr. Hawkins stated there is an easement across the back of the property and Mr. Brower confirmed there is and it is already noted on the plan. Mr. Hawkins asked about the screening easement where the property abuts any neighbors. Mr. Brower confirmed that there is a fence in those locations which provides 100% screening of the inventory. Mr. Flowy noted that is a requirement of the special exception approval “that the applicant will install screening to buffer the area per Article 16 section 16.12.4. Mr. Leaman stated there is a 20-foot buffer shown on the plan.
7. The monument is already there and was mistakenly not placed on the plan.

8. Will comply
9. Mr. Brower will note that the slotted drain detail is included on the plan.
10. They will include the required details for the new water lateral.

Under Stormwater Management:

1. They will comply with the required financial security submission.
2. This is an Arro requirement to cross-reference the documents to make sure you are looking at the most up-to-date ones.
3. They will adjust this information to be in compliance.
4. They should be able to accurately forecast this information now.
5. They will provide the O&M document for review.

Under General:

1. Mr. Brower will review and make sure that the acreages match correctly.
2. Mr. Brower will correct the watershed designation.

Ms. McCarthy asked if anyone has any questions at this time.

Mr. Foley asked if the drainage area referenced in #3 of Stormwater Management is a significant issue? Mr. Brower would like to think no a big deal, but he will discuss it further with Mr. Schlott. Mr. Leaman thinks that what they are looking at is that the street is a barrier but that the residences are lower and thus require conveyance calculations to confirm that they are adequate.

Mr. Brower would like to have a recommendation tonight from the Planning Commission. Mr. Hawkins thinks they should wait to get approval at the August meeting. Mr. Shields asked what they would be losing by not getting the approval tonight and having to come back in August? It doesn't appear that it will be holding the project up if the Planning Commission waits until August to see a fully cleaned up plan in August. Mr. Brower states that the outstanding items are not significant. Mr. Orlow asked if they wait for approval at the August meeting, will it go to the Supervisors in September. This was confirmed. Discussion ensued and it was decided that they will come back in August with a clean letter.

**New Business/Public Comment:**

Motion to adjourn the meeting was made at 7:31pm by Ms. McCarthy and seconded by Mr. Garrison and approved unanimously. Next meeting is scheduled for August 30, 2022.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary