

**Birmingham Township Planning Commission (BTPC)**  
**Minutes of the meeting September 13, 2022**

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

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

ABSENT:

Also present: Allison Zarro, Esq., Stephen Sauselein, PE (EB Walsh), Dave Schlott, Jr, PE (ARRO), Jim Oeste (Allied Partners), Kim Venzie (township solicitor)

Mr. Shields made a motion to approve the August 30, 2022 minutes. Motion was seconded by Mr. Murphy and it passed unanimously.

**1305 Wilmington Pike/PennOaks Ent./Preliminary/Final Land Development Plan**

Ms. Zarro is here on behalf of the applicant. She stated they have been here a few times previously. She presented the required neighbor notifications for this meeting. She summarized that this property is located on the corner of Penn Oaks Drive and Wilmington Pike; the applicant is proposing a three-story building. First, they needed to obtain variance relief as it relates to steep slopes and building height. Then they came back to discuss a conditional use application because the property is located in the C-2 heavy commercial district and they want to have more than one use in the building. The applicant went before the Board of Supervisors in June to request the Conditional Use application and it was granted. Throughout this process, the land development plan has been pending. Mr. Schlott, from Arro Engineering has provided a review letter on the land development plan at this point.

Ms. Zarro noted that one of the conditional use requirements from the Board of Supervisors was that the applicant conduct a traffic study and car counts at the intersection. She stated that they waited to conduct the traffic study until now as school is back in session. The purpose of attending the Planning Commission meeting is to present the plan again and discuss any other high-level issues that need to be addressed. They know that they need to do some clean up per the Arro letter.

Their intent is to complete the traffic study, clean up the plans, resubmit the plans and the traffic study results and come back in November to finalize. She noted that the time clock is set to expire on 10/7/2022 but an extension has been granted to the township through November.

Mr. Sauselein presented the plan as it is currently. He stated that the property is a 3+/- acre site, it has frontage on both Rt. 202 North and Penn Oaks Drive. He wanted to address the steep slopes that are on the property as they obtained a variance for these. It is moderately sloping from West to East downward toward Rt. 202 and Penn Oaks Drive. It is a vacant piece of land. There is an outparcel at the corner of Rt. 202 and Penn Oaks Drive that contains a sign for the Penn Oaks Tennis and Golf Course. They

are proposing a combination of office space, retail and restaurant space. It will be a 3-story building approximately 30,000 square feet. Another component of their previous meetings was to increase the overall height of the building beyond 35 feet to 42 feet. They will have parking around the perimeter. It will be single access both egress and ingress off Penn Oaks Drive. They show that they meet the appropriate offset of the entrance way from the Ottos.

The stormwater will be handled by a series of two subsurface basins that below the front and side parking lots. They will discharge to a surface basin the grassy area that ultimately ties into the existing stormwater system within Penn Oaks Drive and then into the Route 202 stormwater conveyance system.

The parking needs for the three uses are addressed per the Ordinance as noted in the Arro review letter. They will revise the plan with the appropriate notes and resubmit the plan once all the issues are addressed.

The proposed lighting plan for nighttime hours is on the plan and Ms. Zarro noted that the lighting will be LED.

Mr. Oeste noted that this is a high-level overview of the project and they welcome any other issues that they need to be addressed at this time. They plan to address all the concerns noted in the Arro letter and revise the plans accordingly and resubmit them to the township along with they completed traffic study.

Mr. Murphy asked to see the rendering of the front of the building. Mr. Sauselein complied and stated that the front of the building is roughly 125 feet of lineal frontage.

Ms. Zarro noted that the building will be an owner-occupied building as Allied Properties plans to relocate their offices to the third floor of this building. The first floor will be retail/restaurant space and the second floor will be rented office space. Per the variance process and dialogue with the Board of Supervisors they changed the originally proposed pitched roof to a lower parapet roof.

Ms. McCarthy asked if Mr. Schlott has any concerns. He noted that they have six pages of comments but the only real area of concern is that sewer is not currently addressed yet.

Ms. McCarthy asked about Fire Marshall review. Ms. Zarro stated that it was submitted for Fire Marshall review in March of 2022 and there were four comments and they will be complied with. Mr. Sauselein noted that one of the primary concerns was that they must properly designate a loading area for the building with appropriate signage. They will comply and another letter will be requested for the November meeting. Ms. McCarthy noted that visually the plan looks tight for the fire truck turning radius.

Ms. McCarthy noted that her stormwater concern is the fact that the property currently can accept water that is running off the land currently before it reaches Rt. 202. When the property becomes covered with impervious coverage, how will that affect the water that then runs onto Rt. 202. Mr. Sauselein stated that both the township ordinance and

the EPA address how to attenuate these issues. They have already conducted soil testing (shows the grading plan page). All the proposed impervious surfaces are graded in such a manner that they sheet flow into catch basins to collect the water and discharge it into any one of the two subsurface systems that are interconnected. The three systems are designed to run in a series and detain the rate of runoff from the first, to the second and finally to the third. They have done soil testing to assure the capability of the soil to infiltrate a certain component of that run-off, namely the net difference in pre-development, post development two-year storm events. This is achieved by the above-mentioned systems.

Mr. Hawkins asked if the pre-existing state system will be able to handle the proposed water flow from this property. Mr. Sauselein stated that the flow is metered back to pre-development rates in the new systems that are being built and those are reviewed by the township engineer to verify compliance. Ms. McCarthy asked for a description of how the water flow is handled and Mr. Sauselein complied. There was discussion of metering back the post-development to the pre-development flow rates prior to when the discharge occurs into Radley Run. Mr. Murphy summarized the description as: currently water runs down the hill and equals one; post-development water runs down the hill and equals less than one.

Ms. Venzie stated that there was a list of issues that the PC had the last time the applicant was here prior to the Conditional Use hearing. The issues related to lighting, hours of use and outdoor dining. Ms. Zarro stated that the Board of Supervisors at the Conditional Use hearing, imposed a condition of approval restricting hours of use to between 7am and 11pm. Mr. Estes noted that some of these hours are more than enough for normal office operations and are also generous enough for the first-floor retail space also. They classify the building as a boutique office space with convenience retail on the first floor primarily for people in the building. Ms. Zarro also noted there is no approval for outdoor dining or drive-through operations as those are not proposed at this time. If those are considered in the future, the applicant would need to come back to the township to modify the Conditional Use approval. The other condition that the Board imposed at the Conditional Use hearing was LED lighting or modern high efficiency lighting instead of the traditional lighting the applicant had proposed.

The ordinance also requires using dimming lights at 50% capacity at 11pm and then off at midnight. They will have minimal security lighting shining towards the building overnight. Zero illumination lighting off the property. Ms. McCarthy asked if they will have parking lot lights. Ms. Zarro stated they will have parking lot lights but they will comply with the above restrictions. Mr. Sauselein shows the lighting plan page with the proposed light poles that meet the township ordinance height requirement. The township engineer will review the lighting plan for compliance with the township ordinance.

Ms. Venzie asked if they have considered the headlights of exiting vehicles and their impact on nearby residences. Mr. Sauselein stated there will be landscaping that will buffer any vehicle lighting from hitting any of the homes in the Penn Oaks development, additionally the homes are located higher in elevation than the exit.

Ms. McCarthy asked about signage. Mr. Oeste noted that they will have signage for their offices on the front of the building and then also for the various retail spaces. They are not planning a marquee sign along Rt. 202 at this time, but that could change based on the tenants who occupy the various spaces. Ms. Venzie asked if they are requesting a variance for signage or if they plan to comply with the ordinance standards. Currently they are not requesting a variance.

Mr. Garrison asked what the size of the various retail spaces are. Mr. Estes stated they are approximately 20 ft wide by 80 ft in depth.

Ms. Venzie noted for the public that the applicant does not have any traffic study expert here tonight, so please note that the comments should be related to real-life input – such as traffic impact at this intersection that they can share with their traffic expert. Ms. McCarthy added that the meeting tonight is for informational purposes and that no recommendation will be made tonight.

Mr. Dean Wesley (Greenbrier Dr. in the Penn Oaks townhouses) is concerned about turning into Penn Oaks Drive when driving Rt. 202 North. He is hoping that the traffic study will show the issue that already exists at that intersection from the people entering to play golf, for baseball or tennis lessons. There are also people who cut through the neighborhood on William Penn to bypass Rt. 202 and the residents just exiting from the townhouses. Mr. Sauselein stated that the beginning point is the traffic study. They have a scope of work that begins with the background study of traffic at that intersection during certain hours (morning and evening, school busses, et cetera). Those variables are built into a model that create the existing traffic patterns. The variables are rated on levels and then they build in the growth from the new building based on use and hours of operation. The best he can offer at this time is they need to wait for those results in order to determine if anything needs to change in terms of the land development. Mr. Wesley also asked if there is any consideration for the wear and tear on the macadam for the entrance way. Mr. Sauselein stated the specifications for the pavement depths and such will have to be maintained and the road will be designed in accordance with the township requirements.

Ms. Donna Walter (Birmingham Hunt) asked where the egress/ingress for this property will be in relation to the Otto's entrance on Penn Oaks Drive. Mr. Sauselein stated it is after Otto's entrance - roughly 40 feet up Penn Oaks Drive and on the right. She also asked if this property is owned by Penn Oaks Golf or Penn Oaks Tennis? Ms. Zarro stated neither, the applicant is Allied Properties which owns and operates other retail centers. The closest being Brandywine Square in East Caln Township. Ms. Walter asked about the first-floor spaces. Ms. Zarro noted that the retail space is still conceptual at this time as they do not have potential tenants yet. If a tenant wants a larger space, they may combine two of the spaces together. Ms. Walter asked about parking for those retail spaces. Mr. Sauselein stated that the total parking for the entire property will be 111 spaces.

Ms. Michele Smyth (Homestead Dr., President of Knolls of Birmingham HO Association) has three questions:

1. Will the restaurant/s serve alcohol? Mr. Oeste state he does not know who the tenants will be at this time.
2. Wants clarification on the drainage issue that was discussed previously – as there are drainage issues already within the Knolls development. Mr. Sauselein addressed this question – in essence the storage of the water run-off can be thought of as an underground swimming pool that gathers the water, holds the water and the gradually releases the water into the existing stormwater systems or allows it to be reabsorbed into the ground below the storage basin.
3. What time frames does the traffic study take into account? She has difficulty getting out of her development onto Old Wilmington Pike due to the Starbucks line and also just the sheer number of cars that use Old Wilmington Pike to access Rt. 202. Mr. Sauselein stated of course the major times that would be considered are morning, evening and school bus times. It's a model that studies future growth in the area and other factors also.

Ms. Nicole Emmi (Lea Dr, Birmingham Knolls) noted that clearly the two biggest concerns mentioned here tonight are stormwater and traffic. She asked when the plan is to start building if all the issues are resolved? Mr. Estes noted about if approval is received by the end of the 2022, they could start sitework in the summer of 2023 (the stormwater basins and such) and begin building in 2024.

Mr. Ira Kalter (Greenbriar Dr., Penn Oaks/Board of Directors at Penn Oaks) noted that he is concerned about the traffic. He makes the turn both in and out of Penn Oaks onto Rt. 202 every day and it's scary. He notes that the walks/runs daily and it can take 15 minutes to be able to cross Rt. 202 at the crosswalk from Freddy's. He presses the button and does it legally and it's still very scary. He urges that everyone consider that this is a dangerous situation. Ms. McCarthy noted that Penn Dot also will review this plan.

Ms. Michele Smyth asked what the November 1, 2022 meeting will entail? Ms. Venzie noted that on November 1<sup>st</sup>, the applicant will be appearing before the Planning Commission again. At that point, the Planning Commission will make a recommendation to the Board of Supervisors who make the final determination.

Mr. Michael Vadasz asked how the stormwater from the proposed development will enter the one inlet. Mr. Sauselein explained that there is a series of two inlets and a manhole. Mr. Vadasz noted that the last time they made a change to their property they had to install a new inlet that eventually goes into their property to dissipate and then is interconnected into lake Ottos. They also have a 60,000 gallon underground pool underneath the pervious car parking area on their property which then enters into the 202 system. Mr. Sauselein noted they are going by the survey of the stormwater system at the perimeter of their property. According to the diagram, their storm water does not go across Penn Oaks Drive but instead ties into the existing inlet specific to their side of Penn Oaks Drive. Mr. Vadasz asked for a copy of the township engineer's report. Ms. Venzie provided him a copy. Mr. Vadasz will hold any additional questions until after he reviews the engineer's report.

Ms. McCarthy noted that the biggest issues are:

1. Traffic
2. Stormwater run-off
3. Safety issues regarding turning to/from Rt. 202

Mr. Vadasz noted that the township should place a police officer at this intersection on Rt. 202 on a daily basis.

Ms. Venzie noted to the public that the onus is on the individual to be aware of upcoming meetings. The township is not required to notify the public individually of what is on the agenda for a meeting, but each meeting agenda is posted on the township website a minimum of 24 hours ahead of time. Although the plan is to discuss this application again at the November 1, 2022 Planning Commission meeting, that could change. Therefore, please check the township website for the agenda.

**New Business/Public Comment:**

Motion to adjourn the meeting was made at 8:04pm by Mr. Garrison and seconded by Mr. Hawkins and approved unanimously. Next meeting is scheduled for October 11, 2022.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary