

**BIRMINGHAM TOWNSHIP, CHESTER COUNTY
PLANNING COMMISSION (PC)**

August 9, 2016

Chairman McCarthy called the meeting to order at 7:00 p.m. in the Township Building. The following were in attendance:

Mary Pat McCarthy	Chairman, PC
Dan Hill	Vice-Chairman, PC
Scott Garrison	Member, PC
Nick DiMarino	Member, PC
Eric Hawkins	Member, PC
Frone Crawford	Solicitor, PC
John Conklin	Chairman, Board of Supervisors
Mike Shiring	Member, Board of Supervisors
Judy Jensen	Office Assistant

APPROVAL OF THE JULY 12, 2016 MINUTES

The minutes of the July 12, 2016 PC meeting were approved, as written; all in favor.

FINAL LAND DEVELOPMENT PLAN FOR FREDDY'S FROZEN CUSTARD RESTAURANT

At its July 11, 2016 meeting, the Birmingham Township Board of Supervisors granted Preliminary Land Development Plan Approval for Freddy's Frozen Custard Restaurant located at 1302 Wilmington Pike. The Plan, dated April 25, 2016, last revised June 27, 2016, was drawn by JMR Engineering and consists of seven sheets. The Plan proposes the development of a restaurant on a parcel with three pad sites; an existing bank and office building are located on the other two pads. The proposed development would consist of a 3,374-square-foot restaurant with drive-through service.

Preliminary Land Development Plan Approval was contingent on the following conditions:

1. Address all outstanding issues in the review letters from the Township Engineers Jim Hatfield of VanDemark & Lynch, Inc and Sandi Morgan of AECOM.
2. Submission of a crosswalk analysis by Traffic, Planning & Design, Inc.
3. Assurance of no liability to the Township relative to environmental remediation.

At tonight's meeting, Matt Bush, engineer for the applicant, noted that there were still a few remaining issues to be resolved as outlined in the review letters of Mr. Hatfield and Ms. Morgan.

The five outstanding issues from Mr. Hatfield's letter, dated July 14, 2016, are as follows:

- A copy of the signed and recorded Environmental Covenant is submitted to the Township:
Mr. Bush noted that the Covenant has been signed and emailed to Township Secretary/Treasurer Quina Nelling.
- The Board confirms that the proposed and/or existing landscaping is adequate to serve its intended purpose, per Section 122-102.C(5)(e)[2][b]:

Mr. Bush said they will defer to the Board of Supervisors on the adequacy of the existing and proposed landscaping, although they feel that given the scope of the project, the existing and proposed landscaping is adequate.

- The ordinance section reference in the engineer's certification on sheet 4 is corrected:
Mr. Bush noted that this is an administrative plan item and it will be corrected.
- The applicant revises the plans to provide a pedestrian connection to the trail in the Knolls of Birmingham subdivision, if required by the Township. (This item was discussed at length later in the meeting.)
- The applicant submits a revised lighting plan, demonstrating compliance with Section 103-40.D(1)(a):
Mr. Bush said that they have been in contact with Mr. Hatfield on the revised lighting plan. They will resubmit draft revisions to Mr. Hatfield for his review and to finalize the lighting.

The five outstanding items in Ms. Morgan's letter, dated August 1, 2016, are as follows:

- A minimum slope of $\frac{1}{4}$ inch per foot must be utilized for the entire length of the laterals:
Mr. Bush said they intend to provide the $\frac{1}{4}$ inch per foot slope on all existing and proposed laterals. He noted that there is an existing lateral that they plan to tie into that does not have the correct slope. Therefore, they plan to replace the non-compliant existing section so that all the laterals will have a slope of $\frac{1}{4}$ inch per foot.
- Location of the sampling port on the grease trap:
Mr. Bush said they will relocate the sampling port to the best possible location.
- A water-tight frame and cover detail for the grease interceptor risers:
Mr. Bush said they will add a note to this detail.
- Water-tight frame and cover loading capacity:
Mr. Bush said they will add a note to this detail.
- Sampling detail loading capacity:
Mr. Bush said they will add a separate detail to the sampling port that indicates it is compliant for H-20 loading.

Concerning the crosswalk analysis, Greg Richardson with Traffic Planning and Design, Inc. visited the intersection of Old Wilmington Pike and Knolls Road on July 12 for the purpose of determining the feasibility of installing a painted crosswalk at the intersection. In a letter dated July 26, 2016, Mr. Richardson recommended that a painted pedestrian crossing not be provided at the intersection of Old Wilmington Pike and Knolls Road for the following reasons:

- High vehicular speeds: While the posted speed limit on Old Wilmington Pike is 35 mph, based on Mr. Richardson's observations and several test drives from Route 202 to Faucett Drive, the travel speeds were determined to be much higher than posted limits. In addition, the Old Wilmington Pike roadway grade from Faucett Drive to Route 202 is in excess of 5 percent, which results in higher travel speeds.
- Limited sight distance: Drivers, as well as pedestrians, exiting both the private commercial driveway and Knolls Road have limited sight distance.
- The feasibility and reasonableness of constructing new sidewalks and ADA-compliant ramps along the roadway and at the intersection itself are limited due to existing topography and stormwater structures.

Concerning assurance that there will be no liability to the Township relative to environmental remediation, Matt Thompson, attorney for the applicant, said that the signed Environmental Covenant ensures that there is no liability to Birmingham Township.

PC Solicitor Frone Crawford noted that one of the items in the Covenant states that the asphalt and/or concrete surface across the entire property shall be properly maintained and inspected in order to prevent exposure to subsurface soil and groundwater impact historically detected at the service station. He added that it makes sense to have the applicant comply with the Environmental Covenant as one of the conditions to Final Land Development Plan Approval.

Mr. DiMarino made a motion to recommend Final Land Development Plan Approval for Freddy's Frozen Custard Restaurant contingent on the following conditions:

- Prior to the Board of Supervisors' meeting, the remaining engineering comments be satisfactorily addressed.
- All outside permits be obtained as a condition of final approval.
- The applicant must comply with the Environmental Covenant that has been signed and recorded.

Mr. Hill seconded the motion. The motion was approved; all in favor.

HISTORIC RESOURCE PRESERVATION

Board of Supervisors Chairman John Conklin said he has been working with a group of volunteers, as well as with the Board of Supervisors, on a review of the Township's historic preservation ordinances. To help guide the effort, the group has reviewed the historic resource ordinances in a number of neighboring Townships, including East Pikeland, East Bradford, Chadds Ford, West Chester Borough and Pennsbury, as well as ordinances in Charlotte, NC; Delaware; and the city of Philadelphia.

One of the issues being reviewed is the application process for home renovations for residents who live in the HARB district, as well as those who own historic homes in the Township. Specifically, the review committee has worked on a new welcome letter that better communicates to property owners their responsibilities concerning historic resources. The committee has also worked on some simple flow charts for property owners that will help them with the application process. PC Chairman Mary Pat McCarthy noted that there have been times when people have come to HARB only to be told that they must also go to the Historic Commission (HC) with their application because their home is also an historic structure. She commended Mr. Conklin and the volunteer group for their continued work on streamlining the HARB/HC application process.

Mr. Conklin also announced that a second reenactment at Sandy Hollow is proposed for September of 2017. The event will be about the same size and scale as the reenactment event held at Sandy Hollow in 2014.

CHADDS FORD TOWNSHIP SEWAGE FACILITIES MANAGEMENT (ACT 537) PLAN

After reviewing the Chadds Ford sewage facilities plan, Mr. DiMarino made a motion noting that the PC has reviewed the Chadds Ford Township Sewage Facilities Management (Act 537) Plan and have no objections to the plan. Mr. Hawkins seconded the motion. The motion was approved; all in favor.

COMMERCIAL CORRIDOR ORDINANCES

At the July 12th PC meeting, committee members reviewed aspects of ordinances for commercial properties in the Township. Based on the discussion, Mr. Crawford drafted revisions to the commercial zoning ordinances in the Township. The revisions, which he presented at tonight's PC meeting, included the following additions:

- Added car or truck rental to C2 as a permitted use.
- Put in definition of assisted living facility.
- Revised definition of place of public amusement.
- Qualified personal service shop, while still maintaining it as a special exception.

The ordinance revisions have been sent to Township Secretary/Treasurer Quina Nelling and Township Solicitor Kristin Camp.

The next PC meeting is scheduled for September 13, 2016.

With no further public comment, the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Judy Jensen
Office Assistant