

**Birmingham Township Planning Commission (BTPC)**  
**Minutes of the meeting November 1, 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: Brian Atkins, Kurt Hutter

Mr. Murphy made a motion to approve the September 13, 2022 minutes. Motion was seconded by Mr. Shields and it passed unanimously.

**1100 Country Club Rd/RRCC Clubhouse Expansion Sewage Facilities Planning Modules**

Ms. McCarthy opened the floor to Mr. Atkins for a summary of this agenda item – Component 3 and 4A. Mr. Atkins noted that this RRCC Expansion project had been presented to the PC last year for the Clubhouse Expansion and that normally it would fall under an Act 537 exemption mailer. It is confusing because the Radley Run Sewage Treatment Facility is not part of the township sewer circuit. It is its own sewage treatment plant, run by the Radley Run Sewer Authority. There was discussion between himself, the township engineer and the Chester County Health Department to figure out how to handle this situation. The Sewer Authority's engineer did not think DEP notification was necessary since the increased sewer flows are still within the plant's existing NPDES filing which was renewed in 2019 and expires in 2024. The plant is permitted for 17,000 gallons/day and gets metered flow of approximately 8,000 gallons/day. The new improvement will add 2,000 gallons/day which is still well below the permitted amount. Apparently, DEP notified the township that a project was approved with a 537 mailer; thus RRCC had to complete a form informing DEP of the project. In response to this completed form, DEP requested that Component 3 be completed along with Component 4 (individual planning checklists to be completed by the township, the Chester County Health Department and the Chester County Planning Commission). The Component 4A form is basically checking if the project met the zoning requirements, did it require waivers, et cetera. He also noted that ultimately the township needs to sign off on this form even though the Sewer Plant is not managed by the township, it is mentioned in their Act 537 plan.

Mr. Hawkins stated that his understanding from what he read last night, this is a sewage system that is owned or operated by the township. Mr. Atkins stated that is incorrect. It is owned and operated by the Radley Run Sewer Authority. Mr. Hawkins stated that this information is supposed to be provided 20 days ahead of time for review. Mr. Atkins stated that the information was submitted to the township on October 12, 2022. Mr. Hawkins stated that the township was apparently unable to open the attachments and thus did not forward them to the Planning Commission for review at that time. Mr. Atkins

state that the same information was sent via FedEx and received by the township on October 13, 2022.

Mr. Hawkins is concerned about the language stating that the “public system is owned by the township” and the township engineer is not here to address this concern. Mr. Atkins stated that the 4A Component that needs to be completed by the Planning Commission is really about the planning of the existing project which are questions that the Planning Commission can answer. Mr. Hawkins asked if there is a letter from the Historic Museum Commission in Harrisburg? He was on their website and there were references to Radley Run. Mr. Atkins noted that he reviewed the Comprehensive Plan on the township website. Mr. Hawkins stated that he does not see anything from the Chester County Health department stating it is compliant. And the only documentation from the township engineer was received today stating that “it is generally ok”. This is not acceptable to Mr. Hawkins.

Ms. McCarthy asked what other questions Mr. Hawkins has, that the applicant can answer. He questions who owns the Sewer Plant. He finds section O of Component 3 the document confusing. Mr. Atkins stated that section O was completed by the Radley Run Sewer Association Agent because they own and operate the plant – not the township. The only check box that is related to the municipality is section O, number 6. Mr. Atkins explains what this terminology means; that the Sewer Association selected an Association with an O&M process that is identified in the documentation. Basically the township is acknowledging that they are okay with the Radley Run Sewer Association managing their facility via the O&M association they have chosen.

Ms. McCarthy asked if the plant is located within the township. Mr. Atkins affirms that it is located on the Radley Run property and has been managed there since 1965. In the late 80s or early 90s it was extended to capture 12 homes at the top corner of Birmingham and 10 homes in East Bradford. After that extension, the Radley Run Sewer Association was formed. Mr. Hutter noted that neither these documents nor the expansion of the new Clubhouse will change the Radley Run Sewer Association. They will continue to operate it as usual. The new Clubhouse and the flow that it will contribute to the Sewer plant is less than one house would produce. In essence, they are going through this process rather than fighting with DEP about why they are requiring these documents.

Mr. Hawkins asked how the EDUs are calculated? Mr. Atkins stated that the Association does not have a definition of EDUs, so they are using the DEP definition which is 400 gallons/day; thus 2,000 gallons/day equals 5 EDUs. Mr. Atkins stated that the 5 EDUs is broken down as follows for the two-phase construction: New Clubhouse 4 EDUs and the renovation of the existing clubhouse will be 1 EDU. There was a brief discussion about phase two of the RRCC project.

Mr. Hawkins says that he is not willing to certify that this is acceptable without better review/documentation from the township engineer and the township solicitor. The PHMC decision never came to the PC, the Chester County Health Department decision

never came to the PC, the Chester County Planning Commission sign off never came to us.

Mr. Shields questioned the answer to Component 4A number 10 and why it is checked yes? Mr. Atkins indicated that the incorrect box was checked and the answer should be no.

Mr. Shields asked if the applicant is planning to get an approval tonight? Mr. Atkins stated yes, they would like an approval tonight. He also noted that the Component 4A form that the Planning Commission is being asked to complete is related to the overall project of the Clubhouse Expansion that is already well underway and not for the Radley Run Sewer Association.

Mr. Murphy made a motion to recommend that the Sewage Facilities Planning Module Component 4A be forwarded to the Supervisors for their review/approval with the following concerns: (1) determination that the Radley Run Sewer Authority is a private sewer association, (2) that the township engineer has reviewed the documents and is more than "generally okay with the submission," (3) that all the appropriate documentation from the Pennsylvania Historic Museum Commission, the Chester County Health Department and the Chester County Planning Commission has also been received, and (4) the submission should also verify that the answer to Component 4A number 10 is corrected to a "No" answer. The motion was seconded by Mr. Garrison and passed with vote of four in favor and one opposed.

**New Business/Public Comment:**

Motion to adjourn the meeting was made at 7:39pm Mr. Shields and seconded by Mr. Garrison and approved unanimously. Next meeting is scheduled for December 13, 2022.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary