

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting December 13, 2016

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:32pm in the township building.

PRESENT: Nick DiMarino, Scott Garrison, Eric Hawkins, Dan Hill, Mary Pat McCarthy, Frone Crawford

ABSENT:

Also present: Ross Unruh, Esquire and Earl Stoltzfus (1345 Wilmington Pike, UPI#65-4-81.2)

A motion to approve the minutes of the October 11, 2016 meeting was made by Nick DiMarino and seconded by Scott Garrison. Motion carried unanimously.

Public Comment:

A motion to amend the C-1/C-2 rear yard setback requirement in the proposed zoning ordinance section 122-45G is being presented tonight. Mr. Unruh presents a re-worded zoning ordinance proposing that the 100 foot setback be adjusted to a 50 foot setback when the rear property line abuts a non-residential property. He also presented aerial views of the properties and a drawing indicating where the applicant wants to build his proposed building on the new property. Mr. DiMarino asks why the applicant wants to place the building so far back on property. Mr. Unruh states that the applicant wants to park RVs in the front of the property as well as to have the new building better aligned with his current building on his existing adjacent property. Mr. Crawford asked if Mr. Unruh looked at the other commercial properties to verify that this change in zoning will not affect any other commercial properties? Mr. Unruh states that he did verify this information. Mr. Crawford asked what other changes will be made to include green area? Mr. Unruh stated the applicant will comply with the required green space. There was discussion about the viewshed of the rear of the said property from PJ Whelihans and that parking lot if the building is built closer to the rear property line.

Mr. Crawford asked if they intend to merge the two properties? Yes, the intent is to eventually merge them, however currently the agreement with the current owner is a lease to purchase. Thus any intent to merge the properties would not occur until total ownership has been transferred.

Mr. DiMarino asked Mr. Crawford if there is a concern about combining the two properties in the future. It would then be approximately 12 acres and thus more likely to be inviting to a big box store or something similar. The concern is not truly the viewshed from the adjacent commercial properties, however, it is whether we are opening the township up to future issues. Mr. Crawford suggests that the PC look at the possibility of limiting building sizes or building footprints to address this issue in C1/C2. Mr. Stoltzfus states the proposed building is a one-story building less than 14,000 sq ft to be located on an 80,000 square foot parcel.

Mr. Hawkins asked about plans for water and sewer in the new building. Mr. Unruh stated that he had a conversation with Sandi Morgan and was told there was no public access to sewer on that property. Discussion ensued that the property in question is clearly indicated on the maps in the most recent Comprehensive Plan as being within future service area for sewer. Mr. Unruh indicated that he will revisit the issue with Sandi Morgan as public sewer would be much less costly to the applicant.

Mr. DiMarino asks what the applicant is seeking tonight? Mr. Unruh indicates they would like the PC to recommend approval of the proposed changes to the rear setback as written in his document on November 23, 2016. Mr. DiMarino states that the PC would like Mr. Crawford to look into the building size restriction further in order that the PC can verify the ability for the township to be protected in the future. Mr. Unruh states that the applicant will have to put his project on hold temporarily until a PC recommendation to the BOS is obtained. Ms. McCarthy states that the PC should be better able to assess the ramifications of this change and hopefully make a recommendation at the January 10, 2017 meeting.

Election of Officers for 2017

Mr. Garrison nominated the slate of Mary Pat McCarthy as Chairperson, Dan Hill as Vice Chairperson, Frone Crawford, Esquire as the Planning Commission Solicitor, and Jennifer Boorse as Secretary. Motion was seconded by Nick DiMarino and approved unanimously.

New Business:

None

Motion to adjourn the meeting was made at 8:32pm by Mr. DiMarino and seconded by Mr. Hill and approved unanimously. Next meeting is scheduled for Tuesday January 10, 2017.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary