

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
OCTOBER 4, 2021**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Vice-Chairman Shiring with the pledge of allegiance. A quorum of Supervisors was declared.

Michael Shiring	-	Vice-Chairman
J. Daniel Hill	-	Supervisor

Absent were Chairman Scott Boorse and Township Solicitor Kristin Camp.

Vice-Chairman Shiring explained that with only two Supervisors present if there was a tie on a vote that the motion would not be approved.

Supervisor Hill moved to approve the September 7th minutes as written. Vice-Chairman Shiring seconded the motion and the minutes were approved.

Supervisor Hill moved to approve the bills submitted for payment since the September 7th meeting. Vice-Chairman Shiring seconded the motion and the bills were approved. General Fund bills totaled \$135,415.08. Sewer Fund bills totaled \$930.88.

HARB REPORT

At its meeting on September 21, 2021, HARB recommended approval for three applications that were in compliance with the HARB guidelines.

TROSTLE/500 DILWORTH FARM LANE/SHED

HARB recommended that a Certificate of Appropriateness be issued for Elizabeth Trostle, 500 Dilworth Farm Lane, for a storage shed. Exterior color - Beige; Roof - Black shingles; Doors – Blue; Front Doors– Standard; Side Doors – Double; Shutters – Blue.

MCCLAIN/1130 ALEXANDER LANE/STUCCO TO SIDING AND WINDOW REPLACEMENT

HARB recommended that a Certificate of Appropriateness be issued to Ami McClain, 1130 Alexander Lane, for the replacement of stucco and windows.

- Wolf siding in the color Riverstone
- White Azek fascia, soffits, and window trim
- White gutters
- White Paradigm windows with grids
- Black raised panel shutters on front windows
- White Howell sixteen panel garage doors
- Front door and sidelights color: deep brown/black shade
- Chimney will be painted to match the siding

STANISLAWCZYK/1014 RADLEY DRIVE/STUCCO TO SIDING AND NEW REAR ADDITION

HARB recommended that a Certificate of Appropriateness be issued for the Stanislawczyks, 1014 Radley Drive, for the replacement of stucco and an addition on the rear of their home.

- Siding: James Hardie Lap and Board-and-Batten Siding in the color White Picket Fence
- Window Trim and Porch Posts: White Azek PVC
- Front Porch Roof: Metal Standing Seam in Dark Bronze
- Porch Side Door: ¾ Light Fiberglass, Four Grid Pattern
- Roof Addition: Tamko Shingles in Weathered Wood
- Window Additions: White Anderson 400 Series Aluminum Clad
- Current rounded window transoms will be replaced with squares
- Chimney: Painted to match siding.

Supervisor Hill moved to approve the Certificates of Appropriateness for 500 Dilworth Farm Lane; 1130 Alexander Lane and 1014 Radley Drive, as recommended by HARB. Vice-Chairman Shiring seconded the motions and the HARB applications were approved.

HISTORICAL COMMISSION (HC) REPORT

1215 CREEK ROAD/HR#67/SAWYER/GARAGE

At its meeting on September 28th, the HC recommended approval of the renovations to the garage as submitted on the plans by Larry's Home Designs. The plans were prepared by Ruff Engineering Co., consisting of nine sheets, last revised 9/24/21.

Mr. Sawyer was present and indicated that the foot print of the garage is staying the same. The entire garage will not be removed, just the top of the garage will be removed (bumped out) for the renovation.

Vice-Chairman Shiring moved to approve the recommendation of the HC for the garage renovation at 1215 Creek Road in accordance with Section 122-36.4 of the Zoning Ordinance. Supervisor Hill seconded the motion which was approved.

ZONING HEARING BOARD (ZHB)

1126 SAMUEL LANE/BENFER/DECK & PATIO

The ZHB is meeting on October 20th to consider an application from Chris Benfer, 1126 Samuel Lane, for variances from Sections 122-24.C (maximum lot coverage) and 122-24.I (minimum green space) of the Township Code in order to develop the property with deck stairs, walkway, and a patio.

Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the ZHB after receiving testimony at the hearing. Supervisor Hill seconded the motion which was approved.

HOLIDAY INN EXPRESS SEWER PENALTY AND INTEREST

The Township is in receipt of an e-mail request dated September 29th from Ponraj, the Task Force Financial Controller of the Holiday Inn Express West Chester asking for relief from the late charges and penalty of \$494.95 imposed on the second quarter sewer bill dated July 1st,

which was due by July 31st. The Holiday Inn Express went bankrupt and Pyramid Hotel Management took receivership on June 18, 2021, per court order. Due to the transition, the lender bank released the operational cash on August 10, 2021. The Township received payment of the sewer rent, less penalty and interest on September 2, 2021.

Supervisor Hill said that the Board doesn't want to establish a precedent and needs to consider all accounts with late fees.

Vice-Chairman Shiring said that other businesses had been assessed late fees and paid them. The Board did give consideration of the late fees to businesses during the pandemic, including the Holiday Inn Express.

Vice-Chairman Shiring wanted it noted that the Holiday Inn Express did not have representation at the meeting.

Vice-Chairman Shiring moved to waive \$250. of the late fees and to notify Ponraj that a payment of the balance of the fees, \$244.95, was due to the Township. Supervisor Hill seconded the motion which was approved.

VMDT PARTNERSHIP/JAGUAR-LAND ROVER DEALERSHIP LAND DEVELOPMENT PLAN/1330 WILMINGTON PIKE

At its meeting on September 14, 2021, the Planning Commission recommended preliminary/final approval of the land development plan for Jaguar/Land Rover West Chester. The Plan, dated November 20, 2020, last revised August 30, 2021, was prepared by Edward B. Walsh & Associates, Inc., consisting of six pages. The Plan proposes the expansion of a building to be used for service write-ups and storage for automobile parts such as tires and oil. A Landscape Plan by Stuart and Associates, dated August 30, 2021, consisting of six pages, was part of the approval.

Rich Orlow, CPA, for Piazza Management, and Steve Sauselein, P.E. with E.B. Walsh were present on behalf of VMDT Partnership.

Mr. Orlow said that Phase I of the project is under construction and the demo of phase II started today. Conditional approval is being requested for the Preliminary/Final Land Development Plan with requests for two waivers. 1. Section 101-305, 101-308, and 101-309.(D)(c) – Requirement to consider 20% of pre-development impervious area as meadow for stormwater management calculations. The overall project will provide a decrease in impervious surface of about eight feet. 2. Section 103-20 – Requirement to submit a preliminary plan. All preliminary plan requirements have been met in the Preliminary/Final Plans.

Vice-Chairman Shiring asked about the timing for the cost estimates for the public improvements. Rich Orlow is working on the escrow with the Engineers and the Acting Township Solicitor for the project, Frone Crawford. A letter of credit will be posted.

Steve Sauselein confirmed that they will comply with the latest review letter dated September 30, 2021 from the Township Engineer, David Schlott with Arro Consulting.

Supervisor Hill brought up the fact that there is light spillage onto the Smith property located at 1337 Faucett Drive.

Mr. Sauselein said that this is an existing non-conformity which is being reduced with a different light with a shield but it will still be slightly non-conforming.

Vice-Chairman Shiring moved to grant the two waiver requests by VMDT Partnership for the Jaguar Land Rover Dealership Plans. Supervisor Hill seconded the motion and the waivers were granted.

1. A waiver from Section 101-305, 101-308, and 101-309.D(2)(c) – Requirement to consider 20% of pre-development impervious area as meadow for stormwater management calculations.
2. A waiver from Section 103-20 – Requirement to submit a preliminary plan.

Vice-Chairman Shiring moved to approve the Preliminary/Final Land Development Plan for the VMDT Partnership Jaguar/Land Rover Dealership located at 1330 Wilmington Pike. The plans, dated November 20, 2020, last revised August 30, 2021, were drawn by Edward B. Walsh and Associates, Inc. Supervisor Hill seconded the motion and the Plan was approved subject to compliance with the following conditions:

1. Any and all remaining comments, as set forth in the Township Engineer, David M. Schlott, Jr., PE review letter of September 30, 2021, as well as any previous review letters, must be addressed and resolved prior to the release of the plans for recordation.
2. The Applicant shall provide the signed Land Development Agreement and Financial Security Agreement (together with the appropriate Letter of Credit for security) in form and content acceptable to the Township Staff, Township Engineer, and Acting Township Solicitor, prior to the release of the plans for recordation.
3. The Applicant shall provide the signed Stormwater Best Management Practices (BMP's) and Conveyances, Operation and Maintenance Agreement in form and substance satisfactory to the Township Staff, Township Engineer and Acting Township Solicitor, prior to the release of the plans for recordation.
4. Before building permits can be issued the following must be satisfied:
 - A. A clean letter from the Township Engineer, David M. Schlott, Jr. PE
 - B. The execution of the Land Development and Financial Security Agreements and the posting of the Letter of Credit.
 - C. The Preliminary/Final Land Development Plans must be recorded.
5. The Applicant must provide written consent to the approval with conditions within ten days. Sect./Treas. Nelling was requested to memorialize the approval in a letter to the applicant for execution.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:16 PM. (MTS;JDH)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

04-Nov-21

From: 08-Sep-21 To: 04-Oct-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
21148	9/20/2021	1001926	AJ BLOSENSKI, INC.	\$170.80	O
21149	9/20/2021	80	AQUA PENNSYLVANIA	\$2,430.84	O
21150	9/20/2021	849	BATTAVIO/B&F SERVICE CO	\$105.00	O
21151	9/20/2021	366	BUCKLEY,BRION,MCGUIRE	\$806.50	O
21152	9/20/2021	775	CONVENIENT CAR CARE C	\$179.70	O
21153	9/20/2021	1002606	CRYSTAL SPRINGS	\$26.50	O
21154	9/20/2021	2	FREEDOM SYSTEMS	\$2,143.00	O
21155	9/20/2021	517	INDEPENDENCE BLUE CRO	\$4,226.56	O
21156	9/20/2021	1002623	MELAVA WINDOWS	\$1,800.00	O
21157	9/20/2021	1002573	NMS LABS	\$825.00	O
21158	9/20/2021	798	PA ONE CALL SYSTEM,INC.	\$44.53	O
21159	9/20/2021	3	PA TWP HEALTH INS COOP	\$316.80	O
21160	9/20/2021	205	PARKWAY DRY CLEANERS,	\$149.20	O
21161	9/20/2021	1002756	PATRIOT WORKWEAR	\$1,775.00	O
21162	9/20/2021	171	REILLY & SONS INC.	\$867.46	O
21163	9/20/2021	507	ROTHWELL DOCUMENT SO	\$234.12	O
21164	10/4/2021	8	10-8 EMERGENCY VEHICLE	\$5,678.32	O
21165	10/4/2021	557	ALL SEASONS LANDSCAPIN	\$965.03	O
21166	10/4/2021	1002773	ANNE MILLER	\$445.26	O
21167	10/4/2021	80	AQUA PENNSYLVANIA	\$122.14	O
21168	10/4/2021	1002659	ARRO CONSULTING, INC	\$29,386.59	O
21169	10/4/2021	1002400	AXON ENTERPRISE, INC.	\$545.50	O
21170	10/4/2021	1001950	CARA M FITZPATRICK	\$167.00	O
21171	10/4/2021	873	CARDMEMBER SERVICE	\$1,099.67	O
21172	10/4/2021	1001949	CHADD'S FORD CLIMATE CO	\$450.00	O
21173	10/4/2021	1002390	CJS TIRE & AUTOMOTIVE	\$618.99	O
21174	10/4/2021	1002121	CLEVENS K-9 SCOOP	\$228.00	O
21175	10/4/2021	909	CONCORD TOWNSHIP VFR	\$20,117.99	O
21176	10/4/2021	775	CONVENIENT CAR CARE C	\$149.75	O
21177	10/4/2021	782	GOOD FELLOWSHIP CLUB	\$6,047.00	O
21178	10/4/2021	176	GOOD FELLOWSHIP RELIEF	\$5,029.50	O
21179	10/4/2021	422	HARRY TILLMAN AUTOMOTI	\$652.20	O
21180	10/4/2021	1002772	LAWRENCE F. DUBAS	\$105.00	O
21181	10/4/2021	1001755	MAJIC LANDSCAPES	\$1,860.00	O
21182	10/4/2021	1002721	MELISSA URBANY	\$200.00	O
21183	10/4/2021	30	PECO ENERGY (TRAFFIC LI	\$76.45	O
21184	10/4/2021	213	PIRMA	\$27,339.00	O
21185	10/4/2021	64	PMRS (UNIFORM)	\$20.00	O

Check Register**BIRMINGHAM TOWNSHIP**

04-Nov-21

From: 08-Sep-21 To: 04-Oct-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21186	10/4/2021	91	PSATS	\$170.00	V
21187	10/4/2021	171	REILLY & SONS INC.	\$784.64	O
21188	10/4/2021	507	ROTHWELL DOCUMENT SO	\$38.67	O
21189	10/4/2021	1001833	STAPLES BUSINESS ADVAN	\$550.05	O
21190	10/4/2021	1002392	TRI-COUNTY PEST CONTRO	\$100.00	O
21191	10/4/2021	278	UNRUH, TURNER, BURKE &	\$1,090.50	O
21192	10/4/2021	1001913	VERIZON WIRELESS 722423	\$188.33	O
21193	10/4/2021	214	WEST CHESTER FIREMENS	\$15,088.49	O
Bank Total:				\$135,415.08	
Bank Account: 81 TRUMARK SEWER FUND					
10299	9/20/2021	11	21ST CENTURY MEDIA - PHI	\$187.63	O
10300	9/20/2021	1002659	ARRO CONSULTING, INC	\$394.75	O
10301	9/20/2021	366	BUCKLEY,BRION,MCGUIRE	\$348.50	O
Bank Total:				\$930.88	
Total Of Checks:				\$136,345.96	