

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting September 12, 2017

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:29pm in the township building.

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

ABSENT:

Also Present: James Hatfield, PE, VanDemark & Lynch, Inc. (township engineer)

Earl Stoltzfus, applicant, 1345 Wilmington Pike
Justin Brewer, PE, DLHowell
Ross Unruh, attorney

Lou Colagreco Jr., Attorney
Matt Chartrand, PE, Bohler Engineering
Susan Phillips, PE, Atlantic Traffic+Design

A motion to approve the minutes of the June 13, 2017 meeting with a minor revision was made by Mr. DiMarino and seconded by Mr. Garrison. Motion carried unanimously.

Public Comment:

Stoltzfus Land Development Plan

Ross Unruh introduces the latest site rendering for what is being proposed. The site rendering has been prepared by Justin Brewer of DLHowell. Mr. Unruh states that the Conditional Use and Zoning Variances have been obtained. There is a review letter from the township engineer, James Hatfield which will be go through this evening as well as the Chester County Planning Commission letter. The issues are minimal and are being addressed.

The following issues are those outlined in Jim Hatfield's letter dated August 21, 2017.

1a. Emergency access issue is to be addressed by the applicant's engineer contacting the Fire Marshall to verify what signage is necessary. Additionally, Mr. Unruh states that the cross access is currently in the works. A draft has been sent to the township solicitor, Kristin Camp for her review and comment. A copy of this document has also been sent to Frone Crawford. Mr. Hatfield notes that this cross access easement must also be indicated on the site plans.

1b and c. Applicant is in the process of obtaining the septic system and NPDES permits. Mr. DiMarino comments that the Chester County Planning Commission letter notes they are not in agreement with the way sewage is proposed to be treated. They want it to be handled through a public sewage hook-up. Mr. Hawkins wants to have some sort of document to be part of the public record. Mr. Hatfield states that there is a paper trail in the form emails. Mr. Hawkins asked if a letter needs to be sent to the CC Health Department. Mr. Hatfield states that, yes, that letter will be necessary in order to obtain a permit. The next step is to actually

design the septic system in order to obtain that permit. They will be installing a holding tank for the drain water that will be sent through the existing system on the adjacent lot.

1d. The applicant applied for the Highway Occupancy Permit and PennDOT requested that the application be re-submitted under the name of the current owners - the Engles.

1e. The applicant is aware of the Maintenance and Construction Easement that needs to be shown. Mr. Unruh has a draft agreement for this that has been sent to Kristin Camp and Frone Crawford. Ms. Camp noted a typo that has been corrected. This document is basically the maintenance and construction agreement for the actual construction of the curb and a chain-link fence.

1f. Parking: this tabulation has been changed various times. The 10 spaces are now back in the front (SW corner) of the parcel. Mr. Hatfield addresses that the current plan doesn't address the one driveway that is being left which will have a permanent chain link fence with a gate and lock (which will be used occasionally). Mr. DiMarino asked where a current RV would be entering for repair? The RV will enter on the existing Stoltzfus lot and then it will be driven only by a Stoltzfus employee to the new lot for repair. Mr. Hatfield states that if the access gate from Rt. 202 is to be used for other than emergency access, the applicant should indicate what that use will be. Mr. Unruh will work up a limited use document for the applicant to agree to. He will share this document with Jim Hatfield and Kristin Camp. This document will then be available to the BOS and Chief Nelling.

2. Is the signage issue again that was discussed above.

3. Is dealing with the lot coverage and Mr. Brewer has assured Mr. Unruh that this is in accordance with ordinance and the Zoning Hearing Board approval.

4. Landscape plan: Plants have been added and greenspace will now be added in front along Rt. 202. The applicant is asking for a waiver to have shrubs in the front, rather than trees. Trees can be an issue for this type of business for two reasons. (1) they hide the display and (2) they drop debris on the vehicles. They are simply asking for the street tree requirement to be waived. Discussion ensued about locating trees or shrubs at various locations on the lot. They will move those four additional trees to another location on the site, if necessary. The PC would approve a waiver of those four street trees if the applicant agrees to adding some additional shrubs in front of the current Stoltzfus lot so that it makes the two properties more uniform.

5. Applicant is aware that the Stormwater Management O&M Agreement needs to be finalized and that they must obtain the permit.

Mr. DiMarino notes the nine outstanding items to be as follows so the PC can vote:

1. Still need contact with Tom Nelling, Fire Marshall, for signage for emergency access;
2. No need to respond to CCPC letter; however, still need septic system permit from CC Health Department;
3. Approval by PennDOT on low volume driveway;
4. Finalize Easement document for the Construction and Maintenance agreement;
5. Waiver to remove the four street trees to be replaced by shrubs on the front of the existing Stoltzfus property;
6. Execute Stormwater O&M agreement;

7. Holding tank needs to be noted on the plan;
8. Change the plan to indicate relocation of the display parking space to allow proper turn radius;
9. A limited use document to be drawn up by Mr. Unruh in conjunction with the Fire Marshall, Kristin Camp and Jim Hatfield regarding the limited access of the gated entrance.

According to Mr. Hatfield, all other governmental permits are conditions that need to be in place in order to get the final approval. Those items will be reviewed by both Mr. Hatfield, Ms. Camp and Ms. Nelling to verify they are all properly in place.

There are nine items that need to be addressed in the Conditional Use recommendation letter. A motion was made by Mr. DiMarino to recommend approval with the nine items listed above. Seconded by Mr. Hawkins and passed unanimously.

Land Source Conditional Use

Ms. McCarthy is recusing herself from the vote on this CU application as the Birmingham Hunt HOA has asked to be a party of interest in the Starbucks application.

Lou Colagreco is the attorney representing the owner/applicant(s) of 1304 Wilmington Pike Unit B. This Conditional Use Application is a simple application proposing a modification to the proposed use of an existing bank building located at 1304 Wilmington Pike to that of a High Turnover Eating and Drinking Establishment. The biggest proposed building alteration is to eliminate two of the bank drive thru lanes as Starbucks will only utilize one lane. The biggest issue has been parking. The condo association document has a total number of spaces allotted and allows for shared parking throughout the site. The applicant has already received a variance from the Zoning Hearing Board on the required number of parking spaces.

Mr. Crawford asked a question about peak hours of operation for Starbucks and the use of shared parking under the condo association agreement. Mr. Colagreco states that the Zoning Hearing Board decision took into account that the peak hours of operation for Starbucks and Fredmys will differ and thus the counter-cyclical parking of the condominium association document will operate effectively.

The applicant is here tonight for a decision on the change in use aspect of the site.

Mr. Matt Chartrand PE from Bohler Engineering has a site plan that shows that the drive thru window will be relocated to the end of the building on the southbound side in order to allow for more stacking of the cars in the drive thru lane. They will be reducing the drive thru lanes to one lane and one bypass lane. From a circulation standpoint they are not modifying the circulation around the building. There will be two boards added at the front of the drive thru lanes. One will be a pre-sell board and then a menu board at the point where an order is actually placed. The need to have significant stacking between the menu board where the order is placed and the pickup window in order to have time needed to fill the order. They are adding 7 parallel parking spaces to be primarily used by employees around the outside curb edge of the drive thru. The Zoning Hearing Board wanted the parallel spaces to be lengthened to 24 feet. There will be a net of 19 spaces total for this bldg. However, overall they will have additional parking thru the shared parking use. According to Lou, the gross parking of the entire site will increase from 91 to 98 total spaces.

Lou addresses the noise ordinance issues and states that Starbucks is already in compliance. However, Starbucks has a regulation built into their speaker system. Mr. Chartrand states that the distances from the outside ordering location and the property line is over 200 feet and that there are built-in sound barriers in the form of other buildings on the site.

Discussion ensued about the timing of filling an order and stacking of cars at the drive thru lane. Mr. Hatfield states that the way to handle this is by having the correct number of staff inside the store to fill those orders in the projected time. Sue Phillips, PE from Atlantic Traffic & Design addresses the stacking issue at the drive thru and states that only 30% of their customers are drive thru customers. She performed her calculations using a 50% drive customer number. Additionally Starbucks has 6 to 8 employees working inside the store and a specific number of those employees are dedicated to the drive thru customers only. The methodology that Starbucks uses to address this is to locate the menu board at the proper place so that there are 5 or 6 cars. This location allows the customer to place their order and have the order ready by the time the customer gets to the window.

Lighting will stay the same.

Signage will be located on the front of the building on Rt 202 with the Starbucks logo. There will also be a small sign pointing to the drive thru area. On the side of the building facing Freddy's will be another Starbucks sign over the archway and another drive thru sign. On the back side of the building facing the existing office building will be another medallion logo sign and another drive thru indicator sign. Once the application is approved, they will have more extensive signage plans available.

Mr. Hill asks about the trash issue. Starbucks is planning to expand and share the trash enclosure area that is already in place behind the current office building. Mr. Chartrand has spoken with both Starbucks and the office building and they have come to an agreement on how to share that area. Mr. Hatfield asked more clarification on the trash and what type of bins are being used. The bins being referenced are larger varieties of those that are used as residential bins.

Mr. DiMarino raises the issue of a previous communication addressing grease traps. Mr. Hatfield states that this proposal doesn't need a land development plan as there isn't a new building so it is just a Conditional Use Hearing and that all other issues should be vetted out during the CU process. Mr. Crawford notes that one of the requirements for Freddy's Land Development Plan was to have an analysis/testing performed on the existing stormwater system to verify that it was adequate. Mr. Hatfield states that the stormwater system on the site is the same as the one that Freddy's recently had inspected and thus should still be adequate. Mr. Colagreco states that the applicant wants to have a discussion with Sandi Morgan the issue of a grease trap. Starbucks doesn't generally install grease traps as they don't cook onsite as they have an internal mechanism that they use at their stores. The internal mechanism they use is called a hydro-mechanical grease interceptor. They plan to have a discussion with Sandi Morgan about their internal mechanism and determine what her decision is after that discussion.

Ms McCarthy asked a question about the traffic flow on the site. She is concerned with the dead-end parking on the Rt 202 portion of the site. She notes that currently the bank has always maintained a one way flow around the existing building. The applicant is willing to discuss this with Starbucks. Mr. Crawford comments that there is a further issue with dual flow traffic on the

site allowing traffic to back up onto Rt. 202. Whereas if the applicant maintains one way traffic flow that back up of traffic should be less likely.

Ms McCarthy asked about the traffic study. Ms. Phillips stated that there was no requirement for a full traffic study. They did a traffic assessment since this building was already in existence and they are dealing with PennDOT approved roads and lights with no new accesses being proposed. The street is not intended as a thru-road, however simply as an access to the condominium site. Ms. Phillips states that studies performed on customers habits indicate that in general customers will not make a left hand turn to obtain a cup of coffee.

Mr. Hatfield asked about the reasoning for why they don't want to change the speed hump to a speed table/crosswalk to accommodate a safer pedestrian crosswalk area. Mr. Chartrand states that realistically in general people don't walk to a crosswalk to walk from their car to the building. Discussion ensues about the best location for crosswalk paintings to be added to the site for both pedestrian safety as well as likely pedestrian usage. Mr. Colagreco suggests that Mr. Chartrand and Mr. Hatfield discuss this further and try to arrive at a safe compromise to this pedestrian issue. Ms. McCarthy notes that the applicant should review and replace existing signs on the site as she notes that one of the "STOP" signs is quite unreadable.

Ms McCarthy makes a statement that the Birmingham Hunt HOA has a concern with the traffic at Rt. 202 and Old Wilmington Pike and Old Wilmington and the Knolls. Ms. Phillips addresses this concern stating that she looked at the PennDOT crash history database for that intersection and also spoke with the Chief of Police about the fatality that occurred at that intersection about 10-15 years ago. From that discussion it was determined that that fatality was not one that could have been preventable by construction as the person who caused it was significantly speeding. The permit for that traffic signal has been updated at least twice since that fatality. In Ms. Phillips recent examination of the crash history data there was no evidence of any necessary improvements to either the entrances or exits from this site, even with the increased volume.

Mr. DiMarino made a motion to recommend approval pending the applicant look at the following items: (1) changing the traffic flow to one way and (2) considering the crosswalk situation through at least a discussion of the addition of a modified speed table and lastly that the applicant obtains the appropriate plumbing permit. Motion seconded by Mr. Garrison. Motion passed with Ms. McCarthy abstaining from the vote.

2018 Budget

To be addressed in October.

New Business:

None

Motion to adjourn the meeting was made at 9:15pm by Mary Pat McCarthy and seconded by Dan Hill and approved unanimously. Next meeting is scheduled for October 10, 2017.

Respectfully submitted,
Jennifer A. Boorse
Planning Commission Secretary