

**Birmingham Township Planning Commission (BTPC)**  
**Minutes of the meeting February 11, 2020**

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:30pm in the Birmingham township building.

PRESENT: Scott Garrison, Eric Hawkins, MaryPat McCarthy, Brendan Murphy, David Shields

Also present: Frone Crawford, Esq  
Earl Stoltzfus, applicant  
Michael Lyons, Esq  
Justin Brewer, PE

A motion to approve the minutes of the January 14, 2020 meeting was made by **Mr. Murphy** and seconded by **Mr. Garrison**. Motion passed unanimously.

**Sketch Plan review for 1325 Wilmington Pike (ESGS Brandywine - Stoltzfus RV Parking expansion)**

Mr. Michael Lyons, attorney for the applicant, is in attendance. Mr. Stoltzfus, the applicant, recently acquired an adjacent property next to his existing site. Mr. Justin Brewer, PE, is in attendance also to present the expansion of Stoltzfus RV into the newly acquired 1.4-acre lot. They received a review letter from the township engineer today and would like to go through that letter this evening.

The intent is to use the new property for RV parking. Currently about one third to one half of that existing lot is gravel. The existing building is to remain. They are preliminarily looking at adding some subsurface stormwater system closer to the Rt. 202 side of the property.

They are aware that they will need some variances for impervious coverage as this is a non-conforming lot (lot size, impervious coverage and green space). It is 2-acre zoning, yet the lot is 1.4-acres.

Mr. Crawford asked what the remaining buildings are to be used for, if the intent is to use the lot for RV parking. Mr. Stoltzfus replied that the existing tenant is planning to continue to use the building. There used to be multiple tenants, but only one is remaining.

Ms. McCarthy suggested that the best thing would be to go through the recently received Township Engineer review letter – item by item.

1. They are aware of this requirement;
2. It is a 4 x 8 sign that is an advertisement for the neighboring property;

3. The c-2 zoning is 50% impervious and 50% green space. Currently the property is 57.3% impervious and 42.7% green space. The current sketch plan shows an 81.9% impervious and the balance of 18.1% being green space.

The lot is non-conforming and that the impervious coverage is also non-conforming. Mr. Crawford notes that in the past, the township has usually required that an applicant make an attempt to make the lot more in line with the impervious requirements of the township. This proposal is drastically opposite of that.

4. These are just corrections to the plan;
5. The applicant plans to comply;
6. They have had discussion about closing off one of the entrances and simply expanding the remaining one;

Ms. McCarthy asked if they would need an emergency access. They are working with the Fire Marshall to determine they have adequate access.

7. To be determined at land development stage;
8. To be determined at land development stage;
9. Will comply;
10. Will add this;
11. Lighting will be similar to lighting on the rest of the property;
12. No additional signage as there is already existing;
13. They will add this to the plan;
14. Intended parking area will be asphalt

Mr. Hawkins asked why, since this has to go through the land development process anyway, the lots wouldn't be conjoined. Mr. Lyons stated that the lots have two separate owners. Mr. Hawkins commented that his issue with this plan is that it is a simple use proposal, an additional lot with two separate owners (thus two separate entities), with proposal to expand the parking and the impervious coverage and decrease the green space and also continue to use the existing building for something that has nothing to do with the proposed changes. It's difficult to understand the real proposal and the plan seems rather incoherent.

Ms. McCarthy and Mr. Shields both noted that the impervious coverage is a big issue because the ratio they are proposing is high in comparison to the zoning requirement.

Mr. Crawford clarified his reasoning about the current principal use of the existing building on the property. He notes that the existing owner is a vehicle detailing agency and that is the principal use. If this proposal goes through, that would still be the principal use and the use to be added is not really accessory to the principal use on the property. This is what Mr. Hawkins was eluding to in his concerns. The accessory use being proposed relates to another property. Technically the proposal is accessory parking for an adjacent property that is devoted to New and Used Vehicle Sales.

Mr. Hawkins states that just to be clear, if this lot were to be merged with the adjacent property, this would be a more favorable request.

Mr. Shields asked for information on the adjacent property. Mr. Stoltzfus stated that the existing property is 14 acres, but that only 4.2 are in Birmingham Township. The remaining acreage is in Thornbury Township.

Mr. Hawkins asked to make sure that the turning radiuses noted in the Fire Marshall's Feb 5, 2020 letter is incorporated into the revised plan when they come back.

### **Zoning Ordinance Revisions for Accessory Structures and Alternative Energy**

Mr. Crawford had circulated a marked-up copy of the proposed ordinance changes to the Planning Commission members for review. Ms. McCarthy read an email from Kristin Camp to her noting that a policy decision needs to be made if it wants to support solar power. According to Mr. Crawford, this draft of the ordinance change keeps the special exception in and the Board of Supervisors can decide if they want to eliminate that unless the Planning Commission wants to remove that tonight. Discussion ensued about the reason the township is reviewing this ordinance and whether there are any justifiable reasons that a neighbor could be concerned about the installation of solar panels. Mr. Murphy asked what improvements to a house trigger neighbor notification. The answer was (outside of the Historic Resource requirements) only improvements that would require zoning relief or ones that are listed in a specific use section of the zoning ordinance. Currently the way the ordinance is written, rooftop solar panels and ground arrays are handled separately. During the discussion it was noted that the technology for solar is constantly changing and may need to be updated again. However, it is necessary to move forward with some changes at this time. It is important to remove the aesthetic provision and to make a decision about whether solar energy should be by-right or still require zoning hearing board approval.

Ms. McCarthy clarified the decisions made during the discussion. Mr. Crawford will incorporate these decisions into the ordinance for review by the Planning Commission next month:

- To allow single family use rooftop solar panels by right - excluding Historic Resources class I, II or III.
- Solar panels should also be allowed by right on accessory structures. Rooftop arrays are already self-limiting by the size of the structure.
- Next would be ground arrays (10ft) accessory to a home will be by special exception.
- Commercial district solar arrays on the rooftop by right as long as it does not exceed the parapit level (flat roof commercial); pitched roof commercial same as residential
- In the commercial zoning area, principal use solar array will be allowed by special exception only.
- Solar farms are not permitted in residential zoned areas. Solar farms would only be permitted as special exception on a large lot

Next, Mr. Shirring provided background on why the BOS asked for the Planning Commission to review the lot line change item. The PC explained how the discussion evolved over the past couple of meetings to incorporate more than just the lot line change. Mr. Shirring suggested that someone from the PC should come to the BOS meeting and explain why the proposed changes were made. No additional changes were made to this portion of the ordinance change.

Mr. Crawford will incorporate all the decisions made tonight and send it out to the PC ahead of time so that any additional changes can be made prior to the March meeting. The PC made a commitment to vote on the proposed ordinance changes at the March meeting and move it on to the BOS for action.

**New Business/Public Comment:**

None

Motion to adjourn the meeting was made at 9:01pm by Mr. Murphy and seconded by Mr. Shields and approved unanimously. Next meeting is scheduled for March 10, 2020.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary