

**BIRMINGHAM TOWNSHIP
PLANNING COMMISSION MINUTES
October 14, 2008**

The regular meeting of the Planning Commission was called to order by Chairman DiMarino promptly at 7:30 p.m. at the Birmingham Township Building. The following Township Officials were in attendance:

Nick DiMarino	Chairman, Planning Commission
Eric Hawkins	Vice Chairman, Planning Commission
Debbie Hineman	Planning Commission Member
Janet Decaestecker	Planning Commission Member
Peter Davenport	Planning Commission Member
Scott Towler	Planning Commission Member
Scott Boorse	Planning Commission Member
Frone Crawford	Solicitor, Planning Commission
Andrew McReynolds	Solicitor, Planning Commission
Mary Pat McCarthy	Planning Commission Secretary

Approval of September 9, 2008 Minutes Motion (Hawkins\Hineman) to approve the September 9, 2008 minutes as is (approved all in favor). Scott Boorse abstained since he was not at the September 9, 2008 meeting.

Cj's Tire and Automotive Services Conditional Use Hearing

Pat McKenna, Lawyer for Cj's Tire and Automotive Services spoke about the company and its request. Cj's is headquartered Berks County. He had Colin Davies from DL Howell Engineers and Greg Mynaugh Director of Cj's Tire Sales and Operations available to provide additional information. The company sells tires and does automotive services (shocks, brakes, inspections and oil changes). They currently have 10 retail locations.

They are looking to lease purchase the property 1309 Wilmington Pike a 3 acre lot from Hannum. The property would have 2 tenants CJ's and the other tenant would be Hannum. Hannum would use their section of the structure as storage. There would be no change to the impervious ground coverage. There would be no structural changes. They would have 5 double bay doors, a sign on the building. The pole sign would stay there and be illuminated.

Mr. McKenna, presented aerial photographs and rendering of the proposed sign to the commission. He utilized the Letter Dated Oct 13 by Jim Hatfield of Vandemark & Lynch, Inc as the outline for his presentation to the Commission.

Letter Item #5 Parking – Section 102A1B16 Ordinance called for 30 parking spaces. The plan had sought 44 parking spaces. After meeting with the Fire Chief Tom Nelling, Cj's is going to remove 4 spaces place the dumpster against the building, by removing the 4 spaces it would allow access to the rear of the building. Additionally, Chief Nelling requested a no parking fire lane. The plan would now show a net of 40 spaces.

Customer traffic to this site was explained by Greg Mynaugh. He showed the customer traffic count from 4 stores for the month of September

Limerick (Med Vol)	Litiz(Med Vol)	Leesport(Med Vol)	Birdsboro(highest volume store 2x the number of bays)
27.2	20.6	18.2	58

There are no spikes in their traffic it is a steady flow. Stores Hours Mon-Thu 7:30 to 7pm, Fri 7:30-6pm, and Sat 7:30-4pm.

Mr. Davies spoke about the plan with regards to where the signs would be placed. Mr. Davies showed a proposed plan to be filed after the meeting. The proposed plan showed the changes that were made after speaking with Chief Nelling regarding the dumpster placement and the identified fire lane. The new plan would be filed after receiving any additional changes from the Planning Commission.

Mr. Davies showed where the Cj's Tire sign would be placed. The placement would be on the current metal pole. The sign would be internally lit. The sign will meet all the regulations of the township.

Solicitor Crawford expressed concern that the light pole sign is the only sign on the property. The sign is located on the front of the property. Since the entrance to get to the property uses an easement he was concerned that there are no signs telling people where the driveway is located. He was concerned that people will drive-by the driveway long before they see the sign. Mr. McKenna stated this was not something they had looked at he noted it is something they would review. Mr. Mynaugh replied that Cj's is a destination store and 70% of the people call before they come to Cj's and would receive directions.

Letter item #6 – this property does not abut residential uses. This would not apply. The Hannum conditional use application did not require this either.

Current condition of the landscaping- Mr. Mynaugh stated that Waterloo and Styers are used for landscaping designs. They like a low maintenance approach to landscaping, they will maintain the grass, they will mulch the existing areas and prune the bushes.

Letter item #8 – External lighting, Cj's will comply with the township zoning ordinances. The building lighting will utilize indirect florescent bulbs Mr. Davies showed a lighting plan to the Commission it will utilize a maximum 100 watt lighting the provides a 10 foot radius. There are lights between garage doors as well as above the doors. Timers will be dusk to dawn. They are willing to adhere to any requests the commission might have regarding lighting as long as the other businesses are following the same recommendations.

Chairman DiMarino stated his concern that the light be directed down he is concerned that it does not cause driver glare for cars on Route 202. Mr. McKenna stated that because of the berm he did not think that it would cause a problem.

Letter item #9 – Mr. McKenna stated there would not be any outside storage only a dumpster that will be screened. All tires and equipment will be maintained inside the building.

Letter item#10 – None of the proposed uses are to be located in Thornbury Township. The portion located in Thornbury will remain open and unused.

Letter item 11 – regarding vehicle services on site. They have will have vendors come in from tire recycling, oil filter removal and oil and anti-freeze removal. These companies would never come with a box truck great than 14 feet long. They will have lift gates to get the barrels to the truck. The oil is removed by the equivalent of a septic removal truck. Stores are replenished throughout the day by a 6' box truck.. All recycle vendors are DEP approved and Mr. Mynaugh had copies of all of their licenses.

Letter item 12 - They all will adhere to the township noise ordinance per Mr. McKenna. All work is done in the bay with the cars on hydraulic lifts. It uses tools similar to other car dealerships in the area.

Mr. McKenna asked Mr. Hannum to discuss the dual use.

Mr. Hannum stated that he will use the garageto maintain business files for it's' dealerships from the past 5 years. They house seasonal fixtures, a boat on a trailer, boxes and antique motorcycles. There is no intention of opening a retail business. It is a great relief for them to be able to compact all the storage for the retail stores. He stated the frequency that he thought the storage area would be used (winter -2x a month, spring 2-3x a week and Summer/Fall 1x a week). He will not be storing any vehicles or trailers on the outside. He will just use the inside of the storage area. Mainly corporate records will be stored. Mr. Hannum offered to walk anyone through the storage facility. He stated it was very neat and clean.

Mr. McKenna restated nothing will be stored outside. Cj's will repave and restripe the parking area.

Mr. McKenna summarized that Cj's will have 6 employees on site. They are looking to enter in to a 2 year lease with an option to purchase or an options to renew the lease from Hannum.

Chairman Di Marino asked if there were any waivers or variances that were to be requested. Mr. McKenna stated nothing was requested. That there were 4 non-conforming items that will not be altered they are a front yard setback , the lot coverage, side yard setback and minimum green space. There is no construction or improvement to the property other than the facade. All changes will be to the interior.

Chairman Di Marino restated that neighbors did not need notification because the changes will not affect them because there are no changes to structure and ground coverage .

Chairman DiMarino turned the meeting over to the Planning Commission Members to ask questions.

Q= Question

A= Answer

Q Mr. Boorse had a question with Letter item #4 He questioned whether the estimated number of cars that Mr. Mynaugh gave as an example included just the number of cars serviced. He wanted to know if it also included drop offs and pickups?

A Mr. Mynaugh stated it only included cars being serviced not drops and pickups however he thought they averaged only 3-4 drop offs a day. Their busiest time is at the end of the day.

Q Mr. Towler – There is 69% impervious cover. Is there any storm water management?

A Mr. Davies stated they are not changing the impervious coverage so nothing will change. Any water used to clear the shop floor goes into recycle. No water goes in to drains or the ground outside.

Q Mr. Davenport – What brands of tires will you carry?

A All the major Brands

Q Mr. Marshall – Was Thornbury township and its' neighbors contacted?

A Mr. McKenna stated that he had notified the Thornbury Township Manager and The Thornbury Township Solicitor of tonight's meeting. All adjoining properties affected were notified per the township ordinance

Q Ms Hineman - What happens with the used tires? Where are they stored?

A Mr. Mynaugh stated they will always be stored inside and they are picked up weekly by a recycling company

Q Mr. Hawkins questioned whether there is handicap access needed for the warehouse section of property.

A Mr. Mynaugh stated that they are required to have 2 and they have met this requirement. They can move one of the spots to the warehouse side of the property if it is requested.

Q Chairman Di Marino pointed to a picture from one of the exhibits that showed large amounts of asphalt and questioned the purpose.

A Mr. McKenna explained that this is the eastern side of the property towards Thornbury Township. This area according to the last conditional use decision was asked to remain the same and not to be used. Given the steep slopes there is not much you can do with the property.

Q Mr. Boorse questioned if there were any upgrades to the current pole lighting? Will there be enough lighting? Will the lighting meet the current commercial requirements?

A Mr. Mynaugh stated we intend to use the current lighting fixture. Lights will be left on inside the building as well as the garages. There are cameras inside and outside of the property. We work with the Police to make sure they are comfortable with our property and that they know the lay of the land. Mr. McKenna referred back to the last conditional use approval for Hannum as the guide.

Q Mr. Towler wanted to know if the septic system was large enough to handle the use of employees and customers. Also is there a filter to keep the oil and grease from the employees from entering the system.

A Mr. McKenna stated they did not have an answer and would check in to this item. This would be part of getting the permit issued.

Q Ms Hineman asked when do they expect to be operational?

A Mr. Mynaugb stated he was looking for a January opening it could possibly be ready in less time.

Q Chairman DiMarino stated that the current lot was rather rough and questioned if they had safety concerns for the employees and customers.

A Mr. Mynaugb assures the Commission that the lot would be resurfaced prior to the opening of the store.

Q Solicitor Crawford asked if windows would be added and what are the materials? What will the landscaping plans look like at the end of construction?

A False wall non load bearing wall will be built with a stone and stucco finish the stone will be 4' from the bottom. Mr. McKenna stated if the Planning Commission asked for a landscaping plan it will be provided, they did not have one prepared for this evening.

Q Solicitor Crawford asked if any of the non-conforming impervious would be removed

A Mr. McKenna stated that there were no plans to touch it and it would be left the way it is currently.

Q Mr. Boorse question if the Hannum Conditional Use carries over to Cj's Tire?

A Solicitor Crawford stated is was a guideline and not binding. The use of the building has changed but the building and the surrounding areas have remained the same so many of the items in Hannum's conditional use would still apply.

Chairman DiMarino stated what that there would be conditions. Mr. Marshall brought the conditional use approval to a motion.(Boorse)

The Planning Commission unanimously recommended sending the Cj's Tire Conditional Use Application to the Board of Supervisors for approval at the conditional use hearing.

It must meet the following conditions:

All of the items in the Vandemark and Lynch, Inc. letter of Oct. 13, 2008 are addressed and responses to items 4 through 13 are included in the conditional use approval and marked on the final approved plan.

The existing two pole lamps on the property be brought into conformity with the township's lighting standards or removed.

Specifications for landscaping be made part of the requirement for approval (no formal plan is requested)

Reduction in impervious cover to some level closer to the requirement of the zoning for this parcel be made a condition of the next transfer of ownership (in effect reducing the protection of grandfathering)

The signage plan submitted be checked for conformity with township ordinance (it appears to be) and included in the conditional use approval.

This concluded the conditional use section of the meeting.

Chairman DiMarino went to the next item on agenda

Chairman DiMarino reviewed the Planning Commission Budget with the Commission. It was agreed that the budget for 2009 remain the same.

Solicitor Crawford reviewed the definition of Green space and impervious coverage from other Chester County Townships. The commission gave their input as to what the new definitions might include. Solicitor Crawford will take this input and return with definitions of green space and impervious coverage.

Mr. Marshall discussed the progress on Properties of Interest. He provided a list of properties that were greater than 5 acres. He color coded the list to make it easier to discern. Green letters were safe due to conservancy easements, black not as important and red lettered properties had the ability to be subdivided. Mr. Marshall worked on this with Jacquie Roach. Chairman Di Marino requested that everyone review the list and bring back any comments to the next meeting.

No other business the meeting adjourned 9:20pm (Hawkins/Hineman)

Respectfully submitted,

Mary Pat McCarthy

