

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting December 12, 2023

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:00pm.

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

ABSENT:

Also present: Kim Venzie, Esq., Scott Deisher (JMR Engineering), Bill Messier (developer)

Mr. Shields made a motion to approve the October 10, 2023 minutes. Motion was seconded by Ms. McCarthy and it passed unanimously.

541 Webb Road/Land Development Plan

Mr. Deisher is in attendance tonight representing the 541 Webb Road subdivision. The applicant is proposing to subdivide the existing 21-acre parcel; maintaining the existing house and subdividing the property into 5 lots and constructing 4 new dwellings. Since the Planning Commission meeting last month, they have incorporated some of the recommendations and updated the plans accordingly. Thus, Arro has provided a new review letter dated December 11, 2023 pertaining to these updated plans -- there are even fewer comments this time. The applicant has also added another waiver to the request. They submitted applications to NPDES and PennDot at the beginning of December. The sewage consultant is ready to submit that application this week. They re-did the septic testing on the one lot that they mentioned in October. There were no issues with that testing and the system has been resized and located on the plans.

Mr. Deisher addressed the items in the ARRO letter dated December 11, 2023 one by one:

Relief/Waivers Requested:

1. Waiver for the overall stormwater management plan to be drawn at a scale of 60 when the ordinance requires a scale of 50.
2. Preliminary/final request rather than two separate items
3. See above comment 1 as this relates to that same issue. scaling
4. The applicant has requested relief from the required dedication of land for park. Since the township does not have a policy for this, they are requesting a waiver. Ms. Venzie commented that the PC can state they generally support this waiver, however, will defer to the BOS to make the decision.
5. A tree survey has been provided already and it is extremely detailed for the side of the creek that they will be working on.
6. The applicant has requested relief from the maximum vertical cut of 10 feet with the sloping lands exceeding 15%. This request pertains to lot 3 and the applicant

is requesting a 2:1 finished slope instead of a 3:1 requirement. There was a brief discussion about this lot and the requested waiver. Mr. Schlott from Arro commented but again deferred to the BOS for a final decision. Ms. Venzie asked for additional clarification since ARRO is deferring to the BOS for this waiver. Mr. Deisher verified that this only refers to Lot 3 and that by allowing the maximum cut of 10 feet, when the vegetation grows back, it will definitely have less impact than if they had to cut back further into the slope. Ms. Venzie wanted to know why Mr. Schlott used different wording if ARRO does not object. He stated that he probably should have used his normal comment so as not to raise concern with the PC.

Zoning:

1. The applicant's attorney is working on the wording, and they will be added to the plan once they are provided.
2. Mr. Deisher added all the notes indicated in the letter, except that he missed the last sentence in comment C. He will add that.

Subdivision and Land Development:

1. Applicant will provide the permit numbers once they are obtained. The applications have now been submitted.
 - a. Will comply
 - b. Will comply – had a pre-application meeting and it went well.
2. Will comply
3. Will comply
4. Applicant wanted to discuss this request and get additional feedback from the PC on the mitigation that they would like to see here. Discussion ensued about what is being mitigated. There is already some vegetation there, and since there is an existing driveway directly across the road, they need to be careful what type of trees are added. The mitigation is to eliminate car headlights.
5. Will comply – there is a blank section on the plan to add the address numbers once they are assigned.
6. The applicant's attorney is working on the driveway easement agreement.
7. Will comply with sewer planning module. Since the Lot #3 system was relocated, they are all now shown on the plan.
8. They are still working on this as they had to re-test one of the lots as the road had to go through the area where the prior testing was performed.

Stormwater Management:

1. Will comply.
2. Will comply once they have the final date.
3. Will comply with the draft O&M agreement.

General:

1. Will comply – now that they have applied for some of the permits, they have permit numbers and will add them to the plan.
2. Will update.

3. Will update and comply.
4. Will comply
5. Will comply – it is on the plan to be offered to PennDot.
6. Will correct
7. Will update the wording to the correct terminology.

Ms. McCarthy noted that a letter was received from Chadds Ford township should be entered into the minutes. Mr. Murphy wanted to note that none of the Chadds Ford members that sent the letter/s are in attendance tonight. One of the members who sent a letter is Mr. William Grosskopf. He originally received the required notification letter from the applicant that they would be discussing this proposed subdivision at the Birmingham township PC meetings.

Discussion ensued about the items in the letter and Mr. Deisher noted that they conducted a speed study and as he recalls there was no excessive speed noted in the 8- hour timeframe they studied.

Mr. Murphy made a motion to recommend that the BOS grant approval based on a clean ARRO engineering letter. Specifically noting the following outstanding items: (1) The PC supports the relief requested in the ARRO letter dated December 11, 2023 section Relief Requested numbers 1-6. BOS shall exercise discretion regarding number 4 depending on if there is a fee in lieu of option; (2) Under the Subdivision and Land Development item #4 regarding mitigating lighting impact using plantings at the end of the driveway, the PC suggests that the township engineer work with the applicant's engineer to determine what appropriate plantings will be. Motion was seconded by Mr. Shields. Motion passed with 4 in favor and Mr. Hawkins opposed.

New Business/Public Comment:

Motion to adjourn the meeting was made at 7:53pm by Mr. Shields and seconded by Mr. Murphy and approved unanimously. Next meeting is scheduled for January 9, 2024.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary