

TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

Zoning Hearing Board Regular Meeting Agenda September 28, 2021 7:00 PM

- I. CALL TO ORDER
- II. CITIZEN'S INPUT
- III. PLEDGE OF ALLEGIANCE
- IV. INTRODUCTION OF BOARD MEMEBERS
- V. APPROVAL OF MINUTES
 - 1. August 24, 2021 minutes
- VI. SWEARING IN OF THOSE WHO WISH TO TESTIFY
- VII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE
- VIII. NEW BUSINESS
 - 1. FERGUSON TOWNSHIP
 - 10 minutes
 - Narrative**
The variance request of Ferguson Township Supervisors regarding the property at 3147 Research Drove, State College, PA 16801. Tax Parcel 24-004-070F. The applicant is requesting a variance to Chapter 27-713.B to permit the installation of roof top solar PV system on the roof of the Public Works Building. The property is located in the Light Industry, Research and Development (IRD) zoning district.
- IX. CALENDAR ITEMS
 - 1. Next meeting will be October 26, 2021 pending agenda items.
- X. ADJOURNMENT

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, August 24, 2021
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, August 24, 2021. In attendance were:

Board:

Michael Twomley- Chair
Susan Buda – Vice Chair
Swamy Anantheswaran- Secretary - Absent
Mike MacNeeley
Irene Wetzels-Absent
Stefanie Rocco, Alternate-Absent
Ron McLaughlin, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator
Summer Brown, Recording Secretary

Others in attendance were: Mike Patel, Rita's Italian Ice.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order on Tuesday, August 24, 2021 at 7:01 pm.

III. CITIZEN'S INPUT

IV. PLEDGE OF ALLEGIANCE

V. INTRODUCTION OF BOARD MEMBERS

VI. APPROVAL OF MINUTES

1. July 27, 2021 minutes.

Mr. Michael Twomley called for a motion to approve the July 27, 2021 meeting minutes. Ms. Susan Buda stated that there are some minor corrections that need to be made such as on page four, second paragraph wording changed to "more than 50 acres" and the last sentence on the last page watershed needs to be changed to flood plain. Mr. Michael MacNeely made a motion to approve the meeting minutes with corrections, Ms. Susan Buda seconded the motion, and the motion passed unanimously.

VII. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Mr. Jeff Ressler and Mr. Mike Patel were sworn in to testify.

VIII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE/APPEAL

Mr. Jeff Stover solicitor went over the criteria for a variance.

IX. ZONING OFFICER EXPLAINS THE BASIS OF VARIANCE/APPEAL REQUEST

X. NEW BUSINESS

1. MIKE PATEL/RITA'S ITALIAN ICE

Mr. Ressler stated that the property that is the subject of this hearing is located at 1609 North Atherton Street, State College, PA. Tax parcel 24-010-,016-,0000 and is .53 acres in size. The property is owned by Scott Lucchesi and is located in the C-General Commercial zoning district. The present use of the property is as a Rita's water ice and is owned by Mr. Mike Patel. The applicant is proposing two awnings one on the front of the building and one on the side of the building. Both awnings would project into the required setbacks. The building itself is located in the setbacks. The applicant is requesting variances to Chapter 27-209.1 and Chapter 27-209.1.E.

Mr. Ressler stated that Chapter 27-209.2 reads as follows: No structure shall be placed in the front, side or rear yard setback area for each use, except where specifically permitted below or in other sections of the chapter. Chapter 27-209.1.E reads as follows: balconies, bay windows, chimneys and flues columns, cornices, and eaves, fire escapes, gutters and downspouts, sills, decks, patios, HVAC unit and pad and enclosed porches may project into specified yard areas of the lot, but not more than three feet. The proposed awning on the front of the building would project approximately 2.2 feet further into the front setback. The proposed awning on the side would project approximately 3' further into the setback. Ms. Buda asked Mr. Ressler if in his opinion the awnings would affect site distance, traffic, or safety. Mr. Ressler stated that he does not think this would hinder anything.

Mr. Patel stated that he owns Rita's and is ran by him and his family. When they moved from downtown to this building they put in new windows. Mr. Patel explained that the awnings would protect customers from the rain and sun. There is a side window for when they are busy and an awning is requested for that side as well. Mr. Patel stated that he is asking for the smallest awning they make which is 2 feet. Mr. MacNeely stated that this building is nonconforming. Ms. Buda stated that the building being nonconforming addresses the unnecessary hardship. Mr. Ressler asked if corporate is requiring an awning, Mr. Patel stated that the franchise requires awnings. Mr. Stover stated that he would like to have Mr. Lucchesi's authorization as a condition on this motion.

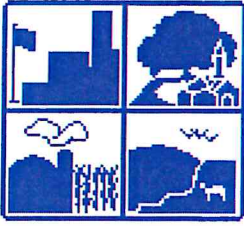
Mr. Twomley entertained a motion to approve the variance. Mr. MacNeely made a motion that the property located at 1609 North Atherton Street, tax parcel 24-010-,016-,0000 be granted a variance to Chapter 27-209.1 and Chapter 27-209.1.E to allow the applicant to construct two awnings as shown in the application packet this approval will be contingent upon approval from the property owner Scott Lucchesi. Ms. Buda seconded the motion, and the motion passed unanimously.

XI. CALENDAR ITEMS

XII. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 8:30 pm.

Swamy Anantheswaren, Secretary
For the Zoning Hearing Board



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3147 Research Drive • State College, Pennsylvania 16801
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TO: ALL ZONING HEARING BOARD MEMBERS
JEFFREY STOVER, SOLICITOR

FROM: Summer Brown, Administrative Assistant

DATE: September 15, 2021

SUBJECT: ZONING HEARING BOARD MEETING

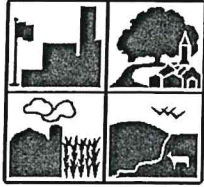
The Ferguson Township Zoning Hearing Board will hold a Public Hearing at the Ferguson Township Municipal Building, 3147 Research Drive, State College, Pennsylvania on Tuesday September 28, 2021 at 7:00 PM to hear the following variance requests:

The variance request of Ferguson Township Supervisors regarding the property at 3147 Research Drove, State College, PA 16801. Tax Parcel 24-004-070F. The applicant is requesting a variance to Chapter 27-713.B to permit the installation of roof top solar PV system on the roof of the Public Works Building. The property is located in the Light Industry, Research and Development (IRD) zoning district.

The public may attend the meeting in-person.

Thank you.

Copy: Office File



TOWNSHIP OF FERGUSON

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www.twp.ferguson.pa.us

September 14, 2021

VIA EMAIL

Legal Advertising Department
CENTRE DAILY TIMES
Post Office Box 89
State College, Pennsylvania 16804

Please insert the following legal notice so that it appears in the Legal Section of the Centre Daily Times on **Thursday September 16, 2021 and Tuesday September 21, 2021**

LEGAL NOTICE

The Ferguson Township Zoning Hearing Board will hold a Public Hearing at the Ferguson Township Municipal Building, 3147 Research Drive, State College, Pennsylvania on Tuesday September 28, 2021 at 7:00 PM to hear the following variance requests:

The variance request of Ferguson Township Supervisors regarding the property at 3147 Research Drive, State College, PA 16801. Tax Parcel 24-004-070F. The applicant is requesting a variance to Chapter 27-713.B to permit the installation of roof top solar PV system on the roof of the Public Works Building. The property is located in the Light Industry, Research and Development (IRD) Zoning District.

The public may attend the meeting in-person in the Main Meeting Room of the Ferguson Township Municipal Building

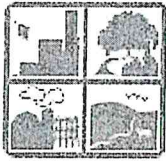
For the Ferguson Township Zoning Hearing Board
Jeffrey S. Ressler, Zoning Administrator

The Proof of Publication Notice and the invoice related to this advertisement should be sent to the attention of Ms. Traci Miller, the Township Accountant. Please call me if you should have questions or if you will be unable to process this request.

Sincerely,

Jeffrey S. Ressler
Zoning Administrator

c: Legal Ad file



Township of

Planning & Zoning Department

Pennsylvania

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$300.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$500.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$300.00 and the Appeal fee of \$500.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email dpribalta@twp.ferguson.pa.us

ENTRY OF APPEARANCE

Name David Pribalta, Township Manager

Address 3197 Research Dr, State College PA 16801

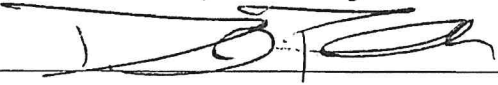
I am appearing on my own behalf (Check if this is true.)

I am representing Ferguson Township

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature 

Date 9/14/21

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant Ferguson Township

Address 3147 Research Dr. State College PA 16801

Phone FAX 814.238.4651 / 814.954.7642

Owner Ferguson Township

Address 3147 Research Dr. State College PA 16801

Phone FAX 814-238-4651 / (814) 954-7642

1. Location of premises 3147 Research Dr. State College PA 16801

2. Centre County Tax Map Parcel Number 24-004-070F

3. Present zoning IRD

4. How long has the applicant held an interest in the property? ≈ 1999

5. Present use of the premises Municipal

6. Proposed use of the premises Municipal

7. Explain extent of proposed alteration(s), if any: Addition / Installation of rooftop-mounted solar photovoltaic arrays.

8. Describe all existing structures, including type size and height: See attached
Memorandum.

9. Has the property been involved in previous zoning hearing(s)? No If so, describe date of hearing, nature of hearing and outcome of hearing:
N/A

10. For new construction or alterations:
a) Have plans been submitted to the Zoning Officer? yes
b) Has he/she reviewed, approved, and signed the plans? no
c) Has he/she issued a permit? no

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:
Section 27-713 (8) (B.) - Screening and Visibility

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:
N/A

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:
a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

See attached memorandum.

14. Attach a diagram or site plan showing the following:

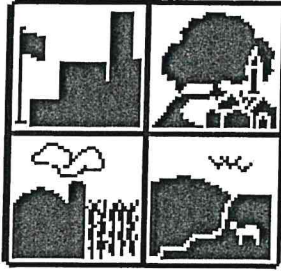
- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

See attached memorandum.

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid



Ferguson Township
3147 Research Drive
State College, PA 16801
Telephone: 814 – 238 – 4651
Fax: 814 – 238 – 3454
www.twp.ferguson.pa.us

Memo

To: Ferguson Township Zoning Hearing Board

From: David Pribulka, Township Manager

CC: Ferguson Township Board of Supervisors
Jenna Wargo, Director of Planning & Zoning
Jeff Ressler, Zoning Administrator
David Modricker, P.E., Director of Planning & Zoning

Date: September 15, 2021

Re: Request for Variance – 3147 Research Drive

Ferguson Township is concluding the construction of a Public Works Maintenance Facility located on the municipal complex at 3147 Research Drive. The property is zoned Light Industrial, Research and Development (IRD) and houses eight independent structures including an office building, salt storage facility, and six other structures used to store and maintain municipal equipment. Building 6, the new Public Works Maintenance Facility, is the subject of this variance request. Specifically, the Township is seeking relief from the requirement of §27-7138.B, which stipulates that, “building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the lot, exclusive of an alley as defined by this section, at a level of five feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment.”

This memorandum includes supplemental information to accompany the application for variance including a list of all abutting property owners; site plan showing relevant landmarks; and a statement of hardship. Thank you for your consideration of this request.

Description of Hardship

Ferguson Township developed its architectural Basis of Design in June 2017, to construct a LEED Gold Public Works Maintenance Facility. The complete document is appended to this memorandum. An integral part of the design was to construct a facility that would “draw minimally from the grid,” and included a building footprint aligned for optimal solar capture. The document identifies three primary goals of onsite solar photovoltaic related to reduced environmental impact and long-term cost containment and efficiency of design.

At the time of design, this regulation was not applicable in Ferguson Township. The ordinance was not adopted until November 2019. As such, the architectural and engineered drawings did not consider screening from visibility of street-level pedestrians and vehicles. At this time, any modification to incorporate those design elements would substantially change the ability of the solar installations to meet the Basis of Design and LEED requirements.

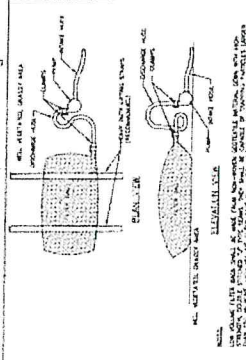
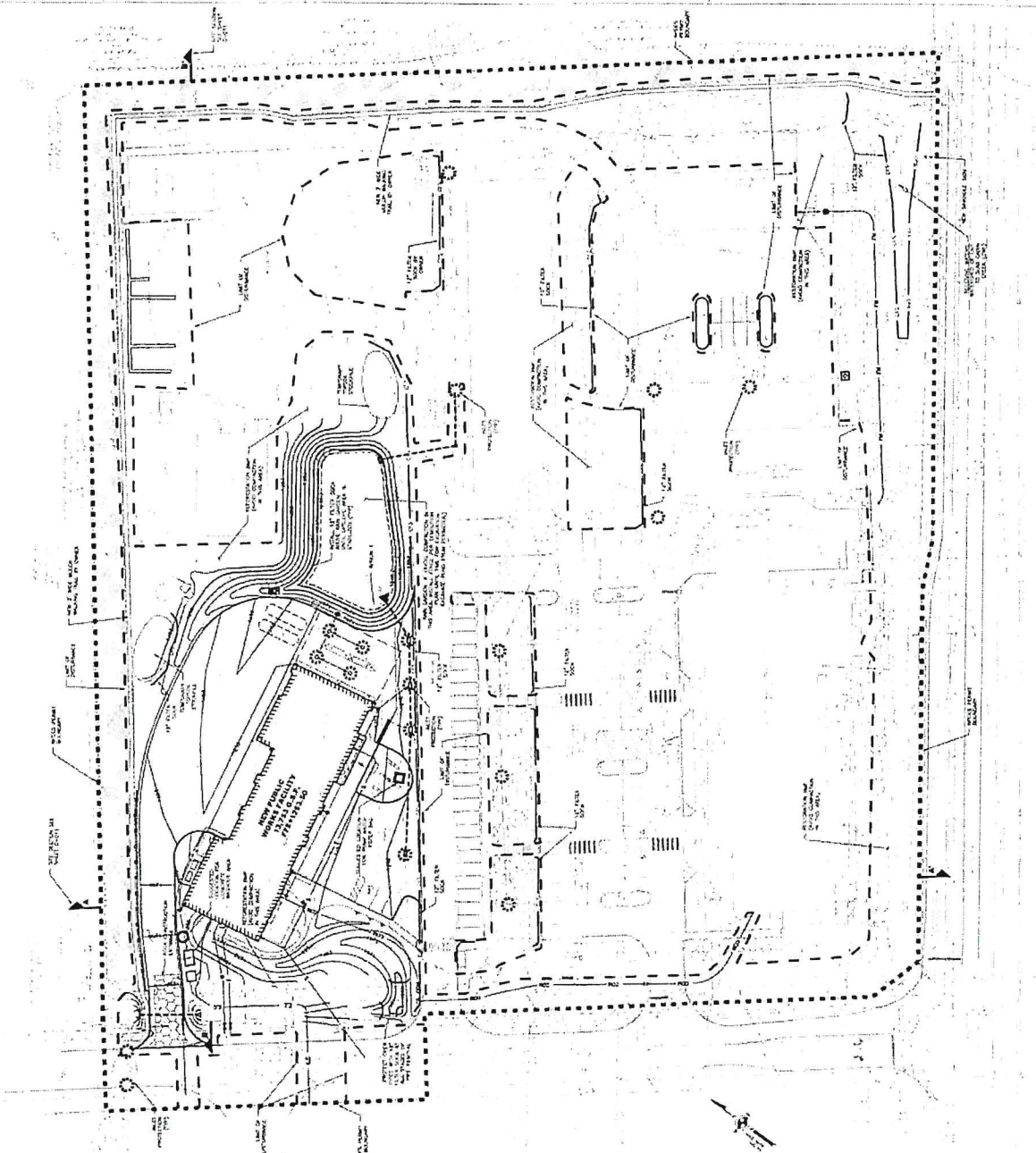
The Zoning Hearing Board is asked to apply the *de minimis variance doctrine* in its consideration of this request, noting that the standard hardship test need not apply when the request is a minor deviation from the dimensional uses of a zoning ordinance, and rigid compliance with the zoning ordinance is not necessary to protect the public policy concerns inherent in the ordinance. While the solar arrays will be somewhat visible from street level, the photograph below should illustrate that the encroachment will not impact the aesthetic of the area. The site is also situated in a non-residential development, diminishing the likelihood of any nuisance complaints or concerns from adjoining property owners.

List of all abutting property owners

3147 RESEARCH DRIVE - ADJOINING PROPERTIES				
Tax ID Number	Deeded A Owner Name	Location	Post Office Zip	Property Type
24-004-,090-,0000-	149.23 HOMAN, JOSEPH C & DELORSE G	3473 SHINGLETOWN RD	STATE COI	16801 A
24-004-,070D,0000-	10 PSU EXEMPT	3127 RESEARCH DR	UNIVERSIT	16802 CX
24-004-,070W,0000-	7.95 CENTRE AREA TRANSPORTATION	2081 W WHITEHALL RD	STATE COI	16801 CX
24-476-,010-,0000-	0.43 MOENY, MICHAEL J & JENNIFER L	1835 KINGS CT	STATE COI	16801 R
24-476-,011-,0000-	0.55 FOSTER, NEIL F & KELLY D	1841 KINGS CT	STATE COI	16801 R
24-476-,043-,0000-	1.4 WEIBEL, KURT K & LORENA S	1745 W WHITEHALL RD	STATE COI	16801 R

Photograph of impact – The cardboard height demonstrates the height of the panels proposed.





MANHOLE COVER AND FRAME SCHEDULE

NO.	DESCRIPTION	QTY.	REMARKS
1	MANHOLE COVER AND FRAME	1	SEE PLAN
2	MANHOLE COVER AND FRAME	1	SEE PLAN
3	MANHOLE COVER AND FRAME	1	SEE PLAN
4	MANHOLE COVER AND FRAME	1	SEE PLAN
5	MANHOLE COVER AND FRAME	1	SEE PLAN
6	MANHOLE COVER AND FRAME	1	SEE PLAN
7	MANHOLE COVER AND FRAME	1	SEE PLAN
8	MANHOLE COVER AND FRAME	1	SEE PLAN
9	MANHOLE COVER AND FRAME	1	SEE PLAN
10	MANHOLE COVER AND FRAME	1	SEE PLAN



GENERAL NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN STANDARD CODES.
4. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY.
5. ALL CONCRETE SHALL BE CAST AND FINISHED IN ACCORDANCE WITH THE SPECIFICATIONS.
6. ALL FINISHES SHALL BE AS SHOWN ON THE DRAWINGS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL MATERIALS SHALL BE STORED PROPERLY ON SITE.
9. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY.
10. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE DRAWINGS AND NOTES.

DATE: 2024-01-15
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

To: 7 Group, Greenfield Architects, and Ferguson Township Office Public Works
From: Peter Buckland, Vice Chairman of the Board of Supervisors, Ward 2 Representative
David Modricker, Director of Public Works
Date: 6.25.2017
RE: Basis of Design

Executive Summary

This memo clarifies the Owners Project Requirements for the design team, Public Works director and staff, and Ferguson Township administrators regarding the Ferguson Township's LEED Gold Public works building. This memo explains how the building comes from commitments to excellently designed work environments that are connected to long-term individual, community, and ecological health. The building, through its design and use, should perform in such a way that it makes the men and women who work there healthier, and sets the stage for a healthier township. The Commonwealth of Pennsylvania's Constitution, Ferguson's Home Rule Charter, and specific resolutions identify these values as high priorities. These policy documents guide sustainability, energy, building performance, indoor environmental quality, and ecosystem impacts. Of course, my personal and professional convictions, values, and aspirations play a strong role in this document, as well. Finally, this memo will not address issues of building occupancy requirements, O & M personnel requirements, nor many specific technologies.

Narrative

The Board of Supervisors approved the LEED Gold design of a new Public Works Building as part of the 2017 budget. The original building was included in the budget for 2017, but with no environmental, green, or other performance requirements. Individual discussions with board members over the previous year led me to believe that a board majority or even the entire board supported green building practices. I believe the board recognizes good green buildings' positive and interconnected long-term effects on human health and well-being, ecological integrity, and economic security. As a governmental body, it is our duty to make wise multigenerational decisions. I base my decisions, and the board has voted with me, on certain values backed by policy and law.

From the Constitution of the Commonwealth of Pennsylvania to the Net Zero Greenhouse Gas Emissions Resolution adopted on June 19th, the township has values of sustainability embedded in its guiding documents. First, Article 1, Section 27 of our Constitution guarantees a right to natural resources, concluding, "As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." As a municipal government empowered through our Home Rule Charter, we are the most local stewards of this trust. A Pennsylvania Supreme Court ruling has recently upheld a plain language reading of Article 1, Section 27 thereby granting it more power. Second, Ferguson Township adopted a Community and Environmental Bill of Rights (CEBR) in 2012. Among other things, it guarantees the right to "a sustainable energy future." Third, our most recent Strategic Plan commits us to excellent

services, fiscal responsibility, environmental stewardship, and renewable energy. The proposed building should enable us to achieve those goals with high-performance work environments, sound long-term energy conservation and onsite renewable energy, and exceptional attention to environmental impacts. Fourth, the Ferguson Township Board of Supervisors adopted a Net Zero Greenhouse Gas Emissions Resolution on June 19th. The Resolution calls for us to make a plan for achieving net zero emissions no later than 2050, lead by example in a manner that is “transparent, fair, and economically responsible,” and to engage our governmental and non-governmental peers in the same. Finally, we are a Sustainable Pennsylvania Gold Certified community. The proposed LEED Gold Public Works building should help us pursue goals aligned with our guiding documents and build on our reputation.

The Ferguson Township Public Works Building should be a base from which the men and women of our Public Works Department carry out the best work they can, because it is outfitted with all necessary tools for their work and because it makes them healthy (see elsewhere). The building should exceed minimal health standards and be a vibrant place to work. It must help employees handle dangerous materials as law requires. But it should also have excellent indoor air quality because of a lack of toxic materials. Finally, it should have ample daylight. The building should make people feel fresh, alive, and want to smile. Imagine when we have public events and staff parties that people wouldn’t want to leave this building because it enables conviviality.

The building’s relationship to the “soils, waters, plants and animals, or collectively—the land” and the community, should generate health too. Plant life should be site- and region-specific to generate beauty, habitat, and handle site and rainwater practically and creatively. Rather than consign workers, other township employees, and our neighbors to another status quo industrial building, we should design and build a place where children would want to explore colors, smells, textures, and creatures. Parents should feel comfortable with them doing so (away from heavy equipment of course) because of creative low-impact high-ecosystem service development. It should use BMPs that mitigate rainwater so that chemical and thermal pollution are handled. That would relieve stresses on our aquifer and streams and possibly provide credits for our Municipal Separate Storm Sewer System (MS₄) Permit. Specifically, Chesapeake Bay Pollutant Reduction Plan Minimum Control Measure. Sustainability-oriented thinking will also improve “upstream” and “downstream” effects on other parameters.

We should also approach materials that favor durability balanced by health, responsible production, consumption, and disposal, and minimal embodied energy in mind. Durability must guide material selection. However, sustainable and fair and just materials procurement should be carefully considered. We prefer products vetted by life cycle analysis programs and human rights certification systems. These include, but are not limited to Greenguard, the Forest Stewardship Council, and Fair Trade USA. We understand that some of these certification systems are young and some may use poorly-developed methodologies or methods for certification. Where possible, though, the underlying ethics favor such approaches.

Energy demand and supply should reduce energy loads from current use and help to mitigate climate change. This flows directly from the CEBR, the Ferguson Township Strategic Plan, and the Net Zero Greenhouse Gas Emissions Resolution. The building should draw minimally from

the grid through a combination of passive solar orientation, good daylighting, high-efficiency HVAC, lighting, appliances, and a tight envelope. The board has recently had an assessment of township property for solar photovoltaic development that could serve this and other projects with an integrated plan. Nonetheless, solar photovoltaic power is a smart choice as stewards for at least three reasons. First, national price parity with fossil fuels for solar is nearing, which makes our design and build time optimal. Second, should a price on carbon arrive in Pennsylvania through the Regional Greenhouse Gas Initiative or some kind of carbon tax or fee and dividend, the reduced load and solar generation would be avoiding the additional cost of both power generation and emissions from the 150,000+ kWh/year. Third, and finally, solar PV clearly helps us achieve net zero carbon emissions, thereby reducing overall climate-related risks and meeting goals that we have for local and global health for generations to come.

Project Overview

The need for upgraded Public Works facilities has existed for over 15 years and was shown in past Capital Improvement Plans (CIP). Twelve years ago, when the building was finally in the first year of the 5-year CIP, a new Police Chief was hired, and the priority shifted to expanding the Police Department and the Administration building. Since that time, additional staff has been added to the Ferguson Township Public Works (FTPW) Department, and additional staff is shown in the future organizational chart in the 2018 – 2022 CIP. Beyond staffing needs, the current space requirements of the Public Works fleet and other work activities has grown with new equipment and new maintenance responsibilities.

The primary intended use of the facility is to support Public Works and Police fleet maintenance, road maintenance, and Arborist operations, provide supporting office space for Public Works activities, break rooms, locker rooms, shower and lavatory facilities. It will be necessary to provide a Mechanic parts room, large vehicle work bays and small vehicle work bays. A large vehicle truck wash should be provided. While Police cruisers are rotated out every 4 years, large Public Works trucks and equipment are often kept in service for 15 years. This equipment works in harsh environments, including placing and operating in road salt. The ability to wash the underbody of this equipment is integral to extending the life of the equipment.

The secondary use of the facility is for the storage of equipment. Again, the life of large, expensive pieces of Public Works equipment can be extended by keeping them out of the elements.

The project has grown in scope in the past few years conceptually from a pole building, to a more modern public facility, and ultimately into a LEED Gold certified facility and a “model” green building. In addition, the scope of stormwater management may be changing from meeting our ordinance requirements for the building addition to analyzing the entire site and exceeding our stormwater requirements for the entire site. These are worthwhile endeavors, and the budget may need to be adjusted to meet these goals.

The project will be considered a success if it meets the goals stated in the Executive Summary by Peter Buckland, and it meets the project objectives identified by David Modricker in the

Project Overview and the programming requirements identified by Public Works staff at the June 14, 2017, kick off meeting.

Equipment and system expectations were discussed at the programming meeting and should meet the Public Works staff needs, and the goals noted in the above Executive Summary. I am confident the project team put together by Greenfield Architects can achieve this goal.

Conclusion

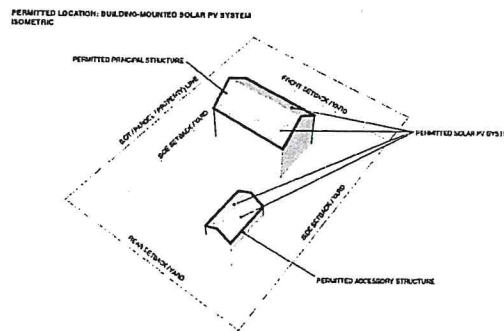
The LEED Gold Public Works Building flows from our values and guiding documents. It will help us to provide a healthy and full-service work environment from which our Public Works employees who provide services for Ferguson Township residents. It also stewards our financial responsibilities over the long term by helping to reduce energy demand, hedging against emission-based fees, and providing a safe environment. Finally, by creatively approaching rainwater management, landscape, and both energy demand and solar energy production it helps do our part to take care of our land, our water, our climate, and ultimately our neighbors today and our descendants generations from now.

- I. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to nonhandicapped or nondisabled persons.
- J. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
- K. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by applicant.

§ 27-713. Solar Collectors and Solar-Related Equipment. [Ord. No. 1049, 11/18/2019]

- 1. Intent. It is the intent of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This section seeks to:
 - A. Provide lot owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - B. Reduce overall energy demands within the community and to promote energy efficiency.
 - C. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
- 2. Applicability.
 - A. This section applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the section.
 - B. Solar PV systems constructed prior to the effective date of this section are not required to meet the requirements of this section.
 - C. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this section.
- 3. Permitted Zoning Districts.
 - A. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to this section and upon compliance with all requirements of this section and as elsewhere specified in this section.

- B. Building-integrated systems, as defined by this section, are not considered an accessory use and are not subject to the requirements of this section.
4. Location Within a Lot.
- A. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in this section. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.



5. Design and Installation Standards.
- A. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- C. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.
6. Setback Requirements.
- A. Ground-Mounted Systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the

system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV-related equipment or parts.

7. Height Restrictions.

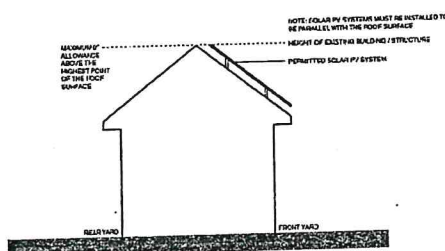
A. Notwithstanding the height limitations of the zoning district:

- (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 18 inches between the roof and highest edge or surface of the system.
- (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

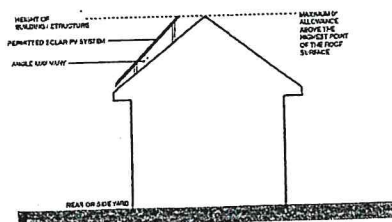
B. Notwithstanding the height limitations of the zoning district:

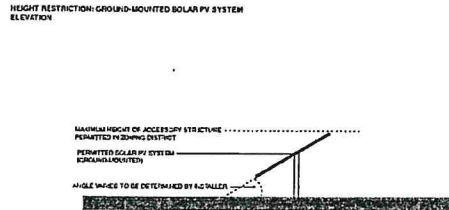
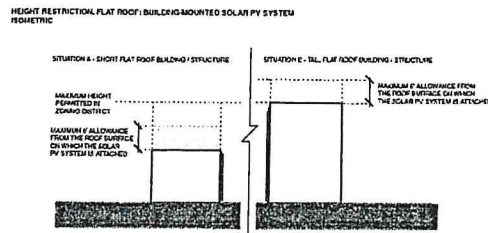
- (1) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.
- (2) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD, BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



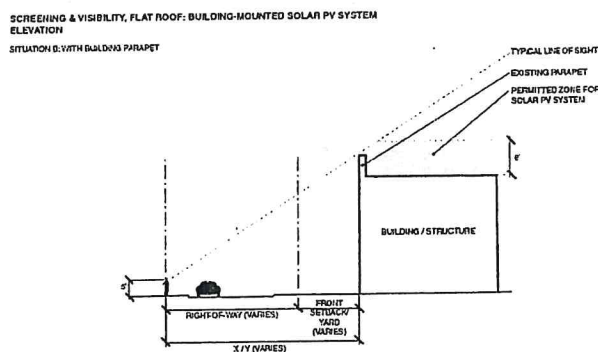
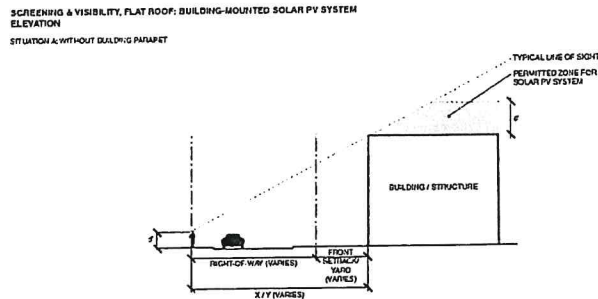
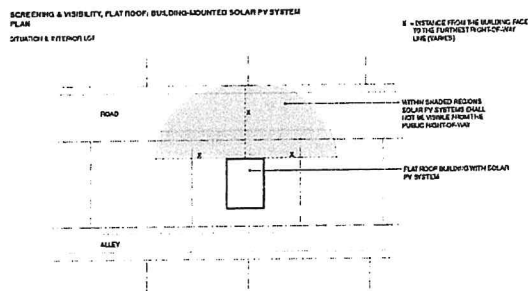
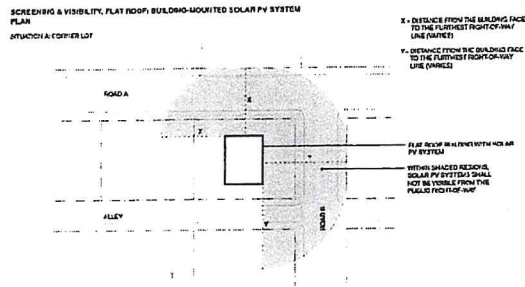
HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD, BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION





8. Screening and Visibility.

- A. Building-mounted systems on a sloped roof shall not be required to be screened.
- B. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the lot, exclusive of an alley as defined by this section, at a level of five feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty-foot radius when measured at a distance of five feet from the ground.



9. Impervious Lot Coverage Restrictions.

- A. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot

coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

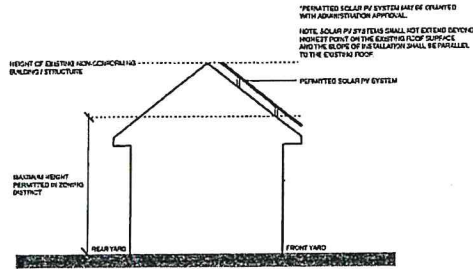
10. Nonconformance.

A. Building-Mounted Systems.

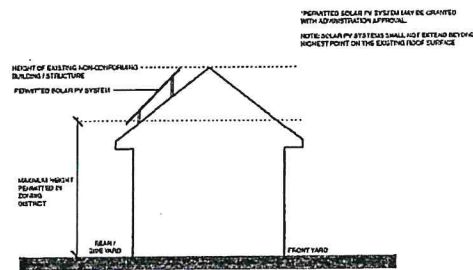
- (1) If a building-mounted system is to be installed on any building or structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this section.
- (2) If a building-mounted system is to be installed on a building or structure on a nonconforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this section.

- B. Ground-Mounted Systems. If a ground-mounted system is to be installed on a lot containing a structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

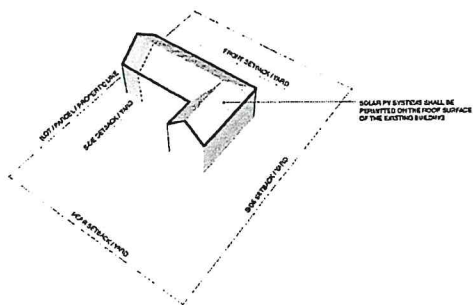
NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD; BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



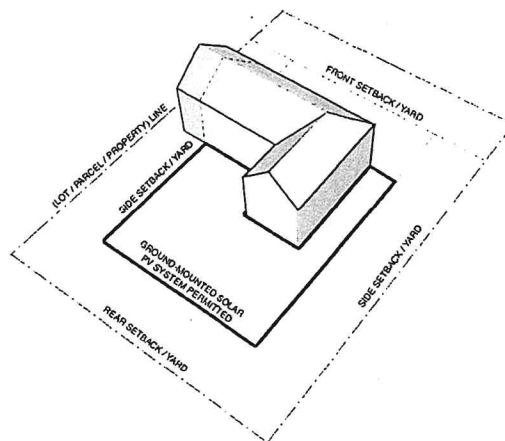
NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD; BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



NON-CONFORMING LOT, SETBACKS, AND/OR LOT COVERAGE LIMITS; BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



NON-CONFORMING LOT, SETBACKS; GROUND-MOUNTED SOLAR PV SYSTEM ISOMETRIC



11. Signage and/or Graphic Content.

- A. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
12. Performance Requirements.
- A. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in this chapter.
13. Inspection, Safety and Removal.
- A. The Centre Region Code Administration reserves the right to inspect a solar PV system for building or fire code compliance and safety.
 - B. If, upon inspection, the Centre Region Code Administration determines that a fire code or building code violation exists, or that the system poses a safety hazard to persons or property, the Township may order the lot owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the lot owner of his or her right to appeal such determination.
 - C. If a lot owner fails to repair or remove a solar PV system as ordered and any appeal rights have been exhausted, the Township may enter the lot, remove the system and charge the lot owner and or facility owner and operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the lot owner's expense.
 - D. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or decommissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the municipal claim.
14. Permit Requirements.
- A. Before any construction or installation on any solar PV system shall commence, a permit issued by the Township shall be obtained to document compliance with this section.
15. Solar Energy Projects.

- A. When the land involved lies wholly or partly within a zoning district qualifies as a solar energy project, the buffering and screening shall be clearly marked on the site plan and shall include a detailed list of the materials to be used, plant species, height or size at the time of planting, and mature height or size.
- B. When the land involved qualifies as a solar energy project, traffic impact on any road upon which the solar energy project will front shall be included with the plan for the period of construction and post construction. The applicant shall state the actions they intend to take to mitigate the impact of increased traffic to the site.
- C. When the land involved qualifies as a solar energy project, a decommissioning plan, which may include the anticipated life of the project, the estimated cost of decommissioning, how such an estimate was determined, and the manner in which the project will be decommissioned. The applicant shall provide a performance bond or other agreed-upon secured funding sources payable to the Board of Supervisors in a form approved by the Township Solicitor to ensure that performance obligations are satisfied, up to and including the costs for decommissioning, unless the Board of Supervisors specifically waives the requirement in an approval of the special use permit. When a solar energy project is scheduled to be abandoned, the facility owner or operator shall notify the Township, in writing, prior to ceasing operations and shall provide a schedule for implementation of the decommissioning plan. If any solar energy project is not operated for a continuous period of one year, or if the work called for in the decommissioning plan fails to progress in a timely manner, the Board of Supervisors may take any necessary action to compel the physical removal of the solar energy project in compliance with the decommissioning plan after written notice is provided to the project owner by certified mail. The project owner shall have 30 days from the date of the letter to provide a written explanation of the inactivity and to request a delay in action by the Board of Supervisors.

§ 27-714. Parking. [Ord. No. 1049, 11/18/2019]

See Chapter 22, Subdivision and Land Development, Part 5C, Off-Street Parking and Loading.

§ 27-715. Accessory Keeping of Livestock, Noncommercial. [Ord. No. 1049, 11/18/2019]

1. The purpose of these regulations is to provide a definition of livestock; to set forth reasonable standards for the keeping and care of noncommercial livestock as an accessory use in residential areas; to give appropriate consideration to the property rights of citizens of Ferguson Township with noncommercial livestock; to help maintain neighborhood compatibility; and to protect the health, safety, and

