

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING AGENDA
Tuesday May 25, 2021 7:00pm**

AGENDA:

- ❖ CALL TO ORDER:
- ❖ CHAIRPERSON OF THE ZONING HEARING BOARD EXPLAINS PROCEDURE FOR VIRTUAL MEETING.
- ❖ PLEDGE OF ALLEGIANCE:
- ❖ CITIZENS INPUT: LIMITED UP TO FOUR (4) MINUTES PER INDIVIDUAL
- ❖ INTRODUCTION OF BOARD MEMBERS:
- ❖ SWEARING IN OF THOSE THAT WISH TO TESTIFY:
- ❖ THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE:
- ❖ ZONING OFFICER EXPLAINS BASIS OF VARIANCE/APPEAL REQUEST
- ❖ ZACHARY MASER - VARIANCE REQUEST
- ❖ APPROVAL OF THE MEETING MINUTES FROM MARCH 23, 2021 REGULAR MEETING

TO: ALL ZONING HEARING BOARD MEMBERS
JEFFREY STOVER, SOLICITOR

FROM: Faye A. Drawl, Staff Assistant

DATE: May 18, 2021

SUBJECT: ZONING HEARING BOARD MEETING

At a regular meeting to be held online on Tuesday May 23, 2021 at 7:00 pm, The Zoning Hearing Board of the Township of Ferguson a Public Hearing to act on the following Variance application.

The Variance Application received from Zachary Maser regarding the property located at 310 Marengo Ln, PA Furnace 16865. The applicant is requesting variances to the Floodplain Conservation Regulations of the Zoning Ordinance to replace the existing paved driveway on his property. The applicant is requesting variances to Chapter 27-701.3.C.1 and Chapter 27-701.3.I of the Zoning Ordinance. The property is Zoned R-1.

The Zoning Hearing Board will hold this Public Hearing for members and the public online via Zoom. To access the meeting you will require a URL to the Zoom meeting and Meeting ID, both provided below:

Zoom Meeting URL: <https://us02web.zoom.us/j/86768291165>
Meeting ID: 867 6829 1165

For additional and specific information on how to participate in an online Zoning Hearing meeting please visit www.twp.ferguson.pa.us, scroll down to click on the 'Coronavirus resources' page, click on 'How to participate in online meetings' hyper linked text to find Zoom meeting details and instruction on how to join the meeting.

Meeting attendees are asked to dial 814-238-4651, press # and press 3799, to participate on a Township conference call for comment during citizen input.

Thank you.

Copy: Office File



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801

Telephone: 814-238-4651 • Fax: 814-238-3454

www.twp.ferguson.pa.us

April 27, 2021

VIA EMAIL

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

Please insert the following legal notice in your newspaper once on **Tuesday, May 11, 2021 and Tuesday May 18, 2021.**

LEGAL NOTICE

The Ferguson Township Zoning Hearing Board will hold a Public Hearing at a regular meeting scheduled for 7:00 p.m. on Tuesday, May 25 2021 via the telemeeting platform zoom to act on the following Variance application.

The variance application of Zachary Maser of 310 Marengo Lane, PA Furnace, PA 16865 regarding his property at 310 Marengo Lane. The applicant is requesting variances to the Floodplain Conservation Regulations of the Zoning Ordinance to replace the existing paved driveway on his property. The applicant is requesting variances to Chapter 27-701.3.C.1 and Chapter 27-701.3.I of the Zoning Ordinance. The property is Zoned R-1.

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Meeting attendees are asked to dial 814-238-4651, press # and press 3799, to participate on a Township conference call for comment during citizen input.

Jeffrey S. Ressler, Zoning Administrator
Ferguson Township

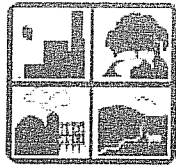
The Proof of Publication Notice and the invoice related to this advertisement should be sent to the attention of Ms. Traci Miller, the Township Accountant. Please call me if you should have questions or if you will be unable to process this request.

Sincerely,

TOWNSHIP OF FERGUSON

Jeffrey S. Ressler
Zoning Administrator

c: Legal Notice File



Township of

Planning & Zoning Department

Pennsylvania 22770

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 zackmaser@yahoo.com

ENTRY OF APPEARANCE

Name Zachary Maser

Address 310 Marengo Lane, PA Furnace, PA 16865

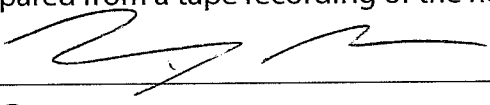
I am appearing on my own behalf (Check if this is true.)

I am representing _____

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 4/21/21

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 Zachary Maser
Address 310 Marengo Lane, PA Furnace, PA 16865
Phone FAX (814) 883-7754

Owner Zachary and Elizabeth Maser
Address 310 Marengo Lane, PA Furnace, PA 16865
Phone FAX (814) 883-7754

1. Location of premises 310 Marengo Lane, PA Furnace, PA 16865
2. Centre County Tax Map Parcel Number 24-006A, 081-, 0000-
3. Present zoning R-1

4. How long has the applicant held an interest in the property? 38 years
5. Present use of the premises primary residence

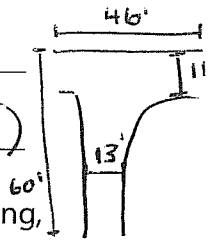
6. Proposed use of the premises primary residence with driveway replacement

7. Explain extent of proposed alteration(s), if any: The current driveway is cracked and broken. We will remove the existing driveway and repave a new driveway in its place. One parking spot will be extended by 6 ft on one side to allow ample room for entering and exiting the vehicle parked there.

8. Describe all existing structures, including type size and height: House 70' x 30' x 25'

Utility Shed 12' x 8' x 10'

Driveway 60' x 13' (length) 11' x 46' (parking)



9. Has the property been involved in previous zoning hearing(s)? Yes If so, describe date of hearing, nature of hearing and outcome of hearing:

In 2018, we needed a variance hearing to build an addition on our house. The variance was granted.

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? Yes. (They are included with this application.)
- 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:

We would like to replace the existing driveway, which was built with the house. It was built partially in the flood plain. Chapter 27-701.3.C.1 Chapter 27-701.3.I

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

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:

As can be seen in the included photographs, the current driveway is deteriorated and in need of replacement. If not repaired, the driveway will continue to deteriorate and we will no longer have a place to park our vehicles.

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

① Jim and Tina Nachtman: 308 Marengo Lane
PA Furnace, PA 16865
(814) 235-7897

② Alan Graefe: 4320 West Whitehall Road
PA Furnace, PA 16865 (814) 237-4345

③ Fairbrook Park

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

Revised
09/14/2017



DRIVEWAY PERMIT APPLICATION

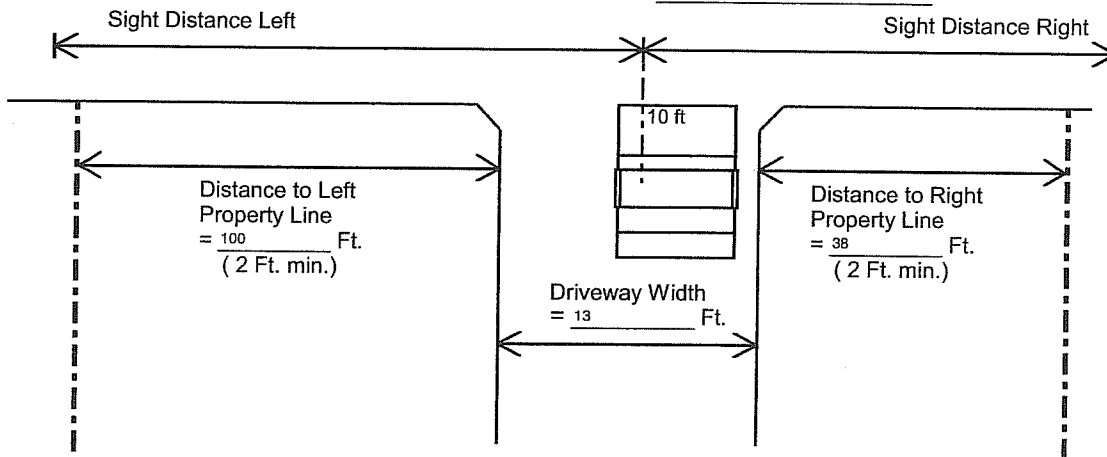
Applicant's Name: Zachary Maser
 Applicant's Address: 310 Marengo Lane Pennsylvania Furnace, PA 16865
 Telephone Number: 814-883-7754
 Owner's Name: Zachary Maser
 Owner's Address: 310 Marengo Lane Pennsylvania Furnace, PA 16865

Location (address) of Driveway Entrance: 310 Marengo Lane Tax Parcel #: 24-006A, 081-, 0000-

Name of Contractor: EBY Paving New Driveway
 Existing Driveway
A current Certificate of Insurance (COI) that meets Township COI requirements must be provided for Contractor working on the driveway.

COMPLETE BELOW AND ATTACH SKETCH THAT DEPICTS WORK TO BE PERFORMED:

Driveway enters onto Marengo Lane (Road Name)
 Nearest Intersection = 625 Ft. (Left or Right)
 Name of nearest Intersection = Fairbrook Drive



Sight Distance: Left = _____ Right = _____ (Length, in feet, of continuous distance that is clear of view obstructions)

For the purpose of measuring sight distance, the drivers' eye height shall be 3.5 feet above the proposed driveway and 10 feet back from the edge of the public travel lane. The approaching vehicle's height shall be 3.5 feet above the public roadway surface. Measure distance from centerline of proposed driveway.

Notes:

- 1) Driveway connection to existing roadway shall meet Ferguson Township's Driveway Entrance Requirements.
- 2) Driveway shall meet the requirements of Ferguson Township's Zoning Ordinance Chapter 27, Section 808 and Subdivision Ordinance Chapter 22, Section 502.
- 3) Driveway shall be constructed Ferguson Township's Street and Sidewalk Ordinance, Chapter 21, Appendix A, Part III, Construction Guidelines for Driveway Entrances.
- 4) Applicant shall be responsible for traffic control in accordance with PennDOT Publication 213.

Signature of Applicant: _____

Date: _____

4/20/21



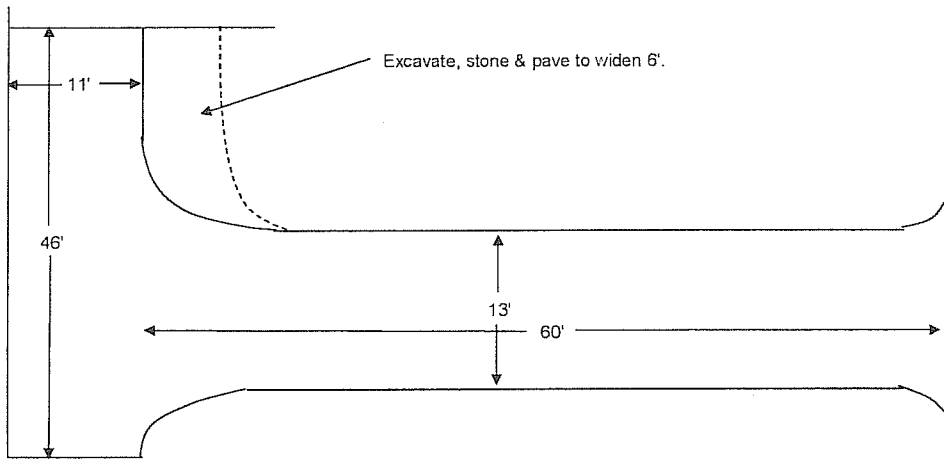
1001 E. College Avenue
 Bellefonte, PA 16823
 Phone: (814) 359-3462
 Fax: (814) 359-3464
www.ebypaving.com

Submitted To	Zach Maser	Contact	Zach	Date	3/16 21
Address 1	310 Marengo Lane	Email	zackmaser@yahoo.com	Work Phone	
Address 2		Mobile Phone	883 7754	Fax	
City, State, Zip	PA Furnace, PA 16865	Job Name			
Plans		Job Location			

We hereby submit specifications and estimates for:

Proposal:

- 1 Mobilize to site.
- 2 Remove existing asphalt, add 2A stone as needed, shape for drainage, finegrade and compact.
- 3 Provide and place 2.5" (compacted depth) of 9.5mm wearing course.



*Note - Based on condition of driveway stone base may not be suitable for paving, if so, price may increase by no more than \$1995.00

*Note - Based on lack of slope there may be some puddling of water.

Notes

- 1 Permit (if required) is the responsibility of the customer. Check with your local municipality.
- 2 Be sure to check out www.ebypaving.com for more information about EBY Paving & Construction, Inc.

We Propose hereby to furnish material and labor - complete in accordance with specifications below, for the sum of:

Six thousand eighty dollars (\$6,080.00)

Payment to be made as follows: Within 10 days after completion of work. 1.5% interest added per month.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature *Thomas W. Moran*

Estimator Thomas W. Moran

This proposal may be withdrawn by us if not accepted within: 30 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. To accept proposal, sign and return one copy.

Signature *E. Moran*

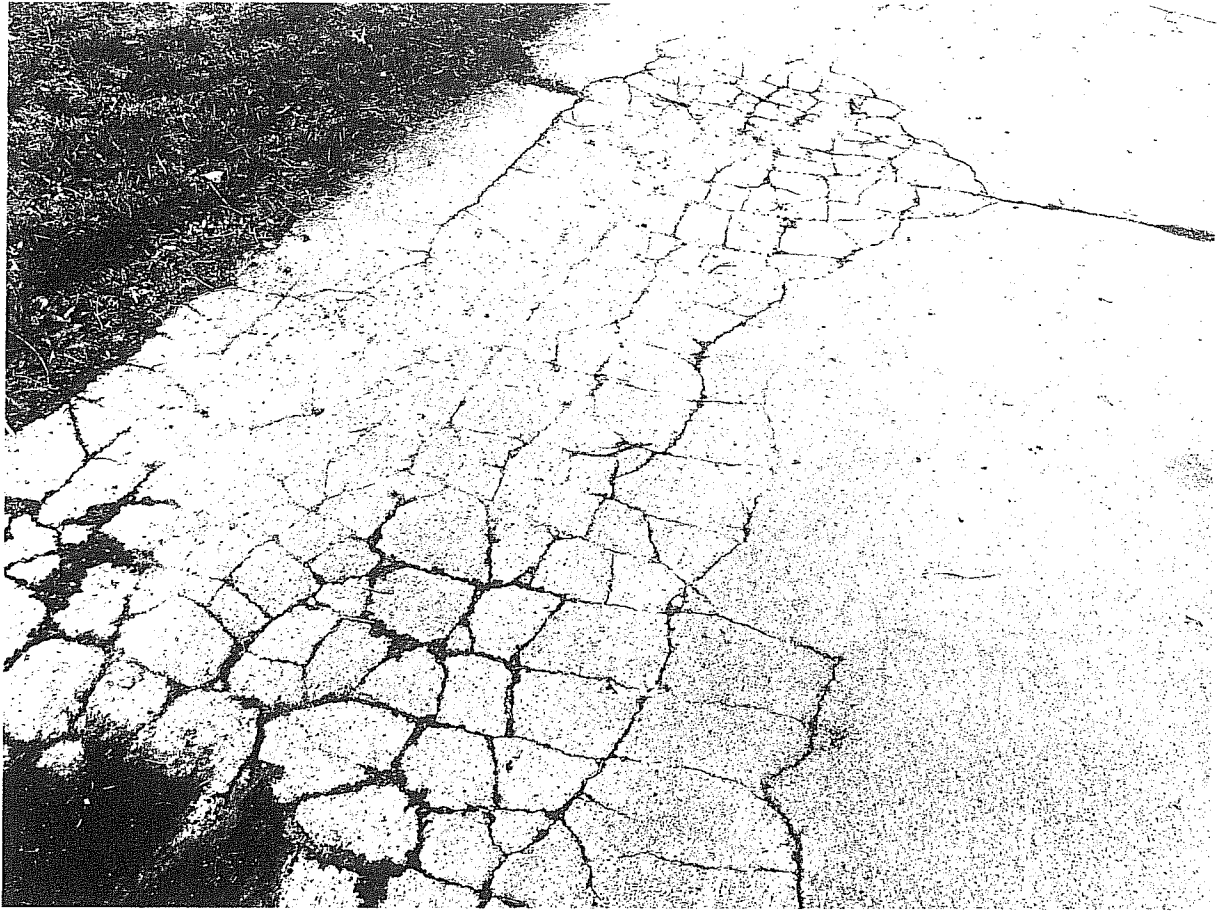
Date 3/23/21

Signature *Zach Maser*

Date 3/23/21

0.5 Acre Lot









R 02228-0009 Jan 28, 2019

Maser, Zachary D
Maser, Zachary D

01/28/2019
16:04:04

DN 4pgs

Joseph L. Davidson
RECORDER OF DEEDS

Electronically Recorded / Submitted by Simplifi.

Tax Parcel No. 24-006A,081-,0000

Special Warranty Deed

This Indenture, made this 23rd day of January in the year two thousand nineteen (2019).

Between

ZACHARY D. MASER, adult individual, of Centre County, Pennsylvania, party of the first part.

GRANTOR

- a n d -

ZACHARY D. MASER AND ELIZABETH N. MASER, husband and wife, of Centre Pennsylvania, party of the second part,

GRANTEE

NOW WITNESSETH, that Grantor, for and in consideration of One Dollar 00/100 (\$1.00) Dollars, lawful money of the United States, in hand paid by Grantee, the receipt thereof is hereby acknowledged, does grant, bargain, sell, alien, release and confirm unto the Grantee, their heirs and assigns:

Tax Parcel No. 24-006A,081-,0000

Special Warranty Deed

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GRANTOR

- and -

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GRANTEE

NOW WITNESSETH, that Grantor, for and in consideration of One Dollar 00/100 (\$1.00) Dollars, lawful money of the United States, in hand paid by Grantee, the receipt thereof is hereby acknowledged, does grant, bargain, sell, alien, release and confirm unto the Grantee, their heirs and assigns:

The Land referred to herein below is situated in the County of Centre, Commonwealth of Pennsylvania, and is described as follows:

ALL THAT CERTAIN message, tenement and tract of land, situate, lying and being in Ferguson Township, Centre County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin on the Southerly side of Marengo Lane, a 50 foot right-of-way, at the Northeasterly corner of Lot No. 80; thence along the Southerly side of Marengo Lane, North 61 degrees 39 minutes East, 138.00 feet to an iron pin; thence by other lands now or late of Irwin R. Saulsbury, et ux, by the arc of a curve to the left whose radius is 260.00 feet, the chord thereof being South 44 degrees 21 minutes East, 143.33 feet to an iron pin; thence South 60 degrees 21 minutes East, 10.00 feet to an iron pin along the Northerly side of Manor Road, a 50 foot right-of-way; thence along other lands now or late of Saulsbury, South 75 degrees 51 minutes West, 188.58 feet to an iron pin; thence along Lot No. 80, North 28 degrees 21 minutes West, 130.00 feet to an iron pin and the place of beginning.

BEING Lot No. 81 on a replot of Section B of Fairbrook by William C. Arble and recorded in Centre County.

BEING known as Centre County Uniform Parcel Identifier Tax Parcel NO. 24-006A,081-,0000


BEING the same premises which Zachary D. Maser, Personal Representative under the Last Will and Testament of David L. Maser, by deed dated June 13, 2012 and recorded June 25, 2012 in Centre County Record Book 2103, page 822, conveyed unto Zachary D. Maser.

PURSUANT TO 61 Pa. Code § 91.193 (b)(6) THIS IS A TRANSFER BETWEEN HUSBAND TO HUSBAND AND WIFE AND IS THEREFORE EXEMPT FROM REALTY TRANSFER TAX

UNDER AND SUBJECT to and together with prior grants and reservations of coal, oil, gas, mining rights of way, exceptions, conditions, restrictions and reservations of record, as the same may appear in this or prior instruments of record.

UNDER AND SUBJECT, NEVERTHELESS, to all existing easements, covenants, conditions and restrictions of record.

TOGETHER with all and singular the buildings, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments, and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof; **AND ALSO** all the estate, right, title, interest, use, possession, property, claim, and demand whatsoever of the Grantor both in law and in equity of, in, and to the premises herein described and every part and parcel thereof with the appurtenances.

	C.C.B.O.A. Registry 01-28-19 CAS
	24-6A/81
	Uniform Parcel Identifier

TO HAVE AND TO HOLD the same premises, with all the buildings and improvements thereon erected, hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their heirs and assigns to and for the only proper use and behoof of said Grantee, their heirs and assigns forever.

AND the said Grantor will **SPECIALLY WARRANT AND FOREVER DEFEND** the property hereby conveyed.

PURSUANT to Section 405 of the Solid Waste Management Act of 1980, the Grantor hereby states that they have no knowledge of any hazardous waste which is presently being disposed of or has ever been disposed of on the above described land or any part thereof.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

Part 7
SUPPLEMENTAL REGULATIONS

§ 27-701. Floodplain Conservation. [Ord. No. 1049, 11/18/2019]

1. All land and watercourses defined herein as floodplains shall be subject to the following regulations regardless of the district regulations within which such land and watercourses are located. The identified floodplain area shall be: A) any areas of Ferguson Township subject to the 100-year flood, which is identified as Zone A (area of special flood hazard) in the Flood Insurance Study (FIS) with the effective date of May 4, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study, and B) those areas designated as alluvial soils by the Soil Survey of Centre County, Pennsylvania, prepared by the U.S. Department of Agriculture, dated 1981.
2. The AE Area/District (Flood Insurance Risk Zone) shall be those areas identified as an AE Zone on the Flood Insurance Rate Map (FIRM) included in the FIS prepared by FEMA and for which 100-year-flood elevations have been provided in the FIS.
3. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year-flood elevations have been provided. For these areas, elevation and floodway information from federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the municipality may require the applicant to determine the 100-year-flood elevation with detailed hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. Where a difference exists between these two documents, the document which delineates the greater area shall be used. Any changes to the data contained in the Flood Insurance Study are subject to the approval of the Federal Insurance Administration.
 - A. Intent. It is the intent of this section to preserve the natural functions of floodplains, to protect life and property from the hazards of flooding, to protect the waters of the Township and to minimize the financial burdens which floods impose upon the community. These purposes shall be advanced by preventing certain uses and structures from locating in floodplains while allowing others which will not 1) impede the flow of floodwaters, 2)

present the hazard of pollution, erosion and sedimentation of floodplains and watercourses, 3) result in increased surface runoff and downstream flooding, and 4) impede the recharge of aquifers.

- (1) Areas subject to periodic inundation by floodwaters shall include a) all flood hazard areas indicated on the aforementioned Flood Insurance Rate Maps, and b) the following alluvial soil types indicated on the aforementioned soil survey maps:

Symbol	Name
At	Atkins Silt Loam
Ba	Basher Loam
Ca	Carlisle Muck
Ch	Chagrin Soils
DU	Dunning Silty Clay Loam
LX	Lindside Soils
Mm	Melvin Silt Loam
No	Nolin Silt Loam
Ph	Philo Loam
Pk	Philo and Atkins very stony soil
Po	Pope soils

- (2) Natural drainage swales subject to periodic inundation by runoff rather than floodwaters are also subject to the floodplain conservation regulations. Such drainage swales are identified as Nolin silt loam soils, soil symbol "No" on the aforementioned soil survey maps.

B. Permitted Uses. Floodplains may be only used for the following, provided such uses and structures do not conflict with the limitations of Subsection 3C, below:

- (1) The tilling of the land, the raising of crops, fruits and vegetables and the raising and keeping of livestock and poultry.
- (2) Horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers and other plant materials.
- (3) Forestry uses related to the harvesting of lumber products.
- (4) Public and private conservation areas for the conservation of open space, water, soil and wildlife resources.

- (5) Retaining walls, flood retention dams, culverts and bridges as permitted by the Pennsylvania Department of Environmental Protection.
 - (6) Customary uses accessory to the above.
- C. Use Limitations. Uses permitted in § 27-701, Subsection 3B are limited as follows:
- (1) All new construction or development (including substantial improvements) are prohibited.
 - (2) Improvements or modifications to an existing structure shall be permitted but they shall be elevated or floodproofed as much as possible, provided that said improvements or modifications involve a) less than 50% of the fair market value, and b) less than 50% of the square footage as it existed on March 8, 1984.
 - (3) All other uses whether temporary or permanent are prohibited including, but not limited to, the following which are not interpreted as being customary accessory uses: filling in of the floodplain; sanitary landfill or dumping of any kind; fences which impede, retard or change the direction of the flow of water or catch or collect debris carried by such water; outdoor storage of materials which are buoyant, flammable or explosive; and on-site sewage disposal systems.
 - (4) Prior to any proposed alteration or relocation of any stream or any watercourse, etc., within the Township, a permit shall be obtained from the Department of Environmental Protection, Dams and Encroachment Division, as specified in the Dam Safety and Encroachment Act, as amended.⁵⁷ Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development.
 - (a) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- D. Zoning Permit. Prior to the issuance of any zoning permit, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended⁵⁸); the Pennsylvania Dam Safety and Encroachments Act

57. Editor's Note: See 32 P.S. § 693.1 et seq.

58. Editor's Note: See 35 P.S. § 750.1 et seq.

(Act 1978-325, as amended⁵⁹); the Pennsylvania Clean Streams Act (Act 1937-394, as amended⁶⁰); and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.

- E. Land Development Plan Review. Any applicant for a zoning permit who is engaging in land development (as that term is defined in Chapter 22, Subdivision and Land Development) within a floodplain or 100 feet therefrom shall submit, along with the application, a land development plan as required in Part 10 of this chapter.
- F. Conditional Use. Local alluvial soils, while not always displaying all of the characteristics common to alluvial soils, may be subject to periodic inundation or flooding. For this reason they shall be considered an integral part of the floodplain network. However, they may be exempted from the provisions of this section when it is determined that, by use of proper engineering and conservation practices, such conditional use will not have the effect of nullifying the intent of this section and they are not within a watercourse, drainageway channel or stream, or within the floodplain area of the Flood Insurance Rate Map for Ferguson Township as prepared by the Federal Insurance Administration. A conditional use may be a use as permitted by the existing Township zoning district, where the soils are found as previously listed and a floodplain does not exist.
- (1) In granting a conditional use, the Board of Supervisors shall:
- (a) Consider that there is good and sufficient cause.
 - (b) Consider that failure to grant the conditional use will result in exceptional hardship to the applicant.
 - (c) Consider that the granting of the conditional use will:
 - 1) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense.
 - 2) Nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.
- (2) Make sure that a conditional use shall involve only the least modification necessary to provide relief.
- (a) Attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to meet the intent of this section.

59. Editor's Note: See 32 P.S. § 693.1 et seq.

60. Editor's Note: See 35 P.S. § 691.1. et seq.

- (b) Require the applicant to comply with all applicable requirements of the National Flood Insurance Program regulations (60.3a, b and c), including the requirements for floodproofing, anchoring and elevation.
- (3) Notwithstanding the provisions of this section, no conditional use shall be granted for the following obstructions and activities if located entirely or partially within an identified floodplain area:
- (a) Hospitals (public or private).
 - (b) Nursing homes (public or private).
 - (c) Jails or prisons.
 - (d) New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
 - (e) Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any one of the following dangerous materials or substances and 935 gallons in the aggregate on the premises:
 - 1) Acetone.
 - 2) Ammonia.
 - 3) Benzene.
 - 4) Calcium carbide.
 - 5) Carbon disulfide.
 - 6) Celluloid.
 - 7) Chlorine.
 - 8) Hydrochloric acid.
 - 9) Hydrocyanic acid.
 - 10) Magnesium.
 - 11) Nitric acid and oxides of nitrogen.
 - 12) Petroleum products (gasoline, fuel oil, etc.)
 - 13) Phosphorus.
 - 14) Potassium.

- 15) Sodium.
 - 16) Sulfur and sulfur products.
 - 17) Pesticides (including insecticides, fungicides and rodenticides).
- (f) Any residential dwelling.
- (4) Whenever a conditional use is granted, the Zoning Administrator shall notify the applicant, in writing, that:
- (a) The granting of the conditional use may result in increased premium rates for flood insurance.
 - (b) Such conditional uses may increase the risks to life and property.
- (5) A report of all conditional uses granted under this section during the year shall be included in the annual report to the Federal Insurance Administration.
- (6) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.
- G. Wetlands. Areas subject to periodic inundation by floodwaters and/or occurring without flooding shall include:
- (1) All wetland locations mapped on Fish and Wildlife Service National Wetlands Inventory Maps for Ferguson Township.
 - (2) Any wetlands identified by on-site field investigation that finds hydric soils and/or common wetland indicator plants.
 - (3) Requirements for construction of obstructions, structures and uses affecting wetlands:
 - (a) Land development plans are to contain boundaries of any wetlands, existing vegetation cover and location of existing soils.
 - (b) Soils having severe limitations due to wetness for crops, leach fields, buildings or roads are possible wetlands and require Pennsylvania Department of Environmental Protection and U.S. Army Corps of Engineers review and approval of permits.
 - (c) Upon the approval by the Department of Environmental Protection and Corps of Engineers of required permits for the land development in the identified wetland areas, the land development plan and/or subdivision plan may then be submitted to the Township for review and approval.

(d) The Township procedures of approval may have conditions attached as needed to further the goal of prohibiting development in floodplains and wetlands.

H. Floodways. No activity, land development, structure, building or obstruction shall be permitted within an identified floodway portion of the floodplain district.

I. Use Buffer. A land buffer remaining in its natural condition shall be not less than 100 feet separating the permitted use from the edge of the top of the bank of the watercourse. The 100-foot distance is to start from the outermost edge of the watercourse measured in a perpendicular direction to the approved use. A fifty-foot land buffer remaining in its natural condition shall be provided between the permitted use and the edge of the floodplain as defined by FEMA.

J. Variances.

(1) Any variances granted by the Zoning Hearing Board to any of the floodplain conservation regulations of this section shall be subject to the same standards and requirements as applied to the granting of conditional uses in § 27-701, Subsection 3F.

(2) In addition to meeting the requirements of § 27-701, Subsection 3E, whenever a variance is granted, the Township shall notify the applicant, in writing, that the granting of the variance may result in increased premium rates for flood insurance and may increase the risks to life and property.

(3) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year-flood elevation.

(4) No variance shall be granted for any construction, development, use or activity within the floodplain area that would, together with all other existing and anticipated development, increase the 100-year-flood elevation more than one foot at any point.

K. Abrogation and Greater Restrictions. This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

§ 27-702. Slope Controls. [Ord. No. 1049, 11/18/2019]

1. All land defined herein as having steep slopes shall be subject to the following regulations:

A. Intent. It is the intent of this section to control the following purposes: 1) to limit erosion and sedimentation, 2) to prevent an