

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, September 28, 2021
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, September 28, 2021. In attendance were:

Board:

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

Staff

Jeff Ressler, Zoning Administrator
Summer Brown, Recording Secretary
David Pribulka, Township Manager

Others in attendance were: Jason Grotinni, Envinity Representative.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order on Tuesday, September 28, 2021 at 7:01 pm.

III. CITIZEN'S INPUT

IV. PLEDGE OF ALLEGIANCE

V. INTRODUCTION OF BOARD MEMBERS

VI. APPROVAL OF MINUTES

1. August 24, 2021 minutes.

Mr. Michael Twomley called for a motion to approve the August 24, 2021 meeting minutes. Mr. Swamy Anantheswaran made a motion to approve the meeting minutes, Mr. Michael MacNeeley seconded the motion, and the motion passed unanimously.

VII. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Mr. Jeff Ressler, Mr. David Pribulka, and Mr. Jason Grotinni 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. FERGUSON TOWNSHIP

Mr. Jeff Ressler stated that the property that is the subject of this hearing is located at 3147 Research Drive State College, PA 16801. Tax Parcel 24-004-070F. The property is owned by The Township of Ferguson and is represented by David Pribulka, Township Manager. The property is zoned IRD. The applicant is proposing the addition/installation of roof top mounted solar photovoltaic arrays. The Township is requesting a variance to Chapter 27-713.(8)(B) in order to mount the roof top arrays. Chapter 27-713.(8)(B) reads as follows: 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 similar manner as to any other rooftop HVAC of mechanical equipment. This can be accomplished with architectural screening such as 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.

Mr. David Pribulka, Township Manager stated that he is present to request the ZHB to grant a variance for installation of solar arrays. The reason of this variance is largely due to the timing and process of this project. Mr. Pribulka stated that he is asking for a variance of de minimis capacity. Mr. Pribulka stated that the hardship is rooted in the sequencing and the LEED certification. Mr. Ressler noted that at a staff level they are exploring amending this ordinance. The Board discussed and reviewed pictures of a mock solar array that was attached to the memo. The mock picture shows size and location of arrays using actual size cardboard. The Board discussed de minimis variances with solicitor Mr. Stover.

Mrs. Irene Wetzel moved to grant the variance request for the property located at 3147 Research Drive, State College, PA. Tax parcel 24-004-070F to variance Chapter 27-713.(8)(B) to allow the roof top solar array because the community impact is de minimis. Mrs. Susan Buda seconded motion, and the motion passed unanimously.

XI. CALENDAR ITEMS

XII. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 8:00 pm.

A handwritten signature in blue ink, appearing to read "Swamy Anantheswaren", with a long horizontal line extending to the right.

Swamy Anantheswaren, Secretary
For the Zoning Hearing Board