

**Birmingham Township Planning Commission (BTPC)**  
**Minutes of the meeting December 10, 2019**

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:30pm in the Birmingham township building.

PRESENT: Scott Garrison, Eric Hawkins, MaryPat McCarthy, Brendan Murphy, Christopher Nash

ABSENT:

Also present: Amanda Sundquist

A motion to approve the minutes of the November 12, 2019 meeting was made by **Mr. Murphy** and seconded by **Mr. Garrison**. Motion passed unanimously.

**Sewage Facilities Planning Module for Zaslavsky property**

Ms. Amanda Sundquist assisted the PC in completing the Sewage Facilities Planning Module form for the applicant. The PC was able to complete all the questions except #11 and #16 which need further information.

Mr. Nash made a motion that provided the township can verify the answers to #11 and #16 on the Sewage Facilities Planning Module application form for the Zaslavsky property, that the PC allow for Ms. McCarthy to execute the form in the office before the next PC meeting. Mr. Garrison seconded the motion and it passed unanimously.

**Zoning Ordinance Revisions for Accessory Structures and Alternative Energy**

Ms. Sundquist has copies of the draft ordinance for the committee to review.

The two primary issues being addressed in the revised Ordinance are the setbacks for the accessory structures and solar panels. Sections 2-6 deal with the setbacks for accessory structures in the various zoning districts within the township. As you can see from the tracked changes document, they vary widely by zoning district.

Ms. Sundquist stated that some municipalities have a lesser setback for an accessory structure that is less than a certain size (i.e shed vs barn). Ms. Sundquist advises that often municipalities differentiate the accessory structures by square footage since the height requirements for the various zoning districts are already addressed in the zoning ordinance for each district.

Mr. Hawkins asked for clarification of the definition of street line (cartway) and lot line. Ms. Sundquist noted that her understanding of the change in lot line definition arose out of a specific situation; in most cases the title line to a property does not run

into the street, however when it does the existing ordinance is ambiguous. The case in reference, the title line was in the middle of the street and thus there was ambiguity in the ordinance of where the setback would be measured from. This definition change to lot line would address any properties where the title line is in the middle of the street and instead allow all property setbacks to be measured the same.

Mr. Murphy states the best way to handle this is to first agree on the lot line definition change. Then address each setback as specified in each zoning district.

Mr. Hawkins wants to have some examples before a decision is made. Discussion ensued about examples of lot lines, street lines and title lines based on various areas throughout township where committee members live. Mr. Murphy drew some examples on the board for visual assistance. The purpose of the change in definition is to make sure that the measurement for setbacks never starts at the middle of the street and is instead consistent for all property owners. Mr. Hawkins stated that this could be an issue for some zoning areas within the township located on state roads (i.e. Rt. 202) where there is a state required right of way that should be taken into account also.

Mr. Hawkins suggested tabling this decision until next month. Ms. Sundquist asked what the PC would like to see from Mr. Crawford for the next meeting. They would like to see some examples of how lot line impacts properties along: a state highway, township road, title line in the center of the street, on the edge of the cartway and on the edge of the roadway. Ms. Sundquist also suggested a visual picture of the lot sizes for each of the different zoning districts addressed in sections 2-6 of the revised ordinance.

The next discussion is Section 7 of the ordinance which deals with solar energy systems and where they are allowed within the township. Mr. Crawford had previously provided a memo to the PC members with the way many of the neighboring municipalities handle all types of alternative energy. It was apparent through that memo that there is no consistency, as some allow it By-Right and others via Special Exception; there was also no consistency across various zoning districts in the neighboring municipalities.

Mr. Sam Nakasian asked what special exception means. Ms. Sundquist answered that special exception is the most ill-named item in all of zoning as it's not special or an exception. It is simply a use that the township has made a determination that it is appropriate for the zoning district but has a bigger impact than a typical use for the zoning district thus they have certain conditions that must be met for that use to be approved. That application would go before a Zoning Hearing Board to make sure that they have met all the requirements for that use in that district. If they have met all the conditions, they can move forward. Mr. Nakasian asked if this ordinance will change the neighbor notification that currently occurs? Because they appreciated the notification they received when one of their neighbors was installing solar panels.

Ms. McCarthy asked if solar panels are changed to by-right, can that be restricted in townhome developments? Ms. Sundquist indicated that it could be via the home owners association covenants. However, Mr. Hawkins stated that the state construction code

preempts HOA's. Ms. Sundquist noted that West Goshen township allows solar panels by-right in all districts on single family dwellings only. All other uses would be by special exception -- this would be a consideration that would address townhomes.

Mr. Garrison asked for some clarification on the 15-foot height allowance for solar ground arrays (Section B.2b). And also, for clarification on (Section B.3c) allowing ground arrays in the Historic district. Another question that arose during the discussion, was if solar ground arrays have any on impact impervious coverage.

**New Business/Public Comment:**

Mr. Nakasian asked about the noise ordinance in the township. He was advised to contact the township zoning officer if he has a concern about noise levels.

Motion to adjourn the meeting was made at 8:20pm by Mr. Garrison and seconded by Mr. Nash and approved unanimously. Next meeting is scheduled for January 14, 2020.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary