

Birmingham Township Planning Commission (BTPC)
Minutes of the meeting October 8, 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: Frone Crawford, Esq.

A motion to approve the minutes of the September 10, 2019 meeting was made by **Mr. Garrison** and seconded by **Mr. Nash**. Motion carried with one abstention, Mr. Murphy who was not at the September meeting.

Ordinance Proposals for Solar Standards and Setbacks

Mr. Crawford presented to the committee what the issues are that the PC needs to address in the ordinance proposal for solar standards and setbacks. An issue arose due to a property that is a title line with a reverse frontage property, so the rear yard could be construed to go to the middle of the street. Ms. Camp has drafted a proposed ordinance to address this. However, there are more issues with the accessory structures, such as the inconsistencies in language between different zoning district regulations (some reference structures, some reference buildings, etc). Additionally, they are not all proportionate to the lot sizes. After Mr. Crawford had a discussion with Ms. Camp, they decided to undertake all the issues in an ordinance update, rather than simply the rear yard issue.

Ms. McCarthy asked for a summary of the items to be included in the update. Mr. Crawford states:

1. language to be consistent zoning district by zoning district;
2. Dealing with proportionality with regard to the size of the lot and setbacks for accessory structures;

Ms. McCarthy states that some of these setbacks will require an applicant to have a survey completed if there isn't a plot plan already available.

Mr. Crawford will have a draft ordinance to the PC members within the month to review for the next meeting.

Mr. Crawford states that the solar process issue is a trade-off between the neighbors having the opportunity to weigh in on an application knowing that ultimately it will most likely be approved through the special exception rule. The real tangible benefit to the

existing solar application process is the notification to neighbors so they get the opportunity to voice any concerns on the installation of solar panels on a neighboring house. However, since solar applications are generally approved through the special exception process anyway, perhaps there is a way to achieve the same outcome in a better way. The dual fee schedule that was discussed previously was determined to not be feasible. Part of the issue to consider is whether the industry is more streamlined and sophisticated enough that the neighbor notifications are not necessary.

Ms. McCarthy notes that she thinks part of the review should be of adjoining municipalities to make sure that Birmingham is consistent with any surrounding townships processes - such as Westtown, Thornbury, Pocopson and any others. Mr. Crawford states he will review the adjacent township requirements during his review.

Mr. Kesarkar commented that perhaps the solution to a zoning hearing board could be the neighbor notifications similar to the Historic Commission requirement or SALDO the land development requirement. Mr. Crawford notes that solar panels are not permitted in the Historic District.

Ms. McCarthy asked for Mr. Kesarkar to provide an example. He states that when a property owner is going to install an accessory structure near or onto a Historic Resource, they are required to notify their neighbors (example of the Inn Keepers Kitchen installing a shed) but they don't have to go before the Zoning Hearing Board.

Mr. Crawford notes that what Mr. Kesarkar is suggesting is a different mechanism because those applications go through HARB and HC and end in a recommendation to the BOS for final approval. However, the Zoning Hearing Board applications don't require a recommendation to the BOS for final approval, once they are approved, they simply trigger a building permit to begin the installation process. However, Mr. Crawford will take a closer look at the process and see if there is a different way to handle solar applications in a similar way. Mr. Garrison notes that this suggested process would be breaking it out of the building permit process.

There was a brief discussion of solar farms and solar tax benefits for residential installation.

Mr. Kesarkar asked Mr. Crawford if there is a difference between commercial vs residential applications. Mr. Crawford states there is no distinction.

Mr. Kesarkar asked for clarification as to what is an accessory structure. Mr. Crawford states that an accessory building is a form of an accessory structure; but that not all accessory structures are buildings. For example, a carport is an accessory structure but not an accessory building. Ms. McCarthy notes that anything that is done to the outside of a house requires a permit so that the correct setbacks are met.

New Business:

None

Motion to adjourn the meeting was made at 7:51pm by Ms. McCarthy and seconded by Mr. Hawkins and approved unanimously. Next meeting is scheduled for November 12, 2019.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary