

Springfield Township Planning Commission

Meeting Minutes December 4, 2019

Chairperson Dawn Nicholson called the meeting to order at 7 pm with Karen Bedics, Jay Fuggiti, Steve Smith, Angela Kelly and Brian Hague present. Bobb Carson arrived late. Also in attendance, by invitation, was Township Solicitor Scott McNair.

Springtown Water Authority (SWA) maintenance – Tina Ruble of Ebert Engineering presented plans to replace some old water mains in Springtown and provide new piping to make the system (more?) continuous and allow backfeeding. Jay Fuggiti noted that the upgrade was needed for adequate flow delivery at the Springtown Fire Company. The SWA is seeking PA DCED grant to fund 50% of this project and the application requires a letter from Springfield Township indicating that the proposed project is in compliance with the Township’s Comprehensive Plan. The projected cost to SWA is \$477,000 for construction and \$20,000 for engineering. The PC members unanimously approved issuance of the requested letter.

Discussion with Solicitor Scott McNair – Questions raised and their “resolutions”:

- 1) Is more than one principal used allowed on a single lot?
 - a) Zoning Ordinance section 402.3 does **not** allow multiple principal uses *in residential districts, except that:*
 - i) essential services and commercial communications antennas/towers (where such facilities are allowed),
 - ii) an “A-“ (agricultural category) use can be combined with another principal use (e.g., a residence; see also 404.A.1.a)
 - b) *in non-residential districts*, “more than one type of principal use and more than one building may be allowed on a lot, provided that all of the requirements are met for each use and each building” (section 402.3).
 - c) Although it does not overtly refer to multiple principal uses on a single lot, Section 514.E does provide for additional use opportunities for historic resources that would not otherwise be permitted in zoning district in which the parcel is situated.

The discussion then wandered off into consideration of principal and accessory use as they applied to agritainment and agritourism. Mr. McNair noted that the PA ACRE (Agriculture, Communities, and Rural Environment) law relates

to *active* farming and permits challenges to local ordinances that inhibit current or future normal agricultural operations. However, the courts have ruled that normal ag operations shall be broadly interpreted, and may allow a variety of agritainment activities (e.g., “ropes courses”). He promised to circulate a recently enacted Wrightstown ordinance that relates to “barn weddings”. Bobb Carson asked if we might create a new use, Event Venue, and restrict that use (either as a principal or accessory use) to appropriate districts within the Township. Mr. McNair felt that might be a logical way to proceed, as long as the events included in the proposed use were not traditional agritainment uses.

- 2) Should we have/do we need two definitions for accessory use?
 - a) the current definitions in the Zoning Ordinance are
 - i) "Accessory use—a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use";
 - ii) "Use, accessory—a use located on the same lot with a principal use, and clearly incidental and subordinate to, the principal use".)?

Mr. McNair indicated that having two definitions is likely to cause legal problems, and suggested that we delete the first definition (above, “Accessory use”) as it mixes uses with structures.

- 3) Can only a principal use be restricted to certain districts, or may accessory uses be district-restricted as well?

Mr. McNair: Yes, accessory use may be restricted by zoning district

- 4) What kind of restrictions can be placed on principal and accessory uses?

Mr. McNair: The Municipal Planning Code requires that restrictions must consider public safety, health, and welfare and shall not be pre-emptive.

- 5) Is it true, based on PA case law, that a non-conforming use that has been abandoned for more than a year, may be reinstated, either as the same use or as a different non-conforming use (in contravention of Section 1103)?

Mr. McNair: PA case law has established that abandonment cannot be based solely on the elapsed interval of non-use. Rather, a township must establish the intent of the owner to abandon the use and an act of abandonment (e.g., failure to renew required licensing). If these two elements are established, a new (different) non-conforming use may not be instituted.

Minutes – On a motion by Steve Smith, seconded by Jay Fuggiti, the revised minutes of the November 6 meeting (attached) were approved unanimously.

Announcements

- 1) The next PC meeting will be held on January 8, 2020 and will include reorganization;
- 2) Dawn Nicholson will circulate the 2019 Annual Report and a new, preliminary plan application prior to the next meeting;
- 3) Dawn Nicholson suggested that we might want to meet jointly with the Board of Supervisors at our January work session (1/16/2020). Karen Bedics suggested that it might be useful to have Scott McNair at that meeting as well.

The meeting adjourned at approximately 9 PM.

Bobb Carson

Attachment: November 6 minutes