

## BARRETT TOWNSHIP SUPERVISORS



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BARRETT MUNICIPAL BUILDING  
993 ROUTE 390 • CRESCO, PA 18326  
[www.BarrettTownship.com](http://www.BarrettTownship.com)

March 28, 2017

Brick T. Linder, P.E.  
Linder Engineering, Inc.  
2603 Route 390  
Canadensis, PA 18325

Re: Zoning determination, Buck Hill Water Company filling station, along Rt. 191  
Monroe County PIN#: 01637800165668

Dear Mr. Linder,

This correspondence is provided in response to your request for a zoning determination regarding the property situated off of Route 191, PIN # 01637800165668 (the Property) in Barrett Township. Specifically you request an opinion as to your clients proposed use of the Property for a water filling station. To that end, I offer the following comments:

1. The Property is located within the C (Conservation) Zoning District and has a land area of 1,566 acres.
2. Current use of the property is open space/forest reserve and public utility (Use F-1). The utility provides water for residents of Buck Hill Falls, a community situated entirely in Barrett Township.
3. The proposed use, *water filling station*, is not specifically identified under Barrett Township's zoning use regulations, §1003 of the Township's Zoning Ordinance.
4. §304 of the of the Township's Zoning Ordinance, in part, states; "no building or part thereof, or other structure shall be erected, altered, added to, or enlarged, nor shall any *land, building, or premises be used...for any purpose other than as for the uses hereinafter listed as permitted in the district in which the building, land, or premises is located.*"(emphasis added)
5. The proposed use, *water filling station*, cannot be considered an accessory use, or an extension of the existing use, because the *water filling station* will not be essential for the residents of Barrett Township as required in accordance with §1003, F, 1, a, of the Township's Zoning Ordinance. The *water filling station* use would be a new, primary, use of the land for the collection and distribution of water elsewhere.
6. The Township's Zoning Ordinance defines *accessory use* as; "a use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates". Collection of water for off-site sale is not customarily incidental to a public utility/water supply company, and it does not appear that the use is on the same lot as the principal use. The use cannot be considered an accessory use.
7. Since the Township's Zoning Ordinance does not specifically identify the proposed use, "water filling station" the use may fall under Zoning Ordinance §1003, G, 17, use G-17,

"lawful use not otherwise permitted", but a G-17 Use is prohibited in the C Zoning District in accordance with the Table of Use Regulations.

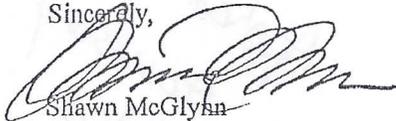
8. In addition to the provisions of the Barrett Township Zoning Ordinance, the proposed use of land may be regulated under Township Ordinance 150, Brodhead Creek Stormwater Management Ordinance, and the Barrett Township Subdivision and Land Development Ordinance.

Based on the aforementioned, the proposed water filling station is *not* an accessory use. The water filling station is a new primary use, and, in accordance with §402 of the Township's Zoning Ordinance it is *not* a use permitted in the C Zoning District. Therefore the establishment of a *water filling station* on the Property is prohibited.

This determination may be appealed to the Barrett Township Zoning Hearing Board in accordance with §1503 of the Zoning Ordinance if you do so within thirty (30) days of receipt of this correspondence.

If you have any questions, or require additional information, contact the Zoning Office at (570) 595-2602, or visit our website at [www.BarrettTownship.com](http://www.BarrettTownship.com).

Sincerely,



Shawn McGlynn  
SFM Consulting, LLC  
Barrett Township Zoning Officer

Cc: Property file  
Barrett Twp. BOS  
Jeryl Rinehart, Zoning Officer  
Pam Gardsy, Twp. Secretary