

**FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MONDAY, JANUARY 28, 2019
6:00 PM**

I. ATTENDANCE

The Planning Commission held its 1st regular meeting of the month on Monday, January 28, 2019 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Lisa Strickland, Chairperson
Bill Keough, Vice Chairperson
Rob Crassweller, absent
Ralph Wheland
Eric Scott
Jeremie Thompson
Jerry Binney
Shannon Holliday, alternate

Staff:

Ray Stolas, Director of Planning & Zoning
Lindsay Schoch, Community Planner
Jeff Ressler, Zoning Administrator

Others in attendance were: Marcella Bell, Recording Secretary; Jacqueline Ferrell, PSU Student; Sierra Cornelius, PSU Student; Briana Losco, PSU Student; Elizabeth Barber, PSU Student; and Jacob McAndrew, PSU Student

II. CALL TO ORDER

Ms. Strickland called the meeting to order at 6:05 p.m.

III. CITIZEN INPUT

There was no citizens' input.

IV. FERGUSON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT AND ZONING ORDINANCES

Mr. Stolas stated that Environmental Planning & Design (EPD) submitted the fifth draft of the Zoning and Subdivision and Land Development Ordinance (SALDO) documents and staff distributed copies to the Board of Supervisors, Planning Commission, and Tree Commission for further review and comment. Carolyn Yagle is in attendance tonight to review and present the most recent changes to the documents so that Planning Commission members can focus their review on these areas of the ordinances. Additionally, an Open House to discuss both ordinances with property owners and staff is scheduled for February 21, 2019 from 6:00 p.m. - 8:00 p.m. in the Main Meeting Room.

Ms. Yagle stated that the fifth draft was distributed just last week and the biggest change is that the adopted Sourcewater Protection Ordinance has been incorporated into the latest draft. She went on to state that there is an Open House scheduled for the end of February and EPD is working with staff to come up with some exhibits for the meeting. Ms. Yagle stated that before the meeting she received the comment that the red-lined version of the draft ordinances are very small and hard to read. She stated that if anyone would like a clean copy, she has those available.

Ms. Yagle then begin her review of the SALDO. She explained that EPD added a number of items that once lived in the Zoning Ordinance. The design standards that were in the Zoning Ordinance are now placed in the SALDO. In addition, parking standards have been moved from the Zoning Ordinance to the SALDO. This change will give the Board of Supervisors and possibly the Planning Commission the ability to review parking in more detail related to site-specific development. Modifications from parking requirements would come out of the SALDO and would go in front of the Board of Supervisors to review instead of the Zoning Hearing Board. Ms. Yagle

stated that there were minor updates to the Official Map Ordinance, which included reference updates. The SALDO process was cleaned up to include references to the PA Municipalities Planning Code (MPC). Ms. Yagle explained that regarding agriculture-related activities, the land development submission requirements were greatly scaled back from what is in place now. She went on to state that model bicycle parking provisions were included in the parking provisions in the SALDO. Ms. Yagle noted that she worked with staff to solidify the definition of dwelling and dwelling unit so that it cannot be left open to interpretation.

In response to a question from Mr. Keough, Mr. Stolinas explained that the calculation for parking in relation to a land development plan has been changed to use the net floor square footage instead of the gross floor square footage, which will reduce the amount of parking required for a land development plan. Staff is hoping that this new calculation will reduce the amount of variance requests (modification requests in the SALDO as proposed). He went on to state that staff felt the parking requirements belonged in the SALDO and would give the Planning Commission a chance to review a parking modification if the Board of Supervisors so wished. Mr. Keough requested that staff compare the old parking calculation to the new parking calculation to see if there is a significant difference in the number of parking spaces required. He stated that staff may need to revisit the parking calculations if there is not a significant difference between gross floor and net floor.

Ms. Yagle added that she and staff received several comments from the Tree Commission regarding green parking and how to reduce stormwater run-off in parking lots. The Tree Commission wished to see more landscaping within parking lots to help mitigate stormwater run-off. In response to a question from Mr. Wheland, Ms. Yagle stated that the changes suggested by the Tree Commission were mostly related to specific development and parking regulations in relation to landscaping.

In response to a question from Mr. Ressler, Ms. Yagle stated that minor alteration plan were moved over from Zoning to the SALDO. She explained that the Township would have the ability to review the proposed minor subdivision, the Planning Commission would then review it, and finally the Board of Supervisors would review it. Requirements for a minor subdivision are also detailed in the same section.

There was a lengthy discussion regarding the requirements for dedication of park land to the Township from a development and park land fee-in-lieu. Ms. Strickland referred to page 61, Public Use and Service Areas, Public Spaces, Parks Open Spaces, and Recreation Facilities. She referred to the four acre or more requirement for park land dedication to the Township so that the Centre Region Parks and Recreation department manages the park. On page 61 and 63, both sections refer to a four acre minimum, but the wording is not consistent. Ms. Strickland asked that staff make the wording consistent so that it is clear that there is a four-acre minimum requirement. It also needs to be clear that if the park land is under four acres, it can still be considered park land, it just wouldn't be dedicated to the Township as park land. Mr. Ressler stated that he believes if the park land is under four acres, it would not be counted as required park land and open space for the development. In response to a question from Mr. Keough, Mr. Ressler stated that a developer would still have to pay a fee-in lieu for four acres of park land, even though the developer built a two acre park. Mr. Keough felt that if a developer builds a three-acre park, they should only have to a fee-in-lieu for one acre. Mr. Ressler stated that the park land fee-in-lieu is tied to the number of dwellings, multiplied by 2.54 persons per dwelling, multiplied by the parkland fee per person (found in the Townships' schedule of fees).

Ms. Yagle then began her review of the draft Zoning Ordinance. She referred to the Zoning Map presented on the projector and reviewed the changes that were made. There were a few parcels near the Harner Farm parcel that were changed from Rural Agriculture (RA) to Single-Family Residential-1 (R1) and General Commercial (C) due to the recent zoning change.

There was a lengthy discussion regarding a property known as the Oscar DeArmit Drilling property out in the western end of the Township near Route 45. Mr. Keough stated that parcel is designated as RA, however, there won't be any agriculture activities on the property. Mr. Keough wondered under the Zoning Ordinance regulations, whether or not this particular parcel would remain non-conforming. Ms. Yagle explained that the ordinance does not have an office or industrial type of use for the RA district, so it would remain non-conforming. Ms. Yagle stated that there have been a number of uses added to the RA district, which makes it possible that the parcel could become conforming. Mr. Keough believes that the parcel should be considered a commercial or industrial zone. Mr. Stolinas explained that if that particular parcel were rezoned to something other than RA, it would be considered spot-zoning. Ms. Yagle agreed and stated that if the zone were to be changed, it should be an extension of the zones already in existence around it, or multiple parcels around that property should be rezoned to a commercial or industrial zone. Mr. Stolinas stated that staff will look at it further before the Planning Commission reviews the ordinances again.

Mr. Stolinas added that within the Zoning Map, staff consolidated the Office Commercial (OC) zone with General Commercial (C) on the northern part of the Township.

There was a detailed discussion regarding principal and accessory uses and how those uses are approved administratively versus by the Board of Supervisors or the Zoning Hearing Board. Principal and accessory uses that are permitted by right are granted permission via a permit, issued by the Planning & Zoning department. Principal and accessory uses that are conditional uses must be approved by the Board of Supervisors. Principal and accessory uses that are special exceptions must be approved by the Zoning Hearing Board. Both a conditional use and a special exception use must have a Public Hearing in front of the respective bodies. Ms. Yagle stated that she will be working with staff to compile a diagram of all of the different types of uses and how they are approved for the Open House in February.

The discussion then centered around the RA district. In response to a question from Mr. Wheland regarding the minimum lot size for RA parcels, Ms. Yagle explained that if someone has a 50-acre parcel in the RA district, there are uses that are permitted by right. If someone wants to have a landscaping company on their property, it would be considered a conditional use if the parcel is 5 acres up to 49 acres. Mr. Wheland was concerned that someone would be able to subdivide a large parcel into smaller parcels less than 50 acres, and it was not the intent of the Ag Ad Hoc Committee to allow that. The Ag Ad Hoc committee wanted to see these types of uses on existing parcels under 50 acres. Mr. Wheland explained that when the Ag Ad Hoc Committee was discussing minimum lot sizes, they found that there were many parcels under 50 acres that don't conform to the Township's requirement of 50 acres for agriculture-related uses in the RA district. It was the Ag Ad Hoc Committee's thought that property owners should be able to use their smaller parcels for agriculture activities, however, the Committee did not want property owners to be able to create parcels smaller than 50 acres to utilize these uses. He went on to explain that the ordinance is not very clear on whether a property owner can subdivide their RA property into parcels smaller than 50 acres.

The Planning Commission took an intermission from 8:03 to 8:13 PM.

The Planning Commission then discussed the Rural Residential (RR) District. Mr. Wheland stated that there should be no minimum lot size for agriculture related activities in the Rural Residential (RR) because there is a provision in the ordinance to follow the Animal Equivalency Unit (AEU). Meaning, a property owner could not put a commercial hog farm on 10 acres in the RR district. Ms. Yagle stated that the ordinance could have criteria that the uses are permissible on an acreage that is smaller than the minimum lot size, so long as there was not subdivision proposed. There was a lengthy discussion about the minimum lot size required in the RR district. There was a consensus from the Planning Commission to set the minimum lot size of the RR district for a single-family dwelling unit as no less than 2 acres with no maximum acreage. There was a lengthy discussion regarding the lot size for accessory uses in the RR. The Planning Commission will discuss this further at a future meeting.

There was a brief discussion regarding commercial hunting preserve use. Currently, it is proposed to be permitted by right as a principal and accessory use in the RA and RR district. Ms. Strickland felt that it should be a conditional use for both the principal and accessory tables in the RR, specifically related to the size of the parcel that this use would be on. Ms. Strickland requested that staff and EPD develop a definition for this use. The Planning Commission will discuss this further at a future meeting.

The Commission then discussed the Agriculture Research (AR) District. There was a lengthy discussion regarding the agriculture buildings on Penn State's research land. Mr. Keough stated that he wished that clubs like 4-H could utilize the buildings on Penn State's parcels and wondered what the Township could do in terms of Zoning to allow this to happen. Mr. Ressler stated that there is nothing that prohibits clubs like that from utilizing educational buildings on Penn State's land, however, it seems that there might be a liability issue from Penn State.

The Planning Commission will continue its discussion on the draft Zoning Ordinance at its next meeting in February.

V. CONSENT AGENDA

There were no items on the consent agenda.

VI. PLANNING DIRECTOR'S REPORT

Mr. Stolinas reviewed his director's report which included the following items:

On December 11, 2018 and January 9, 2019, the Planning & Zoning staff participated in a meeting with the Township Manager and Public Works Department to discuss the proposed Public Works Building #5 Land Development Plan. Also on December 11, 2018, the Planning & Zoning Director, Community Planner, and Township Manager met with Ron Seybert, Township Engineer regarding the Pine Hall General Master Plan and Transportation Impact Study.

On December 12 and 20, 2018 and January 9, 2019, the Planning & Zoning staff met with Carolyn Yagle of EPD to discuss Tree Commission and Arborist comments on the proposed Zoning and SALDO revisions. Also on December 12, 2018 and January 9, 2019, the Planning & Zoning Director attended the CCHLT Board of Director's meeting at the College Township Building.

On December 19, 2018, the Planning & Zoning Director, Community Planner, and Township Manager attended the Penn State West Campus Parking Deck with State College Borough Planning and Public Works staff. Also on December 19, 2018, the Planning & Zoning Director, Zoning Administrator, and

Township Manager met with representatives of the Pine Grove Mills Farmer's Market to review their end of the year progress report.

On December 20, 2018, the Planning & Zoning Director and Community Planner met with Jim May, CRPA Executive Director, and discussed text and meeting materials for the Pine Grove Mills Small Area Plan.

On January 10, 2019, the Planning & Zoning Director, Township Arborist, and Zoning Administrator met with John Sepp, PennTerra Engineering regarding landscape buffers at the proposed Science Park Plaza. Also on January 10, 2019, the Planning & Zoning Director, Township Manager, Chief of Police, and Township Engineer met with representatives of Rushcliffe St. HOA and Paradigm Properties regarding parking configuration on Rushcliffe St.

On January 11, 2019, the Planning & Zoning Director, Community Planner, and Township Manager met with Tom Zilla, Regional Transportation Planner, Mike Bloom, Deputy County Planning Director, and Leslie Warriner, County Transportation Planner regarding a future Municipal MPO Workshop with Ferguson Township staff and officials.

On January 14, 2019, the Planning & Zoning Director and Township Manager met with Jessica Buckland, Raptor Martial Arts and Lynda Mussi, regarding a Zoning Variance decision for 3020 Research Drive.

On January 15, 2019, the Planning & Zoning Director and Township Manager met with Ron Rehmeyer regarding permitted uses for property within the Office Commercial and General Commercial Zoning Districts.

On January 16, 2019, the Community Planner attended the Centre Regional Planning Agency bi-monthly staff meeting. Also on January 16, 2019, the Planning & Zoning Director and Community Planner attended the PSU Land Use webinar at the CRPA Offices titled "Zoning Ethics".

On January 17 and 18, 2019, the Planning & Zoning Director, Chief of Police, and HR Director conducted interviews for the Ordinance Enforcement Officer position. Also on January 17, 2019, the Planning & Zoning Director, Community Planner, and Township Manager met with Daniel Tavis Mehan, Geodesign Program Manager, College of Arts & Architecture on a potential student workshop.

On January 18, 2019, the Planning & Zoning Director, Zoning Administrator, and Township Manager met with Tom Jacobs and Matt Halloran, S&A Homes regarding future phases of the Landings PRD.

On January 23, 2019, the Planning & Zoning Director, Zoning Administrator, Community Planner, Township Engineer, and Township Manager met with Pam Salokangus and representatives of Stahl Shaffer Engineering on the proposed Whitehall Road Regional Park Phase I Land Development Plan Pre-Application. Also on January 23, 2019, the Planning & Zoning Director and Township Manager met with Penn State representatives Charima Young, Andrew Gutberlet, and Neil Sullivan regarding Penn State University comments related to the Source Water Protection Overlay District. In addition, on January 23, 2019, the Planning & Zoning Director, Township Manager, Community Planner, and CCHLT Executive Director met and discussed the Pine Hall Workforce Housing Agreement Fee-in-Lieu consideration.

On January 24, 2019, the Planning & Zoning Director and Community Planner met with the Township Communication Coordinator and Assistant to the Manager to discuss public notices for the Zoning and SALDO Open House.

On January 25, 2018, the Planning & Zoning Director attended the CCHLT Strategic Planning Committee meeting with Missy Schoonover, CCHLT Executive Director and Sarah Klinetob Low, CCHLT Board Member.

Recent BOS Actions Summary (1/21/19 Regular Meeting):

- Report from Kevin Abbey, Clearwater Conservancy, introducing the Scotia Young Forest Conservation Initiative
- Public Hearing on the Source Water Protection Overlay District Ordinance (Adopted 4-0)
- Presentation of the Harner Farm Concept Plan
- Appointment to the Ferguson Township Vacancy Board
- National Citizens Survey Contract Authorization
- Beaver Branch Gorge Discussion
- PA Cap and Trade Petition
- 2019 Donation Requests Discussion

Upcoming Zoning Hearing Board Agenda (12/18/18):

- Variance Application Request – SCWA Nixon-Kocher Water Treatment Facility

VII. ACTIVE PLANS UPDATE

Ms. Schoch provided the active plans update, which included the following active plans: Harner Farm Concept Plan, King Wealth Strategies Land Development Plan, and Pine Hall Traditional Town Development General Master Plan.

VIII. CENTRE REGIONAL PLANNING COMMISSION (CRPC) REPORT

Mr. Thompson stated that at the December meeting, the Centre Regional Planning Agency (CRPC) received a presentation from Dave Pribulka and Jeff Ressler regarding the proposed Sourcewater Protection Overlay District Ordinance. The CRPC gave comments, which were forwarded onto the Board of Supervisors, who adopted the ordinance at a Public Hearing on January 21, 2019. The next CRPC meeting will be February 7, 2019.

IX. SOURCEWATER PROTECTION UPDATE

Mr. Stolinas stated that as Mr. Thompson mentioned, the Board of Supervisors adopted the Sourcewater Protection Overlay District Ordinance on January 21, 2019. The Ordinance goes into effect 30 days from the date of adoption.

X. ZONING/SALDO STEERING COMMITTEE UPDATE

There was no update.

XII. PINE GROVE MILLS—SMALL AREA PLAN

Ms. Strickland stated that the steering committee met and had a brainstorming session to narrow down goals and objectives. Mr. Stolinas added that Mr. Jim May, the CRPA Director is working on the Small Area Plan and will present what sections of it to the Board of Supervisors and the Planning Commission in March.

XIII. APPROVAL OF THE REGULAR MEETING MINUTES – DECEMBER 4, 2018

A motion was made by Mr. Wheland and seconded by Mr. Keough to approve the December 4, 2018 meeting minutes as presented. The motion carried 5-0.

XIII. ADJOURNMENT

There being no further business for the Planning Commission, the meeting adjourned at 9:05 p.m.

RESPECTFULLY SUBMITTED,


ROB CRASSWELLER, SECRETARY
FOR THE PLANNING COMMISSION