

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 28, 2020
6:00 PM**

ATTENDANCE

The Planning Commission held its second regular meeting of the month on Monday, September 28, 2020, as a virtual meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Rob Crassweller - Secretary
Jerry Binney
Shannon Holiday
Bill Keough
Lisa Rittenhouse
Ellen Taricani
Ralph Wheland
Qian Zhang – Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Jeff Ressler, Zoning Administrator
Kristina Aneckstein, Community Planner

Others in attendance: Rhonda Demchak, Recording Secretary; Joseph Green Township Solicitor; Charles Suhr, Attorney, Stevens & Lee; Joseph Green, Township Solicitor; Marc McMaster, Real Estate Agent, State College

Ms. Wargo took roll call and the Planning Commission had a quorum.

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, September 28, 2020 at 6:00 p.m.

II. APPROVAL OF SPECIAL MEETING MINUTES SEPTEMBER 1, 2020

Mr. Thompson called for a motion to approve the minutes from September 1, 2020. Mr. Crassweller made a motion to approve the minutes. Dr. Taricani seconded the motion. The motion passed unanimously.

III. APPROVAL OF REGULAR MEETING MINUTES SEPTEMBER 14, 2020

Mr. Thompson called for a motion to approve the minutes from September 14, 2020. Mr. Wheland made a motion to approve the minutes. Mr. Binney seconded the motion. The motion passed unanimously.

IV. APPROVAL OF SPECIAL MEETING MINUTES SEPTEMBER 15, 2020

Mr. Crassweller and Mr. Binney noted that they were not in attendance but were included on the minutes. Mr. Thompson called for a motion to approve the minutes from September 15, 2020. Dr. Taricani made a motion to approve the minutes with the change on attendance. Mr. Wheland seconded the motion. The motion passed unanimously.

V. APPROVAL OF SPECIAL MEETING MINUTES SEPTEMBER 16, 2020

Dr. Taricani and Mr. Binney noted that they were not in attendance but were included on the minutes. Mr. Thompson called for a motion to approve the minutes from September 16, 2020. Ms. Holliday made a motion to approve the minutes with any necessary changes. Mr. Wheland seconded the motion. The motion passed unanimously.

VI. CITIZEN INPUT - NONE

VII. COMMUNITY PLANNING

A. Zoning Map Amendments

Ms. Wargo presented the amendments that was discussed at the joint meeting on September 15, 2020. A memo, that Ms. Wargo sent was included in the agenda, highlights the recommended changes to the Board of Supervisors. Ms. Wargo presented the maps of the following areas that would be rezoned and asked for comments/questions:

- Ridge Overlay District (Rural Residential) - The Pine Grove Mills Advisory Committee reviewed the Ridge Overlay lots adjacent to Pine Grove Mills at their September 24, 2020, regular meeting in relation to the small area plan and recommended that these lots be rezoned to Forest/Gamelands (F) – No comments/questions received.
- Harner Farm Lots (Rural Agricultural) – No comments/questions received.
- Penn State University Lands (Agricultural Research) – No comments/questions received, Ms. Wargo noted that the property owner recently acquired this lot.
- The Meadows (Rural Agricultural) – Ms. Wargo noted that her office received a request to rezone the area to R1. Mr. Ressler noted that a resident requested to build a shed but could not due to the setbacks on the lot.
- Rock Springs (Rural Agricultural) - Mr. Wheland noted there is another house on the north side of Route 45 and inquired if this should be included. Ms. Wargo and Ms. Aneckstein stated that the amendments predated them. Mr. Wheland made the assumption that the lot is already conforming. Ms. Wargo will look into the inquiry.

Mr. Keough made a motion that the Planning Commission recommend to the Board of Supervisors to approve the zoning map amendments as presented and outlined in the memorandum from the Director of Planning & Zoning, dated September 24, 2020 and authorize staff to advertise a public hearing. Mr. Binney seconded the motion. The motion passed unanimously.

B. Draft Workforce Housing Ordinance

Ms. Wargo presented the draft Workforce Housing Ordinance. There were two Joint Special Meetings on September 1st and 16th that were held with the Board of Supervisors to review and discuss the draft Workforce Housing Ordinance amendment. Ms. Wargo noted that they were informative meetings and the comments were included into the draft that was included with the agenda tonight.

The ordinance would be applicable to the following developments within the Traditional Town Development (TTD) or Terraced Streetscape (TS) Zoning Districts. The ordinance would be triggered any time you have ten or more units on a lot. It would allow for rentals and owner-occupied units. Gives applicants 3 options; To build the units on-site, off-site or pay fee in-lieu.

- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;

- Conversion of an existing residential structure regardless of dwelling type to a multifamily dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

Mr. Crassweller asked about the definition of workforce housing. He notes the household income of the household size that may occupy the unit in question. HUD makes this determination. Ms. Wargo noted that a lot of cities and towns will have guestimates on the size of the units and size of the family. Mr. Crassweller expressed concerns with how the size of a family is determined and the number of people allowed in a unit. Ms. Wargo noted that it would be up to the building code occupancy to determine.

Mr. Keough noted he had three items. He asked about Page 6, Letter D, Limitations, item I, what does "To the extent permitted by Federal Law" refer to. Ms. Wargo noted that it is referring to fair housing policy to respect that aspect and it's an industry standard phrase included in most ordinances. It is to promote local residents to utilize the units without precluding others. Mr. Keough noted that people moving into these units from outside of the area is common practice and has concerns over any federal regulations. Mr. Keough reference page 7, at the bottom, Section 8.b.V requested to change language to read "to maintain and/or further" instead of the word "furthering". He is basically adding the word maintain. This would give flexibility for future possible maintenance of properties. Ms. Wargo will make the change.

Mr. Keough wanted to know if groups like Habitat for Humanity could purchase a lot from the developer for the purpose of creating one of their homes and have it count towards the requirement for workforce housing units. He noted that there is nothing in the ordinance that references it. Ms. Wargo indicated that it would be included in the development agreement. Habitat for Humanity would be third party that would enter into an agreement with the township and the developer to construct those units. Mr. Keough stated that he would like to have this included into the ordinance. Ms. Aneckstein noted that it is a great idea and suggested to add a clause regarding working with a third party. Mr. Keough was good with that as long as that option is not be eliminated by this wording.

Dr. Taricani asked where group homes for the mentally challenged would fit into the ordinance. Ms. Wargo noted that it is not included because of the annual income between the tenants of \$80K-\$120K. Dr. Taricani sees the need for a place for this group of people. Mr. Binney commented how there didn't seem to be a lot of sentiment about making the fee-in-lieu more of a regional fee and tie it into the county planning efforts/planning. His experience leads him to make note that there should be flexibility as we move forward. Mr. Keough hopes that conversations continues with a regional perspective. Open conversations with other municipalities, managers, and supervisors. Ms. Wargo recommends it as well and stated that she included in the CIP in April 2020, to have a Regional Affordable Housing Study in 2021. Dr. Taricani stated that she will talk about the study at the next CRPC meeting. Mr. McMaster indicated that he could not find the regulation in HUD regarding utility guidelines and is awaiting an answer from HUD. Mr. McMaster feels it would be a bad idea to include utilities. Ms. Wargo stated that Missy Schnoover will be obtaining the documents regarding the utilities. Mr. McMaster asked what method will be used to determine fee-in-lieu because it is not in the ordinance. Ms. Wargo noted that it will be calculated through the fee schedule which

will be ready for the public hearing. With regards to paying the 60% for the fee-in-lieu if one needs to leave after a year, Mr. McMaster's noted that having the developer still pay a fee-in-lieu after failed workforce housing is unreasonable to developers. The timeline for this release valve can be stretched out and from a tax-base perspective, it's a negative. It will only stretch out the time when these units will be built.

Mr. Thompson stated that he has been studying the ordinance and feels it falls short especially with regards to the level of income. Mr. Thompson feels it doesn't address those that are single or people in the service industry who might only make \$20K to \$30K. Mr. Thompson stated that he would not recommend this ordinance for approval. Ms. Wargo will include all comments into her memo to the Board and recommends everyone to attend the Board meeting on October 5, 2020. Mr. Keough stated he is not excited about the ordinance and has concerns with the details that are not at the ordinance level but rather are at the operational and functional level. Mr. Keough understands many of these details do not go into the ordinance. He noted that there are a lot of details such as maintenance fees, up keep, tapping fees, etc. that have not been worked through yet and is not excited about passing this general ordinance. Mr. Keough has concerns that another fee, the stormwater fee, will be passed when the Township talks about making significant number of houses affordable. This could nickel and dime home owners that will only add to the cost of a house. Ms. Rittenhouse concurs with the concerns that Mr. Thompson, Mr. Keough, and Mr. McMaster stated. Ms. Holliday also agreed with everyone. She expressed concerns with the income levels and how the numbers are vague and agrees with the concerns others shared. Mr. Thompson stated that the ordinance leaves out a lot of people who are trying to live in the Township. Dr. Taricani agreed as well with all the concerns expressed. Dr. Taricani suggested breaking down into several ordinances to reflect the main issues and how it will impact the Township as well as the region. Ms. Holliday asked if they could vote on the ordinance but with contingencies, items that Mr. Keough and Mr. McMaster mentioned outlined.

Dr. Taricani finds that there are so many parts to the ordinance and gets complicated. It could possibly be broken down into more several ordinances under affordable housing umbrella and analyze how it impacts the township and the region. Dr. Taricani made a motion to not approve but goes forth as a work in progress for more consideration with possible issues that might arise in connection with this. Ms. Rittenhouse stated her concerns that if the Commission can't understand the ordinance regarding the rules and regulations the general public will also have difficulties. Ms. Wargo noted that the general public would be unlikely to read this ordinance. Ms. Rittenhouse said that they would still be in a by-law and connivance in place and what we're trying to implicate would be difficult.

Mr. Binney seconded Dr. Taricani's motion. Mr. Thompson asked for a vote. Mr. Crassweller suggested before the vote reviewing the specific items that are not acceptable. Ms. Wargo said she is taking notes and all the comments and suggestions will be forwarded to the Board as to why this ordinance was not approved for recommendation. The following items were discussed tonight and will be captured in the memo:

1. Doesn't forward affordability

2. Needs more specific information related to the administration documents of the ordinance. It is not specific enough within the ordinance
3. The ordinance is confusing due to the complexity
4. Release valve timeline concerns

Mr. Keough noted concerns for the people who are investing their own money into this type of program as well as the TDD it must fit within their bottom line. They have to see that the proposition is profitable. They will not invest in a losing proposition. Mr. Keough concurred with Mr. McMaster on the timeline concerns regarding the advertising of units. If units sit and sit, then the developers will move on to the next phase. Ms. Rittenhouse stated that the Township needs to be thinking about the developers and what is needed to be done by them. Mr. Thompson asked, if we are setting up this timeline, are we setting up a loop hole for a developer to be able to get out of workforce housing. Mr. McMaster noted that no one wants to sit on a property for a year, holding costs alone hurt and not get paid. The longer something sits on the market, you automatically take less money. Then to ask the developer for a 60% fee in-lieu, with no incentives, is punishing the developers. Mr. Keough expressed his concern with the Turnberry and Pine Hall arbitration and the Planning Commission has not been kept abreast on the happenings of that litigation. Mr. Keough is aware that there is a workforce housing component in the litigation. Mr. Keough noted that he will not approve the ordinance since it doesn't meet the standards the Commission feels it should be to move forward. Ms. Wargo will note in the memo about the concerns from the residents of Ferguson Township are not taken into account. Mr. Keough noted that the Commission has done due diligence with the concerns, but it is the Board of Supervisors decision. Mr. Binney asked Ms. Wargo to list the bullet points so that they can move forward with the motion on the table.

Ms. Wargo reiterated:

1. The ordinance falls short on furthering the affordability in the Township.
2. 1-year timeline is too restrictive for the developers.
3. The ordinance favors big development and not the residents.
4. The ordinance is confusing.
5. Administration documents that would be put in place with the Centre County Housing and Land Trust. Mr. Keough suggested including the absence of the administration document is concerning. Ms. Wargo will add.

Mr. Thompson clarified that the motion on the table is to not recommend the ordinance. Mr. Thompson took the vote. The Planning Commission voted not to approve but forward as a work in progress for more consideration with possible issues that might arise. Mr. Crassweller opposed. The motion passed.

VIII. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo noted that at the October 5, 2020, meeting she will have at least five topics on Planning and Zoning. Along with the Zoning and Map Amendments and the Workforce Housing Ordinance, there is also the Water Authority Land Development Plan, and Amending the Zoning Ordinance on Childcare Facilities.

Also, amending the TS District in the Workforce Housing Ordinance regarding the building height. Ms. Wargo noted that if the Board authorizes staff to advertise it will be on the November 2, 2020 agenda. Mr. Keough noted that the Stormwater Fee is also on the agenda for October 5, 2020 and commented that the work session earlier in the week was too long. Mr. Keough stated the public won't be engaged for that long of a meeting and recommended limiting the conversation. Mr. Thompson noted that a resident communicated that he attended the meeting and thought the fee was a done deal. Ms. Rittenhouse noted that the Board is going to get a lot of push back because people are not happy with this fee. Ms. Holliday had a resident ask why the Township doesn't utilize fees from the transfer taxes. Mr. Keough noted that as an advisory body in planning there will be not be an opportunity to give the Board feedback. Ms. Rittenhouse noted that is very unfortunate the Commission cannot give feedback and is concerned over the amount of fees that Ferguson Township is implementing. Mr. Thompson noted that he is a part of the Centre County Farm Bureau and the President of the Bureau sent an email to members in Ferguson Township stating their concerns. Ms. Wargo encouraged the Commission to forward any correspondences or questions received regarding the Stormwater Fee to the Board, the Manager, or Dave Modricker.

B. CRPC Report

Dr. Taricani reported that they did not have a meeting but will next week.

C. Land Development Plans

Ms. Aneckstein reported that the Water Authority Property will be on the Board of Supervisor's agenda on October 5, 2020. Parkland was signed and recorded. Ms. Aneckstein thanked Mr. Thompson and Mr. Wheland for coming to the municipal building to sign. The West College Student Housing comments should be going back to the developer soon but waiting on one outstanding person. Mr. Binney asked for an update on the construction at the Sheetz development on the corner of West College and Whitehall. Ms. Aneckstein noted that only the four-lot subdivision was recorded. Mr. Keough reported that he is getting a lot of questions on the West College Plan and had not seen a plan. Ms. Aneckstein will send out the plan to everyone once she receives the latest comment. Mr. Keough suggested scheduling Mr. Seybert and Mr. LeClear at some point to translate the Traffic Study.

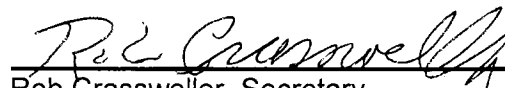
D. Staff Updates

Ms. Wargo reported that a meeting with Penn State occurred this morning to look at the ARL Engineering Building because they are getting rid of a building and want to move out to Science Park.

IX. ADJOURNMENT

Mr. Binney made a motion to adjourn the September 28, 2020 Planning Commission meeting at 8:40 p.m. Dr. Taricani seconded the motion. The motion passed unanimously.

Respectfully Submitted,



Rob Crassweiler, Secretary
For the Planning Commission