

FERGUSON TOWNSHIP JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION

Special Meeting

Wednesday, September 16, 2020

6:00 PM

ATTENDANCE

The Joint Board of Supervisors and Planning Commission held a special meeting on Wednesday, September 16, 2020, via Zoom. In attendance were:

Board:	Steve Miller, Chairman Laura Dininni, Vice Chair Prasenjit Mitra Patty Stephens Lisa Strickland	Staff:	Dave Pribulka, Township Manager Jenna Wargo, Planning/Zoning Director Kristina Aneckstein, Community Planner Jeff Ressler, Zoning Administrator
PC:	Jeremie Thompson, Chair Ellen Taricani Lisa Rittenhouse Bill Keough Ralph Wheland Shannon Holiday		

Others in attendance included: Rhonda Demchak, Recording Secretary; Betsy Dupuis, Attorney, Babst, Calland, Clements & Zomnir; Charles Suhr, Attorney, Stevens & Lee; Joseph Green, Township Solicitor; Marc McMaster, Real Estate Agent, State College; Derek Anderson, Pine Hall TDD Developer; Robin Homan, Ferguson Township Resident; Marc Kunkle, Ferguson Township Resident; Missy Schoonover, Executive Director, Centre County Housing and Land Trust

CALL TO ORDER

Mr. Miller called the Wednesday, September 16, 2020, Joint Board of Supervisors and Planning Commission Special meeting to order at 6:00 p.m.

Mr. Pribulka noted that the Joint Board of Supervisors and Planning Commission Special meeting had been advertised as a virtual meeting. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call be taken and that elected officials verbally respond. Mr. Pribulka took Roll Call of both the Board and Commission and there was a quorum.

I. CITIZENS INPUT

None.

II. COMMUNITY PLANNING

A. Draft Workforce Housing Ordinance Discussion

1. Ms. Wargo shared her screen and walked through the 14 sections to receive comments and/or changes. The draft ordinance was provided with the agenda. There were no comments for Sections 1 and 2.

Ms. Wargo noted that Section 3, Definitions, was updated thanks to Charles Suhr who indicated that there wasn't a multi-family dwelling unit defined. The Workforce Housing definition was updated to further elaborate about the utilities for rental units. Mr. McMaster questioned why the utilities were included. Mr. Wargo indicated it is a HUD requirement. Ms. Schoonover will confirm with HUD.

Section 4, Applicability is applied to the Terrace Streetscape (TS) and the Traditional Town Development Zoning District. Ms. Dininni inquired about height restriction in the TSD. Ms. Wargo indicated it would depend if incentives were utilized and the height restriction is usually 75 feet. Mr. Keough expressed his concern that the incentives don't line up with what is needed. Mr. Pribulka noted that the TS doesn't have much reference to Workforce Housing Units. There is one provision that relates to the building height incentive. If a Workforce Housing Unit is provided the ratio of 10% could be taken advantage of which is up to an additional 20 feet. Ms. Dininni expressed concerns with the possibility of only having rentals that students would inhabit. Ms. Wargo stated that they won't be all rentals because they allow 100% fee-in-lieu. Mr. Keough expressed concerns about broadening the number of zoning districts that it would apply to.

Section 5, General Requirements for Workforce Units section is how to calculate the 10% requirement for any development. No comments were received.

Section 6, Standards. Ms. Wargo noted that a lot of this was carried forward from the original Workforce Housing Ordinance; however, there was a lot added to it as well. This section explains how the units can't be clustered. Mr. McMaster asked how the 10% was calculated and requested to include more specificity into the ordinance. Ms. Wargo noted that it will be added. With regards to Section 6, VII, Ms. Strickland inquired if it will be the only factor that will be used to figure out what types of units. Ms. Wargo noted that it would be by type. Mr. Miller suggested changing the wording to accommodate rental units. Ms. Strickland also suggested adding what and who decides about the type of units and number. Ms. Dininni asked for an opinion from the Township Solicitor about something that she saw somewhere that says students aren't a protected class and could this be utilized in the zoning. Ms. Wargo noted that at the Borough there is student housing and student rental permits for houses. Mr. McMaster stated the permits are limited and very expensive. With regards to Ms. Dininni's comment about students, Mr. Green noted that he doesn't have an in-depth legal opinion at this time without further research. Mr. Keough noted that in years past the Commission has tried to establish a student definition, but it is too complicated and decided not to pursue. Mr. Miller noted that in this section there needs to be more deferential between rental, size, etc. Mr. McMaster expressed his concern with C.2, the 60-day option to purchase. He felt it was too long. Ms. Dupuis noted that it is not too long. Ms. Dininni requested clarification of C.3. Mr. Pribulka noted that C.3 needs to be amended by taking out "or rent". A discussion ensued about if a house couldn't sell could it be rented. Ms. Wargo noted this could be extremely messy. Ms. Dininni requested more information on the process and wanted to know when will the Township know up front or until the SIP exactly what portion the developer would be building vs. giving the Township fee-in-lieu. Ms. Wargo noted that staff will research.

Section 7, Workforce Housing Development Agreement. No comments were received.

Section 8, Workforce Housing Options. Ms. Wargo noted that these are options that the applicant would have. Mr. Keough noted that he prefers to change the wording of C.i. from Ferguson Township to the Centre Region. This will give more flexibility to the developer. Ms. Dininni noted that she doesn't agree with expanding to the Centre Region. Ms. Wargo noted that CRPA is in favor of expanding to the Centre Region. Mr. McMaster asked how the fee-in-lieu was calculated. Ms. Wargo noted that staff's recommendation is the Gap Method. Mr. Pribulka noted that there is language in the draft Workforce Housing Development Agreement that speaks to the issue between the Township, Centre County Housing and Land Trust, and Residential Housing. Mr. Pribulka

suggested taking the language from the Workforce Housing Development Agreement and implementing in the draft Workforce Housing Ordinance.

Section 9, Policy and Procedures Manual for Administration of Workforce Housing Dwelling Unit for Sale or Rent. No comments were received.

Section 10, Inability to Rent or Sell Workforce Housing Units to Qualified Households. Ms. Wargo noted that this section addresses when a developer can't sell a unit and addresses when a qualified homeowner buys a unit but would need to move for whatever reason and that process. Mr. McMaster asked why the developer would pay the Township 60% if it wouldn't sell. Ms. Wargo discussed the various reasons why the Township would require 60%. Mr. Miller asked what the developer will do with the units that do not sell. Mr. McMaster stated that if they do not sell within the Affordable Housing Legacy Program and received no applications after a year, they are able to sell at market rate. Ms. Dininni indicated that a fee should be assessed but not sure if it should be 60% and noted the goal should be to have units that are Workforce Housing Units. Mr. Miller indicated that 60% is too low. Ms. Schoonover stated that the last housing needs assessment was completed in 2005; therefore, the data is old. The Centre County Planning and Community Development will be conducting another assessment in 2021 and it will assess what is happening in the municipalities. In 2005 the assessment assumed all the vacancies would be filled and an estimated 7,200 additional affordable units would be needed. Ms. Schoonover noted that there have not been 7,200 affordable units added since 2005. Ms. Strickland indicated that she agrees that 60% should be the minimum.

Section 11, Continued Affordability, Compliance and Reporting Requirements. Ms. Wargo noted that under iv.2, the 60 days to enter into a purchase, etc., will be changed to 30 days. Mr. Keough expressed concerns with the 99-year Legacy Program and has not been in favor. Mr. Keough is in favor of 60 years. Mr. McMaster agreed that 99 years is a long time. Mr. McMaster asked with regards to incomes rising in place, if a person goes over the 120% AMI, what happens if there are no more workforce units. Ms. Schoonover stated that tenants of rentals would not be kicked out, but rather shift the workforce units when one becomes available. Mr. Keough stated that this iteration of the workforce ordinance addresses and is fine in terms of clarifications for the developer side of this project but does not believe this addresses the owner issues. Mr. Keough noted that the ordinance is not addressing major repairs such as replacing roofs, utility repairs, etc. Mr. Pribulka stated that the ordinance needs to be descriptive. Mr. Pribulka noted that after the ordinance is enacted and after the program has funding, the Township can decide what the best and most effective use of some of the fee-in-lieu money. Ms. Wargo noted that Mr. Keough's concern of the repairs will be included in the policy and procedure manual for administering the program. Mr. McMaster noted that the more restrictions and inspections you require of the homeowner, they will likely not want to be a homeowner because there is not going to be an incentive. Continued discussion ensued with concerns of capital investments and the length of the Legacy Program. Mr. Pribulka recommended that specific details should be between the unit owner and the administrator of the program.

Section 12, Administration. Mr. McMaster inquired about who pays the fees. Ms. Wargo noted that fees to administrate the program the Township has a MOU with the land trust. A decision has not been made if the administration would be paid through the fee-in-lieu funds. Mr. Pribulka noted that the Township will hold the fee-in-lieu. It will likely be its own fund and part of the budgetary process.

Mr. Pribulka noted that the next steps will be to take the comments and suggestions from the meeting tonight and implement them into the ordinance. The ordinance could possibly be on the next Planning Commission agenda.

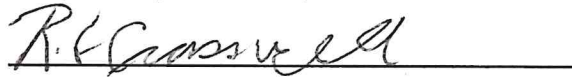
Ms. Dininni asked why the TSD was included in the ordinance and not other districts. Ms. Wargo noted for her personally that the district already had the workforce units. Building workforce units does not make money for the developer. Ms. Dininni expressed concerns over the distinction between student and non-student in the zoning code. Also, the neighborhood that is adjacent to the TSD is worried about the height and creating another type of "canyon". Mr. Miller noted that students would not fall into the 80% to 120% range and eliminated student housing from the program.

The ordinance will be placed on the October 5, 2020 agenda.

III. ADJOURNMENT

With no further business to come before the Joint Board of Supervisors and Planning Commission, Ms. Strickland motioned to adjourn the meeting. Ms. Dininni seconded the motion. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rob Crassweller", is written over a horizontal line.

Rob Crassweller, Secretary
For the Planning Commission