

**FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MONDAY, APRIL 10, 2017
6:00 PM**

I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, April 10, 2017 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Marc McMaster, Chairman
Rob Crassweller, Vice Chair
Ralph Wheland
Lisa Strickland
Bill Keough
Eric Scott
Andrea Harman, Absent
Alternate, Cristin Mitchell

Staff:

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

Others in attendance were: Marcella Bell, Recording Secretary; Norm Lathbury, Sourcewater Protection Ordinance; Kellie Hoover, Sourcewater Protection Ordinance, Sarah Walter, Sourcewater Protection Ordinance; and Andy McKinnon, Sourcewater Protection Ordinance

II. CALL TO ORDER

Mr. McMaster called the April 10, 2017 Planning Commission meeting to order at 6:00 p.m.

III. CITIZEN INPUT

There was no citizens' input.

IV. WEST CHERRY LANE MULTI-USE BUILDING LAND DEVELOPMENT & LOT CONSOLIDATION PLAN

Mr. Stolinas stated that a lot consolidation plan and land development plan was submitted for tax parcel 24-015-,038-,0000- (12.3 acres), tax parcel 24-015-,057-,0000- (.21 acres), and tax parcel 24-015-,058-,0000- (.21 acres). The parcels are currently owned by HFL Corporation and contain two single-family homes, Comfort Suites, Sleep Inn, TGI Fridays, Valvoline, and offices along Village Drive. A land development plan was submitted as part of the lot consolidation proposing a three-story office and apartment building, four-bay garage, sidewalk, parking area, and a new single access driveway off West Cherry Lane. The site is entirely within the General Commercial (C) zoning district. Mr. Stolinas referred to the PowerPoint and showed maps of the proposed lot consolidation, the land development plan, and blue prints of each of the floors in the proposed building. Mr. Stolinas asked the Planning Commission for initial comments.

In response to a few questions from Mr. Crassweller, Mr. Stolinis stated that the maximum height allowed in the General Commercial zoning district is 45 feet. Mr. Stolinis stated that staff would need to research whether or not the Opequon-Rock Complex (OxD) soil is required to be blasted.

There were several questions about parking spaces related to the proposed apartment units that would allow five unrelated people. Mr. Ressler stated that the General Commercial zoning district does not allow for five unrelated people in one unit unless the developer applies for variance, so staff will be noting that on the plans for the developer. Mr. Ressler went on to explain that the parking lot on one of the parcels that is being consolidated has extra parking spaces, so the developer is counting those spaces in addition to the ones that will be added.

In response to a question from Mr. Wheland, Mr. Ressler explained that the access road is a private road; however, anyone can access that road in relation to the existing hotel and other stores.

In response to a few questions from Mr. Scott, Ms. Schoch stated that the proposed development's impact is less than 75 cars per day, so a traffic impact study is not needed. Ms. Schoch explained that there was a Stormwater Management Plan submitted with the land development plan, which will need to be consistent with Ferguson Township's new Stormwater Ordinance. The Township's Stormwater solicitor will be reviewing the plan for consistency.

In response to a question from Ms. Mitchell, Mr. Ressler stated that residential housing can only be an accessory use in the General Commercial zoning district. The developer could not build student housing unless it was an accessory use to another development.

Mr. Stolinis stated that staff will provide the Commission's comments to the developer and bring it back after they are addressed.

V. DRAFT SOURCEWATER PROTECTION ORDINANCE

Mr. Stolinis stated that Planning & Zoning staff have worked with the Sourcewater Protection Work Group since mid-May of 2016 to develop Overlay District regulations as well as a proposed Overlay Map. Planning & Zoning staff provided an initial draft to the Planning Commission at the January 9, 2017 meeting. The Sourcewater Work Group reconvened on February 9 and 23, as well as March 9 to discuss comments and proposed revisions to the draft and overlay map. Planning & Zoning staff provided the revised draft to the Planning Commission on March 13 to give members at least 30-days to review the document.

Mr. Stolinis reviewed the revisions that came out of comments from the Sourcewater Work Group as well as the Planning Commission. The terms in Section 3-Definitions were updated. Agricultural activities, sewage disposal systems, and timber harvesting are now exempt under Section 5-Applicability. In Section 8, public water suppliers have 45 days instead of 30 days to provide written comments. In Section 9, special

exceptions were updated within the Land Use Table. "Violation notice" in Section 10.B.4 was reworded. "Geologist" was changed to "professional" throughout the draft ordinance. Staff also added geologic features to the map.

After a lengthy discussion, the Planning Commission provided the following comments for staff to review and consider:

- Consider adding Agriculture Research and Agri-Businesses to the definition of Agriculture Activity.
- Why aren't Agriculture Research and Agri-Businesses exempt?
- There was concern about restricted land uses for properties that crossed into the 400-foot radiuses around certain wells.
- Staff should research whether or not property owners were compensated by the well owners for properties inside the radiuses—if not, the owners should be compensated.
- A few Commission members felt that the water authority or a public entity should own the 400 or 100-foot radiuses.
- There was concern about the zones changing due to climate change and how the change could be address in the ordinance, in addition to who determines the zone changes.
- The Commission requested that Todd Giddings, hydrogeologist, attend the next Planning Commission meeting relating to the proposed ordinance.
- Staff should research which wells are abandoned—this could change the areas of Zone 1 and 2.
- Consider adding street names in the insets.
- Consider adding a Zone 1 definition.
- Staff should research the intergovernmental agreement with the other Centre Region municipalities to determine the legality of shared uses across municipal lines.
- Consider re-adding Zone 3.
- Specify that subdivisions of land and single-family dwellings do not apply to the ordinance.
- What constitutes a change of use regarding farming?
- If a farmer changes the spacing of their crop, is it considered a change of use?
- Consider adding the definition of aquifer.
- Consider making a fact sheet for residents—"Who Does This Apply To?"
- In Section 10.C., consider adding "in table 1" for clarity.
- In section 10.B.6., change biannual to biennial.

- Consider adding “Zone 2 Protection Areas” in the map legend.
- Clarify the wording in Section 8.B.
- Clear up the redundancy in the Hazardous Material Definition.
- Consider defining “Facility Profile Sheet”.
- Who would be responsible for the cost of a geologist?

Staff will review the comments with the Sourcewater Protection Group and bring it back to the Planning Commission for further review.

VI. DRAFT SIGNS AND BILLBOARDS

Planning & Zoning staff worked the past several months on proposed ordinance language amending the existing Chapter 19 - Signs. At the February 27, 2017 meeting, staff asked the Planning Commission to provide written comments prior to the March 27, 2017 meeting. Items discussed at the March 27 meeting included political signs, Tourist Oriented Directional (TOD) signage, temporary signs, personal expression signs, the restriction of sign placement in the public right-of-way, improved sign criteria for businesses, and overall sign exemptions. Planning & Zoning staff completed revisions as a result of the comments and included them in a new draft.

Ms. Schoch provided a revised memo for the Planning Commission. She stated that she feels the draft ordinance is not ready for a recommendation to the Board of Supervisors because she would like to clean up the formatting of the tables and there a few items that still need to be added.

After some discussion, the Planning Commission provided the following comments for staff to consider:

- Consider allowing Tourist Oriented Directional (TOD) signs to be attached to existing signs in the Township right-of-way (ROW).
- In the table, be consistent about how to explain the surface area of the signs (10 square feet on both sides vs. 20 aggregate square feet).
- Who determines unsightliness—some commission members are concerned that this term is too subjective.
- There was concern that Section 10 may not allow for content neutral signs.
- There is a typo in the height of signs in the Office & Industrial section in the table of uses.

Staff asked the Planning Commission members to review Table 1 regarding the uses, illumination types, brightness limitations for digital displays and message centers, motion limitations, and site limitations. Staff will receive comments at the next meeting.

VII. PLANNING DIRECTOR'S REPORT

Mr. Stolinis reviewed the Planning Director's Report.

On March 28, 2017, the Planning & Zoning Director and Community Planner met with Erica Ehly, CRPA Regional Planner, regarding the review of the J.L. Cidery @ J.L. Farms Land Development. Also on March 28, 2017, the Planning & Zoning Director and Zoning Administrator attended the Zoning Hearing Board hearing pertaining to the State College Borough Water Authority request for ten (10) variances and one (1) appeal for the proposed Water Treatment Facility at 3062 Ernest Lane, tax parcel 24-003-007F, containing approximately 15 acres. Attorney Betsy Dupuis represented the position of the Board of Supervisors. The Planning & Zoning Director acted as a witness on behalf of the Board of Supervisors as well. The Zoning Hearing Board granted a variance for the allowed number of accessory structures, denied the applicant's request for the use-type variances related to "Potable Water Well Facilities" and "Essential Services", and tabled consideration of the remaining variances. The applicant also withdrew the appeal request due to the lack of a land development plan.

On March 30, 2017, the Planning & Zoning Director and Zoning Administrator met with Sam Hawbaker, the owner of tax parcel 24-01C-262, part of the Park Forest Subdivision, regarding the construction of a single-family dwelling. The parcel is currently vacant, within the riparian overlay and floodplain. A map from 1972 stipulates that the land is reserved as "Public Open Space and Utility Easement". Additionally, Ferguson Township declined to accept this parcel as open space May 19, 1990. Staff forwarded information to Joe Green, Esq. for his opinion. Also on March 30, 2017, the Planning & Zoning Director and Zoning Administrator met regarding an inquiry from Albert A. Drobka for property located at 1500 W. College Ave. The owner proposes a two-story addition to an existing office within the Terraced Streetscape District. The existing building does not conform to sections of the TSD. Staff forwarded information to Joe Green, Esq. for his opinion on sections that would not comply as a non-conforming structure.

On April 4, 2017, the Planning & Zoning Director, Zoning Administrator and Community Planner met with Mike Siggins and Richard Shore to discuss a sketch plan for property located at 1386 N. Atherton Street. The owner proposes a 1-story addition to an existing house along with providing 13 new parking stalls. Zoning is General Commercial.

On April 5, 2017, the Planning & Zoning Director, Zoning Administrator and Community Planner conducted a conference call with Carolyn Yeagle of Environmental Planning & Design (EPD) regarding the Subdivision and Land Development process table. We also included discussion on an email from Mick Trombley related to several land use and zoning text suggestions for the update. Staff provided a separate list of mark-up items in both zoning and subdivision for further discussion. Also on April 5, 2017, the Planning & Zoning Director, Zoning Administrator, Community Planner and Assistant Township Manager conducted a conference call with Joe Green, Esq. regarding legal correspondence related to the Pine Hall Concept Plan process.

On April 6, 2017, the Planning & Zoning Director participated in a United Way site visit at 119 Woodycrest St. on behalf of the Centre County Housing & Land Trust Board of Directors.

VIII. ACTIVE PLANS UPDATE

Ms. Schoch reviewed active plans in the Township: J.L. Cidery at J.L. Farms Land Development Plan, Guenot Subdivision, CSC Northland/Buffalo Wild Wings, The Cottages at State College Final PRD, and Whitehall Road Regional Park.

IX. CENTRE REGION PLANNING COMMISSION REPORT

Ms. Strickland stated that Centre Region Planning Commission had its joint meeting with the COG Transportation & Land Use (TLU) Committee and received the Comprehensive Plan Implementation Program (CHIP) update as well as the Centre Regional Planning Commission Annual Report. The Commission and Committee mainly discussed processes for the Centre Region Planning Agency to make changes to the CHIP.

X. SOURCEWATER PROTECTION WORK GROUP UPDATE

There was no update.

XI. ZONING/SALDO STEERING COMMITTEE UPDATE

The last meeting was canceled due to inclement weather. Staff is working with Environmental Planning & Design to schedule another meeting with the Steering Committee.

XII. APPROVAL OF THE REGULAR MEETING MINUTES – MARCH 27, 2017

A motion was made by Mr. McMaster and seconded by Mr. Wheland to approve the March 27, 2017 Planning Commission meeting minutes as published. The motion carried 5-0 (Mr. Crassweller and Ms. Harman were not present for the vote).

Mr. Stolas stated that there are two Official Map Public Outreach meetings—April 13, 2017 at 7:00 p.m. in the Ferguson Township Main Meeting Room and April 20, 2017 at 7:00 p.m. at the Baileyville Community Center.

XIII. ADJOURNMENT

There being no further business for the Planning Commission, Ms. Strickland made a motion to adjourn the meeting at 9:02 p.m. The motion carried 5-0.

RESPECTFULLY SUBMITTED,



LISA STRICKLAND, SECRETARY
FOR THE PLANNING COMMISSION