

FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting
Monday, February 8, 2016
6:00 pm

I. ATTENDANCE

The Planning Commission held its first regular meeting of the month on Monday, February 8, 2016 at the Ferguson Township Municipal Building. In attendance were:

Commission:	Marc McMaster, Chairman	Staff:	Ray Stolinas, Director of Planning and Zoning
	Rob Crassweller, Vice Chairman		Lindsay Schoch, Community Planner
	Ralph Wheland		Jeff Ressler, Zoning Administrator
	Kurt Homan		Ron Seybert, Township Engineer
	Lisa Strickland		Dave Pribulka, Assistant Township Manager
	Erik Scott		
	Bill Keough, Alternate		
	Cristin Mitchell, Alternate		

Others in attendance included: Heather Bird, Recording Secretary; Scott Brown, NTM Engineering; Doug Ford

II. CALL TO ORDER

Mr. McMaster called the Monday, February 8, 2016 Planning Commission meeting to order at 6:00 pm.

III. STORMWATER MANAGEMENT ORDINANCE REVISIONS

Mr. Stolinas stated Ron Seybert, Township Engineer and Scott Brown, NTM Engineering will review the Ferguson Township Stormwater Management revisions. Back on January 18th Mr. Seybert and Mr. Brown presented information to the Board of Supervisors. In the meantime there has been work to get input on the revisions. There will be a stakeholders meeting on February 29th. This is the Planning Commission's opportunity to make comments on the proposed revisions.

Mr. Seybert, Township Engineer, stated that in 2013 the Township renewed their Municipal Separate Storm Sewer System (MS4) permit, as part of this process Department of Environmental Protection (DEP) required to the Township to adopt their model ordinance or create an ordinance that met all the necessary requirements. All the municipalities in the centre region that have an MS4 permit joined to create an ordinance together that met the necessary provisions. Through that process Ferguson Township found areas to add additional provisions. Through public input on the adoption of ordinance 990 questions and concerns were raised. Since this adoption staff has been continuing to work on the ordinance to make changes. Many comments were received and incorporated into the ordinance. The State College Borough Water Authority recommended including a ground water protection overlay district. Staff did not incorporate this into the ordinance because they felt this district would fit better into the zoning ordinance.

Mr. Brown, NTM Engineering, reviewed a memorandum that highlighted the proposed changes to the ordinance.

- Section 26-302 defining water quality sensitive districts and developments – water quality sensitive districts are now defined on a new well head protection map that is attached to the ordinance. Some changes were made to what developers have to do in the sensitive district including that the developer must develop two separate control mechanisms for peak rate controls and water quality and recharge requirements. Mr. Homan asked if the implementation of infiltration basin to control runoff also contribute to the potential formation of sinkholes. Mr. Brown replied yes there is always an increased chance where water concentrates but we are trying to minimize this by separating the flood control function from the water quality recharge function. The water quality recharge function can be spread out to multiple locations on a development site. Mr. Scott asked if the major event catch basins will have a liner in them. Mr. Brown said yes if they are separated. Mr. Scott asked if they are a water tight liner. Mr. Brown said if built correctly they would be water tight. Mr. Scott asked how the water is disbursed from this type of basin. Mr. Brown stated it is disbursed through a riser structure that controls the flow at different elevations. One catch to requiring these separate control mechanisms is that it takes more land and that is why the development community is not in favor of this. Mr. Scott asked about the wellhead protection zones recommended by the State

College Borough Water Authority. Mr. Brown stated those areas are defined by geological studies by the SCBWA and those areas are included in the wellhead protection map provided with the ordinance. The ordinance revisions propose including inviting the SCBWA to a pre application meeting for those developments located in wellhead protection area in order to provide input on the proposed plans. Mr. Keough stated on the other side the Water Authority can punch a well wherever they want if they believe there is good water there which creates very little land in the Township that is not in an existing wellhead protection area. Mr. Brown stated that development can occur within these protection areas but the ordinance will require additional steps for stormwater management. Mr. Keough asked if the zones are defined as more or less sensitive. Mr. Brown stated the zones are defined as one zone but the further away from the wellhead the impact is less. In the future they may be able to incorporate these distances into an ordinance.

- Section 26-304 Calculation Methodologies – minor changes include references to infiltration test requirements and identified in Section 304.A5 that in addition to the NOAA Atlas 14 rainfall data the PennDot IDF curves can be used. In Section 304.A12 – hydrologic soil group – four groups for all soils in the country – A,B,C,D - groups A would be like sand and group D would be like heavy clay. The revision in this section is that if the natural soil is hydrologic soil group B but has been previously disturbed that soil structure has been destroyed and that soil won't absorb as much as undisturbed soil. The design profession will need to adjust according to degree of disturbance. Mr. Keough asked how disturbed soil affects the agricultural community. Mr. Brown stated it doesn't, a plowed field is not disturbed soil from this perspective. Mr. Scott asked what would be an example of disturbance. Mr. Brown replied compaction.

- Section 26-304.B Capture Volume – The proposed ordinance changes this to a maximum of 24 inches of capture volume, the volume in a recharge or detention facility below the lowest outfall structure where the only way for the water out is to infiltrate or evaporate. A minimum and maximum dewater time was also added to this section, minimum time of 24 hours and maximum of 72 hours.

- Section 26-304.C Recharge Volumes – minor clarification to definition

- Section 26-304.D Stormwater Conveyance Design – a lot of the changes in this section are for consistency with the stormwater management regulations.

- Section 26-304.F Infiltration Test Requirements – a design professional has to certify that once these facilities are built is that they are functioning as designed. This will require infiltration testing. The Township's preferred method which is a double ring infiltrometer. Other test methods can be approved by the Township Engineer. This section specifies how many tests must be conducted.

- Section 26-307.B #10 subsection 8 – change requires a minimum grade of zero because water infiltration does not need any slope.

- Section 26-402.B requests a new section 31, tabulation listing each stormwater BMP required for compliance. This will assist the Township Engineer in tabulating this information for the MS4 permit. Ms. Schoch asked if this is specific to our ordinance or if it is consistent throughout the region. Mr. Seybert stated that at this time we are the only municipality in the Centre Region requiring this.

- Section 26-402.D Record Plans – expecting an as built narrative describing how these BMP's are built. Will need photographs and descriptions of the critical stages of construction as defined by DEP.

- Section 26-703.B Ownership and Maintenance Requirements – the proposed ordinance will revert this section to the previous ownership and maintenance requirements. Mr. Seybert stated this change would allow basins to be in an easement that is on private property such as in someone's back yard. Mr. Keough stated that when the management portion of the infiltration basin or ponds fail, then we have issue of who pays for repairing the failure, with multiple owners it can get lost on who is the repairer. Mr. McMaster stated that if it is on private property in a neighborhood than it would be the responsibility of the Homeowners' Association which is required as part of the SALDO. Mr. Seybert agreed to this statement.

Mr. Homan asked about stormwater conveyance from roofs. The amount of water from a roof can be substantial and the practice of installing stormwater piping into a pit of stone to handle that volume of water. He had a sinkhole caused by this water runoff. He thinks it is important to make provisions for smaller properties for homeowners and their houses. He is concerned with the development he lives in and the future for sinkholes. Mr. Seybert stated that current regulations allow roof sumps but do not require them. Mr. Brown stated they will look forward into this item.

Mr. Scott stated managed natural landscapes can aide in stormwater control. Mr. Seybert stated that it is encouraged and there are credits available for this. Mr. Brown stated that it is not done very often due the amount of land needed for this.

Mr. Homan asked what the expected impact on development cost for these ordinance changes. Mr. Brown stated they did not do a cost impact analysis.

Mr. Keough asked at what point we find having a stormwater management authority to monitor all of these functions. Mr. Brown stated nationally there are quite a few with some in Pennsylvania. Politically it's not really popular because it requires funding. The Commission had some further discussion on this topic.

Mr. McMaster asked why our revisions are different than the other municipalities. Mr. Seybert stated that these revisions are proposed based on experiences with development in our Township.

Ms. Strickland stated she likes the proposed amendments but is concerned with the lack of including the SCBWA recommendations. She would prefer to include their recommendations over the recommendations of the development community. Mr. Brown stated their goal was to reasonably apply science and not overly burden the development community. It does not prohibit the Township from requesting further work to be done in sensitive areas.

Mr. Crassweller asked if the ordinance includes anything about the intensity of rain. Mr. Brown stated that yes it is included in the calculations and the values are updated through NOAA.

Mr. McMaster volunteered to be the liaison for the Planning Commission at the stakeholder meeting on February 29th.

IV. WORKFORCE HOUSING ORDINANCE

Mr. Stolas stated workforce housing was discussed at the Commission's last meeting and questions were raised during that meeting. Those answers were sent out to the Planning Commission.

Mr. Keough asked if we know of an existing inventory of homes that fall into the workforce housing category. He suggested going to the Centre County Assessment office for this information. Mr. McMaster stated that the number would be approximate and based on the common law ratios for the year.

Mr. Keough asked about a fire or catastrophic event in one of the workforce housing homes. Mr. McMaster stated that it would be covered by insurance. Mr. Keough asked if it would be required that the home be rebuilt. Mr. Pribulka stated this would depend on the insurance company. Mr. McMaster stated but this could be lost from the affordable housing inventory. Mr. Pribulka stated that could occur.

Mr. Keough asked if the Township is willing to be a partner in the subsidy of this program. He believes that for this program to be successful there needs to be partners in the program and what entities should partner up. Mr. Homan stated that the expectation is based on that 30% of your income would go toward mortgage, utilities and taxes. Mr. Keough stated as an example we could partner with UAJA to reduce the cost of tap on fees for these homes.

Mr. Keough looked at this from the house point of view. In the 99 year life of the home the roof would need replaced approximately four times, the appliances approximately nine times, heating system approximately four times and many other long term maintenance costs that make this home seem very expensive. Mr. Homan stated the homeowner may not be in the position to afford. Mr. McMaster stated that the homeowner may not want to perform these updates because they don't get the money back from the investment. This is what is happening with the State College Community Land Trust homes. Mr. Pribulka stated that the evidence indicates that the equitable return on the investment of these homes is not that far off from that of a market rate home. Mr. Keough stated that if you are the first owner of the home that would apply but if you are the third owner you could get burned with the cost of

replacement for home upgrades/repairs that are needed. Should the program include some benefit for updating these standard long term maintenance items? Mr. Pribulka stated that one way to approach that would be to have the time requirement for the home to remain in the affordability category reduced to 30 years instead of the 99 years. Mr. Homan stated that even with that it would still be a maintenance program. Mr. Pribulka stated the assumption seems to be that a homeowner will not value the home as much if the rate of return is limited. Mr. Homan said when you provide an opportunity for someone to get into a house that is below market value, you will get what you pay for. He is not in favor of this program.

Mr. Scott stated we live in a free market and by doing this we are trying to manipulate the market. He suggested the idea of tiny houses. Ms. Schoch stated tiny houses are currently being proposed in Harris Township. Mr. McMaster stated that CPI built one but he does not see a demand for them in this area.

Mr. McMaster stated there are affordable homes in this area but this is about the 90 affordable housing homes required to be built in the TTD. He thinks homes in a legacy program will be hard to sell in the market.

Mr. Pribulka said that with the 90 homes in the TTD the decision needs to be made if those homes should be sold one time at an affordable housing program and then permitted to sell at standard market rates or if they should be kept in the affordable housing bracket by creating this legacy program.

Mr. McMaster thinks that a fee in lieu program from developers would allow for housing programs to be created based on what the problems are most important such as credit counseling, money toward down payment or student loan forgiveness. This would be a better program than building a cheaper built home. Mr. Pribulka stated that the Land Trust may be able to provide these types of programs in the future.

Mr. McMaster stated that what makes houses more affordable is the production of more houses.

Mr. Homan stated he is not in favor of getting hooked up with a trust organization that is not named and the homes should be build smaller and market driven.

Ms. Strickland asked how flexible the Board is, would they consider allowing a fee in lieu for this. She is concerned with the demand for these homes in the location that has been determined. For example a family that may want to purchase this house would be limited to that particular elementary school while a fee in lieu might allow a family to rehab a home in an elementary school of their choice.

Ms. Strickland asked what the residency requirements are. Mr. Pribulka stated the homes would need to be owner occupied. Mr. McMaster stated the more deed restrictions placed the more difficult it would be to get financing. Mr. Pribulka stated that this was brought up in the last meeting, he received an email from Rachel Fawcett spoke to someone in the lending community and they said that the deed restrictions would not necessarily be a problem for the banks because they could use these as CRAs. Mr. McMaster also spoke to a local banker who said his bank wouldn't touch a home with these types of deed restrictions.

The Commission discussed the types of recommendation they want to make to the Board.

Mr. Keough recommended a worksession with the Board of Supervisors.

Mr. Crassweller made a motion to RECOMMEND DENIAL of the Workforce Housing Ordinance which includes the legacy program to the Board of Supervisors keeping the ordinance as is for the homes in the TTD. Mr. Homan seconded the motion. The motion passed unanimously.

V. MANAGED NATURAL LANDSCAPES AMENDMENT TO THE WEED AND GRASS ORDINANCE

Mr. Stolas stated the amendment combined options 4 and 5. The amendments included the addition of the word turf in front of grass was added, "creates and produces pollen" was removed, inserted option 4 between 102 and 103 and renumbered, removed the 10' setback, changed the word encourage to allow for, included ag research and removed the educational signage. Ms. Schoch stated a few other minor typos were corrected.

Mr. Ressler asked about the conflict between section 105 and 107, section 105 says excluded in AR, RA and RR while section 107 says excluded to AR, RA and RR which is 200 feet away from buildings.

Mr. Keough suggested striking Section 107.A. Mr. Ressler stated that if that section is stricken than no homes would have to maintain turf grass around their home. He recommended striking section 105. Mr. Keough stated in the RA district there are farm fields and pastures within 200 feet of a residence. Mr. McMaster stated to choose the option of exempting all those areas in RA, AR and RR. Mr. Ressler reminded them that if they remove section 107 individuals will be able to do whatever they prefer in their yard; there will be no grass limits.

Ms. Strickland would like section 105 to stay and remove section 107. Mr. Keough agreed. Mr. Homan would prefer it reversed and keep section 107. The Commission had further discussion on which section to remove or modify.

Mr. Homan made a motion to RECOMMEND APPROVAL of the Weed and Grass Ordinance including removing section 105.1. Mr. Crassweller seconded the motion. The motion failed.

Mr. Wheland made a motion to RECOMMEND APPROVAL of the Weed and Grass Ordinance including removing section 107.A. Ms. Strickland seconded the motion. The motion passed by a vote of 5-1 with Mr. Homan voting no.

VI. THE OFFICIAL MAP

Mr. Stolinas stated 2008 was the last ordinance update to the Official Map. The map will begin to have a major update.

Mr. Keough asked if there is a list for what is proposed to be added to the map. Ms. Schoch stated that the subdivision and land development ordinance states what shall be included on the map.

Ms. Strickland requested large printouts of this map for the Commission members.

VII. PLANNING DIRECTOR REPORT

Mr. Stolinas stated he attended the Zoning Hearing Board meeting for the Rehmeyer variance. Two new projects include Young Scholars and State College Lions Church. He attended the CRPC meeting where they discussed The Landings amendment.

VIII. ACTIVE PLANS UPDATE

Ms. Schoch reviewed the current active plans.

IX. CENTRE REGION PLANNING COMMISSION REPORT

Ms. Strickland stated they discussed the proposed grocery store in the Landings PRD. Ms. Strickland was voted as Chairman of the CRPC.

X. APPROVAL OF JANUARY 25, 2016 MEETING MINUTES

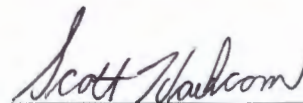
Mr. Wheland made a motion to APPROVE the January 25, 2016 regular meeting minutes. Mr. Homan seconded the motion. The motion passed unanimously.

XI. ADJOURNMENT

Mr. Crassweller made a motion to adjourn the meeting. Mr. Homan seconded the motion. The motion passed unanimously.

With no further business, the February 8, 2016 Regular Planning Commission meeting was adjourned at 9:34 p.m.

RESPECTFULLY SUBMITTED,



Scott Harkcom, Secretary
For the Planning Commission