

**FERGUSON TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, DECEMBER 4, 2018  
6:00 PM**

**I. ATTENDANCE**

The Planning Commission held its 1<sup>st</sup> regular meeting of the month on Tuesday, December 4, 2018 at the Ferguson Township Municipal Building. In attendance were:

**Commission:**

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

**Staff:**

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

Others in attendance were: Marcella Bell, Recording Secretary; Mark Kunkle, Ferguson Township resident; John Sepp, PennTerra Engineering; Mark Toretti, PennTerra Engineering; Thomas Lechleitner, Harner Farm Concept Plan; Brian Dinges, Sheetz Senior Real Estate Site Selector; Justin Mandel, Aspen Whitehall Road Partners; Brent Brubaker, Sheetz Engineer Manager; Michelle Spiering, Ferguson Township resident

**II. CALL TO ORDER**

Ms. Strickland called the meeting to order at 6:00 p.m.

**III. CITIZEN INPUT**

There was no citizens' input.

**IV. HARNER FARM CONCEPT PLAN**

Mr. McMaster recused himself from this discussion and sat in the audience.

Mr. Stolinis stated that Aspen Whitehall Partners, LLC and Aspen Route 26 Partners, LLC are proposing the development of the 27-acre portion of the Harner Farm south of Whitehall Road. The proposed development includes 36 single-family lots ranging in size from 0.25 acres to 0.50 acres and 2 commercial lots. Two public roads will be constructed to serve the project. Under Chapter 22-302, Preapplication Conference, a potential applicant for a subdivision or land development can request a conference with the Planning Commission for the purpose of discussing or reviewing such proposed subdivision or land development. The preapplication conference is not mandatory and does not constitute a formal application submission. The Planning Commission, at its sole discretion, may make, or refuse to make, recommendations as the result of the preapplication conference. Mr. Stolinis presented the proposed plan on his PowerPoint and reviewed some of the Corridor Overlay requirements.

Mr. John Sepp, President of PennTerra Engineering, reviewed the proposal. He stated that the proposal encompasses the southwest section of Harner Farm and has two public roads—one off of Whitehall Road and one off of West College Avenue. Mr. Sepp explained that he met with Township staff earlier this year with a different version of the proposal that showed the cul-de-sac going the whole way to West College Avenue, with Sheetz having its own access road. Due to the Corridor Overlay requirements, the two public roads were changed. Mr. Sepp explained that the proposed mixed use building is only a possibility and is not definite. There could be

offices and retail on the first floor and apartments on the second floor. Mr. Sepp stated that there are designated stormwater facilities, however, they have not been designed yet. Both commercial tracts would adhere to the Corridor Overlay zoning regarding setbacks and landscaping. Mr. Sepp stated that Wooster and Associates will be conducting the Traffic Impact Study (TIS) and included in the study are the R-1 homes, Sheetz, and the mixed use building.

In response to a question from Mr. Scott, Mr. Sepp stated that the proposed plan does not show the actual size of the stormwater basins—only the potential areas for stormwater basins. Mr. Keough clarified that the stormwater area in the lower left area represents about two acres and the stormwater area in the upper portion of the plan is about 1.5 acres. He also stated that there is a 50-foot buffer requirement for the Rural Agriculture (RA) parcel.

Mr. Keough stated that is not concerned about having another gas station in the Township because Sheetz is much more than just a gas station. He stated that Sheetz has a good product and is very successful. Mr. Keough spoke to his concern about the gas pumps at Sheetz in regard to the draft Sourcewater Protection Ordinance. He explained that the Sourcewater Protection Ordinance has not been tested with anything in the Township yet and he is concerned about unintended consequences.

In response to a question from Mr. Keough, Mr. Stolinis stated that during the rezoning of this property, there was some discussion about changing the zoning of the RA parcels to match what surrounds it, R-1.

In response to a question from Mr. Crassweller regarding public sewage, Mr. Sepp explained that his firm is still researching different options. The property is in the Sewer Service Area (SSA) and there are a couple of different options for that development, including the installation of a pump station.

In response to a question from Mr. Thompson, Mr. Brent Brubaker, Sheetz Engineer Manager, explained that there is a drive-thru lane for Sheetz. Mr. Brubaker went on to explain that the drive-thru lane is a convenience for a certain margin of Sheetz customers. Sheetz only does about 10% of its business through the drive-thru, compared to McDonald's, which does about 70% of its business through its drive-thru. Mr. Brubaker referred to the proposed plan on the PowerPoint and explained how the drive-thru would work in that location. In response to a question from Mr. Keough, Mr. Brubaker stated that Sheetz will be looking at getting an alcohol license for beer and wine.

In response to a question from Mr. Scott, Mr. Brian Dinges, Sheetz Real Estate Department, clarified that the proposed Sheetz building is 6,077 square feet, which is the largest building that Sheetz builds currently. In response to a question from Mr. Wheland, Mr. Dinges stated that there are about 50-70 Sheetz stores with drive-thrus. There was a brief discussion about the Planning Commission's concern regarding traffic issues with the proposed drive-thru. Mr. Dinges stated that the drive-thru is usually geared towards those who can't or don't want to park to come into the building—for instance, a mother with young children in car seats. Mr. Dinges explained that there are two windows in the drive-thru for customers to pick up food and there is also an escape lane if there were a car at the first window waiting for their items so that the second car at the second window could drive around the first car to leave. In response to a question from Ms. Strickland, Mr. Dinges stated that he believes that 45 parking spaces for the Sheetz building is sufficient because the customer's visit is a quick turnaround.



There was a brief discussion regarding the trail connection that was shown on the rezoning. Mr. Sepp stated that the trail will tie into the parkland discussion when a formal plan is submitted.

In response to a question from Mr. Wheland, Mr. Ressler stated that sidewalks will be required on West College Avenue and Whitehall Road, even though there are no other sidewalks on either of those roads.

Ms. Strickland expressed her concern about the Sheetz lighting affecting the neighboring residential housing. Mr. Sepp stated that Sheetz will have to meet the Township's lighting ordinance.

In response to a question from Mr. Keough, Mr. Justin Mandel, Aspen Whitehall Partners, stated that there have been preliminary discussions about the possible tenants and spaces within the proposed mixed-use building. He explained that a bank with a drive-thru is a possible tenant, as well as another food user that is not a competitor of Sheetz. The other uses would be for office space, and a possible professional medical space. He went on to explain that the second story apartments make sense for this area, but they will need to explore this option further.

Mr. Stolinas thanked the Planning Commission for its comments and stated that these comments will be passed onto the applicant for their consideration when they formally submit a plan.

**V. FERGUSON TOWNSHIP DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE**

Mr. Stolinas stated that earlier this summer, staff met with the Ad Hoc Source Water Advisory Board on four occasions and developed a list of twenty-seven recommendations to the Board of Supervisors that were presented at a joint work session on October 9, 2018. The Board of Supervisors have further discussed the proposed Sourcewater Ordinance in relation to language within the adopted Stormwater Management Ordinance. The Board of Supervisors authorized advertisement for public hearing on January 21, 2019. Mr. Stolinas stated that staff has provided the draft ordinance to the Centre Region Planning Commission (CRPC), which will be reviewed on December 6, 2018. Staff will also send the draft ordinance to the Centre County Planning Department in the near future.

The Planning Commission provided the following comments on the proposed draft Sourcewater Protection Ordinance:

- Consider removing "private wells" from the purpose and intent statement on the first page or revise language for clarification of what a private well is.
- On page 1, last sentence, consider changing the word "farming" to "agriculture operations."
- On the second page, in the top paragraph, remove the word "scientifically."
- On page 3, agriculture operation definition, remove the last sentence within the definition.
- On page 3, "alteration, structural definition", the last line should say "the moving of a building from one location to another."
- On page 4, remove the "facility profile sheet" definition.

- On page 5, land development definition, where does the “minor subdivision” in the Subdivision and Land Development Ordinance (SALDO) come into play regarding costs incurred or approvals?
- Clarify the definition of “Zone II” versus “Township Wide Zone II” versus “Township Wide Sourcewater Protection Overlay District.”
- Consider showing the map with Zone I and another color for Zone II and another appendix that shows the Penn State University well radii and headwaters.
- Consider adding “fire-suppression storage tanks” on page 8 under the storage tank list.
- In Section 6, second paragraph, clarify “This evidence must include applicable geographic data with respect to the property and any other pertinent documentation for consideration.”
- In Section 8, under number 1, remove the reference to Section 7.
- In Section 8, under letter A, number 2, consider placing the water supplier review fee in the Township Fee Schedule as an escrow.
- Consider including a definition for “freight or truck terminals.”
- On Page 20, omit letter F as it refers to Section 7.
- Consider including a definition for “qualified professional.”
- On Page 21, number 5 omit the word “either.”

There was a lengthy discussion regarding how the above comments would be relayed to the Board of Supervisors before the Public Hearing scheduled in January 2019. The Planning Commission would like Mr. Stolinas to prepare a memo for the Board’s December 10, 2018 detailing these recommendations. There was concern that the Board of Supervisors would not be able to discuss these recommendations before the Public Hearing. Mr. Keough requested that Mr. Stolinas inquire about whether or not the recommendations could be added to the December 10, 2018 Board agenda for discussion.

A motion was made by Mr. Crassweller and seconded by Mr. Wheland to recommend approval of the draft Sourcewater Protection Ordinance, with the caveat that Mr. Stolinas prepares a memo summarizing the recommendations for the Board of Supervisors to review before the December 10, 2018 Board of Supervisors meeting. The motion carried 5-2.

## **VI. CONSENT AGENDA**

There were no items on the consent agenda.

## **VII. PLANNING DIRECTOR’S REPORT**

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

On November 12, 2018, the Planning & Zoning Director and Township Manager met with Mark Mackenzie regarding Tax Parcel #24-003-,007E,0000- at 1000 North Nixon Road previously owned by George Novosel. Also on November 12, 2018, the Planning & Zoning, Community Planner, and Township Manager met with Ron Seybert, Township Engineer regarding the Pine Hall General Master Plan Transportation Impact Study. Lastly, on November 12, 2018, the Planning & Zoning Director, Township Manager, Public Works Director, and Township Engineer met regarding



consistency between Chapter 26, Stormwater Management and the Draft Source Water Protection Overlay Ordinance.

On November 13, 2018, the Planning & Zoning Director and Zoning Administrator met with Deanna Behring and Andrew Warner regarding equestrian uses under 50 acres within the RA and RR Zoning Districts.

On November 14, 2018, the Planning & Zoning Director attended the Penn State Extension Land Use Webinar Series – “Property Law Issues Involving Public Rights, Open Space Access to Private Lands” at the COG Forum. Also on November 14, 2018, the Planning & Zoning Director, Township Manager, and Community Planner attended the Pine Grove Mills Small Area Plan Town Hall meeting at St. Paul’s Lutheran Church.

On November 19, 2018, the Planning & Zoning Director, Township Manager, and Community Planner attended the Affordable Housing Fee-in-Lieu Committee meeting. Also on November 19, 2018, the Planning & Zoning Director and Zoning Administrator attended the monthly Ferguson Township Tree Commission meeting to discuss comments related to the 4th Draft of the Zoning Ordinance and SALDO.

On November 26, 2018, the Planning & Zoning Director, Community Planner, and Township Manager met with Justin Mandel, Aspen Hill Partners, and John Sepp of PennTerra Engineering to discuss the Harner Farm Concept Plan and Preapplication Conference with Planning Commission.

On November 28, 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.

On November 29, 2018, the Planning & Zoning Director attended the Campus and Community Sustainability Expo at the State College Borough Building and sponsored by the Penn State Sustainable Communities Collaborative.

Upcoming Board of Supervisors Agenda Items (12/3/18):

- Public Hearing on the proposed 2019 Annual Operating Budget
- Continued Discussion and Authorization for Advertisement for Public Hearing on the Draft Source Water Protection Overlay District Ordinance
- Revised Phasing Schedules: Stonebridge, Foxpointe, the Landings, and Turnberry TTD
- Position on Variance Application Request – 3020 Research Dr.

Recent BOS Actions Summary (11/5/18 Regular Meeting):

- Greenbriar demonstration project Special Report
- Proposed Ordinance presentation on banning single use plastic bags
- Source Water Protection Overlay District Ordinance Continued Discussion
- Revised Sidewalk Snow Removal Map
- Foxpointe/Hunter’s Chase PRD Corrective Map
- Presentation of Environmentally Sensitive Areas Map and GIS Introduction
- Request for consideration of a cell tower at Homestead Park

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

- Variance Application Request – 3020 Research Dr.

**VIII. 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.

**IX. CENTRE REGIONAL PLANNING COMMISSION (CRPC) REPORT**

Mr. Thompson stated that CRPC will meet on Thursday, December 6. Items for discussion are the Ferguson Township Sourcewater Protection Ordinance, plan amendments for the Patton Township Grey's Woods plan, and the College Township Sidewalk Master Plan.

**X. SOURCEWATER PROTECTION AD HOC COMMITTEE UPDATE**

There was no update.

**XI. ZONING/SALDO STEERING COMMITTEE UPDATE**

Mr. Stolas stated that staff is meeting with Carolyn Yagle of Environmental Planning and Design (EPD) on December 12 to review comments received on the fourth Zoning and SALDO draft Ordinance. Mr. Stolas stated that staff hopes to have another draft by the end of the year.

**XII. PINE GROVE MILLS—SMALL AREA PLAN**

Mr. Stolas stated that the Township Community Coordinator created a page for the Pine Grove Mills Small Area Plan. The steering committee meetings are detailed on the web site as well as the Town Hall meeting from earlier in November. Staff will meet with Jim May, Director of the Centre Regional Planning Agency, to review text for the plan.

**XIII. APPROVAL OF THE REGULAR MEETING MINUTES – NOVEMBER 12, 2018**

Mr. Crassweller noted that he left the November 12 meeting before the Planning and Zoning Director's report.

A motion was made by Mr. Thompson and seconded by Mr. McMaster to approve the November 12, 2018 meeting minutes with corrections. The motion carried unanimously.

**XIII. ADJOURNMENT**

There being no further business for the Planning Commission, the meeting adjourned at 8:08 p.m.

RESPECTFULLY SUBMITTED,



ROB CRASSWELLER, SECRETARY  
FOR THE PLANNING COMMISSION