

FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting
Monday, November 9, 2015
6:00 pm

I. ATTENDANCE

The Planning Commission held its first regular meeting of the month on Monday, November 9, 2015 at the Ferguson Township Municipal Building. In attendance were:

Commission:	Marc McMaster, Chairman	Staff:	Ray Stolinis, Director of Planning and Zoning
	Rob Crassweller		Lindsay Schoch, Community Planner
	Scott Harkcom		Jeff Ressler, Zoning Officer
	Kurt Homan		
	Lisa Strickland		
	Ralph Wheland		

Others in attendance included: Heather Bird, Recording Secretary; Janet Engeman, Dave Stone, Laura Dininni, Francine Jones, Arthur Curtze, Chris Paveglio, John Sepp, Wes Glebe, Joe Cusumano, Teresa and Ed McGowan, Pam Steckler, Bill Hechinger, Michelle Stine and many other Centre Region community members

I. CALL TO ORDER

Mr. McMaster called the Monday, November 9, 2015 Planning Commission meeting to order at 6:00 pm.

I. CITIZENS INPUT

Bill Hechinger, 127 Hoy Street, expressed his opinion that the Planning Commission should work to eliminate Penn State representatives in regional planning. Second, the direction of large scale development in this area should not be influenced by large developers outside of the area. Lastly, Penn State has their own land to build student housing and does not need to have the development to occur outside of their land.

Wes Glebe, 115 North Butz, stated that in the future he would like to make a presentation to the Commission on street views that he observed in Vancouver and how these views and concepts relate to the Terraced Streetscape District (TSD) here in Ferguson Township.

II. KLINE-MUTH LOT CONSOLIDATION AND SUBDIVISION PLAN

Mr. Stolinis stated that the lot consolidation and subdivision plan proposes to subdivide tax parcel 24-009A-023 evenly between tax parcels 24-009A-025 and 24-009A-022. Three tracts will be consolidated into two, giving both the Klines and Muths each an additional 3,208 square feet or .074 acres to add to their existing lots.

Mr. Crassweller made a motion to RECOMMEND APPROVAL of the Kline-Muth Lot Consolidation and Subdivision Plan subject to the conditions in the Director of Planning and Zoning memorandum dated November 5, 2015. Mr. Homan seconded the motion. The motion passed unanimously.

III. THE COTTAGES LOT CONSOLIDATION AND SUBDIVISION PLAN (SUBDIVISION OF TAX PARCEL 24-004-094, LOT CONSOLIDATION OF TAX PARCEL 24-004-076 AND RIGHT-OF-WAY DEDICATION FROM TAX PARCELS 24-004-076 AND 24-004-076A); SUBDIVISION OF TAX PARCEL 24-004-076 AND LOT CONSOLIDATION WITH TAX PARCEL 36-028-011C – THE COTTAGES AT STATE COLLEGE; THE COTTAGES AT STATE COLLEGE FINAL PRD PLAN

Mr. Stolinis began by summarizing the three plans regarding the development of the Cottages Planned Residential Development (PRD) at State College. The first plan The Cottages lot consolidation and subdivision plan (subdivision of tax parcel 24-004-094, lot consolidation of tax parcel 24-004-076 and Right-of-way dedication from tax parcels 24-004-076 and 24-004-076a) for 6,506 square feet for the proposed roundabout. The second plan subdivision of tax parcel 24-004-076 and lot consolidation with tax parcel 36-028-011c. The purpose of this plan is to subdivide 0.19 acres from tax parcel 24-004-076 in Ferguson Township and consolidate that with tax parcel 36-028-011C within the State College Borough. The third plan is the Cottages at State College final PRD plan. The plan proposes a 268 unit residential student housing development. In February of 2015, the Planning Commission Reviewed the Tentative PRD and did not recommend approval to the Board of Supervisors. The Board of Supervisors voted to approve the

Tentative PRD at their meeting in March of 2015. Since that time, staff, along with consultants, have been reviewing the Proposed Final PRD Plan and have come to this point where all comments, other than administrative comments have been addressed. There is minimal variation from the Tentative PRD Plan to the Final PRD Plan.

Ms. Janet Engeman, newly elected Borough Council member, stated everyone she has spoken with during her campaigning stated they were against the project. Many asked why did Penn State request the zoning change back in 2004, why would anyone endanger the recharge area for the wellheads and whose responsibility is it if there is a significant accident such as an oil spill? Community members were concerned about the traffic impacts due to the development? Lastly, why doesn't Penn State build student housing on their own land?

Mr. David Stone, 539 East Foster, expressed his concern with the contamination of the water supply and whose liability that is. He stated the communities need to stand together to negotiate with Penn State for the large development occurring in the community. He would like to see the plan denied so that the incoming Board members can make a difference.

Ms. Laura Dininni, Ferguson Township, stated the Commission's agenda leads it to believe that only administrative comments are left and this is not true. She passed out a document stating that the Department of Environmental Protection has not yet approved the permit for this development. Because this has not been approved it is reasonable for the Planning Commission to hold off on making a recommendation to the Board. She stated that all the wrongs things are being feared such as a lawsuit from Penn State and Toll Brothers. The bigger fear is setting a precedent for using rural agriculture land for stormwater retention. She asked the Commission to stand up and accept the risk of a lawsuit from two entities and do what is right for the community.

Mr. Arthur Curtze, 709 Tussey Lane, strongly encouraged the Planning Commission to not take any action on the lot consolidation and subdivision plans tonight.

Mr. Chris Pavegio, 1024 Greenfield Circle, stated his primary concern is the potential loss of clean well water in the community. The Commission can preserve the water for the future of the community. Once the water contaminated it is impossible to turn back. He asked what the backup plan is if there is a contamination. The Commission should consider alternate options for student housing.

Mr. Wes Glebe, North Butz Street, stated the water risk should be taken very seriously given all the water issues across the nation. He stated it might be a good idea to put this plan on hold awhile. Also he is not in favor of living in a community where one of the largest entities doesn't come to the table.

Mr. Joe Cusumano, Beaver Branch Road, stated he is hoping that this is the beginning of the end of a way to think about development. We think in terms of economic boom but the problem is a very little number of people are involved in the planning of this development. There is economic benefit from development but there is also a destruction of the community wealth. With this development the destruction is to the water supply. There has been significant community outcry with this development. All three of the people who ran for the Board because of this plan were elected. The community expects the will of the people to be adhered to. There is an old way of thinking versus a new way of thinking where people do the work to develop sustainable development. This plan sets a precedent for property owners' upselling land to have this happen. He urged the Commission to not approve the plan and allow those members who were elected to the Board by the community to determine the fate of this plan.

Ms. Pam Steckler, 127 Hoy Street, stated we are extremely fortunate to have farmland and exceptional wells in our community. To be putting these wells at risk is crazy. We should value and protect our community. She discussed a comment from the Gwenn Dobson report regarding the retention pond. It said the operation, maintenance and repair should run with the land in perpetuity. She is concerned with this because what happens if Toll Brothers goes bankrupt, what would happen to the ponds. She would like the Commission to take a stance and risk the Township getting sued for protecting the community's water. A petition was submitted with 400 signatures and over 2,000 online requesting a No vote on this plan. Mr. Bill Hechinger, 127 Hoy Street, talked about Coudersport and the fracking accident that occurred there. He stated this plan is setting a precedent for disrespecting water supplies. He

talked about the path of the water to the wells and that the wells are only 20 feet deep. He thinks this development presents a lot of danger to the water supply.

Ms. Michelle Stine echoed all prior comments.

Mr. John Sepp, PennTerra Engineering, stated the plan is 268 units on 36 acres. With regards to the rezoning in 2004, that accounted for half of the land for this project. The traffic study has been approved. There has been a transportation agreement stating Toll Brothers will build Blue Course Drive as a public roadway and Toll will be installing a traffic signal at Blue Course Drive and Bristol Avenue. The landscaping plan has been finalized, including over 1,770 trees, over 1,100 shrubs and a dense landscaping buffer along Tusseyview commons along with an eight foot fence. All issue with CATA has been worked out included bus shelters. PennDot is satisfied with project. This plan more than complies with the Township ordinances.

Mr. Crassweller asked about the GD&F report and the well monitoring, if something comes up what will be done. The report says they will monitor for five years. Mr. Sepp stated it will be baseline monitoring and if there was an issue it would most likely be a sinkhole and that would be repaired by owner, Toll Brothers.

Mr. Homan asked a number of questions with Mr. Sepp answering.

- Is there is adequate coverage of stormwater catch basins for the parking areas? Absolutely all of that has all been reviewed and calculated by a professional.
- Who is going to operate the pump station? University Area Joint Authority
- Are those design details included in the plan submission? They are a separate set of documents which were reviewed and approved by the University Area Joint Authority.
- With regards to exterior lights is there any LED, non LED lights are wasteful. The lighting plan was approved with the opportunity to change in the future.
- How many trash stations are there? Two
- Who gets the covered parking? Mr. Sepp does not know.
- Asked if the grading across Whitehall Road has been resolved. Yes it has.
- What is the frequency of the ground water monitoring? GD&F specified the frequency for this in their review.
- What was the scope of Pennoni's review? They were hired by the Township to review the subdivision and land development of the project.

Ms. Strickland asked a number of questions with Mr. Sepp answering.

- She did not see Landmark on the plan. Toll Brothers will be doing the project without Landmark
- Who will be the onsite management? That will be a function of Toll Brothers to hire management.
- Do they currently have a project with onsite management? This would be second project with onsite management. It will be a third party property management company.
- Who will manage construction? The project has not been bid out yet.
- Will Toll Brothers representatives be present throughout the project? Maybe not daily but on a regular basis.
- If Toll Brothers sold the property would the new owner be required to continue to maintain basins? Yes
- Was an arbitration clause added to the Terms and Conditions? There is language in regards to the stormwater downstream.
- What is the amount of fee in lieu? \$800,000
- What will happen with the Musser Gap Trail? The trail will go on the east side of Blue Course Drive and tie into the trail system in the proposed future park which will then tie into the existing Musser Gap Trail.
- Is the fire pit fueled by gas? It may be and it will be approved through the Code office.
- Have all the swale issues been addressed? Yes
- Do the forebays have a lining? No
- Does the roundabout meet the dimensions for CATA? Yes
- How were the street names determined? They are Penn State football players from the first half of the 20th century.

- Where will the project connect to the force main? It will connect to the University Area Joint Authority system in Stonebridge.
- What type of fence will surround the basins? A permanent fence will be installed post construction, during construction it will be an orange fence
- Will the on-street parking on Blue Course Drive be eliminated? Yes

Members of the audience asked Mr. Sepp questions which he responded to.

Mr. McMaster asked what Mr. Yoxheimer's current position is on the plan. Mr. Sepp stated that all of the comments from the water authority have been addressed.

Mr. Harkcom asked about the CRPA memorandum and their concern with the 5.5 acre parcel being outside of regional growth boundary. Their recommendations should be considered, such as extending the regional growth boundary to include this land. Ms. Strickland stated doing this would not set a precedent for this land. Mr. Stolinas read a letter from the Township Solicitor about stormwater basins in the RA zoning district. Ms. Strickland is concerned with the precedence for this if this parcel is not brought into the regional growth boundary.

Ms. Strickland stated she is not in support of moving forward on this project due to concerns the 5.5 acre parcel, the ownership change, the responsibility of water contamination and safety concerns for the residents of this development.

1. *The Cottages lot consolidation and subdivision plan (subdivision of tax parcel 24-004-094, lot consolidation of tax parcel 24-004-076 and Right-of-way dedication from tax parcels 24-004-076 and 24-004-076A)*

Ms. Strickland made a motion to RECOMMEND DENIAL to the Board of Supervisors of the Lot Consolidation, Subdivision and Right-of-Way Dedication Plan for tax parcels 24-004-094, 24-004-076 and 24-004-076A subject to the completion of the outstanding conditions in the Director of Planning and Zoning memorandum dated November 5, 2015. Mr. Crassweller seconded the motion. The motion passed unanimously.

2. *Subdivision of tax parcel 24-004-076 and lot consolidation with tax parcel 36-028-011C – the cottages at state college*

Ms. Strickland made a motion to RECOMMEND DENIAL to the Board of Supervisors of the Lot Consolidation and Subdivision Plan for tax parcels 24-004-076 and 36-028-011C subject to the completion of the outstanding conditions in the Director of Planning and Zoning memorandum dated November 5, 2015. Mr. Crassweller seconded the motion. The motion passed unanimously.

3. *The Cottages at State College Final PRD Plan*

Ms. Strickland made a motion to RECOMMEND DENIAL to the Board of Supervisors of the Cottages at State College Final PRD Plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated November 5, 2015. Mr. Crassweller seconded the motion. The motion passed unanimously.

IV. PLANNING DIRECTOR REPORT

Mr. Stolinas stated the House Bill 33 passed and the Board was interested in appointing alternates to the Planning Commission. At the Centre Regional Planning Commission joint COG meeting the 2017 project priority list was discussed. Staff attended a webinar regarding sign and billboard content. The sign ordinance will be reviewed.

V. FERGUSON TOWNSHIP LAND USE ORDINANCE UPDATE

Mr. Stolinas started the discussion about the upcoming zoning and subdivision and land development ordinance amendments. He would like to form a subcommittee to work on this process with staff.

VI. CENTRE REGION PLANNING COMMISSION REPORT

Ms. Strickland stated they met last Thursday and discussed College Township's expansion of their wellhead protection area. Along with this they are looking to rezone areas along Shiloh Road from Agricultural land to residential or other zoning districts

VII. APPROVAL OF OCTOBER 2, 2015 MEETING MINUTES

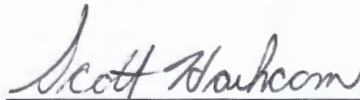
Mr. Harkcom made a motion to APPROVE the October 26, 2015 regular meeting minutes. Mr. Wheland seconded the motion. The motion passed unanimously with Mr. Crassweller abstaining.

VIII. ADJOURNMENT

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

With no further business, the November 9, 2015 regular Planning Commission meeting was adjourned at 8:30 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, reading "Scott Harkcom", is written over a horizontal line.

Scott Harkcom, Secretary
For the Planning Commission