

## FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting

Monday, November 10, 2014

7:00 pm

### I. ATTENDANCE

The Planning Commission held its first regular meeting of the month on Monday, November 10, 2014 at the Ferguson Township Municipal Building. In attendance were:

|                    |                           |               |   |
|--------------------|---------------------------|---------------|---|
| <b>Commission:</b> | Marc McMaster, Vice Chair | <b>Staff:</b> | Maria Tranguch, Director of Planning & Zoning |
|                    | Ralph Wheland             |               | Jeffrey Ressler, Zoning Officer               |
|                    | Kurt Homan                |               |   |
|                    | Richard Killian           |               |   |
|                    | Scott Harkcom             |               |   |
|                    | Lisa Strickland           |               |   |

Others in attendance included: Heather Bird, Recording Secretary; Albert Drobka, Scott Yocum, Mark Torretti, 1000 West College Avenue; Fred Henry, Matt and Amanda Homan, Homan Land Development Plan, Cody Campolongo; Bob Oberheim, Barbara Christ, Ag Research District

### II. CALL TO ORDER

Mr. McMaster called the Monday, November 10, 2014 Ferguson Township Planning Commission meeting to order at 7:00 pm.

### III. 1000 WEST COLLEGE AVENUE LAND DEVELOPMENT PLAN

Ms. Tranguch stated that this is the Township's first submission of a plan located in the Terraced Streetscape District (TSD). The proposed plan is for a four story building located at the corner of Butz Street and West College Avenue on a half-acre parcel. The first floor proposed 2,997 square feet of commercial space, the TSD requires the first floor to be commercial. The three upper floors would include 15 two bedroom units and three one bedroom units. The street wall and sidewalk along West College Avenue reflect the vision of the TSD with wide sidewalks, accent paver bands, planting beds and street lights. The plan proposed 31 porous parking spaces located in the rear of the building. The porous parking spaces were used toward and incentive for building height.

Mr. Homan questioned the impact of porous parking in relation to the building height? Ms. Tranguch stated that the TSD is the only district in the Township with incentives and one of the incentives is for installation of porous parking which allows the applicant to increase the building height. The incentives tend to encourage items that normally would not be installed and are for the good of the public. Mr. Homan asked if there are still a number of comments being reviewed by staff. Ms. Tranguch stated that yes, and there are more than normal due to this being the first plan in the District.

Ms. Strickland questioned the benches and trash cans. Ms. Tranguch stated that these benches, trash cans, lights and pavers set on this plan will set the stage for the remainder of the District. Future plans will not have an option as to the type of these items for installation.

Ms. Strickland and Mr. McMaster questioned the lack of a sidewalk in front of Klinefelters, having the sidewalk on this plan leading to nowhere. Ms. Tranguch stated that staff has thought about this and is currently looking into funding to complete the sidewalks along the corridor and did receive a grant for sidewalk installation from Buckout Street to Corl Street. The Commission discussed the installation of these sidewalks. Mr. Killian suggested that the Township should aggressively seek funding for this. The Commission agreed that surety should be taken for sidewalk and amenities until a full block can be constructed.

Mr. Killian made a motion to RECOMMEND conditional approval of the 1000 West College Avenue Land Development Plan to the Board of Supervisors pending satisfaction of the remaining comments noted in the Director of Planning and Zoning Memorandum dated November 4, 2014. Mr. Homan seconded the motion

The motion passed unanimously with Mr. McMaster abstaining.

#### IV. HOMAN LAND DEVELOPMENT PLAN

Ms. Tranguch stated the proposed plan is for a Pet Care Facility located at 3490 Shingletown Road and would develop about one acre of land on a 150 acre parcel. The proposal included 30 indoor pet run areas, an outdoor area for exercise and four gravel parking spaces with access off Shingletown Road. A pet care facility is an allowable use within the Agricultural District. Staff would like guidance on the mitigation of noise for the site. The pet care use regulations state that any facility within 1000 feet of any residentially occupied site must identify how noise from the site will be controlled to prevent a nuisance situation. This facility is located within 1000 feet of a residentially occupied site. Would the vegetative barrier be sufficient?

Mr. Killian stated that the site needs an engineering report to determine the noise level.

Mr. Homan asked if the adjoining properties noise level could be established to assist in what level of noise would be considered a nuisance.

Mr. McMaster asked how far away the adjoining property is. Mr. Homan stated approximately 600-700 feet or 60-70% of the allowable amount.

Mr. Fred Henry, surveyor for applicant, showed on the plan where the dog facility would be located and the closest residential house, approximately 800 feet away. Mr. Henry stated that the facility will be located approximately 13 feet below the height of Shingletown Road; the roadway would produce more noise with traffic than this facility. The facility will be a steel building which will assist in sound mitigation.

Ms. Amanda Homan stated the dogs will be allowed outside of the building at controlled times throughout the day.

Ms. Strickland questioned the number of dogs allowed at the facility. Mr. Ressler confirmed that the facility is designed to hold up to 30 dogs. She agreed that a professional engineer should determine the best noise reduction method.

Mr. Homan asked if the neighbors have been made aware of this project. Ms. Tranguch stated that with the variance hearing the abutting property owners were notified and the property is currently posted for a land development plan review. Mr. McMaster asked if any residents contacted the Township. Ms. Tranguch stated that one resident did.

Ms. Stacy Bird, closest neighboring resident, located at 3493 Shingletown Road pointed out to the Commission that the variance that was granted for the property allows the facility to have up to 60 dogs. Mr. Ressler confirmed that the variance was approved for 60 dogs but with the facility only having 30 runs at this time 30 dogs would be the maximum. Ms. Bird also stated that she is concerned about the noise levels since she currently hears the applicant's dogs.

Ms. Amanda Homan, applicant, stated that Ms. Bird is referring to her pet dogs that Ms. Homan trains for competing in a protection dog sport. The noise travels for these dogs more because her home is located above Ms. Bird's and the location of the new facility. Ms. Homan also addressed the variance for 60 dogs. She stated that this was a number approved before the final plans were done and this would also cover any overlap times for dogs being picked up and dropped off. As for the dogs being outside of the facility the dogs will be outside for about 20 minutes two times a day. The kennel runs have boards in between them to eliminate kennel fighting and barking. The building is a Morton Building that is specifically designed for use as a dog kennel.

Mr. Homan is in support of the project but he does understand the noise concerns and does agree with an acoustical engineer.

Mr. Harkcom stated that an acoustic engineer would give the applicant protection in the future.

Mr. Wheland confirmed that this will be an insulated building and stated that in the agricultural area cows are heard all the time, so what would be the basis an engineer would use for the noise allowed in the district. He is in support of this plan because it is a great use of agricultural area.

Ms. Strickland agreed this use is a good fit for the agricultural district but is not in support of the variance granted allowing up to 60 dogs.

Ms. Tranguch encouraged the neighbors to discuss solutions to the noise.

Mr. Harkcom questioned if a condition could be placed on the plan that if in the future there were noise concerns the applicants would need to address them at that time. Ms. Tranguch stated that an agreement could exist like that but that the applicants would like to see the requirement now before building the full project.

The Commission discussed the use of an acoustical engineer and what results could be provided.

Mr. Wheland recommended the applicant check with Morton Builders on any information they may be able to provide showing the noise and the effects on the surrounding community.

Mr. Homan made a motion to RECOMMEND conditional approval of the Homan Land Development Plan to the Board of Supervisors pending satisfaction of the remaining comments noted in the Director of Planning and Zoning Memorandum dated November 4, 2014 and pending Board satisfaction of noise mitigation techniques. Mr. Wheland seconded the motion

The motion passed unanimously.

#### **V. PROPOSAL BY PENN STATE UNIVERSITY TO MAKE CHANGES TO THE AGRICULTURAL RESEARCH DISTRICT**

Ms. Tranguch stated that about a month ago staff sat down with Bob Oberheim, Penn State, to discuss the possibility of changing the uses allowed in the Agricultural Research District. Some of the uses that the University would like to see would include events by the Lion County Pony Club, training by a number of entities including the Ferguson Township Police Department and dog training, which is currently a non-conforming use of the site. Currently the ordinance does not have a space for these uses in any district. The MPC specifically notes that the Township would need to plan for the accommodation of all categories of uses. If the Township would not like to have the use within the Township an inter-municipal agreement with a neighboring municipality could be created for this type of use in their Township. Ms. Tranguch stated that the Township should consider allowing these uses somewhere.

Mr. Bob Oberheim, Penn State, commented that the agreement between the Township and the College of Ag Sciences 12 to 15 years ago classified Ag Progress Days site as Agricultural and Research. Since that point in time the University has had several requests from the Pony Club, 4H, Equine Club, DCNR and various others for use of the site. The Township saw that these items do not fit with the definitions included in the current agreement. Mr. Oberheim stated that the College of Ag Sciences is willing to make a very unique facility that would be available to the community.

Ms. Tranguch stated that she spoke with the Ferguson Township Chief of Police on the emergency resources available for this site and she recommended that all the events would have Penn State Police as the authority.

Ms. Barb Christ, Penn State, responded to a concern about exotic animals on the site. She stated that they would not be having exotic animals on the site.

Mr. McMaster is in support of using the site for more events.

Mr. Homan asked if there would be any issues with providing police services to the site for events. Mr. Oberheim stated that it would not be an issue.

Mr. Wheland commented that there should be a limit on the amount of campers allowed at the site for overnight stays. He advised caution on the amount of events allowed on the site.

Mr. Killian commented that every individual event should still go through the permitting process.

Ms. Strickland stated that the scope discussed is too broad. Horse events are okay but she is not sure about the emergency training. Mr. Oberheim responded that the University would like to define two uses. One that would be for horses and agricultural and the second for special events that would need to be permitted.

Mr. Wheland is in favor of using the site for additional activities. Mr. Homan agreed.

#### **VI. CRPC MEETING REPORT, NOVEMBER 6, 2014**

Mr. Homan stated CRPC met last week and Ms. Tranguch was there and presented the North Atherton Street Rezoning. This item was approved by the Commission. The new high school building height exceeds the building height allowed within the Borough. The Commission recommended that the height should be amended for public schools. Mr. Jim May presented an activity report.

This meeting led into the annual joint meeting with the Transportation and Land Use Committee. The budget summaries were discussed. The group discussed priority projects, the community build out and redevelopment opportunities. They received an update on the CHIP report and discussed the Peer to Peer meeting.

#### **VII. APPROVAL OF MINUTES OCTOBER 13, 2014**

Mr. Killian made a motion to APPROVE the Planning Commission Regular Meeting Minutes from October 13, 2014.  
Ms. Strickland seconded the motion.

The motion passed unanimously.

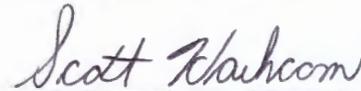
#### **VIII. ADJOURNMENT**

Mr. Harkcom made a motion to adjourn the meeting.

The motion passed unanimously.

With no further business, the November 10, 2014 regular Planning Commission meeting was adjourned at 8:08 p.m.

RESPECTFULLY SUBMITTED,



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Scott Harkcom, Secretary  
For the Planning Commission