

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MAY 11, 2020
6:00 PM**

ATTENDANCE

The Planning Commission held its Regular meeting of the month on Monday, May 11, 2020, via Zoom. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Rob Crassweller – Secretary
Shannon Holliday
Bill Keough
Ellen Taricani
Ralph Wheland
Lisa Rittenhouse--Alternate
Qian Zhang – Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Jeff Ressler, Zoning Administrator
Kristina Aneckstein, Community Planner

Others in attendance: Rhonda Demchak, Recording Secretary; Mark Torretti, Project Manager, PennTerra Engineering; Laura Dininni, Ferguson Township Resident

Ms. Wargo took roll call and the Planning Commission had a quorum.

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, May 11, 2020 at 6:05 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES APRIL 13, 2020

Mr. Thompson called for a motion to approve the minutes from April 13, 2020. Mr. Crassweller made a motion to approve the minutes. Mr. Binney seconded the motion, and the motion passed unanimously.

III. CITIZEN INPUT - NONE

IV. LAND DEVELOPMENT PLANS

A. Conditional Use Application – Orchard View Subdivision

Mr. Ressler presented the Conditional Use Application for the Orchard View Subdivision request from Penn Terra Engineering. There are 7 lots, 36 single family residential and one lot dedicated as a stormwater basin. The zoning ordinance allows that all lots created must have appropriate street frontage of a minimum width at street line as determined by the zoning district. Orchard View Subdivision is Zoned R-1. The minimum required lot width at street line is 50'. The applicants are proposing that lot #37, the stormwater basin lot, have less than the required 50' of frontage along the street line. The proposed lot width for lot #37 at street line is 20'. The zoning ordinance, also in Chapter 27-732 Flag Lots, allows the Board of Supervisors to grant a Conditional Use approval for a lot to be less than the required minimum lot width at street line, commonly called a flag lot. The zoning ordinance lists 4 goals that the Board of Supervisors should take into consideration when considering a conditional use application. The goals are as follows:

1. Creation of the flag lot will eliminate access to an arterial or collector street.
2. Creation of the flag lot will make better use of an irregularly shaped property.
3. Creation of the flag lot is consistent with a design and layout creating the minimum number of flag lots in the subdivision, taking into account 27-732.A.6(a) and (b).
4. Creation of the flag lot will reduce the loss of tillable acreage associated with a farm parcel that has no subdivision potential.

In granting a conditional use, the Board of Supervisors shall attach such conditions as necessary to meet the intent of this section. Mr. Ressler noted that there would not be a driveway or a gravel road, and it will only be accessed for maintenance of the basin. Mr. Keough noted that he liked that the lot will be an independent lot; however, he proposed having the plot plan identify who would be maintaining/managing the lot. Mr. Torretti, Penn Terra, reported that the owner submitted the Homeowners Association (HOA) documents that indicates who will be maintaining the basin and the access area. Mr. Torretti noted that they have been coordinating with the Township Engineer to install a section of fencing on each side of the right-of-way going down to the basin and at the access road to identify that it is not part of someone's lot. Mr. Crassweller asked about the maintenance of the sidewalks and will this count towards the 75% proposed when a land development plan is submitted for Lot 2? Ms. Wargo noted that they will investigate the ordinance and that the storm water basin might not fall under that ordinance. Ms. Dininni noted that 75% was changed to 50% per the Board of Supervisors. Mr. Keough asked who would be responsible for the 20' of sidewalk? Mr. Torretti noted that this will be identified in the HOA documents and there will be an annual maintenance fee. Ms. Rittenhouse asked who would be responsible for putting in the sidewalks? Mr. Torretti stated that they will be installed by the developer or the homebuilder and that it is included on the plans. Mr. Torretti also noted that the developer will be installing the sidewalks at the Flag Lot and the basins will be built first before any houses are built. A Ferguson Township audience member by the name of Lisa asked who would be responsible for maintaining the road? Ms. Aneckstein stated that Apple View Drive will be a public roadway and maintained by the Township. Mr. Crassweller made a motion to recommend the Board of Supervisors approve the request for the Conditional Use request for a flag lot. Ms. Holiday seconded the motion, and the motion passed unanimously.

V. COMMUNITY PLANNING

A. Review of Chapter 19, Signs and Billboards Draft Ordinance Amendments

Ms. Wargo reviewed the Chapter 19 Signs and Billboards Draft Ordinance Amendments. Ms. Wargo and Mr. Ressler started working on the amendments in February out of response to the U.S. Supreme Court Reed v. Town of Gilbert. The main goal of the Township amendments is to tighten down the content neutrality that came out of the Reed v. Town of Gilbert case. Ms. Wargo noted that they wanted to make the purpose and finding sections stronger and directly tied that to the sign regulations. The need for signage to advertise local events, business activities, elections, but attempt to balance those needs with regulating temporary signs. The goal is to prevent excessive use and to preserve the community character. The substantial amount of this update is for the temporary sign portion of the ordinance. Ms. Wargo and Mr. Ressler updated a few of the definitions with the purpose and findings that were completely redone. They moved the real estate signs into the exempt signs as long as they were within a certain size. There was a

lengthy discussion about the draft language in the ordinance. Mr. Binney noted that in the illumination section the 10-second limitation was deleted. Ms. Wargo noted it was an oversight and it would be added back into the ordinance. Mr. Keough noted that he would like to see a separate section of the ordinance that was designed to address event signage. He noted that the Township should be encouraging the community and neighborhood of these types of activities and events that are occurring. Mr. Keough noted that he would like the staff to research what other townships have in place with regards to the topic of event signage within their ordinances. The Township allows for free-standing portable residential signs. Three signs are allowed on a property, with no time limit, and they are free to say anything. Mr. Keough noted that trying to figure out the difference between the off-site and on-site signage is confusing. Mr. Keough noted that there is a reference to a "shopping center", but no definition. Does it consist of three neighboring next to each other or does it consist of something greater than if you have two stores together? Mr. Ressler stated that they will revisit the language. Continued discussion regarding temporary signs ensued. Ms. Wargo explained the Reed vs. Town of Gilbert. The court case was about a municipality in Arizona and how they were trying to regulate based off the content of the property owners sign. Therefore, the Township is trying to regulate by size, number of signs, time period. Ms. Wargo noted that there are a few hot button topics such as the farmers market, Ag Progress Days (APD), and the banner going across the road to advertise APD to consider. Mr. Keough encouraged Ms. Wargo and Mr. Ressler to check with Mr. Vern Squire at CBICC regarding the agritourism effort that is being generated throughout the county with the Visitor's Bureau, because he questioned if the signs were in ordinance with Ferguson Township. Ms. Wargo stated she would reach out to Mr. Squire. Mr. Keough discussed the banner section of the ordinance and if a banner can cross over a road. Mr. Ressler noted that they will investigate this more. Mr. Keough noted that the Home Occupation Sign dimensions is very restrictive. He noted that it used to be 10 square feet but now it has been reduced to 5 square feet. Ms. Wargo noted that they are going through the ordinance to make them all more consistent because in some areas they are referred to gross aggregate and other areas they are referred to as square feet. Ms. Wargo suggested that perhaps having different sizes based off zoning districts could apply. Ms. Wargo and Mr. Ressler will revisit this ordinance. A discussion ensued with regards to home occupation signs. Mr. Ressler noted that the ordinance allows for one home occupation sign and that would be for a typical home occupation. Also, it will allow for one no impact home occupation sign. For example, a barber or someone coming to the house to purchase something. Ms. Wargo and Mr. Reseller will look into this too. Ms. Wargo thanked everyone for the good feedback tonight and they will get a final draft to the Commission in the near future. Please email Ms. Wargo any other questions or concerns you have with the draft ordinance by the end of the week.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. BOARD OF SUPERVISORS

Ms. Wargo reported that the Board of Supervisors met on May 4, 2020, and she did not have anything on the agenda. Ms. Wargo had attended the Tree Commission meeting because she is assisting Scott Pflumm to draft the Tree Commission's True Preservation Ordinance. Ms. Wargo noted that on the agenda there was the Orchard View, Harner Farm, Sheetz Land Development plan and that was part of the update she gave. Ms. Wargo noted that the Board of Supervisors changed the Planning Commission's recommendation for the

sidewalks in the Orchard View Subdivision from 75% to 50%. This will be proposed when a land development plan is submitted for Lot 2 or when 50% of Orchard View Subdivision develops, whichever comes first.

B. CRPC REPORT

Ms. Taricani reported that they had a good two-hour meeting on May 7, 2020, but most of the Township's didn't have a report. The CRPC discussed the University Area Joint Authority and plans that they had. The biggest discussion that the CRPC had was regarding the housing in the area, workforce housing, and low-income housing. Ms. Taricani stated that they discussed the possibility to assist those in the workforce such as things like changing over some of the student housing to low-income housing since there's a lot of new buildings that the students will be moving into. There are two new dorms in East Halls and PSU is going to be renovating Pollack, which is a big area. Ms. Taricani noted that the local landlords are regularly discussing issues with President Barron, PSU. The CRPC will try to do more bicycle events in the area. There will be another CRPC meeting in June. As a reminder, May is bike month.

C. LAND DEVELOPMENT PLANS

Ms. Aneckstein reported that the only new development was that they received the plans back for Thistlewood Lot 19. The plans are currently with the reviewers and then it will go back to Penn Terra.

D. STAFF UPDATES

Ms. Wargo reported that the Communications Department sent out a survey. It is a relatively small survey with only six questions. The survey went out with the monthly newsletter to all the residents. The survey is meant to obtain feedback on what the residents would like to hear from the Township. Ms. Wargo noted that Centrice Martin indicated that the Township received 60 responses back so far. Ms. Wargo reminded everyone to please fill out the survey and send back.

VII. ADJOURNMENT

Mr. Binney made a motion to adjourn the May 11, 2020 Planning Commission meeting at 7:45 p.m.

Respectfully Submitted,


Rob Crassweller, Secretary
For the Planning Commission