

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MAY 23, 2022
6:00 PM**

ATTENDANCE

The Planning Commission held its second meeting of the month on Monday, May 23, 2022, as a hybrid meeting. In attendance:

Commission:

Jerry Binney – Vice Chair
Rob Crassweller - Secretary
Bill Keough
Shannon Holliday
Lisa Rittenhouse - Alternate
Lewis Steinberg - Alternate
Ralph Wheland

Staff:

Jenna Wargo - Planning & Zoning Director
Kristina Bassett - Community Planner
Jeff Ressler - Zoning Administrator

Others in attendance: Rhonda R. Demchak, Recording Secretary; Wes Glebe, Ferguson Township Resident; Jim Maund, Ferguson Township Resident; Halie Kines, Centre Daily Times; Chris Summers

I. CALL TO ORDER

Mr. Binney called the Ferguson Township Planning Commission's regular meeting to order on Monday, May 23, at 6:02 p.m. and it has been advertised in accordance with the PA Sunshine Act. Mr. Binney stated that the meeting is being held as a hybrid meeting with some commission members in attendance.

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

Mr. Binney asked anyone addressing the Planning Commission to identify themselves so that the minutes can be accurately recorded for the minutes.

II. CITIZEN INPUT

There were no comments.

III. APPROVAL OF MINUTES

Mr. Keough moved that the Planning Commission **approve** the April 25, 2022, Regular Meeting Minutes. Mr. Wheland seconded the motion. The motion passed unanimously.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Application for Zoning Ordinance Text Amendment – Terraced Streetscape (TS) Zoning District

a. 127 Hoy Street

Ms. Wargo reported that On May 11, 2022, Pamela Steckler submitted an application for a text amendment to the Terraced Streetscape Zoning District (§27-304.2.A.—Permitted Principal Uses). The Board received the application at the May 16, 2022, regular meeting and referred the request for further review to the Planning Commission. Included in the agenda is the application submitted by Ms. Steckler requesting to permit home burials in the Terraced

Streetscape Zoning District.

Chapter 27—Zoning defines a cemetery as “Land used or dedicated to the burial of the dead, including, mausoleums, necessary sales and maintenance facilities.” Cemeteries are permitted as a principal use in the Rural Agricultural (RA) Zoning District and as an accessory use in the Rural Residential (RR) Zoning District.

The Zoning Ordinance doesn't include a definition or regulations for home burials. The Zoning Administrator has determined the definition of cemetery applies to home burial which only permits home burials as a principal use in the Rural Agricultural (RA) Zoning District and as an accessory use in the Rural Residential (RR) Zoning District.

Included in the agenda is a report from Staff about local and state regulations in relation to cemeteries and home burial/private interment. Typically, home burial/family burial grounds are privately held parcels of land specifically designated for the burial of members of the same family (blood or marriage). Most ordinances will include:

- Depth requirements
- Setback requirements (property lines, private or public wells, floodplains, roads, etc.)
- Minimum lot size requirements
- Maximum number of interments per acre of land
- Burial marker requirements
- Map/survey depicting the burial site location
- Access from a public or private roadway
- Maintenance

Additionally, ordinances will typically include additional requirements if the land is sold outside of the family that is within the family burial site. These requirements include:

- The deed needs to reflect the restriction/reservation for the family burial site
- Identify what party(s) are responsible for maintenance (landowner or other)
- Include an access easement for family members of the deceased

Finally, some regulations include disestablishment procedures:

- Removal of human remains
- Removal of markers, monuments, etc.
- Removal, demolition or conversion of mausoleum or columbarium
- A new deed of record must be filed documenting the disestablishment

Staff recognizes that there are differences between cemeteries and home burials including scale, familial requirements, commercialization, etc. Planning Commission is being asked to review the request and provide a recommendation to the Board of Supervisors for the June 7, 2022, regular meeting.

Mr. Steinberg asked for clarification with the request. Ms. Wargo stated that the first step is for the Planning Commission to review the application and make

a recommendation to the Board to deny or approve of the request. Mr. Binney asked if the Planning Commission should do this in two steps. Mr. Steinberg agreed that if a definition needs to be defined, staff should give the Planning Commission recommendations. Mr. Wheland stated that the request is to permit home burials in the TSD.

Ms. Holliday asked what the reasoning behind the request is. Ms. Wargo reported that Ms. Pam Steckler's spouse passed away recently and as conservationists, wants to be buried on their property.

Mr. Steinberg responded to Mr. Wheland's statement by noting that this request can't be addressed until a definition for home burial is established. Mr. Wheland stated that if it is not stated as a permitted use, then it's not permitted. Mr. Ressler concurred with Mr. Wheland that it is not a permitted use.

Ms. Holliday asked what the origin of the request is. Ms. Rittenhouse stated that on the request they want this to be completely natural. Ms. Wargo stated that there is a separate part of the application regarding the source water protection ordinance. Ms. Wargo reported that a consultant with the water authority is investigating the request. Ms. Wargo noted that Ms. Steckler would like to do a green burial, but currently the Township's source water ordinance will not allow the request because a cement liner is needed.

Mr. Keough stated that the request is not compatible with the type of zoning because the acreage is too small. Mr. Keough agreed that a home burial definition is needed. Ms. Wargo stated that staff agrees with it not being compatible. Mr. Keough suggested adding a definition for green burial. Mr. Wheland stated that composting should be addressed as well because big farms are composting their dead animals.

Mr. Crassweller stated that other zones should be considered and noted that green burial is done without the use of chemicals. Ms. Wargo reported that all of Ferguson Township does not allow for green burials due to the source water ordinance. Mr. Keough noted that there are farms with burial sites and would like to preserve that option. Mr. Wheland suggested to defer action with the definitions/regulations until staff hears back from the water authority. Mr. Keough had concerns if the land was sold. Mr. Wheland noted that an easement would be required.

Mr. Crassweller stated that the UK has a lot of rules and regulations on green burials and should be considered.

Mr. Keough moved that the Planning Commission recommend to the Board of Supervisors to **deny** the request for a home burial on the part of Pamela Steckler in the Terrace Streetscape District on the basis that it is not a compatible use in the high-density zoning that is attached to the lot. Mr. Wheland seconded the motion.

Mr. Steinberg suggested changing the motion to exclude the specific lot and just say denial of an ordinance that amends the TSD to allow home burials.

Mr. Keough amended his motion.

Mr. Keough moved that the Planning Commission recommend to the Board of Supervisors to **deny** the request for text amendment to the ordinance in the

Terrace Streetscape District to allow for home burials on the basis that it is not a compatible use in the high-density zoning that is attached to the lot. Mr. Wheland seconded the motion. The motion passed unanimously.

Mr. Wheland and Mr. Binney suggested waiting until staff hears back from the water authority before starting the amendment process. Mr. Keough recommends moving forward with the motion.

Mr. Keough moved that the Planning Commission **recommend** an ordinance amendment to Chapter 27 Zoning to include a definition and regulations for home burials. Ms. Holliday seconded the motion. The motion passed 3-2 with Mr. Wheland and Mr. Crassweller opposing.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. Communications to the Planning Commission

There were no communications.

B. Board of Supervisors

Ms. Wargo reported that they discussed the text amendment request that was reviewed tonight.

C. CRPC Meeting

No report.

D. Land Development Plans

Ms. Bassett reviewed the following:

- a. Farmstead View Subdivision – 5th submission under review

Ms. Bassett reported that the large tree that has been the topic of saving from the community might be saved.

- b. CVIM – 2026 Sandy Dr – BOS Approved 5/3 – awaiting plan for signatures
- c. Peace Center and Cemetery – Awaiting Response to first review

Mr. Steinberg stated that there might be an issue with burial due to Islamic beliefs with regards to the required cement casing. Ms. Wargo reported that the water authority is reviewing religious exemptions.

- d. Centre Animal Hospital – Awaiting Preliminary Plan to be signed
- e. Fusion Japanese Steakhouse – Awaiting Response to first review
- f. Imbt Subdivision - Awaiting Response to first review
- g. West College Avenue Vertical Mixed-Use Development – Awaiting Response to first review.
- h. Nittany Dental LDP – under first review
- i. MP Machinery LDP – under first review

E. Staff Updates

Ms. Wargo reported that she attended a conference in San Diego and Mr. Ressler attended a conference on floodplain management in Florida.

Ms. Holliday reported that she volunteered at the 49th Precinct as the Judge of Elections and if anyone would like to volunteer in November to let her know.

Mr. Binney noted that the Pine Grove Mills Mobility Committee is wrapping up their work and will be reporting at the Board of Supervisors on June 7th.

VII. Adjournment

Mr. Keough made a motion to **adjourn** the May 23, 2022, Planning Commission meeting at 7:04 p.m. Mr. Binney seconded the motion. The motion passed unanimously.

Respectfully Submitted,



Rob Crassweller, Secretary
For the Planning Commission