

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, February 1, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, February 1, 2010 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Killian, Chairman
Robert Heinsohn
Steve Miller
Bill Keough
George Pytel

Staff: Mark Kunkle, Township Manager
Trisha Lang, Director of Planning and Zoning
David Modricker, Director of Public Works

Others in attendance included: Marsha Buchanan, Recording Secretary; Alex Belavitz, Facility Design and Development; John Walsh, EPG; Alan Stewart and Gordon Dively, Sweetland Engineering; Ed Poprick, State College Area School District; Bruce Bachtel, Schrader Group Architecture; Rod Stahl and Joe Gherardi, Stahl Sheaffer Engineering; Tom Comitta, Town Planner and Landscape Architect; Paul and Cinda Corl; William Hechinger, 120 Hoy Street; Pam Steckler, 127 Hoy Street; Wesley Glebe and Christine Bailey, 115 N. Butz Street; Scott Thomas, 271 Conover Lane; Rich and Gwenn Karten, 119 S. Butz Street; Rhonda Stern, 119 N. Butz Street; Karen Burgos, 14 S. Gill Street; John Simbeck, 117 Delaware Road, PA Furnace; Robert Herlinger, 909 W. Beaver Avenue; Marian Stone; Mary Lou McEwen; Julia McElfish; Art Reede; Tom and Rita Wasson; DJ Medeiros; K. Moutevelis; Dean Lawrence; Kevin Roan; Pat Vernon; Marc McMaster; and Charles Farrell.

II. CALL TO ORDER

Mr. Killian, Chairman, called the February 1, 2010 meeting to order at 7:01 pm.

III. PUBLIC HEARINGS – ORDINANCES

1. PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 15 MOTOR VEHICLES, PART IV, GENERAL PARKING REGULATIONS AS FOLLOWS (1) SECTION 403, BY ADDING VALLEY VISTA DRIVE AND SCIENCE PARK ROAD AS STREETS WHERE PARKING SHALL BE PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS

Mr. Pytel made a motion to adopt Ordinance 930, amending the code of ordinances by establishing No Parking on portions of Valley Vista Drive and Science Park Road for both sides. Mr. Miller seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

IV. PUBLIC HEARINGS – RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE CHAIRMAN AND SECRETARY OF THE BOARD OF SUPERVISORS TO EXECUTE A REIMBURSEMENT AGREEMENT, AGREEMENT NUMBER 02D907, WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN, RIGHT-OF-WAY, UTILITY RELOCATION, CONSTRUCTION INSPECTION AND CONSTRUCTION OF OLD GATESBURG ROAD EXTENSION**

Mr. Heinsohn made a motion to approve Resolution 2010-5, authorizing the execution of a Reimbursement Agreement between the Township and the Pennsylvania Department of Transportation for the construction of Old Gatesburg Road. Mr. Pytel seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

V. PUBLIC HEARINGS

- 1. A PUBLIC HEARING TO ESTABLISH A NEW ZONING DISTRICT ENTITLED TERRACED STREETSCAPE ZONING DISTRICT**

Ms. Lang outlined this project's history and timeline for the Board. Staff believes the project is consistent with past planning opportunities. Support has been documented from CRPA. An open house was held on January 18th for public comment. An ordinance has not been prepared and advertised for adoption. This is another opportunity for community input.

Alex Belavitz, Facility Design and Development, said this is in response to the January 18th meeting, where several concerns were expressed. They wanted to do an overlay using best practices, Smart Growth, and new urbanism tenets. This is an evolving movement in terms of how to approach urban planning.

Proposed District Density – Mr. Belavitz illustrated how they plan to create a hierarchy within the district. They look at functional blight to determine whether properties are aesthetic contributors to the environment. They look at multi-story, mixed-use development. The size of the parcel will in part determine how high buildings can be and how much parking they will allow. Side streets would be less dense. Everything they are doing is consistent with ERA's recommendations from the past.

Transitional Zone – This is the area outside the immediate urban district where single family detached homes occur. It is a matter of scale and massing, as well as employing streetscape, trees, etc. to soften the appearance.

Chronology of the Process – Mr. Belavitz presented the history of this project for Ferguson Township.

Applicability of Standards and Zoning within the District – a) No one in the district will be displaced by eminent domain or other legal means; b) Design standards take effect only when a project is initiated by a property owner or tenant to alter an existing structure or to construct a new one; c) The Township intends to pursue Smart Growth and New Urbanism strategies in the district; d) Standards are intended to inform the community and property owners of the policies and standards expected by the Township within the established district, as to ensure quality development, enhance the character of the district and protect the values of property; and e) Each proposed project (new or addition) in the district needs to go

through a land development approval process, and will be approved on its own merits and conformance with all regulations and conditions, per the Township.

Bill Hechinger, 120 Hoy Street, expressed concern about eminent domain. Mr. Belavitz assured him that there is no intent (and nothing in the plan or project) for any eminent domain to take place. They are not planning to displace anyone. Mr. Belavitz said they have a long way to go on this project. They are not seeking approval at this meeting. This is strictly about zoning.

Pam Steckler, 127 Hoy Street, asked if the new zoning would apply to projects already in the works. Ms. Lang said if it was a project that is currently under consideration, this new zoning would not apply. However, the specific plan she addressed was disapproved and has not been resubmitted. Ms. Steckler clarified that if this new zoning is approved, these new rules would have to apply to that. Ms. Lang said yes, if this zoning is adopted before the plan comes in for that property. She said the applicant never met the conditions of approval.

Mr. Pytel expressed concern regarding permitted principal uses, specifically the inclusion of classroom research facilities. He said this must be defined. Ms. Lang said under Item W, this list is based on the Township's current definition of public and private education. They pulled out the basics, but these items can be defined further. Mr. Pytel said the University does things in research that he would not want next to a residential area. He also asked about acreage specifications for corner lot requirements. Mr. Belavitz said the land area would dictate that. They want to ensure that corner lots are given premium attention. Ms. Lang said that correction can be made (corner lots that total an acre or more in size).

Mr. Pytel asked if structured parking allows a private parking garage with no public use. Mr. Belavitz said yes; the University could put their parking there if they wanted. Mr. Killian said standalone parking is allowed only in Commercial. Ms. Lang said one of the changes since the last discussion was that the University will be building structured parking somewhere on the west end. To address the concerns, structured parking is permitted as a primary use only when it is proposed as part of a vertical, mixed-use structure. Mr. Pytel said he does not support the current language. Mr. Belavitz said they are trying to regulate parking.

Mr. Pytel inquired about water runoff. Ms. Lang said there are many lots in the district right now that are 100% impervious. The only way to get to 95% at this point is through incentives. The 95% does not excuse them from doing storm water. There is a requirement that they address storm water requirements.

Mr. Pytel said the shared parking arrangement must be scrutinized. When uses change, shared parking tends to disappear. Ms. Lang said staff has been tracking this. Jeff Ressler is careful about making sure the correct number of spaces are available and are not already in use. Ms. Lang said the ordinance requires that there be a specific agreement identifying the number of shared spaces. Mr. Belavitz said there are designated parking spots in perpetuity. Mr. Pytel wanted to clarify that whatever arrangement is made will be permanent; it will go with the land.

Wes Glebe, 115 N. Butz Street, said he is *not* against progress. He is trying to understand density and believes it is important for the future, but is concerned about setbacks. He suggested that the pedestrian sidewalk is essentially 8 feet wide. He said the photographs tend to create an illusion of very wide open spaces. This 12-foot total setback is way too small for a new area that should feel friendly and open. He provided a brief example to demonstrate how constrictive this proposed pedestrian walkway would be. He is concerned that in reality these spaces will not be large enough and suggested pushing the setbacks to 20-25'.

Christine Bailey, 115 N. Butz Street, noted the following concerns:

- At the January 18th public meeting, Alex Belavitz brushed off questions from residents with a remark to the effect that this is not the actual plan. If the Design Guidelines are not the real thing, she asked what else is available for the public to review.
- Mr. Belavitz has referred to properties in this area as having “functional blight.” She said properties have sold when they have gone on the market. A property would need to be a danger to public health or safety to qualify for this term.
- TIF was mentioned as a possible source of financing and applies to “blighted” areas. By definition, this is *not* a blighted area so she does not believe TIF will be applicable.
- In the Design Guidelines, the side street roadway curb-to-curb measurements are incorrectly shown as 22’ instead of 26’. She expressed concerns about parking, especially in the winter. She is concerned that 22’ is not nearly enough space.
- Residents were assured that buildings on side streets would not be 9 stories tall but in the Design Guidelines that is how they are shown.
- On-site parking is not going to be adequate with more commercial buildings being built. She asked where the off-site parking is going to be in such a small area. She stated that there is no guarantee that Penn State will build a road from Blue Course Drive, or a parking garage. To assume it will happen is not an appropriate planning strategy.
- She asked if the alleys will be wide enough or strong enough to accommodate fire trucks.
- Storm water management is another reason this plan needs more time to come to a satisfactory resolution.
- It was indicated that the developer controls 1000-1006 along College Avenue, but according to the Tax Assessment Office he is not the current owner. In addition, it appears that the developer's attorney is writing this new zoning ordinance, but that is not supposed to be the case.
- She asked what similar plans the Township has looked at that have matured for 15-20 years.
- The planters along the street should be raised beds of at least 2’ – not on the sidewalk surface level. In addition, sidewalks of only 12’ in width are far too narrow to create a pedestrian-friendly, relaxed feeling.
- She and other residents are outraged by the lack of communication between the Township and residents of the W. College Avenue Corridor. A cross-section of people had no idea any further discussion had taken place after the original presentation that was made to the Township, the Borough, and the public. Minutes were not taken and the public was not notified of further meetings.
- She asked how the Township plans to prevent the University in the future from buying buildings as it has many properties in the Borough and elsewhere in the Township. She said at least some of the apartments and condos are bound to be student housing.
- She expressed concern that the whole Corridor is much too narrow for the grandiose designs put forward by the developer.

Pam Steckler, 127 Hoy Street, said she has lived here for about 30 years. Her house is less than 250’ from College Avenue. She is concerned about the proposed Terraced Streetscape District. She agrees with most specific intents and goals – seeing this area as pedestrian-oriented with greenways and bike paths, and development which creates community character that complements surrounding development. These are all worthy goals to promote. Utilizing existing infrastructure versus building new is also a positive intent. However, the thrust of the design plan seems to be in opposition. She agrees

with energy efficiency, sustainable development, and LEED certified construction, but she suggested including other elements as well, such as solar energy.

Within use regulations and permitted principal uses, the draft mentions greenways and community gardens, but nothing about vest-pocket parks. All of these should be mandated, not just permitted, if their intent is to be realized. There is no mention of small grocery, hardware store, boutique, or café within the permitted use for smaller lots up to .39 acres. These would be important to creating a vibrant and pedestrian-friendly neighborhood. The draft specifies that any structure located on the corner intersecting College Avenue must be a minimum of 5 stories. This is unnecessary and in opposition to their intent. The conditional uses for lots or combined lots push the height limits to 7 and 9 stories. This is contradictory to their intent to have a pedestrian-oriented, human-scale development district.

Ms. Steckler noted criteria for 7-9 story structures, which state that no balconies are to be located fronting on College Avenue. She argued that balconies *should* face the avenue. Those living behind the structure should not have to deal with balcony noise, parking, loading, trash containment, etc. This does not “complement surrounding development which already exists,” as stated in the intent. Also mentioned is that 10% of the site for these higher structures is to be dedicated to park space or public plaza. This needs to be green space, not concrete. The draft notes up to 95% lot coverage by way of incentives. This conflicts with the 10% rule. The draft later states that the structure is not to exceed 130' in height, yet in the design plan guidelines it states 141' for a 9-story building. This inconsistency is not acceptable.

She asked about the shadow print of these existing buildings, saying this needs to be considered for ambiance, as well as the footprint for space usage concerns. She believes the structure should be a maximum of 3 stories, and possibly 4 if certain conditions were met in accordance with LEED certification or better and only by approval of the Board of Supervisors and a neighborhood committee.

Under prohibited uses many pre-existing things are listed. She asked why they are specifically prohibited and why public and private schools should be prohibited if this is intended to serve families. She asked if there is incentive to push out existing businesses through eminent domain or other means. Regarding yard regulations the draft states that buildings shall be located on a sidewalk line. She asked why. A 12' sidewalk is not pedestrian-friendly or human scale. There need to be setbacks for café seating, benches, and gardens. These are amenities that will truly make the area pedestrian-friendly. Setbacks should be varying, as well as heights and style. Also pertaining to yard regulations, side yards and rear yards of 5' are absurd. A rear yard if adjacent to a residential property outside of the district is required to have a 10' buffer outside the property line. This is insufficient. According to these regulations, Ms. Steckler's house could end up with a 9-story building within 90' of her property. Their neighbor's property would only be 30' from it. She asked the Board and staff if any of them would find this acceptable from their houses.

In closing, Ms. Steckler is very much for the gentrification of this neighborhood. She is not against development. As a businessperson, she maintained a retail shop downtown for 36 years. But she is against this maximum high density approach. She would like to see her neighborhood become a picture of living lightly and gently on earth, not a picture of corporate greed at the expense of the community. The discussion and development of this draft for the W. College Avenue zoning change to become to the Terraced Streetscape District did not include input from the people most affected. They were notified very late in the process. She noted that Ms. Lang in her comments to the Board mentioned John Walsh and/or his consultants as the main driver of this proposal. This is conflict of interest, and does not speak to democratic process. The leaders of Ferguson Township have an obligation to work to protect the rights of taxpayers and voters and should not submit to succeeding their power either to the University or to private enterprise. There are too many inconsistencies pertaining to intent versus design plan. She believes this should be tabled and not voted on.

Scott Thomas, 271 Conover Lane, noted the height discrepancy between design standards and the Terraced Streetscape description. Typically a standard building is 10 feet per story. He asked if they know whether or not the Alpha Fire Department has ladders that will reach that height. The maps are inaccurate. He asked if there is anything in this zoning to prevent a developer from going into the transition area where buying a number of lots would give that developer a lot equal to or greater than 1 acre and putting up a 9-story building. He said if it is a transition zone, perhaps the Board should consider zoning specific heights transitioning down as opposed to it only depending on lot size. Ultimately if this corridor is developed and density increases, it is only a matter of time before discussion of widening College Avenue will occur. It would be wise to consider that. Per the design standards, there is no side street parking, which could be problematic. This is a zoning proposal, but he asked the Board to consider whether current and future economics project a significant increase in a non-student population. He also noted that he would like to see mandatory green space in excess of the 10% of any one individual lot.

Rich Karten, 119 S. Butz Street, said the Township has been generous with him and other residents in making his street Resident Parking Only. He said if they do not restrict parking on the side streets to residents only, problems will arise. He has no argument with increasing the density and/or the tax base of Ferguson Township, but he echoed the sentiments about scale of this kind of development and its impact on the transitional zone. Some drawings completely ignore Calder Alley and show parking across the alley. The Board should consider these items.

Rhonda Stern, 119 N. Butz Street, suggested that calling their homes "blight" needs to be used carefully. She and other neighbors are proud of their homes and this term is insulting. Also, given the enormity of the proposed changes, more information and time are needed. More communication with residents should have been made sooner. She is concerned about traffic studies and setbacks, especially on side roads. She questioned why the proposal allows the use of properties under .39 acres for galleries, etc., but only three types of professional offices were mentioned. She asked if this is a vision of how the residents want their neighborhoods to develop, or if it is just about development in general. She said they care about Ferguson Township and love the green space. She does not believe that developing in an urban area has to get rid of that green space.

Karen Burgos, 14 S. Gill Street, brought up three points: 1) A 9-10 story building is way too high and out of scale for the rest of the neighborhood. It should not need to go higher than 5 stories; 2) This is a fully functioning neighborhood right now and very walkable. The kind of development that is proposed is not what she considers functional for someone who lives there; and 3) This process is moving very quickly. The developer seems to have a large stake in this project. She encouraged the Board to think this through since this is their future.

Bill Hechinger, 127 Hoy Street, suggested that most people attending this February 1st meeting are very wealthy compared to people in other cities in the state. He does not believe this should be set up to get any state or federal funds. He noted an inconsistency in the plans with their street lighting guides. There has been talk about full optical cutoff lighting and he said Ferguson Township is way behind on their lighting ordinances. He suggested that along with the proposed zoning they get a lighting ordinance and use everyday English in their descriptions. He suggested that the Township should have a lighting board that meets regularly. If there are complaints from residents, lighting issues can be resolved. He said abusive lighting is "blight." At night it should be dark.

Mr. Hechinger said most small businesses generate as much cardboard as 100 houses. They need to figure out some kind of commercial and industrial recycling system. This Terraced Streetscape zoning ordinance does not mention that. He also believes the parking situation needs to be dealt with. He commented on the streets – the fact that they are 26' wide and all access is in the rear. He noted that if

parking is removed from along the streets, more people will be parking in their yards, and this would be "blight."

John Simbeck, 117 Delaware Road, PA Furnace, said he has been involved in the zoning and rezoning of the urban village (in the Borough) and the west end for about 20 years. It turns out that his warning as a result of the ERA's part in all of this was accurate. Using this as the Township's design guideline, which both the Borough and Ferguson Township have tried to do, is not appropriate. On January 29, 2009, Alex Belavitz was introduced to the Township. He has never been around zoning that was designed and brought forward by the developer rather than by the Township. In the minutes on February 9, 2009 Mr. Walsh provided an action plan, along with the phasing plan and timeline. It was stated in those minutes that the timeline in "fairly aggressive." This plan has been very rapidly brought forward. He urged the Township to work hand in hand with businesses already established.

Robert Herlinger, 909 W. Beaver Avenue, commented on parking. He said W. Beaver is a three-way street occupied by two lanes of parking. He said when the water line construction was going on, it was a "no-way" street because the people responsible for traffic were sending people down Beaver Avenue. The proposed zoning will not help that. In 1984 there were lots of families that walked their children to the Corl Street school. The proposed zoning will not help to keep that type of community. O.W. Houts is gone, and other properties are now considered a prohibited use. The Urban Village is not in Ferguson Township, yet he received notification of meetings. They received letters for every meeting in the Borough, but did not receive anything regarding this project. They live in this Township because it is "rural." He asked if this area has to be "urban" to produce revenue. He asked if that is the only goal. He asked if the developer is writing the Township's zoning. There was no notice to people outside the district and a 90-100' building nearly in his back yard affects him regardless of how it is defined. He would love to have someone tell him where the line is. He was told by Ms. Lang that some people liked this idea and some did not.

Mr. Pytel asked what the tallest building allowable in Commercial is right now. Ms. Lang said the maximum height is 45 feet tall.

Mr. Killian summarized the following questions from residents as Board members commented:

- **Setbacks/Sidewalk:** Ms. Lang said this is the same premise as in the TTD – moving buildings up to the street line provides a pedestrian and walkable element. The 12' limit is more than twice the Township's current sidewalk width. The Township has established a build-to line, which is consistent with the idea of a streetscape and a building presence at the streetscape. Mr. Belavitz said 12' is more than ample for a community of this size. The graphic that was pointed to was 22' wide, but that was misread. They are not inaccurate with their work. This is not an ordinance; it is a proposal. He said they are trying to maximize density for best and highest use in those areas of Ferguson Township that historically have infrastructure in them already. They are setting buildings back with a green buffer. This is an urban solution. Mr. Killian asked if there could be consideration of expanding this. Mr. Belavitz said yes. He apologized generally about the term "blight" – it is a professional term (the metrics they use as planners), and they were talking specifically about the Houts property as being "functional blight," not judging the whole neighborhood.
- **Accurate Mapping:** Ms. Lang said the maps were done without the benefit of some of the Township's tax mapping. Ms. Lang said the corrected version on the screen is the revised map. Corrections will be made on the web site, etc. Mr. Belavitz said being out of the area, they mislabeled some of the streets, but these are drafts for review. As mistakes are brought to their attention, they are making every effort to refine and make corrections.

- Overall Process: Ms. Lang said before an ordinance is drafted, the Township wants to have the language and the graphics correct. There is one more required review before the CRPC. The Board is required to get their comments before they can act. She assumes from here they will take the comments received, look at the ordinance, make necessary revisions, and have it reviewed by the Township Solicitor. He will put it into ordinance form and there would be a public hearing where this will be placed on the agenda for adoption. There is a requirement of the MPC to notify people within the district. Residents expressed concern that bordering residents would not be notified.
- Existing Businesses: This overlay would cause prohibited uses and remodeling would trigger the new zoning requirements. Ms. Lang said certain uses are not conducive to walkability and are not pedestrian-friendly. As the Borough grows and this area becomes more urbanized, the Township needs to react to that. Those uses are now identified as prohibited. They are grandfathered and can stay there as long as they want. There are some provisions that allow non-conforming uses to expand. An interior remodeling would mean nothing; but something that changed the size of the use on the exterior would kick in the new regulations if the ordinance is adopted. Most of the residential homes in this area are non-conforming uses. This is a General Commercial zoning district. It is the most wide open district in the Township and permits every type of commercial use that is permitted in the entire Township. They tried to address the design criteria in order to create the human-scale, pedestrian-orientation desired in the district. Mr. Belavitz noted the prior comment from residents that they do not want to attract crime because of the proposed higher density. He said there is actually a correlation between use types and crime/vandalism. He showed a diagram of a proposed 7-story building. He illustrated that certain undesirable shops are currently permitted in this district. On the contrary, the developer wants to propose a quality environment. They are trying to limit the permissible businesses in this district.
- Developer Writing the Zoning: Ms. Lang said Mr. Walsh came to the Township with a proposal. In the beginning he was discussing only his property. He had a broader vision and thought it would be a good idea for the Borough and the Township to work together. The Township agreed, so Mr. Walsh expanded his vision to the total zoning district. The Township saw his presentation and presented it to the Borough. They were at the time linked with Delta Development and did not feel a need to work with Mr. Walsh. He made a presentation to the Planning Commission, who felt the vision was appropriate and recommended that the Board take him up on his idea to look at this area of the Township. Mr. Walsh donated quite a lot of his time, money, and expertise to assist staff in writing this. This was not written for or by the developer. The public was made aware of various meetings, and several residents attended.
- Smaller Lots into Larger: Ms. Lang said smaller lots be consolidated into a larger lot to exceed, for example, up to 1 acre lot in order to accomplish a taller building, with the agreement and participation of property owners. Some lots Ms. Lang identified are existing homes with non-residential uses in them; most of the smaller lots contain homes or homes converted into businesses. These would have to be owned by one owner and each property owner would have to agree.
- TIF: There was a discussion of government funds being used for development within this zoning. Ms. Lang said they discussed at the subcommittee meetings how they would pay for this. Streetscape improvements are usually done in the land development process on a site by site basis. They agreed that this is not a logical way to go about creating the streetscape. The developers have been part of several projects and TIF is one way this could be funded. This would be for public domain. Mr. Belavitz said for the streetscape the state office of DECD specifically has programs for initiatives like this. Ms. Lang said the Houts property is already identified as a redevelopment property. They could partner with the Township to do a project on W. College Avenue.

- **Emergency Vehicles:** Ms. Lang said the proposed 9-story buildings are not taller than others in the Region. Mr. Miller said that discussion came up with regard to buildings on campus. The fire department representative said buildings like this are not accessed from the outside at all, so an extra long ladder is not needed. Above a certain level, they are always accessed through an inside fire access. The Township would not allow a building to be built if this was an issue.
- **Calder Alley:** Ms. Lang said there are no specific issues district-wide. Part of what Mr. Walsh owns is the piece of Calder Alley that runs between the building lot and the parking lot, so he plans to take advantage of that when he does his development as he anticipates it currently. Mr. Modricker said in general Calder Alley is not a public road in the sense that the Township does not own it, but is not private in the sense that it is not owned by any one property owner. Typically alleys of that type in Ferguson Township are quasi-public, created for the enjoyment of those parcels that were created during that subdivision. Mr. Belavitz said the parcel on the other side of the alley was explored in terms of picking up the off-street parking they would need in terms of a surface lot at that time. It depends how this zoning ordinance goes, etc. and is simply an exploration. Currently there is no plan to put parking on the alley.

Mr. Miller does not want this area to become too urbanized, but he believes it will regardless of what the Board does. He thinks there is more work to be done on this project regarding zoning, but the Board should be aware of what is possible now and try to improve on that. They need to address how this area will change. The Township has no control over University ownership and no ability to tax land if the University owns it. They can make zoning that controls what type of thing they build on it, but cannot keep them from purchasing the property and building on it to begin with. They have listened to the residents' concerns and will keep them in mind as the zoning progresses. Future meetings will be open.

Mr. Keough expressed frustration with the concerns from residents, since he participated in the planning process as a subcommittee member. This Township has rarely had major changes in zoning over the years. One of the last major re-zonings was about 25 years ago. He apologized for not getting the word out to residents as the Township should have, but this process does not happen very often in Ferguson Township. He said one issue that came up over two years ago was the question of why these changes have to be made here (in the Corridor) and now. They have been doing studies on the growth of this Region. The Centre Region is still in significant growth mode compared to the rest of the state.

One discussion in the Region is the possibility of expanding the primary growth region. Some people in Ferguson Township do not want to start encroaching more on the Ag land, but believe the Township should go up as opposed to sprawl out in order to provide for change in growth.

Mr. Pytel said when he moved into Ferguson Township, it was a second class township and did not have much. He emphasized that he is here for the people. The Township passed a light ordinance; he helped to write it. He is interested in everything the residents have said. He does not want this area to stay commercial, so he wants all language in the proposed zoning to be made clear. He is working to make sure the needs of these residents are met.

Mr. Heinsohn said the residents' concerns need to be addressed. As a registered engineer, he spoke to the sloppiness in the language of the consultant's work and said it needs to be tightened up. The Board is not voting to accept anything yet. He would personally like to see a development plan presented at the same time the ordinance is voted on. As it stands currently, he would not vote for this project. He said the Board will do what it can to bring forth something with which they can be pleased.

Mr. Killian asked about the pros and cons of requiring a larger lot size in order to allow a taller building. Ms. Lang said there are 94 parcels in this district. Most of them fall below .39 acres. It is hard to make a reasonable investment on a very small parcel. The idea of the graduated density was that combining

parcels provides for a concerted effort. Very few parcels in this district, even when combined, would equal an acre or more. None other than the Houts property are 2 acres or more.

Mr. Killian asked what the next steps are in the process. He suggested a possible worksession format to receive additional comments from residents. Mr. Keough said he would like to discuss how one would get to 9 stories through incentives. If this number is lowered, the incentive package must be considered. Mr. Miller proposed that the Board move further discussion of details to a work session. The Board agreed to meet with Ms. Lang on Tuesday, February 9, 2010 at 7:00 pm in a public worksession environment. The residents asked if the public will be notified. Minutes will be taken.

2. PUBLIC HEARING ON THE PINE HALL TOWN CENTER GENERAL MASTER PLAN AND TERMS AND CONDITIONS

On January 18th the Board held a public hearing, which was continued until February 1st, to allow time to resolve several outstanding issues. Since the January 18th meeting staff has met on several occasions with Mr. Imbt, his consultant, and the proposed builders of Building #2. As of January 26th staff believes it has resolved all of the outstanding issues. In a separate matter, they have worked with Mr. Imbt on a contribution toward two off-site transportation improvements.

Mr. Kunkle said the Board is to consider approval of the General Master Plan, Terms and Conditions, and Transportation Improvement Agreement.

Tom Comitta, Town Planner and Landscape Architect, said the Terms and Conditions sent by Mr. Kunkle on January 27th are acceptable to the Pine Hall Development Corporation.

After completing the transportation impact study, two intersections appear to be off-site and impacted by this development – 1) Science Park/Valley Vista/ Circleville Road and 2) Pine Hall/Science Park Road. That is a negotiable issue and he has tried to arrive at a reasonable contribution toward the Pine Hall/Science Park Road intersection. That project is estimated at \$150,000. Mr. Imbt is willing to pay half. There will be an escalator on the contribution, but there will be no contribution at the Science Park/Valley Vista/Circleville. Mr. Kunkle provided details about the escalator.

Mr. Miller made a motion to approve the Pine Hall Town Center General Master Plan, Terms and Conditions, and Off-Site Transportation Improvements Agreement. Mr. Heinsohn seconded the motion. The motion passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Pytel received pictures from Cinda Corl of a dirt pile on her property near the Ferguson Township Elementary School, which she would like to be removed.

Mr. Keough said a resident called him regarding a letter of zoning violation, but has since met with the Zoning Officer and they have resolved the issue.

Mr. Killian said three letters were received in support of the W. College Avenue zoning and four letters against it. He brought up the idea of possibly including the topic of homeowners associations as an agenda item as part of an upcoming meeting to discuss the scope of what to forward to staff.

VII. ACTION ITEMS

1. FERGUSON TOWNSHIP ELEMENTARY SCHOOL LAND DEVELOPMENT PLAN

A variance was granted with conditions for the required buffer yard understory and evergreen plantings. A fence has been required to be installed in lieu of the buffer yard plantings on a portion of the property boundary adjacent to the agricultural use. Storm water remains to be a concern. Cinda Corl has expressed concern about an earthen berm that was built many years ago that she believes has directed more storm water onto her property and precluded storm water to flow downstream across the school district property.

Alan Stewart, Sweetland Engineering, provided a general overview of the proposed plan. He said they recently received some minor comments from PADOT regarding their HOP and are in the process of revising and resubmitting to PADOT. They would like to move this plan forward as quickly as possible.

Mr. Killian asked what the Board's options are to resolve this issue. Mr. Modricker said they could approve the plan the way it is. If there is a civil matter that arises and the berm needs to be removed, it would adversely impact downstream and may have recourse. The Board could delay taking action until the issue is resolved. The Corls will resolve this issue with Mr. Stewart and the school district.

Mr. Heinsohn made a motion to approve the Ferguson Township Elementary School Final Land Development Plan, subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated January 27, 2010. This comes with the acknowledgement that the parties agreed to resolve the issue of the berm. Mr. Stewart said the school district is willing to clean up any recent dirt piles and the general appearance and they will work with the Corls to rectify drainage problems between the two properties as best as possible. Mr. Pytel seconded the motion. The motion passed unanimously. The school district will forward the resolution to staff when one is reached.

2. STATE COLLEGE AUDI SERVICE ENTRANCE LAND DEVELOPMENT PLAN

Ms. Lang said the main thing they need to clean this up is the fact that there was a lot consolidation plan filed in 1989 that was never followed through with. As a result 2 parcels are shown instead of a single parcel. The result of having two parcels there is that one of them is over the maximum impervious surface. They must follow through with the lot consolidation plan. The deed has been written, and just needs to be recorded. The list of remaining items is fairly short.

Mr. Miller made a motion to approve the State College Audi Service Entrance Land Development Plan, subject to completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated January 27, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

3. APPOINTMENT OF AD HOC SECURITY AREA ADVISORY COMMITTEE

Mr. Heinsohn made a motion to approve the appointment of Ralph Wheland, Cecil Irvin, and Larry Harpster as the three active farmers and Bill Keough as the Board representative and Chair to the Ad Hoc Ag Security Area Advisory Committee. The Board will need to appoint a citizen representative. Mr. Keough seconded the motion. The motion passed unanimously.

4. CONSENT AGENDA

- a. Surety Reduction – Crocker West Office Building

All Board members were in favor of approving the Consent Agenda.

VIII. REPORTS

a. Manager

- The Township's web site has received another update called Notify Me. This new feature provides email notification to interested residents on a variety of topics. Once an individual signs up for these alerts they will receive specific information on the topics they choose. The person can edit their specific requests or request to unsubscribe from the service.
- Dr. Robert Snetsinger provided his annual report with regard to the Tudek Butterfly Garden.
- The Township has received correspondence from DC&R with regard to its grant application for Haymarket Park. No grants were awarded in Centre County for any of the community partnership projects.
- The Township was one of 14 out of 94 participating municipalities to receive a Penn Prime grant with regard to workers' compensation claims.

b. Director of Planning and Zoning

INTRODUCTION TO URBAN DESIGN

The Commission spent time reviewing reading material provided by Ms. Lang. There are a number of new Planning Commission members, some who have not been involved in planning in the past.

c. COG Committee Reports

- i. *Transportation and Land Use* – Mr. Pytel said the committee meeting times have been changed. They selected officers. They approved sending Transportation forward into the MPO. He brought up his objection to making a decision regarding the COG Executive Director recommending their delegates. At the MPO they selected officers, then approved a motion to expend money to study the water runoff on N. Atherton Street.

I. MINUTES

1. January 18, 2010 Board of Supervisors Regular Minutes

Mr. Pytel made a motion to approve the January 18, 2010 Board of Supervisors meeting minutes. Mr. Miller seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the February 1, 2010 Regular Meeting at 11:37 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 02-16-2010