

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, March 2, 2015  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, March 2, 2015 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b> Drew Clemson, Vice Chairman	<b>Staff:</b> Mark Kunkle, Township Manager
Steve Miller	David Modricker, Public Works Director
Elliott Killian	Maria Tranguch, Planning & Zoning Director
Janet Whitaker	David Pribulka, Assistant Township Manager
	Ron Seybert, Township Engineer

*Others in attendance included:* Heather Bird, Recording Secretary; Chris Fletcher; R. J. Woodhead and Niki Tourscher, Centre Region Parks and Recreation; Ansusan Brewer, Action Items 1 and 5b; Lisa Strickland; Jim and B. Van Horn, Action Item 1 and 5b; Rachel Fawcett, Affordable Housing Update; Ron Lucas, Rich Keyser, John Sepp, Roxie Nestlerode, Cottages; D. J. Liggett, Centre Region Planning Agency; Jessica and Emily Redmond, Manor Drive Variance; Laura Dininni-Cusumano; Mike Twomley

### II. CALL TO ORDER

Mr. Clemson called the Monday, March 02, 2015, regular meeting to order at 7:00 pm.

### III. PUBLIC HEARING – ORDINANCES

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS: (1) ACCEPTING THE DEED OF DEDICATION FROM PINE HALL ASSOCIATES TO FERGUSON TOWNSHIP FOR THE STREETS IN PINE HALL TTD, PHASE 2A KNOWN AS GATES COURT, GINGER WAY, AND DORNOCH STREET; (2) SETTING MAXIMUM SPEED LIMITS FOR STREETS KNOWN AS GATES COURT, GINGER WAY, AND DORNOCH STREET AT 25 MILES PER HOUR FOR GATES COURT BETWEEN GINGER WAY AND DORNOCH STREET, FOR GINGER WAY BETWEEN OLD GATESBURG ROAD AND THE END OF THE STREET, AND FOR DORNOCH STREET BETWEEN OLD GATESBURG ROAD AND THE END OF THE STREET; (3) ESTABLISHING “RIGHT TURNS ONLY” TO BE PERMITTED AT CERTAIN INTERSECTIONS FOR NORTHBOUND TRAFFIC AT ALL TIMES PROHIBITING LEFT TURNS INTO OR TRAVEL STRAIGHT ACROSS OLD GATESBURG ROAD; (4) MANDATING “STOP INTERSECTIONS” AT GINGER WAY FOR NORTHBOUND TRAVEL AT INTERSECTION WITH OLD GATESBURG ROAD, AT DORNOCH STREET FOR NORTHBOUND TRAVEL AT INTERSECTION WITH OLD GATESBURG ROAD, AT GATES COURT FOR EASTBOUND TRAVEL AT INTERSECTION WITH GINGER WAY, AND AT GATES COURT FOR WESTBOUND TRAVEL AT INTERSECTION WITH DORNOCH STREET; AND (5) ESTABLISHING “PARKING PROHIBITIONS” AT ALL TIMES ON BOTH SIDES OF THE STREET FOR GINGER WAY FROM OLD GATESBURG ROAD TO THE END OF THE STREET, FOR DORNOCH STREET FROM OLD GATESBURG ROAD TO THE END OF THE STREET, AND FOR GATES COURT BETWEEN GINGER WAY AND DORNOCH STREET.**

Mr. Kunkle stated these streets have been inspected and had engineering studies completed for all of the traffic regulations cited in the ordinance. The deeds have been reviewed by the Township Engineer and Solicitor. The streets are ready for acceptance by the Township.

Mr. Killian made a motion to adopt Ordinance #1000 accepting certain streets within the Pine Hall Traditional Town Development and establishing traffic regulations associated with said streets. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Miller: YES; Ms. Whitaker: YES

#### **IV. PUBLIC HEARINGS – RESOLUTIONS**

##### **1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE 2015 TOWNSHIP BUDGET BY INCREASING EXPENDITURES FOR PARKS.**

Mr. Kunkle stated that at the February 17<sup>th</sup> Board meeting the Board announced a 2015 budget amendment. The notice of amendment was advertised on February 23<sup>rd</sup>. The reason for the budget amendment is to record expenditures in the adopted budget for the Westfield / Hillside Farm Estates park project. The total project is \$451,000 with, \$200,000 coming from a DCNR grant, \$200,000 from the Township Capital Improvement Program budget and \$51,000 from parkland fee in lieu contributions. In order to certify the available funds to DCNR these figures must be incorporated into the 2015 Township budget.

Mr. Killian made a motion to adopt Resolution #2015-08 amending the 2015 Township Budget by increasing expenditures for parks. Mr. Miller seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Miller: YES; Ms. Whitaker: YES

##### **2. A PUBLIC HEARING ON A RESOLUTION RE-APPROVING A SEWER PLANNING MODULE FOR THE COTTAGES AT STATE COLLEGE AND THE WHITEHALL ROAD REGIONAL PARK**

Mr. Kunkle stated the Board originally approved this resolution at its meeting on February 2<sup>nd</sup>. Since that time the Department of Environmental Protection Williamsport Regional Office has completed its review of the planning module and required approvals from State College Borough and College Township because portions of the lands affected by the planning module are located in either municipality. Because the module was rejected the applicant requested the Township to reapprove the module to allow for resubmission of a new planning module package.

Ms. Laura Dininni-Cusumano, 784 Beaver Branch Road asked why the sewer planning module would be approved before the development plan is approved? Mr. Kunkle stated the approval of the sewer planning module does not indicate approval of the plan. Ms. Cusumano questioned the process timing. Mr. Kunkle stated the planning module review by DCNR can take 60 months.

Mr. Killian made a motion to adopt Resolution #2015-09 approving the submission of a sewer planning module for The Cottages at State College and the Whitehall Road Regional Park. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Miller: YES; Ms. Whitaker: YES

#### **V. COMMUNICATIONS TO THE BOARD**

Mr. Miller had an email regarding a variance the Board will be looking at later on the agenda.

Mr. Killian had a question about street winter maintenance and he directed them to the Township website.

## **VI. ACTION ITEMS**

### **1. THE COTTAGES PLANNED RESIDENTIAL DEVELOPMENT TENTATIVE MASTER PLAN**

Ms. Tranguch began the discussion by reviewing her memorandum dated February 19, 2015. The Cottages at State College by Toll Brothers is a proposed Tentative Planned Residential Development (PRD) located on three parcels proposed to total 32.13 acres. Two parcels are currently zoned R-4 and under the PRD ordinance can be rezoned to PRD upon the approval of a final Planned Residential Development Plan. The parcel on which the stormwater facilities are proposed is zoned RA (Rural Agricultural) and as such may not be rezoned directly to PRD. Currently the land is in agricultural use, however two of the subject parcels were brought into the growth boundary and rezoned R-4 a number of years ago, indicating that the Township was planning for development on these parcels. The project is located within a Zone 2 wellhead protection area for both of the proximal SCBWA wellfields, which are the Thomas and Harter wellfields, and as such raises concern for potential groundwater resource impacts as a groundwater recharge area. There are also various areas of possible karst geology on site. There is a significant drainage way that runs through this site which is protected by the Township's Riparian Buffer Overlay Zoning District and its Floodplain Conservation zoning provisions. The applicant submitted a Letter of Map Revision to FEMA to amend the floodplain delineation to what is shown on the plan and most recently they have been instructed by FEMA to revise and resubmit the data. The PRD plan proposes a development similar to The Retreat in College Township. It consists of 268 cottage-style units, with an average household occupancy of 4.08 persons per dwelling unit. The applicant proposes to park the development at a rate of .95 spaces per bed. Lots three and four of the development are proposed to be accessed via an extension of Blue Course Drive, which would also provide access and utilities to the proposed Whitehall Road Regional Park. The access road, shared use path, and utilities are proposed to cross the floodplain. There are various types of open space and amenities proposed for the community including more flexible recreational outdoor space as well as a community clubhouse, pool, spa, training facilities, and media lounges. With respect to the riparian buffer area, the applicant has proposed to vegetate the area with recharge-beneficial plantings in exchange for encroaching into this area. The Current State of Negotiations meaning the Terms and Conditions, Ms. Tranguch synopsis at the time the memorandum was written, these Terms and Conditions are currently still changing. Included in the agenda packet are three documents, the latest submission of the Tentative PRD Plan, the remaining review comments, and the proposed Terms and Conditions for the Tentative PRD Plan. As a Planned Residential Development, the Developer and the Township may negotiate for certain items not specifically prohibited in the PRD Ordinance. The Terms and Conditions is a representation of the negotiations to this point. The larger unresolved issues are: Fee in Lieu, Township originally requested \$1,300,000 (an amount that calculates the fee in lieu of parkland based upon 4.08 person per household instead of the typical average of 2.54 persons per household); Traffic, Developer shall bear the cost of improvements identified in the final approved Transportation Impact Study as necessary to mitigate all development impacts at all study intersections. A light at Blue Course Drive and Bristol Avenue is the largest expense and the specific area where agreement does not yet exist and Blue Course Drive Design, The roadway profile through the intersecting Whitehall Road that meets design standards for Collector Roads (2% maximum grade break at the crown of Whitehall Road). The Planning and Zoning Considerations: The intent of the PRD ordinance is also included in your agenda packet. The Planning Commission and the Board of Supervisors will need to determine whether the degree to which the Tentative PRD Plan aligns with these intents and whether the benefit to the Township of that alignment is worth the waivers that the Developer is receiving. These waivers can be found in the Terms and Conditions. Negotiable items from Chapter 27 of the Township Code of Ordinances would normally need to go to the Zoning Hearing Board for a variance hearing, where they would be

judged on a set of five criteria which demonstrate a unique hardship specific to the property, however in the PRD ordinance the Board may grant a waiver to these without the involvement of the Zoning Hearing Board unless the PRD ordinance specifically prohibits something in the proposal. The most significant waivers that are being requested are: Chapter 27-1202 Family Definition, no more than three unrelated individuals per dwelling unit which are not multi-family housing. The Department believes that this would be the first time that the Township would grant a waiver to this provision of the Zoning Ordinance Chapter 27-301 Rural Agricultural District: Stormwater facilities do not meet the intent or use regulations of the Rural Agricultural District; 27-801 Floodplain Conservation, it is unknown whether or not the requested work within the floodplain will negatively impact water resources until review of the crossing design is complete; Chapter 22-502 Design for Streets, the profile of the Blue Course Drive, as depicted, does not meet the maximum grade break change requirement of 2%. This has proven to be an issue in other places in the Township, especially in emergency situations. PennTerra will resubmit the design for review by the Township Engineer. Next area deals with inconsistency with the Regional Growth Boundary, Comprehensive Plan, and Agricultural Security Area. These inconsistencies revolve around the proposal to place stormwater facilities for the PRD on a 5.5 acre parcel (proposed to be subdivided) of Rural Agricultural land outside of the Regional Growth Boundary but supporting land inside of the Regional Growth Boundary. The PA Department of Environmental Protection strongly discourages the Regional Growth Boundary/Sewer Service Area from splitting parcels, as is proposed with the Subdivision and Lot Consolidation Plan associated with the Tentative PRD. The CRPA has recommended that, if the Township proceeds with the Tentative Plan, that it be brought into the Regional Growth Boundary and Sewer Service Area. Placing the stormwater facilities here also does not comply with the Future Land Use Map of the 2013 Comprehensive Plan, which designates this land as agriculture. The plan also does not comply with land use goals seven and eight in the Comprehensive Plan dealing with Agricultural Land. Along the same lines, the proposed 5.5 acre parcel is located in an Agricultural Security Area, which further demonstrates that all land use planning indicates the municipalities and the region intend to keep this parcel in agricultural use. In summary, the Planning and Zoning Department believes that the Tentative Planned Residential Development does not meet the intent of the PRD ordinance to a degree that would warrant waivers to all ordinance sections currently being requested. In addition, any plan that meets the intent of the PRD ordinance but compromises larger land use planning initiatives such as the Regional Growth Boundary, Comprehensive Plan, and Agricultural Security Area clearly does not meet the local or regional intent of land use planning thus should be cautiously reviewed. Ms. Tranguch recommended disapproval of the Cottages at State College Tentative Planned Residential Plan by Toll Brothers due to the inconsistencies with best efforts to effectively plan and zone within the Township.

Mr. Kunkle stated the Board closed the Public Hearing for The Cottages Planned Residential Development Tentative Master Plan on January 5<sup>th</sup>. The deadline for action on this plan is March 27<sup>th</sup>. Mr. Kunkle presented the March 2<sup>nd</sup> Terms and Conditions. There are 23 items included in the Terms and Conditions with a number of sub-items. Mr. Kunkle summarized these Terms and Conditions. See attached "Exhibit A" for full detail from the Terms and Conditions.

Ms. Laura Dinnini-Cusumano, resident, presented her thoughts about this plan. Ms. Cusumano is not in favor of the plan and presented other options for the development of the site.

Mr. Johan Zwart, 420 South Burrowes Street, expressed his dislike for the plan.

Mr. Miller stated the property is zoned R4 and whether the Board approves this plan or another plan, this site will be developed. His opinion is that the Cottages PRD plan is a better option for

the community than a plan submitted under straight R4 zoning. He is concerned with using agricultural land for the detention basin but is also concerned with the process of rezoning the full property to R4 and incorporating into the growth boundary because of the length of time this process would take. This length of time could cause a new plan to be submitted that would be less favorable to the community, therefore using the RA land for the detention basin is the better option.

Ms. Whitaker is concerned with disturbing the land that neighbors wells that 2/3 of State College's water comes from. She does like the plan presented but is very concerned with the communities' water. Mr. Clemson asked Mr. Seybert about the potential for harm to the well fields. Mr. Seybert stated that he is not a hydro geologist. He commented that the risk has to do with the area of influence, how close the site is to the wellfield, being affected by surface water in the wellfield if a sinkhole were to occur. Ms. Tranguch stated wellfield 1 is one mile away from the site and well field 3 is one and a half miles away. Mr. Clemson asked if this is part of the limestone aquifer in the area. Mr. Seybert stated the area is part of the direct recharge for the wellfield. Mr. Modricker stated staff did a field view with staff from the State College Borough Water Authority were invited and they do have a hydro-geologist, who did provide feedback to the Township. Mr. Seybert stated all of the sediment traps used during construction will be lined. After construction the permanent basin will be lined and the recharge basin will not be line. Mr. Clemson stated that no matter what is built on the land water runoff will occur within a mile of the wellfields. Ms. Tranguch reminded the Board that 80% of land in question is zoned R4 and the remaining 20% is zoned RA.

Mr. Killian stated this plan is not perfect but saying no to this plan only rejects this Toll Brothers plan, saying no to this plan does not turn down future plans. His decision was made when the property was rezoned. He does not support that the land was rezoned but this is the best plan for the land.

Mr. Clemson agreed with Mr. Miller and Mr. Killian and stated this plan is the best plan for the rezoned land.

Mr. Miller stated that he liked the options presented by Ms. Cusumano but the Township can't pick the type of hosing to be built on the land. They must look at the plan submitted by Toll Brothers. If a plan was submitted meeting all of the R4 requirements they would have to approve it based on the zoning regulations.

Mr. Killian made a motion to APPROVE The Cottages Planned Residential Development Tentative Master Plan subject to the Findings of Facts and Terms and Conditions, as modified, in the March 2, 2015 Terms and Conditions. The Findings of Fact and Terms and Conditions shall be attached and made a part of the approved March 2, 2015 Board of Supervisors meeting minutes. Mr. Miller seconded the motion. The motion passed by a vote of 3-1 with Ms. Whitaker voting against.

## **2. AFFORDABLE HOUSING UPDATE – D. J. LIGGETT, CENTRE REGION PLANNING AGENCY SENIOR PLANNER**

Ms. D. J. Liggett, Centre Region Planning Agency, stated Centre County needs more affordable housing. Studies were completed in 2005 and 2010 through Centre County and both had the conclusion that there is an affordability gap with housing affecting young professionals, young families and the retired community. The median sales price in State College is \$235,000. The affordable range for housing is between \$127,000 and \$203,000. This makes the assumption that no more than 30% of your gross income goes toward housing cost. This figure comes from the US Department of Housing and Urban development suggesting that if you pay more than

30% of your gross income toward housing cost you are cost burden. This also assumes a 3.5% down payment, 4.5% interest rate and a 30 year fixed rate mortgage. Ferguson Township has addressed the issue of affordable housing by approving an ordinance in 2006, the Traditional Town Development Ordinance, requiring 10% of the housing units be built as affordable housing. The income qualifications contained in the ordinance are 80 – 110% of the Centre County median household income. Median household income is the lowest setting you can have for determining affordability. Does the Township want to preserve the affordability of these homes in the Township? Ms. Liggett presented three approaches for the Township to preserve the affordability of these homes: (1) designate a housing administrator to manager the affordable housing on behalf of the Township (2) municipality acts as housing administrator internally with staff (3) a hands off approach a once and done. Ms. Liggett discussed option one and using the Centre County Housing and Land Trust as the housing administrator. The Trust has many years of experience in dealing with affordable housing. The program would offer consistency not only in Ferguson Township but across Centre County. The Centre County Housing and Land Trust partners with the State College Borough, the State College Community Land Trust, Habitat for Humanity Housing Transitions and the Centre County Housing Authority. There are four key stewardship services which include: consultation with the municipality and developer, homebuyer qualifications, monitoring and resale assistance. These four items would be the minimum level of service to ensure that the affordable housing units stay affordable.

Ms. Rachel Fawcett, Executive Director – Centre County Housing and Land Trust, reviewed what the keys to success actually mean. Meeting with the municipality and developer would set home prices, make sure they are affordable, ensure there is a market for those homes and verify consistency with municipal regulations. Homebuyer qualifications would look at bare minimum income qualifications, provide education and budget counseling to homebuyers and have multiple checks on the deed restrictions ensuring the homebuyer understands the restrictions. The Centre County Housing and Land Trust would be responsible for monitoring of these homes. Annually they would verify home is still owner occupied. The final key is resale assistance which would include a value calculated at 1.75% compounded annually for the appraisal value and would take into consideration any improvements. The Trust would also assist with marketing for the sale of the home. Would Ferguson Township like to preserve affordability and would the Township like to pursue?

Mr. Killian stated he is very supportive of this. He asked how many homes the Land Trust currently serves. Ms. Fawcett stated currently the Land Trust has 12 homes under a ground lease not a deed restriction. Mr. Killian asked what the next step would be. Ms. Liggett stated that the Township would want to look at the Traditional Town Development Ordinance. Mr. Killian asked what is being done on affordable housing for non-homeowners. Ms. Liggett stated it is a big concern in Centre County. Other municipalities currently have provisions to allow for affordable rentals.

Mr. Miller commented about the non-continuity in ordinance. He stated that the Board at the time struggled to get affordable housing into the ordinance and limited the information. The current Board is ready to move forward. He stated affordable homeownership begins to tackle the home issues in the area but there are big problems with the rentals.

Ms. Whitaker asked about tenant farming. Ms. Liggett is not currently aware of any issues with tenant farming.

Mr. Kunkle reminded the Board about the affordable housing and the Terraced Streetscape District.

Mr. Clemson asked about the cost of these services. Ms. Liggett stated there would be no cost to set up but there would be a cost for the services provided by the Centre County Housing and Land Trust. At this time the cost is approximately \$1800 to \$2000 per house and at this time may be added to closing costs.

### **3. CONTRACT 2015-C13 STREET TREE PLANTING**

Mr. Modricker stated on Tuesday, February 24<sup>th</sup> bids were opened for Contract 2015-C14 Street Tree Planting. This contract included an alternate A and alternate B, the alternates provided for 1 ½ inch trees and 2 ½ inch trees for Chestnut Ridge Manor to allow the homeowners association to pay the difference in cost for the larger tree. The association has indicated a desire to pay the additional cost. The following bids were received: Greene's Landscape Inc. \$25,745, Behrer \$25,986, Landscape II \$27,610, Cramer \$28,538, Ameron \$35,390, Richardson \$60,862.50 and Penn Landscape \$62,175. The budget for tree planting in 2015 is \$50,000. The engineer's estimate for this contract is \$28,115.20. Mr. Modricker recommended that the Board of Supervisors award Contract 2015-C13, Street Tree Planting, to Greene's Landscape Inc. in the amount of \$25,745. Mr. Killian asked if this contract was reviewed by the Tree Commission. Mr. Modricker stated it was.

Mr. Killian made a motion to AWARD Contract 2015-C13 Street Tree Planting to Greene's Landscape Inc. in the amount of \$25,745. Mr. Miller seconded the motion. The motion passed unanimously.

### **4. VARIANCES**

#### **a. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, 5521 WEST WHITEHALL ROAD**

Mr. Kunkle stated the variance request was filed by Cellco Partnership d/b/a Verizon Wireless, for property owned by J & M Kocher Family Limited Partnership II located at 5521 West Whitehall Road. The variances are being requested are: (a) to allow placement of the communication facility closer than 500 feet from adjacent property lines (b) a variance to waive requirements of landscaping along the entire perimeter of the security fence (c) a variance to allow portions of the 20 foot access road within the floodplain. This project proposed to construct a 190 foot monopole having overall height of 199 feet, an 11 ½ foot by 30 foot prefabricated equipment shelter and an 8 foot chain link fence all on a leased area with a size of 125 feet by 125 feet containing an area of 15,625 square feet located in the RA Zoning District. The tower will provide service for the western part of the Township.

Mr. Killian made a motion to REMAIN NEUTRAL on the Cellco Partnership d/b/a Verizon Wireless variance application. Mr. Miller seconded the motion. The motion passed unanimously.

#### **b. NANCY DOYLE, 1752 MANOR COURT**

Mr. Kunkle stated the applicant requested a variance with regard to placement of a 10 foot by 12 foot accessory building storage shed that exceeds the maximum height of 10 feet. The applicant was advised that a building permit was not necessary. The Zoning Officer was made aware that the storage shed exceeded the maximum height. Ms. Tranguch stated that she informed Ms. Doyle that a permit was not necessary for small accessory structures. She presented Ms. Doyle the regulations. The shed purchased was 10 ½ feet tall.

Ms. Jessica Redmond, neighbor, stated that she does not feel that staff error is a good enough reason to grant a variance. The shed is located on the corner of Ms. Doyle's lot and neighboring Ms. Redmond's property.

Ms. Emily Redmond, neighbor, stated that in 8<sup>th</sup> grade social studies she is learning about the rights and responsibilities of citizens. She stated one of the responsibilities is to follow the law and this shed does not follow the law. This is giving the rights to one person.

Mr. Clemson stated that people request a variance because there are exceptions to the law. The variance will be determined at the Zoning Hearing Board.

Mr. Miller stated that he would like to remain neutral on this item.

Mr. James Van Horn, resident, stated more than one mistake was made, with opportunities to correct the error.

Mr. Miller made a motion to REMAIN NEUTRAL the variance request of Nancy Doyle, 1753 Manor Court, for a shed height of 10 feet 10 ½ inches high based upon a staff error. Ms. Whitaker. The motion passed unanimously.

## **5. CONSENT AGENDA**

Mr. Killian made a motion to APPROVE the consent agenda which included the State College Borough Water Authority Intent to submit an application to the Pennsylvania Department of Environmental Protection for a water storage tank located at 2180 Old Gatesburg Road and a time extension for 1000 West College Avenue r seconded the motion. The motion passed unanimously.

## **VII. REPORTS**

### **1. Manager**

Mr. Kunkle stated the Township has received an inquiry regarding the possible liquor license transfer for a new restaurant planned for North Atherton Street. At this time the Township is unaware of any licenses being available within the Township. The Township has participated in the Pennsylvania Municipal Health Insurance Cooperative for several years now. Each year based on the amount of claims paid as compared to the health insurance premium paid PHMIC calculates each member's dividend, if any. During 2014 the Township had a dividend of \$110,000. This is a significant return of health insurance premium paid and represents 20.6% of the total \$533,744 paid in health insurance premiums. Mr. Kunkle conducted an annual employee meeting on Friday, February 20. The meeting covered recognitions of employees for longevity, recipients of Health Retirement Savings awards, review of the township's harassment policy, a safe work place presentation, a presentation on stormwater good housekeeping and upcoming township and employee events. The Township was awarded a PennPRIME Loss Control Grant in the amount of \$2,000 to purchase a new table saw and extender. Mr. Kunkle stated the anticipated date for the 2015 open house is May 14<sup>th</sup>.

Mr. Killian asked what will happen to the dividend of \$110,000. Mr. Kunkle stated approximately 91% will be returned to General Fund and 9% will be returned to the employees.

### **2. Public Works Director**

Mr. Modricker commented about the table saw grant received. The saw is designed to stop when it senses a hand in the path increasing safety. The Rosemont Drive / Selders Circle drainage bids were opened and are still being reviewed and a recommendation will come at the next meeting. The Circleville Road and Park Lane paving projects had an open house tonight and the bids will be opened March 10<sup>th</sup>. The fuel and asphalt/aggregate bids are currently out. The Piney Ridge Paving project has an upcoming open house. Kansa Avenue will have drainage improvements. The residents have water pooling at the end of driveways and funds



are not included in the budget. Residents have requested this to be fixed along with the project. The department continues with winter maintenance which did not allow for the start of brush and leaf collection.

### **3. Planning and Zoning Director**

Ms. Tranguch stated the Planning Commission only discussed the Cottages as discussed earlier on this agenda. Staff currently has 11 plans under review with 9 remaining to be heard by the Board.

### **4. COG Committee Reports**

#### **a. Transportation and Land Use**

Mr. Miller stated they met today and reviewed ongoing projects with the planning office. The meeting next month will be a joint meeting with Centre Region Planning Agency. The committee was updated on the bicycle coalition application status. A survey will be completed to receive input from the community on bicycle amenities. Affordable housing and economic development are on the priority lists.

### **5. Other Non-COG Regional Committees**

#### **a. CCMPO**

Mr. Miller stated this is currently a slow period. This is between the two year funding plan and beginning on the next funding plan. This meeting was a recap meeting.

## **VIII. MINUTES**

Mr. Killian made a motion to APPROVE the February 17, 2015 Regular Meeting Minutes with the following corrections:

- under Communications to the Board where Mr. Killian stated "the property owners were permitted to use the basin as an ice rink" should be changed to "the property owners used the basin as an ice rink"
- under Public Services and Environmental where Mr. Killian stated "The committee also made City Green their unofficial advisory committee" should be changed to "The committee received a report from City Green, their unofficial advisory committee"

Ms. Whitaker seconded the motion. The motion passed unanimously.

## **VII. ADJOURNMENT**

Mr. Killian made a motion to ADJOURN the meeting. Ms. Whitaker seconded the motion. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Clemson adjourned the regular meeting at 9:35 pm.

Respectfully submitted,



Mark Kunkle, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 03/16/2015

## Conditions of Approval

These Conditions of Approval of the tentative approval of The Cottages at State College Planned Residential Development (the "Cottages PRD") Tentative PRD Plan by Toll Brothers dated October 1, 2014 and last revised December 12, 2014 (the "Tentative Plan").

### I. Number of Unrelated Individuals per household

The total number of dwelling units in the development shall be 268, consisting of 1, 2, 3, 4, and 5 bedroom dwelling units. The total number of residents permitted in the entire development at any one time shall be no more than 1,093 people, and no more than 5 unrelated persons shall be permitted to reside in any dwelling unit within the development resulting in an average of 4.08 persons per dwelling unit.

### II. Riparian Buffer Regulations

- a. The riparian area along the primary drainage way through the property shall be vegetated according to the final landscape plan prepared by Dan Jones. The final landscape plan shall be submitted during The Cottages Final PRD Planned Residential Development Plan (the "Final PRD Plan") review showing in detail the specific vegetation proposed to be used within and parallel to the Drainage Easement, which final landscape plan shall be subject to Township approval.
- b. All trees and other vegetation shown as part of the Final PRD Plan shall be properly maintained and remain on the property indefinitely. Any dead, diseased or dying trees or other vegetation shall be replaced by the property owner within twelve (12) months.
- c. The property owner shall maintain the vegetated riparian buffer area. In order to encourage recharge and infiltration, the entire riparian buffer and floodplain area shall remain in a natural state and is to be mowed at least once a year, but not more than twice a year. Only aquatic labeled herbicides or a pesticide applied by a licensed applicator is permitted.

Prior to herbicide or pesticide application a formal written request must be submitted to:

State College Borough Water Authority Executive Director

This request is to include:

- i. SDS sheets for each chemical
  - ii. The amount of each chemical to be stored on site
  - iii. SCBWA shall review the request and respond within two (2) weeks, failure to provide a response to the submission shall be deemed approval.
- d. Maintenance of the buffer area shall be outlined as part of the Stormwater Management Site Plan maintenance requirements, and included in the recorded Stormwater Maintenance Agreement.

### III. Stormwater Management

- a. Erosion and Sedimentation (E&S) Control
  - i. The primary infiltration Basin B and Forebay shall not be used for E&S Controls.

- ii. Temporary sedimentation basins shall be lined to reduce the risk of sinkhole formation during construction.
- b. All on-site drainage swales shall be designed, constructed, and maintained as water quality swales (Low Impact Development “LID” practices) and incorporated into the Stormwater Management Site Plan.
- c. Any area designated for soil amendments or restoration shall be designed and constructed in accordance with Pa. Stormwater Best Management Practices (BMP) Manual, BMP 6.7.3 “Soils Amendment and Restoration.”
- d. The Point of Interest for analysis of Stormwater discharge shall:
  - i. Be at the property line near the discharge point from Basin B, or
  - ii. at a point downstream of the property on the adjoiner’s land with consent from the adjoiner for the additional discharge above pre development condition, along with analysis demonstrating that any increased flows are non-erosive.
- e. The primary function of rate and volume control for the site shall be in separate facilities.
- f. The outfall pipe and level spreader for Basin B shall be located to discharge to the natural drainage swale and be located entirely on this property. The level spreader shall be designed in accordance with current Pa. DEP design guidance for level spreaders as documented in Appendix G of the Erosion and Sedimentation Control Program Manual. A 10 year storm shall be used for the level spreader design.
- g. All BMPs used for infiltration/water quality treatment shall utilize an amended soil layer for enhanced pollutant removal.
- h. The Property Owner shall be solely responsible for maintaining and ensuring the proper functioning of the Stormwater Management facilities, as required by the Ferguson Township Stormwater Management Ordinance. If a sinkhole or accelerated erosion occurs on the adjacent downstream property that is determined by the Township Engineer to be a direct result of a failure or improper maintenance of the on-site Stormwater Management facilities as approved on the Final PRD Plan, Property Owner shall repair any such sinkhole or accelerated erosion, subject to the affected downstream property owner granting permission, at no cost, to Property Owner to make such repairs.
- i. The Township shall allow the Stormwater facilities associated with serving the PRD to be located on land zoned Rural Agricultural not included with the PRD subject to the approval of The Cottages at State College Subdivision and Lot Consolidation Plan dated January 7, 2015. Approval of this plan shall occur concurrently with the approval of the Final PRD Plan.
- j. The developer shall be responsible to pay for the Township’s cost of inspection of stormwater basin construction of Extended Detention Basin A and Infiltration Basin B or other required BMPs, as stipulated in the Ferguson Township Stormwater Management Ordinance.
- k. As required by the Ferguson Township Stormwater Management Ordinance, the Applicant will engage a qualified engineering firm that will have representatives present at critical stages of construction in order to provide the as-built record plan certification.

#### IV. Floodplain Conservation

- a. The Tentative PRD Plan depicts a revision to the Federal Emergency Management Agency (FEMA) designated floodplain. This revision has been submitted to FEMA as a Conditional Letter of Map Revision (CLOMR) and is currently under review. The Final PRD Plan design shall reflect the approved FEMA floodplain; whether this is the current mapped floodplain or approved revised floodplain.

- b. The excavation/embankment for Infiltration Basin B and Blue Course Drive improvements shall be permitted to encroach into the floodplain buffer; (labelled as the Drainage Way Protection Easement on the Tentative Plan sheet 4 of 17 and as modified by the Final PRD Plan) however no other grading shall occur within the floodplain.
- c. The Tentative PRD Plan depicts grading within the floodplain buffer. Grading or construction activity will be limited to that activity necessary to landscape the drainage way as shown on the landscape plan of the Final PRD Plan and to construct the proposed Blue Course Drive extension and associated improvements across the floodplain and Infiltration Basin B. The crossing of the floodplain for the construction of Blue Course Drive shall be permitted.
- d. The width of the drainage easement shall encompass the full designated floodplain.

#### V. Construction Processes

- a. All public improvements related to Blue Course Drive shall follow Township requirements for construction and inspection.
- b. Prior to construction, a temporary plastic, bright colored construction fencing will be placed parallel to the drainage way along the limits of disturbance as approved on the Final PRD Plan. This fencing will delineate the area which will not be disturbed during construction. The developer will maintain the construction fence and repair any damage in a timely fashion.
- c. Construction vehicles will not enter the area beyond the limits of disturbance protected by the temporary fence, except that low ground pressure equipment limited to track equipped skid steer can be used to install the landscaping as shown on the final PRD plan. Any area protected by temporary fence where this condition is violated will have soil restorative techniques performed in accordance with the Pennsylvania Stormwater BMP Manual Section 6.7.3, prior to landscaping.

#### VI. Multiuse Path along Blue Course Drive

- a. This path shall be maintained clear of snow and ice by the property owner in accordance with same requirements for sidewalks as stipulated in Chapter 21, Part 2 "Sidewalks" of the Ferguson Township Code of Ordinances. Subsequently, the Township shall have the ability to follow enforcement procedures as stipulated in that Part. The multiuse path shall be designed to comply with all requirements of American Association of State Highway and Transportation Officials (AASHTO) "Guide for the Development of Bicycle Facilities," 2012 Fourth Edition, including but not limited to grading and clear zone requirements.
- b. The multiuse path shall be contained within the right-of-way for Blue Course Drive or additional right of way or easement shall be provided to accommodate the multiuse path.
- c. A capacity analysis meeting AASHTO requirements shall be provided to support the proposed path design. The path design will be modified as needed during the Final PRD Plan approval process to meet the approved capacity analysis.

#### VII. Parking

- a. The parking rate for the Tentative PRD Plan is 0.95 spaces per bed.
- b. Only one parking permit shall be provided to each tenant with enforcement and illegally parked vehicles being towed.
- c. Delineated visitor parking spaces shall be included on site with enforcement and

- illegally parked vehicles being towed.
- d. The number of designated parking spaces provided for bicycles shall be at a rate of 1 space per unit for a total of 268 spaces.
- e. The bicycle parking spaces shall be located throughout the development so they are conveniently accessible to residents in all units.

#### VIII. Fee in Lieu

The Applicant shall make a \$800,000.00 contribution to the Township, as payment of a fee in lieu of parkland or construction of recreation facilities attributable to the Cottages PRD. The total amount of the \$800,000.00 contribution shall be payable one-half (\$400,000.00) concurrently with the recording of The Cottages Final PRD Plan and the balance (\$400,000.00) shall be payable to the Township on or before the date the first zoning/building permit is issued.

#### IX. Transportation Improvements

- a. The Applicant, at its sole cost, shall provide all design, inspection and construction of transportation improvements as required to mitigate all impacts identified in the final approved Transportation Impact Study submitted for the Cottages PRD Application, or as shown on the Tentative PRD Plan, in order to provide safe and efficient access to the Cottages PRD and Whitehall Road Regional Park per its land development plan last dated February 25, 2014, including but not limited to the following:
  - i. Extend Blue Course Drive from Whitehall Road to a round a bout at the northeast corner of the future Whitehall Road Regional Park.
  - ii. Convert the signalization at the intersection of Whitehall Road and Blue Course Drive to handle the addition of the extension of Blue Course Drive connecting to the intersection thereby creating a southern leg to the intersection.
  - iii. Construct a driveway access to Whitehall Road between Tax Parcels 36-028-11C and 36-028-13.
  - iv. Construct the Blue Course Drive extension within the existing and proposed Township right-of-way.
  - v. Construction of all improvements at the intersection of Blue Course Drive and Bristol Avenue to install a traffic signal in accordance with Township and PennDOT requirements. Any additional right-of-way needed to accommodate the design to enable a safe, smooth turning movement of a bus, single unit vehicle and a combination vehicle shall be acquired by the Township at no additional cost to the Applicant.
  - vi. Construction of any other improvements, re-timing, re-phasing, etc. as required at any other study intersection as determined in the final approved TIS. The Applicant agrees that Certificates of Occupancy for the Cottages PRD (the "COs") will be withheld if the installation of the transportation related improvements are not completed, or adequate financial surety posted, at the time of first dwelling unit occupancy.
- b. All improvements on and access to Whitehall Road shall require the issuance of, be subject to, and follow the design authorized in a highway occupancy permit (the "HOP") from PennDOT. The Township shall cooperate with Applicant and sign applications for any traffic signal or highway occupancy permits from PennDOT. The

Township will not apply for a drainage permit.

- c. The Applicant shall secure the necessary PennDOT Highway Occupancy Permit for accesses to Whitehall Road, updated traffic signal permits, and any other necessary permits to construct all required transportation improvements. The permits shall be obtained prior to recording of the Final PRD plan.
- d. Applicant shall enter into a Development Agreement with the Township with respect to the above improvements.

X. Phasing

- a. All site work and all site amenities, excluding housing units, shall be completed in one phase. Any change in phasing shall require Township approval. Any site work and amenities not complete at time of occupancy shall have surety posted with the Township

XI. Public Transit

- a. Unlimited use CATA passes (for routes that service the Project and have a destination to University Park campus) shall be provided to each tenant at no additional cost.
- b. The property owner shall enter into agreements for service with CATA and provide reasonable amenities to meet the service demands as set forth in XI herein.
- c. The site shall be designed to accommodate the largest CATA buses to enter and exit the site as well as circulating through the site to provide the required service to meet the demand.
- d. The Applicant shall provide the following bus stop amenities: shelters, high-speed data service to support real-time bus arrival/departure sign, power supply, benches, trash and recycling receptacles, lighting, and signing.
- e. Maintenance of the bus shelter and related amenities shall be the property owner's responsibility unless accepted by CATA.
- f. The tangent section of the curb for the bus pull-off located near the southern end of Blue Course Drive shall be 60 feet long. This is the minimum length for bus pull-offs.
- g. Applicant shall provide a bus stop with pull-off on the western side of the access driveway to Whitehall Road in accordance with CATA requirements.

XII. Ownership and Approvals

- a. A recorded subdivision Plan for the Stormwater parcel shall be a condition of Final PRD Plan recording.
- b. All areas to be offered for dedication shall be shown on the subdivision plan.
- c. All property on the Final PRD Plan shall be under single ownership at the time of recording of the Final PRD Plan.
- d. All tracts of land included in this PRD plan shall remain under common ownership. If the project comes under the ownership of more than one entity there will be formed an Association, (Condominium Association, Commercial Owners Association or Residential Owners Association), whichever is appropriate given the circumstances. The Association will be responsible for maintenance and repair of all common areas inclusive of the storm water management facilities. Such change of the approved PRD plan requires resubmission of a new PRD plan to the Township.

XIII. Recording:

- a. The recording of all documents including but not limited to The Cottages Subdivision

and Lot Consolidation Plan, deeds, easements and Final PRD Plan with the Office of the Recorder of Deeds of Centre County shall occur after all approvals are obtained, financial security is posted under Condition XXIII. This is pursuant to MPC 711 (d) and 513 (a).

XIV. Fire Protection

- a. All buildings shall be sprinklered. Sprinkler systems shall be designed in accordance with NFPA standards.

XV. Blue Course Drive Design.

The Final PRD plan shall depict a roadway profile through the intersecting Whitehall Road that shows based on accepted road design criteria, that the intersection can be crossed safely at a speed of 30 MPH subject to approvals of PennDOT, State College Borough and Ferguson Township. The profile shall also respect the slope requirements for cross walks and all other slope or grade requirements-

- a. The design of the intersection of Blue Course Drive and Whitehall Road shall accommodate all bus turning movements without encroaching into an opposing lane. Intersection radii and curb tapers will be provided as necessary.
- b. The travel lanes on Blue Course Drive where there is a median shall be 13 feet wide
- c. At the southern terminus of Blue Course Drive, a modern single lane roundabout shall be provided that meets all design criteria in accordance with AASHTO and PennDOT standards using a CATA bus as the design vehicle for the circulatory roadway and a WB-40 for the truck apron. A potential future southern extension of the street shall be evaluated as part of the design, although not constructed, to make sure the park driveway location will accommodate a future extension of the street. Additional right of way as needed shall be offered for dedication and shown on The Cottages at State College Subdivision and Lot Consolidation Plan dated January 7, 2015
- d. Street Lights
  - i. Street lights shall be provided along Blue Course Drive to provide at least 0.5 foot candle lighting at all driveway accesses, pedestrian crossing locations, and the bus pull-offs and passenger waiting areas.
  - ii. Light fixtures shall be Hadco, Hagerstown LEDGINE Post Top (TX03 80 B A 1 A 3 N N A N S).
  - iii. Poles for mounting light fixture shall be Hadco (P4030 12 A T G).
  - iv. A lighting control panel as manufactured by Milbank shall be provided with full control of the lighting and electrical circuits. Separate circuits shall be supplied for lighting and electrical receptacles. A central photocell shall be provided at the panel to control all of the light fixtures. A timer shall be provided at the panel for the electrical circuits. Control panel shall be powder coat painted black.
  - v. Junction boxes for electrical distribution shall be Highline Composite Handhole Assembly Model CHA101518.
  - vi. Lighting and electrical distribution plan shall be sealed by a qualified professional.
  - vii. Lighting required at the intersection of Whitehall Road and Blue Course Drive shall be accommodated with typical fixtures installed with the signal poles. Based upon a lighting design with a minimum of 0.5 foot candle lighting, the existing light fixtures may need to be revised to accommodate the new pedestrian crossings.

- e. The unidentified large diameter pipe that is intended to convey storm water runoff from Lot 3 to the Extended Detention Basin A shall be moved outside of the Blue Course Drive right of way and kept completely on Lot 3.
- f. Bus Pull-Offs
  - i. Consistent with other bus pull-offs served by CATA, the property owner shall be responsible for all maintenance of the bus pull off areas. Maintenance to include but not limited to: clearing of snow and ice, pavement sealing, patching, curb repair/replacement and repaving.
  - ii. The adjacent concrete pads for waiting passengers shall extend the full length of the tangent section of the curb.
  - iii. A bus pull-off shall be provided for all CATA bus stops along Blue Course Drive.

XVI. Municipal Boundary Line between Tussey View Estates and The Cottages PRD. A written agreement between Tussey View Estates and the Applicant shall acknowledge the fence and landscaping between the adjacent properties along the shared boundary line between Centre County Tax Parcel 19-019-,065-,000 and Centre County Tax Parcel 24-004-,076-,000 as shown on the Final PRD Plan and provide for the termination of the access easement, which shall be a condition of Final PRD Plan approval and recorded after the Final PRD Plan is recorded.

- a. A stipulation resolving Centre County Civil Action Case No. 2013-2622 shall be provided to the Township for review for submission to the Centre County Court of Common Pleas for final disposition. A final Court Order shall be provided to the Township officially establishing the municipal boundary along the common property line between Tussey View Estates and The Cottages PRD prior to Final PRD plan recording. If a Court Order establishing the municipal boundary between College Township and Ferguson Township is established at a location other than the common property line between Tussey View Estates and The Cottages PRD then the Tentative PRD Plan and Final PRD Plan shall also be approved by College Township.

XVII. On-Site Management

- a. A supervisory employee of the company responsible for property management will live at The Cottages PRD.

XVIII. Adjoining Property Owner Coordination-

- a. The 90-foot Blue Course Drive Right-of-Way Extension, before it is accepted by Ferguson Township as a public street, shall provide access for the regional park. If the Blue Course Drive access is not available, then Applicant will coordinate with Township for the continued use of a 20 foot wide temporary access easement to the regional park that is located on lot 4 to the benefit of lot 6 and 2RRRR noted in Plan Note No. 8 of the "Penn State University Whitehall Road Six Lot Final Subdivision Plan" (dated June 6, 2007). This access shall be maintained in a passable condition for all users until acceptance of Blue Course Drive as a public street. This access easement and use is further defined in The Declaration of Access Easement recorded at R-2005 P 0643 in the Office of the Centre County Recorder of Deeds. Alternatively, Applicant can provide alternate access on adjacent State College



Borough Water Authority property with approvals of the Authority and the owners of Lot 6 (UPI 24-4-94G) and Lot 2RRRR (UPI 24-4-94).

- b. The sidewalk on Whitehall Road shall be installed within the Whitehall Road right-of-way along the frontage of the adjacent property (UPI 36-28-11F) at Applicant's expense. Sidewalk construction subject to property owner of UPI 36-28-11F providing any necessary temporary easements.
- c. Grading and utilities to accommodate the proposed development as well as Blue Course Drive improvements shall occur on the adjoining regional park property (UPI 24-4-94G). The grading shall be revised as approved by the Township. Evidence of grading approval from the Centre Region Parks and Recreation and their consultant shall be provided with Final PRD Plan.
- d. Although not shown, elevations as proposed on the Tentative PRD plan for the Extended Detention Basin A will result in grading on the adjoining PSU owned parcel (UPI 24-4-94). Evidence of approval from PSU needs to be provided prior to Final PRD plan approval.
- e. The Final PRD Plan shall show access to the adjoining property (UPI 36-28-11C) to the driveway that accesses Whitehall Road. Applicant agrees, as a condition of Final PRD Plan approval, that it will allow access to the adjoining property via this driveway.

XIX. Sanitary Force Main

- a. The design of the force main shall meet the requirements of Chapter 21, Streets and Sidewalks; as well as Chapter 25, Street Tree Ordinance.
- b. The Ferguson Township Public Works Department shall issue a highway occupancy permit for the force main installation along Stonebridge Drive upon submission of a complete application for such a permit in accordance with provisions of Chapter 21, Streets and Sidewalks. The location of the force main will be reasonably adjusted as needed to obtain the permit. The permit shall be issued upon recording of the Final PRD Plan.

XX. The Final PRD Plan shall comply with all other Township Ordinances.

XXI. The Final PRD Plan shall comply with all of the requirements of the PRD District of the Township Zoning Ordinance for the submission of a Final PRD Plan, and shall substantially conform to the Tentative Plan.

XXII. Pool Security

- a. The pool and hot tub located outside of the community clubhouse shall be secured by a 6 foot high fence and comply with any applicable law or regulation of the Commonwealth of Pennsylvania.

XXIII. As a condition of Final PRD Plan approval Applicant shall post financial security with Township for all public improvements not otherwise posted with outside agencies such as with PennDOT.

The Cottages at State College Final PRD Plan shall be subject to all outstanding plan review comments generated during the Tentative PRD Plan review. Plan review comments on the Final PRD Plan will address plan details not already addressed on the Tentative PRD Plan.