

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

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

I. ATTENDANCE

The Board of Supervisors held its first meeting of the month on Monday, March 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; Bob Poole and David Palmer, S&A Homes; Tony Fruchtl, Penn Terra Engineering; Cecil Irvin; Steve Teets, Edens & Avant; Richard Shore; Pam Steckler and William Hechinger, 127 Hoy Street; Christeen Kisslak, 2427 Saratoga Drive; Lisa Copenhaver; Ed Crow, spokesman for Nature Education Center advocacy group; Kyle Merdi, 2495F Saratoga Drive; Sean Miller, 2495E Saratoga Drive; Ronald Danner; Mark, Liam, & Joan Geleskie, 370 Selders Circle; and Donna L. Litke, 1245 Westerly Parkway.

II. CALL TO ORDER

Mr. Killian, Chairman, called the March 1, 2010 Regular Meeting to order at 7:02 pm.

III. CITIZEN'S INPUT

Pam Steckler, 127 Hoy Street, addressed the W. College Avenue proposed rezoning.

- Mature trees should be protected unless a 20-foot buffer is instituted.
- She asked how a building with 15-foot floors can be LEED certified.
- Protection from offensive businesses – She sees the proposed zoning as taking away current protections. She suggested creating a new commercial zone, which could prohibit certain uses, as well as require mixed-use structures, encourage green initiatives, and address parking in a more environmentally protective manner.
- Leaping into a massive change could lead to a non-cohesive area. She urged the Board to rethink this plan.

Bill Hechinger, 127 Hoy Street, provided reasons why he and Pam Steckler prefer the current zoning.

- With a zero setback, things will be destroyed. The area is rocky, and blasting will damage homes.
- The new zoning district could have some kind of variance procedure where builders could build next to each other.
- The BOCA code affects occupancy of buildings. He suggested that the Township have its own regulations regarding how many occupants are allowed in apartments.
- If the Township wants quality construction, he suggested they verify the materials and insurance.
- The TS zoning manual tells people how everything is supposed to look and feel. He suggested that the Board should also tell people how things need to be built (what needs to happen when they blast, or when they destroy something on someone's property).

Mr. Killian noted that the proposed TS zoning district was referred to the Planning Commission for their review and comment.

Donna Litke, 1245 Westerly Parkway, addressed the issue of a potentially dangerous intersection – W. College Avenue/Blue Course Drive. She said traveling southeast on Blue Course Drive, and trying to cross W. College Avenue, there are 3 lanes – one going left and one going straight, both clearly marked, as well as a right turn/straight lane that is not clearly marked. She suggested painting more distinct markings on the road to make the right lane a “right turn only” lane. She urged the Board to consider this matter.

Mr. Modricker showed the intersection on a map and described the signage. The intersection is signed properly. There have been no accidents in the past three years related to merging at this intersection.

Ronald Danner, Shellers Bend, agreed that this is a dangerous intersection. He does not believe two “straight ahead” lanes are required. The real issue is safety. There is a very short distance in which to merge on the other side of the traffic light. He urged the Board to consider a possible solution for this intersection. Mr. Killian said, if the merge does not happen here, then it would happen before the traffic light. Mr. Modricker said at some point two lanes have to merge into one, either before the intersection or after. He said this intersection could be looked at further and he could make a recommendation regarding a “right turn only” lane.

Mr. Modricker clarified that the “level of service” is the amount of delay experienced when going through an intersection. Mr. Keough said he appreciates maximum signage and believes another study could help clarify the action drivers should take at this intersection. He is not in favor of putting up a dedicated pole with a dedicated arm to designate signs and lanes, but maximizing ground signs could improve clarity if there is a reasonable solution. Mr. Killian asked why there is not a straight arrow/right turn arrow painted in the right lane. Mr. Modricker cannot remember if that was planned for or not. He said if the issue is that drivers want to get rid of the option to go straight from the right lane, that is a bigger issue than he anticipated, and would require another traffic study. Any changes made would require a revised traffic signal from PADOT.

Mr. Modricker said he can look at this intersection for various types of safety improvements. Mr. Danner suggested that if people have the ability to turn right immediately from the right lane, it would improve the level of service. Also, the merge problem is that after the intersection there are only 300 yards to merge. Drivers could adjust better to signs well in advance of the intersection. Mr. Pytel asked if it is standard to merge left or to merge right. Mr. Modricker said in this case the signage is such that it is appropriate to merge left.

Mr. Miller and Mr. Killian are okay with the intersection the way it is, but the majority of the Board would like this to be studied further. Mr. Modricker will report to the Board on potential intersection safety improvements, as well as merge and signage options.

IV. PUBLIC HEARINGS – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 12 SOCIAL SECURITY, PENSIONS, AND RETIREMENT, SECTION 1225 DEATH BENEFIT OF THE FERGUSON TOWNSHIP OF POLICE**

RETIREMENT PLAN ("PLAN") AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2005 AND REVISED THROUGH OCTOBER 15, 2007, THE EMPLOYER, THE TOWNSHIP OF FERGUSON, HEREBY AMENDS THE PLAN TO COMPLY WITH ACT 51 OF 2009, THE EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT. THIS AMENDMENT SHALL BE EFFECTIVE AS PROVIDED HEREIN. THIS AMENDMENT SHALL SUPERSEDE THE PROVISIONS OF THE PLAN TO THE EXTENT THOSE PROVISIONS ARE INCONSISTENT WITH THE PROVISIONS OF THIS AMENDMENT.

Mr. Kunkle said this brings the Township's Police Pension Plan into compliance with state law, but also reduces the potential liability that would be imposed on the Police Pension Plan if an officer was killed in service.

Mr. Pytel made a motion to adopt Ordinance 931, amending the Police Pension Plan by removing from the plan the killed in service benefit in accordance with Act 51 of 2009. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

V. PUBLIC HEARING – RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008**

Mr. Kunkle said this keeps the Township in compliance with the record retention and disposition schedule, as well as the Acts of July 16, 1993 and December 16, 2008. This is done annually.

Mr. Heinsohn made a motion to adopt Resolution 2010-6, authorizing the disposition of specific public records. Mr. Pytel seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

- 2. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN AGREEMENT FOR THE NORTH ATHERTON STREET INTELLIGENT TRANSPORTATION SYSTEMS WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

This is for the installation of intelligent transportation system facilities on Township-owned traffic signal facilities. The equipment includes 7 CCTV cameras at various intersections and will be owned and maintained by PADOT. A Spread Spectrum Radio Communication system will also be installed to provide signal coordination. Traffic Signal Closed Loop software will be provided to the municipalities. Another facet of this project is the mass transit traffic signal priority system that CATA intends to install on its vehicles. Final design should be completed in March 2010 with a bid letting in May 2010 and construction to be completed during the fall/winter 2010-2011.

Mr. Keough said if this were changed from real-time to a recorded device, the public should be notified. Mr. Kunkle said this request could be added to the letter to PADOT containing the Board's comments.

Mr. Milller asked if the person running the camera could control the lights. Mr. Modricker said if someone in the PADOT traffic center knows there is a problem, they may be able to adjust the timing of the lights.

Through satellite communication, timing plans will create a coordinated flow of traffic. Mr. Killian said timing and synchronization of lights on N. Atherton Street is the most important part of this project.

Mr. Pytel made a motion to adopt Resolution 2010-7, authorizing the Chairman and Secretary to execute an agreement with the Pennsylvania Department of Transportation for the Intelligent Transportation Systems project on Atherton Street. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Keough received a phone call from a Saratoga Drive resident who is against having any kind of parking restrictions. He also got multiple emails from residents in the proposed TS zoning district. There was an objection to referring to one side of College Avenue as "the University side." Mr. Keough suggested "the golf course side" as a reference point for those who may not have access to a map for north/south references. There was also concern about interpretations regarding side yard setbacks in the proposed ordinance.

VII. ACTION ITEMS

1. DISCUSSION OF ZONING ORDINANCE AMENDMENT TO REVISE THE 200 FOOT RA BUFFER REQUIREMENT

The Board has considered the amendment to the Township Zoning Ordinance Chapter 27, Section 206, which requires a 200 foot buffer when a property is rezoned to RA or FG. In September 2009 the Board authorized preparation of a DRI to eliminate the required buffer for rezoning affecting RA zoned lands. In December 2009 a report was completed and submitted by Trisha Lang, Director of Planning and Zoning. The report has been reviewed by the CRPA, and the General Forum received a presentation on February 22, 2010. The Board has discussed these options:

- a. Eliminate the 200 foot buffer for RA rezoned lands entirely.
- b. Reduce the buffer to some other distance, e.g. 50 feet.
- c. Do a combination of a and b with some buffer plantings or fencing.
- d. Do a combination of a, b, and c with further clarification of what "structures" can be constructed in the buffer yard, e.g. allow a shed to be constructed within the 50 foot buffer within 3 feet of the property line.

Mr. Pytel suggested lowering the required buffer to 50 feet, with a planting buffer 10 feet away from farm land, but he would not have a problem with a fence either. Ms. Lang said no existing homes would be affected by this unless they choose to revise their plans, removing the setback.

Mr. Keough said there needs to be some control over what plantings would be acceptable due to invasive species. The Township plant list should be reviewed to make sure all plants listed are still acceptable. He provided the example of the Harner Farm on College Avenue and suggested that Board members take a look at those buildings. Mr. Pytel said things have changed since the R-2 district was originally created.

Mr. Keough does not feel that a 50' buffer is adequate. He is concerned about the R-4 land. He is much more in favor of looking into including additional structures, but not changing the size of the buffer.

Mr. Miller said structures within the buffer did not cause this issue to be proposed originally. He favors reducing the buffer to 50 feet to make better use of the land committed to subdividing and to reduce pressure to move farther down the road away from the farm. He also favors a fence over a planted buffer.

Mr. Heinsohn said he is agreeable to either 50 feet or 200 feet, but does not feel the Township should dictate what people can do on their own property. He feels strongly that acceptable structures should be allowed. Mr. Keough asked how much acreage and undeveloped land there currently is in the primary growth area. Ms. Lang said 1,000 acres was the last figure she heard. Mr. Keough expressed concern that the Township is applying this concept of reducing the buffer with specific, known properties at the moment. If the Board were to reduce the buffer at this time, he believes it would be premature, because he does not see the pressure to do that currently. Ms. Lang said abutting farm owners have not been notified of this proposed action because no ordinance has been drafted yet. Mr. Keough suggested that members of the farm community share their thoughts with the Township. He would prefer for this to happen before the ordinance is drafted. He asked if the Board would support a discussion with the farm community after an ordinance is proposed. Mr. Miller said there would be a public meeting.

Mr. Killian supports the 50' buffer and does not have an issue with the fencing. Since this was originally enacted, lots were not retained by the developer, given the 200' buffer, so they could be sold in the next phase if rezoning occurred. Potentially there will in the future be 200' wide strips that cannot be farmed. He supports reducing the buffer to 50 feet mainly because it provides more farmable land. Ms. Lang said some land is no longer a farm resource, and has been devoted to less residential development as well.

Three Board members support the 50' buffer.

Cecil Irvin said he supported the 200' buffer originally, but the Township did not have any protection for farmers at that time. He now believes 200 feet is a tremendous waste of land and is no longer necessary. He noted that affordable housing could not be placed on land with a 200' buffer. Ms. Lang added that the result of the DRI actually supports Mr. Irvin's original position that land is being wasted. More than 500 additional residents could be accommodated just in the lots that would be established as a result of those people who have left the buffer available for development. Mr. Irvin said some of the next farms that would be ready for the primary growth boundary are only 800' wide. Taking 200 feet off of that would make them much smaller.

Mr. Pytel originally proposed 50 feet rather than completely removing the buffer so that people would realize that the land next to them was farm land and not open land. He is more concerned about the farmer being invaded than he is the farmer invading the property.

Mr. Keough asked if there is any interest from the Board in revisiting the possibility of requiring a different buffer for R-4 (multi-family) land, where there is a higher concentration of individuals. Mr. Pytel said with a 100-acre park right next to this R-4 land, a larger buffer is not necessary. He would keep the 50' buffer. Mr. Heinsohn said the Board should look at R-4 land separately. Mr. Miller does not have a problem with applying the same buffer to R-4 land as all other land, with a fence around the property.

Mr. Keough said his primary motivation in looking at the larger buffer area has been a protection for the farmer. There are some statutes now (e.g. Right to Farm) that did not exist when this originated.

Mr. Killian asked what should be permitted inside the buffer. Mr. Heinsohn suggested referring this to the Planning Commission for recommendations. The Board does not want swimming pools. Ms. Lang said normally in a setback, 144 SF sheds would be allowed. Mr. Miller said this should be treated the same as

a setback. Ms. Lang said in all zoning districts currently, other than R-1, when land is developed adjacent to farm land, the development of non-ag land causes the requirement of a planted buffer along the boundary. She asked if the fence should be in lieu of that requirement. The Board agreed. Mr. Kunkle said the Board should consider that a planted buffer should not be on the property line. If they choose a planted buffer over the fence, it would be planted on the property line, but the Township does not want that. He said the Commission should look at this further.

This will be referred to the Planning Commission for comments and direction. The Board's recommendation is to lower the buffer requirement to 50 feet with a fence, but that is in lieu of other required plantings.

2. REQUEST FOR ZONING ORDINANCE AMENDMENT TO FOREST AND GAMELANDS – DEFINITION OF NATURE EDUCATION CENTER

This is a request to clarify/change the definition of Nature Education Center in the Forest and Gamelands Zoning District. This request was initiated based on a proposal by *Wildlife for Everyone* to construct a 60,000 square foot Nature Education Center on a 73 acre tract of State Gamelands 176 between Chestnut Ridge and Greenbriar developments.

Mr. Kunkle said there is no land development plan for the facility, but there is a general map and other information on the web site. Mr. Keough inquired about outside groups visiting the nature center for educational purposes.

Ed Crow, 2518 Sleepy Hollow Drive, spokesman for the advocacy group, said they wanted to think about this seriously before placing it before the Board. Mr. Heinsohn said he needs to see specific details if the Board is going to write an ordinance. Mr. Kunkle said the Township has crafted an ordinance that does not have that definition.

Ms. Lang said, given what the Board knows about what was once proposed, the purpose of this definition would be to limit that. The language almost precludes something of the size and nature of what was being proposed. She asked if the the Planning Commission should make the definition something that might be found outside of the growth boundary and enforced in gamelands, and not something that might be found elsewhere in the community. She asked if the Board wants the Commission to narrow the definition or make it broad to include something like what might be proposed. Mr. Pytel said they should look at how they could use their state gameland. The Township needs to find a way for them to use the land with which they will not object.

Mr. Miller suggested having the Planning Commission look at all options to see what fits with the current zoning. The Board should leave it open to the Commission, rather than instruct them on how to make a decision.

Mr. Pytel would like to see something since people seem to be wanting a facility like this. Mr. Keough agreed. He believes some of the restrictions outside the primary growth boundary with regard to sewer could become limiting factors for the Planning Commission.

Mr. Pytel made a motion to refer the request for a zoning ordinance amendment to the Forest and Gamelands Zoning District, to clarify the permitted use Nature Education Center, to the Planning Commission for review and recommendation. Mr. Heinsohn seconded the motion. The motion passed unanimously.

3. DISCUSSION OF CONTROLLED BURN ON SGL 176 AND ACT 17 OF 2009

This year the Game Commission is getting an earlier start on the controlled burn project. A new state law along with regulations has been adopted to address controlled burns on state lands. Act 17 of 2009 was signed by the Governor on July 14, 2009. The General Forum requested that each municipality consider contacting their state legislative representatives to seek amendment to the act to require public notification.

Mr. Keough made a motion to authorize preparation of a letter to Senator Corman and Representative Conklin, urging and requesting sponsorship of an amendment to Act 17 of 2009 to require public notice to the municipality, public safety agencies (police, fire, EMS, and Emergency Management), and general public of any controlled burn authorized under the Act. Mr. Pytel seconded the motion. The motion passed unanimously.

4. REQUEST FOR PARKING RESTRICTIONS ON A PORTION OF SARATOGA DRIVE

Mr. Modricker received a letter from Christeen Kisslak, 2427 Saratoga Drive, dated February 10, 2010, describing a situation with parked vehicles on both sides of Saratoga Drive that impede traffic. Adjacent property owners were notified of this March 1st meeting. The Board's action may include:

- a. Take no action to consider parking restrictions on this portion of Saratoga Drive.
- b. Obtain input from CATA on the degree of difficulty it is experiencing in accessing Saratoga Drive from Bristol Avenue.
- c. Request the Public Works-Engineering Section to study the request and provide the Board with a recommendation.

Christeen Kisslak expressed concern about the right turn from Bristol Avenue onto Saratoga Drive. When first turning, there are cars on both sides of the road. The first left off of Saratoga is Concord, which is also multi-family, and seems like a narrow road. It is not an issue of impeding services (brush collection, street sweeping, etc.). The most dangerous time is from 4:00 – 9:30 pm when families are arriving home. A good time to study this area would be during the upcoming soccer season when parents frequently drop off their children along this road for events at Autumnwood Park. This is a safety issue. Also the CATA bus cannot maneuver properly due to cars parked so close to the stop sign. She suggested that this warrants a traffic study, and that a possible solution may be to designate each side of the street for particular days of the week.

Mr. Killian asked if parking is allowed in the CATA bus stop. Ms. Kisslak said yes. Mr. Modricker said a bus stop is a warrant for No Parking if the Board wants to post it that way.

Kyle Marti, 2495F Saratoga Drive, is opposed to having this entire road posted as No Parking. He agreed that the stretch between Bristol and Concord is very congested on both sides of the road. But farther down where he lives they are forced to park on the street in front of their houses. The Autumnwood Park is accessible from Concord. Their main objection is the area between Concord and Charleston, on the east side of Saratoga. He said they would prefer no restrictions, but if the Board chooses to limit parking, they would at least like one side of the street to remain available. Mr. Pytel expressed concern that there is not adequate parking provided for this facility. Mr. Marti said there is some parking provided, but they use the street for overflow parking. Mr. Kunkle asked if the duplexes have garages. Mr. Marti said yes, and he does park there.

Sean Miller, 2495E Saratoga Drive, is also opposed to full parking restrictions on Saratoga Drive. He said the people who live there full-time do use their garages. There is congestion from Bristol to Concord, so he understands completing a traffic study for this area. But past there, there is not much of a parking issue.

Neither Mr. Modricker nor Mr. Kunkle has contacted or received comments from CATA regarding this issue. Mr. Keough asked if there is more than one homeowner's association in this development. Mr. Modricker said no, not adjoining the frontage of the streets he described. He received a phone call and an email from Mrs. Walsh.

Mr. Heinsohn suggested referring this to Public Works for a recommendation. Mr. Miller is normally opposed to parking restrictions since parking on the street actually calms traffic. But the intersection at hand could be a problem. He received a phone call from a resident who is opposed to parking restrictions here. Mr. Modricker said it is typical in a residential neighborhood to have this type of signage and permitted parking. This could be studied, and parking could be limited at this intersection. He said when the scope of a study is too limited, it may push the problem down to the next block or the next neighborhood.

Mr. Miller would like to take a look at the intersection. Mr. Heinsohn prefers a larger scope. Mr. Pytel wants to look at the intersection, as well at the parking at the condominiums. Bristol to Concord was mentioned as a potential scope. Mr. Keough does not normally want more regulations and enforcement, but an ongoing problem in residential areas is the use of garages for storage other than vehicles, forcing those vehicles elsewhere. This is a serious issue.

5. MODIFICATION REQUEST FOR PARK LAND FEE-IN-LIEU FOR S&A SUBDIVISION PLAN RELOT OF TAX PARCELS 24-4-23 AND 24-3-30 AND SUBDIVISION OF TAX PARCEL 24-4-23

On August 17, 2009 the Board approved the above plan. Conditions for approval included a requirement for fee-in-lieu of park land but did not propose any residential development. In principle, residential development should contribute to the park land in the Township. Subsequent to this plan approval, the Board granted a modification of the park land fee-in-lieu to the Albright Subdivision Plan, which was also in the RA zoning district. On February 9th, the Township received a modification request to remove from the approved plan the requirement for park land fee-in-lieu to be paid as a condition for approval of the plan. The applicant is requesting the same condition and note as required for the Albright Plan. Staff does not concur with the applicant's interpretation of the park land dedication or fee-in-lieu requirements as set forth in the letter from Penn Terra Engineering dated February 9, 2010, but does agree that a modification could be granted under the same terms as the Albright Subdivision Plan for consistency.

Mr. Miller said he agrees with handling this in the same way as they did the Albright subdivision.

Mr. Miller made a motion to grant a modification of Park Land Dedication or Fee-in-Lieu for the S&A Subdivision Plan Re-plot of Tax Parcels 24-4-23 and 24-3-30 and Re-plot of Tax Parcel 24-4-23 and require as a condition of approval that a note be placed on the plan as follows: "A modification granting relief from payment of the required fee-in-lieu for park land is granted by the Ferguson Township Board of Supervisors on March 1, 2010. This fee will be assessed for each new dwelling unit proposed on lots 1R, 2R, Lot 3, 4, 5, 6, and 7 at the time of the application for a building/zoning permit. The amount of the park land fee will be as specified by the Township's fee schedule at the time of application for a building/zoning permit and must be paid prior to issuance of any permit." This motion includes the requirement that the

applicant resubmit the plan, and that the fee be waived by the Township. Mr. Pytel seconded the motion. The motion passed unanimously.

Ms. Lang said this S&A plan also includes three lots that were cut for residential purposes only. If in being consistent the Board will constantly modify this requirement, then the ordinance should be changed. Her concern is that the Township is required to ask for fee-in-lieu by the MPC as part of subdivision requirements. This cannot be included in a zoning ordinance. The Board can make this a requirement in the subdivision ordinance and procedurally collect the fee at the zoning permit stage, but in that case the fee will become the home buyer's responsibility, rather than the developer's.

Mr. Kunkle said if the ordinance is going to be changed, the Board should seek Louis Steinberg's opinion. Ms. Lang said this request includes the three residential lots. The fee-in-lieu initially included the other projected lots as well. Mr. Keough said if the Board is going to be consistent with the Albrights, they should waive the fee-in-lieu for the non-residential/ag lots but charge for the three residential lots. Ms. Lang agreed. Mr. Keough does not want the homeowner to have to pay the fee-in-lieu. Mr. Kunkle said in either case, the builder (or the buyer of the lot) would pay the fee-in-lieu.

Bob Poole, S&A Homes, said the way it was drafted would still require them to pay. The difference is that the fee must be paid at the time when they seek a permit. Mr. Kunkle said in the past where there have been large subdivisions with multiple lots, the only use those lots could have was residential. Mr. Poole said when they do a subdivision in an RA zone, it will happen infrequently. Looking at the amount of 1 per 50 acres, the Township would allow them not to have to pay that fee until they actually used it.

Joan Geleskie, 370 Selders Circle, urged the Board to use extreme caution in their fee-in-lieu. She said there is no park within walking distance to Pine Grove Mills. She urged them to put parks where people are, especially for the sake of the children.

Mr. Miller said the question is whether the Board wants to continue granting modifications or establish a policy. Mr. Keough would prefer to establish a policy. He supports granting the current modification, but he would support Ms. Lang's staff development with wording and review by the Township's attorney regarding a policy change. The Board consented.

6. VARIANCE REQUESTS

A. FULLER REALTY GROUP 1524 & 1534 NORTH ATHERTON STREET

The applicant desires to erect signage for proposed building occupants that exceed the sign number and size limitations.

Mr. Miller made a motion to remain neutral. Mr. Heinsohn seconded the motion. The motion passed unanimously.

B. JOSH AND WENDY STAPLETON 886 GRACE STREET

The applicants desire to encroach into the setback to allow for the construction of a side porch. The variance will be a variable width to allow for an unenclosed, 11' x 24' porch to be constructed. The property line is not perpendicular to the adjacent property. Therefore it would meet setbacks at the front portion of the lot but not in the back.

Mr. Keough said remaining neutral is common practice, but he is clearly in support of the request for this variance. He suggested that the Board support it. Mr. Miller asked if the Board feels strongly enough to attend the meeting and present its case. Mr. Pytel does not support the variance request. There are four sides to the house and they are choosing to put the porch on this particular side.

Mr. Heinsohn made a motion to remain neutral. Mr. Pytel seconded the motion. The motion passed unanimously.

7. STREET LIGHT/FIRE HYDRANT EXONERATION REQUEST

The Tax Administrator requested that the Board exonerate street light and fire hydrant assessments for certain tax parcels considered tax exempt. The exoneration process is required since these tax exempt parcels appeared on the tax administrator's real estate tax duplicate as having street light or fire hydrant assessments. State law requires that the governing body consider exoneration requests for tax exempt properties.

Mr. Pytel is opposed to the University buying property and burdening taxpayers. Mr. Kunkle said the assessments cannot be collected against the University.

Mr. Miller made a motion to approve the street light/fire hydrant exonerations for the properties listed in the February 17, 2010 memorandums from the Tax Administrator. Mr. Heinsohn seconded the motion. The motion passed unanimously.

8. RE-APPOINTMENT TO THE CENTRE REGION BUILDING AND HOUSING BOARD OF APPEALS

The General Forum has forwarded to the member municipalities individuals to be re-appointed to the Centre Region Building and Housing Board of Appeals for a three year term commencing February 28, 2010.

Mr. Heinsohn made a motion to re-appoint John Deffenbaugh and Edward Olsen to the Core Board and Heidi Nicholas to the Property Maintenance Board retroactive to February 28, 2010. Mr. Pytel seconded the motion. The motion passed unanimously.

9. REZONING APPLICATION BY EDENS & AVANT

Ms. Lang said in November 2009 there was a request by Edens & Avant for rezoning of a portion of the Northland Shopping Center. The Board referred the review to the Planning Commission, who recommended denying this request. She said the Board does not need to hold a public hearing in this case. Staff suggested that the Board advise the applicant that the Township will not consider the application for rezoning of the property any further. Ms. Lang explained the location of the property. Steve Teets, Edens & Avant, explained some previous discrepancies with Township mapping. During the Planning Commission meeting, he noted that the biggest issue was regarding an adjoining property (Richard Shore). Mr. Teets requested that the Board consider tabling action on this request to provide time for Edens & Avant to work out a maintenance agreement with Mr. Shore.

Mr. Miller said this decision does not have anything to do with Mr. Shore's property. The fact that there is OC as a buffer between the commercial and other zonings is the reason he would personally want to deny their request. Mr. Killian holds the same position. It is important to retain the buffer between the

commercial and residential. Mr. Teets said the property in front is OC already. He is asking to take some of his GC and put it up against the already-zoned OC. Ms. Lang clarified on the map.

The Board consented to take no action.

10. CONSENT AGENDA

a. Time Extension Request for Subdivision of the Lands of Randall G. & Charlotte M. Albright

Mr. Heinsohn made a motion to approve the Consent Agenda. Mr. Miller seconded the motion. The motion passed unanimously.

VIII. REPORTS

a. Manager

- Mr. Kunkle suggested that the Board consider an amendment to the Meeting Room policy and create four classifications. Mr. Kunkle clarified that the policy would apply to certain classes of users. He will provide a clean copy for the Board's consideration at an upcoming meeting.
- Google is seeking municipal partners for a beta project to provide high speed broadband service to target customers. Google has issued a Request For Information (RFI) to America's cities to experience what Google says will be Internet speeds 100 times faster than conventional broadband. The RFI is being worked on by IT staff, and representatives of the University, Ferguson, Patton, and College Townships. It is due in late March. There is nothing in the proposal that will be different from normal business for Public Works. There are no down sides from a user's standpoint, but there will be some hurdles for Google to get this system installed, especially underground.

b. Public Works Director

Mr. Modricker provided detailed information about various 2010 Contracts regarding bids, proposals, and Open House projects. Highlighted were:

Prior to the next Board meeting on March 15th there will be an Open House for two road contracts: 2010-C1 and 2010-C2.

The Township is in receipt of a grant from DEP as part of the Act 101 Section 902 recycling grant for a brush chipper.

Old Gatesburg Road Extension: Final design must be complete to allow PADOT to encumber the funds in September 2010.

Centre County MPO Technical Committee: The technical committee met on February 10th and discussed performance measures for the Long Range Transportation Plan and potential line items for funding in the LRTP.

c. Director of Planning and Zoning

The Planning Commission did not meet on their normal meeting date, February 22, 2010, as there were no action items that involved a pending deadline.

Ms. Lang attended the COG General Forum meeting on February 22nd to present the DRI analysis associated with the pending zoning text amendment related to the 200' buffer adjacent to RA zoned lands. Kevin Abbey presented the comments of the CRPC.

On March 3, 2010 one of six Open Houses will be held at the Township building to obtain public input on the planning issues facing the Township and the Region. This will commence the update to the 2000 Regional Comprehensive Plan. Mr. Keough suggested that drafts of the Comprehensive Plan be forwarded to the Board for review as (or if) they are forwarded to the Planning Commission. Ms. Lang can look into that.

I. MINUTES

1. February 16, 2010 BOS Regular Meeting

Mr. Pytel quoted part of the LRTP submissions discussion: "Mr. Modricker sat through the process when it was studied, and the original drawing showed it on Clinton Avenue." He said that should say "Eastern Inner Loop." The original road of the Eastern Inner Loop came out on Vairo Boulevard (then called University Extension). The original plan was never for the Eastern Inner Loop to come out on Clinton Avenue. The Eastern Inner Loop in its original form went to University Drive, which is Vairo Boulevard.

Mr. Keough noted that references to his discussion comments regarding homeowners associations were not included in the minutes. He is particularly concerned that his comments be included about holding an annual meeting with homeowners associations and that he perceives a need to open lines of communication. Mr. Kunkle said those can be added.

Mr. Heinsohn made a motion to approve the February 16, 2010 BOS Regular meeting minutes as amended. Mr. Pytel seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the March 1, 2010 Regular Meeting at 10:30 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 03-15-2010