

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, February 7, 2011
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, February 7, 2011 at the Ferguson Township Municipal Building. In attendance were:

Board:	George Pytel, Chairman	Staff:	Mark Kunkle, Township Manager
	Steve Miller, Vice Chairman		Dave Modricker, Director of Public Works
	Richard Killian		Trisha Lang, Director of Planning and Zoning
	Robert Heinsohn		
	Bill Keough		

Others in attendance included: Marsha Buchanan, Recording Secretary; Diane Conrad, Chief of Police; Kevin Abbey and Marc McMaster, Planning Commission; Bill Hechinger and Pam Steckler, 127 Hoy Street; Richard Karten, 119 S. Butz Street; Charles Farrell, 1208 W. Pine Grove Road; Scott Yocum, 1000 W. College Avenue; Ray Caravan, 1006 W. College Avenue; John Swinton, 915 W. Beaver Avenue; Craig Kissell, 1012 W. College Avenue; Wes Glebe and Christine Bailey, 115 N. Butz Street; Rhonda Stern, 119 N. Butz Street; Bob Hirlinger, 909 W. Beaver Avenue; Joe Beddall, 1100 W. Beaver Avenue; Rosalie Bloom Brooks, 812 W. Beaver Avenue; Stan Smith, Oak Hall; Matt Jordan, 928 Metz Avenue; Joyce Porter, 299 Osmond Street; Dan Sieminski, 1664 Princeton Street (speaking on behalf of Penn State University); John Simbeck and Rita Talmas, 117 Delaware Road, Pennsylvania Furnace; Marion Schwartz, 465 Park Lane; Mary Ann Kresen, 140 S. Corl Street; Abbigael Beddall, 109 S. Corl Street; Lani and Thierry Daubenspeck, 101 Lightner Lane; and Dan Barker. There were others in attendance who did not sign in.

II. CALL TO ORDER

Mr. Pytel, Chairman, called the February 7, 2011 Regular Meeting to order at 7:00 pm.

III. PUBLIC HEARINGS – ORDINANCES

1. **AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS: (1) CHAPTER 27, ZONING, PART 7, MIXED USE DISTRICTS, BY ADDING SECTION 703, TERRACED STREETSCAPE DISTRICT; (2) CHAPTER 27, ZONING, PART 12, DEFINITIONS, SECTION 1202, DEFINITIONS, AS FOLLOWS: (A) BY DELETING THE EXISTING DEFINITIONS OF FAMILY, HIGHER EDUCATION, HOTEL, MAXIMUM LOT COVERAGE, MOTEL, PLAN (GENERAL MASTER), AND WORKFORCE HOUSING; AND (B) ADDING DEFINITIONS FOR AGE-RESTRICTED UNITS, BIORETENTION BIOSWALE, CONFERENCE CENTER, COOL ROOF, DRIVE THRU, FAMILY, GREEN ROOF, HIGHER EDUCATION, HOTEL, LOT COVERAGE, LOW IMPACT DEVELOPMENT, MOTEL, PLAN (GENERAL MASTER), PUBLIC OR PRIVATE INSTITUTIONS OF HIGHER EDUCATION, RAIN GARDEN, STREET WALL, STRUCTURED PARKING, TWELVE FOOT (12') LANDSCAPE BUFFER REQUIREMENTS, VERTICAL MIXED USE BUILDING, WIND ENERGY CONVERSION SYSTEM, AND WORKFORCE HOUSING; AND (3) CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, BY ADDING PART 5A, DESIGN STANDARDS FOR DEVELOPMENT IN THE TERRACED STREETSCAPE DISTRICT**

Mr. Keough introduced the Terraced Streetscape (TS) District by providing the history and scope of the project. He said in 2005 Ferguson Township partnered with the State College Borough to engage the consulting firm of ERA to complete a market study of the urban village W. College Avenue Corridor, which generally encompassed the W. College and W. Beaver areas and their adjacent neighborhoods. The results of that study began forming the foundation for identifying the necessary planning efforts to redevelop properties within the study area. The study was finalized in September 2005. On August 22,

2008, a joint meeting was held to receive a presentation on a conceptual development approach for W. College Avenue, in both the Borough and in Ferguson Township.

On January 26, 2009, the Ferguson Township Planning Commission appointed three of its members to a subcommittee to begin working on a framework to create a new zoning district. This working group met twice a month over a 12-month period to develop and refine a draft ordinance. On November 23, 2009, the subcommittee had nearly completed its work on the proposed regulations for the TS district. On December 8, 2009, the Planning Commission approved moving forward and set up a community meeting held on January 18, 2010. Also in January 2010 the Board of Supervisors began discussing the TS district zoning ordinance. They have subsequently held 15 public meetings, which have included dedicated work sessions and regular public meetings. Mr. Keough listed several changes that resulted from input at those public meetings.

Tonight's February 7th meeting of the Board is a public hearing on three ordinances, all related to the TS district concept. The first ordinance creates the new zoning district. The second involves the Design Guidelines for the TS District. The third involves the rezoning of a designated area from General Commercial to Terraced Streetscape.

Mr. Pytel said ordinances one and two have been combined into one ordinance. He stated the rules for speaking during this public meeting.

John Swinton, 915 W. Beaver Avenue

As a point of order, Mr. Swinton asked who owns Harley Alley. Mr. Modricker said Harley Alley is not owned by the Township; it was created with the subdivision that created this neighborhood. It is open for the benefit and use of the property owners who are part of that subdivision, but is not considered a public alley for others. The Township considers it a private alley, which means it is owned and maintained by those property owners whose lots are part of the subdivision that created the alley. Mr. Swinton said he owns Harley Alley and no one ever spoke to him about using his land. Mr. Pytel said if the Township did not accept the alley after 21 years it became a private easement, which is controlled by the abutting properties of that development. Mr. Swinton said in 1976 part of the alley became his.

Mr. Swinton said when the high rise developers spoke about the TS District, they found a beautiful area to develop – the 140 block of Deepwood Drive in Pine Grove Mills. But the Board of Supervisors denied that. Mr. Swinton expressed concern about weekend drinkers in this area, as well as parking issues. He said Deepwood Drive would have been a more appropriate area for this district.

Scott Yocum, 1000 W. College Avenue

Mr. Yocum is the owner of four properties on W. College Avenue. He thanked the Board for considering this rezoning project, of which he and his wife are in favor. However, if the Board decides not to pass the new zoning, he will respect that and move on. He believes in that case the Board should also move on and leave the current zoning as it is.

Marion Swartz, 465 Park Lane

Ms. Swartz testified that the development behind her house has not been comfortable and has increased the traffic on Park Lane. She also believes it has decreased the value of her property. She said high rise residence halls incur much more damage than lower buildings. Setbacks help, but there must be a real transition happening.

Bill Hechinger and Pam Steckler, 127 Hoy Street

Mr. Hechinger pointed out that the fact sheet mentions nothing about the area between Harley Alley and Calder Alley.

Ms. Steckler said their property is rich in history and predates all zoning, but is now considered nonconforming. She presented a petition to the proposed TS District, which 468 people signed. Mr. Hechinger read the petition. Ms. Steckler said over the past year they have tried their best to engage the Board in seeing another vision for this area, one that will encourage people to move here and will blend with the current neighborhood character. She stated some of the options they had previously presented to the Board.

Richard Karten, 119 S. Butz Street

While Mr. Karten agrees with the need to rezone this area away from Commercial, he does not agree with the creation of the TS District. He expressed concern that their suggestions as residents have been dismissed. The Township's professional planner and others are already attempting to redefine the argument about the R2 district, which currently abuts the proposed TS District. This points to the fact that they want to expand the area of the TS District. He urged the Board to reject this proposal and create a proposal that is more in scale with the density of their neighborhood.

Raymond Caravan, owner of property at 1006 W. College Avenue

Mr. Caravan said he lives in Patton Township. He supports the proposed change. He does not fear higher buildings and does not see there being a demand to create a corridor of large buildings. He believes the proposed TS District is a good thing for Ferguson Township. He suggested that if the Board does not pass the proposed zoning, they should keep the current zoning as it is.

Craig Kissell, owner of property at 1012 W. College Avenue

Mr. Kissell said he settled in Ferguson Township about 30 years ago, but currently lives in Patton Township. He supports the proposed TS District, but believes if the Board does not accept this new proposal, they should keep the zoning the way it is.

Wes Glebe, 115 N. Butz Street

Mr. Glebe addressed the question of pervious versus impervious paving. He quoted Section C5, Impervious Lot Coverage, from the final draft of the ordinance. There are six incentives. He used a space in the proposed district as an example, and expressed concern that on a conglomerated property of approximately 2.2 acres the 12 foot landscape buffer comes very close to satisfying the 5% pervious requirement and will likely be the only vegetation on the entire 2.2 acres.

Christine Bailey, 115 N. Butz Street

Ms. Bailey quoted part of the final draft ordinance, Section C.4.a, Side Streets. She questioned the Board on a variety of issues related to 5 foot sidewalks. She expressed concern that Township right of way has been left out of the Board's discussions, and noted that she is not in agreement with the language in the proposed ordinance.

Rhonda Stern, 119 N. Butz Street

Ms. Stern believes this was a vision that came from the top down; it is not a grassroots movement. She agrees that it is important to protect the farmland of Ferguson Township, but does not feel this requires overdeveloping the west end. The zoning should be in line with the area surrounding it, blending into other adjacent areas. Buildings should be 5 stories or less. She expressed concern that on the north side of College Avenue, they could still have a 7 story building with a 5 foot side setback. She believes the rezoning needs to be looked at, but not developed as the proposed TS District.

Bob Hirlinger, 909 W. Beaver Avenue

Mr. Hirlinger questioned the entire process of creating the TS District. He said Mr. Keough did listen to residents and was in agreement with them in some areas. Mr. Hirlinger does not see any benefit of the proposed district to property owners. He urged the Board to vote no on proposed TS District Ordinance.

Joe Beddall, 1100 W. Beaver Avenue

Mr. Beddall said this has been his home for 17 years, but he believes his neighborhood will forever change if this ordinance is adopted. He quoted some of his prior interactions with the Board on various issues. He believes the lack of a carefully conducted feasibility study has caused this process to be flawed from its inception. He expressed concern about comments made from Board members over the past year and does not believe the Board has made many changes as a result of citizen input.

Rosalie Bloom Brooks, 812 W. Beaver Avenue

Ms. Bloom Brooks expressed her opposition to the proposed TS District. This area is a lovely residential neighborhood. She hopes their government and their experts can find some middle ground, so there can be profit for them but not at the expense of residents in the area.

Matt Jordan, Metz Avenue, adjacent to the proposed district

Mr. Jordan said the Borough tabled this agenda item when he voiced his opinion previously. The idea of drunken college students being invited to the proposed TS district neighborhood concerns him greatly. He urged the Board to listen to something more than just the bottom line.

Joyce Porter, 299 Osmond Street

Ms. Porter said she owns property in Ferguson Township as well. She suggested that the Board base their decision on what will be best for their neighborhood. She urged the Board to vote no.

Dan Sieminski, Penn State University

Mr. Sieminski said when they talked about rezoning this property along W. College Avenue, he represented the University in discussions. The University owns a considerable amount of property in this zoning district. He believes something certainly needs to be done with the current zoning and said the proposed TS District is an excellent approach. He thinks it will be great development if and when it occurs.

John Simbeck, 117 Delaware Road, PA Furnace

Mr. Simbeck said the Board's decision regarding the proposed TS District will have long-lasting effects. He expressed his disagreement with the TS District and urged the Board to use caution in the important decision they have to make.

Mary Ann Kresen, owner of property at 140 S. Corl Street

Ms. Kresen expressed concern regarding the Design Guidelines. She said the option presented is not economically viable for their neighborhood. She inquired as to where the snow would go on a zero setback when shoveling her sidewalk.

Abigael Beddall, 109 S. Corl Street

Ms. Beddall urged the Board to listen to the community's voice. She said this area can be a sanctuary from the actions of many college students. She urged the Board not to simply listen to the voices of those in the community who fear that *not* passing the TS District will cause them to lose profit. She urged the Board to vote no.

Mr. Pytel closed the public hearing.

Mr. Heinsohn said he has lived in the Township for 47 years. He said the proposed ordinance has some wonderful attributes. He identified ways that the Board has listened to citizens as they have expressed their concerns. He believes the most important feature of the ordinance is a requirement that full-time, on-site management must be provided in buildings that are 55 feet or higher – some adult presence that can catch student behavior at the outset. Building owners should choose managers who will maintain

civility in buildings. If on-site managers prove unsatisfactory, building owners can expect to receive a notice of violation and possibly even fines from the Township.

Mr. Heinsohn said, however, that there are serious deficiencies in the ordinance: 1) He opposes high density, congested housing. Consequently he agrees with many residents who contend that high density housing is detrimental to wholesome living in the Township. When people live too close to one another it brings out their worst qualities; 2) The Intent – It is foolish for the Township to promote an ordinance that discourages the use of autos in an auto-based Township; 3) The parking requirement for apartment residents and shoppers is woefully inadequate; 4) Incentives that encourage developers to increase the height of tall buildings from 5 stories to 7 stories are a farce. These incentives are offered only to developers and provide no benefit to residents of Ferguson Township; and 5) The ordinance does not specify who will regulate the enforcement of age-restricted or workforce housing. Given these five reservations, though he agrees that the current zoning is inadequate, Mr. Heinsohn will oppose the adoption of the proposed ordinance.

Mr. Killian clarified that building height requirements are based on the size of the lot. He re-emphasized that full-time; on-site property management will be required for a building that has two floors dedicated to residential units. He believes many people agree that a change is warranted. In his mind under the current zoning, they would get the N. Atherton model, which they are trying to avoid – banks, fast food establishments, and strip malls. They are looking for a live-work model and they are expecting the preservation of farmland.

Mr. Killian asked about impervious lot coverage. Ms. Lang said no clarification is necessary on the 95%. In terms of the specific calculations, there are a number of sizes and dimensions in this district. Mr. Killian asked about Township right of way. Ms. Lang said they are not giving away any portion of the right of way to a developer or to any property owner. Mr. Modricker said he is aware of the Township's street standards. They recently did capital improvements on Hoy, Osmond, and Butz streets. He is not aware of anything in the ordinance that gives public right of way to private property owners. Mr. Killian said there was a mention that the Design Guidelines will potentially have an impact on small business owners. He said that would come about when a development plan is presented, and there would be several development plans in order to determine what would go on an entire block. Ms. Lang said they are looking into how that might be accomplished. In terms of an individual property, properties on Corl Street are now limited to 35 feet in height. As they stand now, many will already be developed to their fullest extent. The obligations of the new ordinance would only come into play should those properties be entirely redeveloped or in some way combined to achieve redevelopment. There would be no requirement under the proposed zoning for any current property owner to make any changes unless they were doing something to improve the property.

Mr. Killian said this is a long-term vision in order to get ahead of the curve to avoid the N. Atherton model.

Mr. Keough said he has been in favor of redeveloping this section of College Avenue from the beginning. He was on the Planning Commission when some of the initial discussions took place. Often early discussions brought forth controversy. He made clear that he has made several trips, including walking trips, throughout the entire district. He also made himself available during two community meetings with residents in the area. They discussed the proposed district and had some disagreements. There was a fair emphasis from residents that a smaller scale was better. He said the Board is in a difficult situation; on one hand they need to represent the citizens where they are currently, but they also have the obligation to look at the future. He lives in the rural part of Ferguson Township. He is trying to look at the future and the present simultaneously. In general, he believes this is a reasonable plan.

Mr. Keough believes they have to do something to the Commercial district in this area to make it more appealing to investors. The Township does not build a single building or road; it is private sector money that makes the Township vital from a tax perspective. Right now the economy does not look great for development in this area, but they need to make this area more inviting to the private sector.

In closing, Mr. Keough said the Township committed a lot of money to Blue Course Drive. He would prefer not to have traffic continue to go from College Avenue, onto Beaver Avenue, through the Borough, to the far end of campus in order to have parking. That is why the University plays an important role in this process. He hopes that some of their discussions in creating this zone will also be ahead of the curve in terms of how the University might look at the extensive landholdings they have within the Township.

Mr. Miller said he has been in the Centre Region for 36 years, 14 years in Ferguson Township. He currently lives a block and a half from this district. He said things are already changing in this area. He used O. W. Houts as an example. He said their role with zoning is to look at changes that will happen and try to guide that in a way that will be for the best. There is no reason to believe that all of the buildings in this district will be student housing. There could be classroom buildings, research buildings, etc. along College Avenue. There will be a demand for housing that does not require cars. As gasoline prices increase, the demand for living space within walking space of the University will most likely also increase. He does not see this area as becoming a Beaver Canyon. Any additional liquor licenses would have to be approved by the Board. Finally, he looks at this as something that will develop over 20-30 years. There is no real demand right now to build. The purpose of this zoning will be to guide development as it occurs. He believes it will be well developed.

Mr. Pytel objected to some parts of the process. He still questions, but has no proof, that there will be low traffic in this area. The majority of the Board approved the basic ordinance being proposed. Therefore he cannot go against the Board's general consensus.

Mr. Miller made a motion that the Board adopt Ordinance 943, amending Chapter 27, Zoning, to create a new zoning district called the Terraced Streetscape District and amending Chapter 22, Subdivision and Land Development, by adding Design Standards that are applicable to the Terraced Streetscape District. Mr. Keough seconded the motion. With Mr. Heinsohn voting no, and Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel voting yes, the motion passed.

2. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE FERGUSON TOWNSHIP ZONING ORDINANCE AND ZONING MAP BY CHANGING TO TERRACED STREETSCAPE DISTRICT (TS) THE ZONING CLASSIFICATION OF APPROXIMATELY 35 ACRES OF LAND ALONG WEST COLLEGE AVENUE THAT IS CURRENTLY ZONED GENERAL COMMERCIAL (C)

Mr. Killian made a motion to adopt Ordinance 944, amending the Zoning Ordinance and Zoning Map by changing to Terraced Streetscape District (TS) the zoning classification of approximately 35 acres of land along West College Avenue that is currently zoned General Commercial (C). Mr. Miller seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

3. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 27, ZONING, PART 2, DISTRICT REGULATIONS, SECTION 206, YARD REQUIREMENTS, AS FOLLOWS: (1) BY DELETING THE EXISTING SUBSECTION I AND SUBSTITUTING THEREFORE A NEW SUBSECTION I;

(2) BY ADDING A NEW SUBSECTION J; AND (3) BY MAKING EXISTING SUBSECTION J SUBSECTION L

Dan Barker said there is a proposed tentative agreement between S&A Homes, the Township, and affected residents. He believes through this they have avoided a conflict if the Township looks at the proposed change to the PRD.

Mr. Kunkle clarified that the Board was provided with a letter dated February 7th from S&A Homes. The PRD Master Plan for this section of the Foxpointe PRD currently has a 200 foot buffer shown on it. He explained the difference between a PRD and conventional zoning. This section of the Foxpointe PRD shows a 200 foot buffer, which cannot be changed without an amendment of the PRD Master Plan and would need to be included in the Terms and Conditions for approval.

Mr. Poole has proposed an amendment to the Foxpointe PRD for this section of the development to retain the 200 foot buffer for a period of 5 years from the date of the Board's approval of the revised PRD Terms and Conditions. Mr. Kunkle described this proposal. The impervious area being proposed will generate more water than what can be controlled on site. In the mean time the buffer will remain 200 feet along the proposed section of the PRD.

Mr. Barker said although they have an agreement, this is contingent upon the Board's acceptance of the change. Mr. Kunkle explained the process that must occur before the amendment of the PRD Master Plan can occur. Mr. Poole's letter indicates that he has every intention of making a proposal for that amendment. Mr. Barker said they are taking a very minimal risk. He requested that the Board act on this in a timely manner since this is their opportunity to oppose or support the ordinance.

Mr. Killian asked how this affects the current ordinance that is before them. Mr. Kunkle said the Board can vote the ordinance up or down, or they can postpone action on the ordinance, but they cannot postpone it for more than 30 days. Mr. Keough asked if it would be possible for the Terms and Conditions to be advertised and in place. Ms. Lang said yes; they would need to publish notice of the amendment to the Terms and Conditions, as well as notify property owners within a certain distance of the area. Mr. Pytel asked if Mr. Poole's letter holds any weight as an indication that an amendment to the Foxpointe PRD Terms and Conditions will be applied for Lewis Steinberg, Solicitor, said no. One option is to postpone this vote until the Board goes through the process. Then the Board could also act on the buffer amendment from 200 feet to 50 feet. Mr. Pytel said if the Board passed the ordinance today, it could not go down to 50 feet even if S & A Homes wanted to because it is a PRD. . Mr. Steinberg said S & A is offering to guarantee that this would be in place for five years.

Bob Poole, S&A Homes, said his letter is not binding on the Township; it is just a promise that he will do what he said he will do for the Township and the residents. This is really a restriction on himself.

Mr. Keough asked how the five-year timeframe was chosen. Mr. Poole said they hope within five years Dan Barker and the residents will be able to resolve the issue they have, and S&A Homes is working to resolve the storm water issue they have. Mr. Keough asked where the optional accesses to this tract of land are on the map. Mr. Poole said there will be an entrance up from Lightner Lane, one of the main entrances into Foxpointe. Ms. Lang said the existing Lightner Lane is unrelated to Mr. Poole's PRD project. It will exist and remain as a private road. All of the access for homes that are not built will come from the extension of Foxpointe Drive. She pointed this out on the map. Mr. Poole said his letter is really just to comfort the homeowners with the fact that they still have their 200 foot buffer.

Mr. Keough suggested providing the time for an amendment to occur. Mr. Steinberg said the letter is not binding. To be certain that it would all fall into place, it would be appropriate to continue this for up to a

30-day time period, during which time the Board could do all it needed to do procedurally to allow for the amendment to the Master Plan Terms and Conditions. That would then give assurance to Mr. Barker that everything is in place.

Mr. Barker said they are trusting that the Township will act on this. Mr. Barker said he is trying to be sensitive to time issues for S&A Homes. Mr. Steinberg said for the Township to act on the amendment, it all has to be done within 30 days. Mr. Barker clarified that it is his understanding that the Board would delay action on the adoption of this ordinance change, and would do both at the same time within 30 days. Mr. Barker said the five years is not a great comfort level to everyone this affects. Mr. Poole said they can hold a general discussion with affected residents. Mr. Barker said when he made his original plea, it had a lot to do with a water issue. He is hoping that it just becomes a giant holding pond there. But at the five year termination of this, Mr. Poole would be willing to have further discussion with residents. Mr. Poole clarified that he does not know what storm water management will be required on the property, so they can revisit this after five years.

Ms. Lang said there is no question that this is probably not the design that will actually take place. They have agreed that they will calculate how much development will be able to happen on this property. A new plan for this phase will come in when they are ready to develop this. Mr. Kunkle said that revision to the master plan will also go through the public hearing process.

Mr. Miller believes this is incidental to the amendment to the ordinance. This is one of the parcels that got caught up in discussions, but was not directly related to the ordinance amendment. Mr. Heinsohn supports Mr. Miller's comment. He will support Mr. Poole's suggestion, but believes it is unrelated to the ordinance amendment.

Mr. Killian inquired about the process. Mr. Kunkle said the next step would be to advertise. Ms. Lang said there needs to be a minimum of two weeks between the advertisement and the hearing. Mr. Barker said it would be favorable to the residents if the Board would delay action for up to 30 days.

Mr. Keough made a motion to postpone the adoption of this ordinance to the Board's next meeting and to direct staff to advertise to make the amendment to the PRD, so both actions may be taken simultaneously. Mr. Heinsohn seconded the motion. With Mr. Miller voting no, and all other Board members voting yes, the motion passed.

4. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, PART 5, DESIGN AND IMPROVEMENT STANDARDS, SECTION 513, PUBLIC USE AND SERVICE AREAS, SUBSECTION 2, PARKS AND RECREATIONAL FACILITIES, BY DELETING EXISTING SUBSECTIONS A AND B, AND SUBSTITUTING THEREFORE NEW SUBSECTIONS A AND B

Mr. Kunkle said this ordinance will clarify how the Township will apply parkland fee in lieu to lots created in the RR and RA zoning districts for use as single family dwellings. The Board could apply the fee in lieu rate currently passed in their fee resolution to lots carved off of farm land at the rate of 1 per 50 acres of primary use in the RA zoning district or 1 acre lots in the RR zoning district that are used for residential purposes.

Mr. Killian made a motion to adopt Ordinance 945, amending Chapter 22, Subdivision and Land Development, applying parkland fee in lieu to residential lots in the RA and RR zoning districts and to mixed use development and structures. Mr. Heinsohn seconded the motion. With Mr. Keough voting no, and Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed.

Mr. Keough indicated some concern as this came up two years ago with a property in the western end of the Township – the fact that a subdivision with no intention to develop had the property rights to develop three dwelling units. That has been addressed in general. He still believes that the agricultural RA land in Ferguson Township is providing a lot of recreation for residents in the Township. He objects in general to RA property because they are providing un-reimbursed recreational land to residents in Ferguson Township. Mr. Heinsohn noted that all recreational use is supposed to be done upon request by the property owner. Mr. Keough agreed, but said most of the RA land in the western end of the Township allows hunting.

- 5. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS: (1) APPENDIX H, STREETS AND SIDEWALKS, BY ACCEPTING AS A PUBLIC STREET A DEED OF DEDICATION FROM S&A CUSTOM BUILT HOMES, INC. NOW KNOWN AS S&A HOMES, INC. FOR A SECTION OF AUTUMNWOOD DRIVE IN FOXPOINTE PHASE 7; AND (2) CHAPTER 15, MOTOR VEHICLES, PART 2, TRAFFIC REGULATIONS, SECTION 201, MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS, AS FOLLOWS: (A) BY ESTABLISHING A 25 M.P.H. SPEED LIMIT ON AUTUMNWOOD DRIVE BETWEEN SETTER RUN LANE AND FOXBERRY RUN ROAD AND (B) BY DELETING THE 25 M.P.H. SPEED LIMIT ON AUTUMNWOOD DRIVE BETWEEN SETTER RUN LANE AND TEMPORARY CUL-DE-SAC AND BETWEEN FOXBERRY RUN ROAD AND TEMPORARY CUL-DE-SAC**

Mr. Kunkle gave a brief overview of the ordinance.

Mr. Heinsohn made a motion to adopt Ordinance 946, accepting a portion of Autumnwood Drive and establishing a 25 mph speed limit. Mr. Killian seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

- 6. AN ORDINANCE OF FERGUSON TOWNSHIP SETTING FORTH ITS AUTHORITY TO ESTABLISH AN “AIRPORT DISTRICT OVERLAY” TO INCLUDE: PURPOSE OF THE DISTRICT, DEFINITIONS, AIRPORT ZONES, AIRPORT ZONE HEIGHT LIMITATIONS, PERMITS REQUIRED, USE RESTRICTIONS, NONCONFORMING USES, VARIANCES, AND CONFLICTING REGULATIONS; AND AMENDING THE OFFICIAL ZONING MAP BY THE ADOPTION OF AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY ZONING MAP**

Mr. Kunkle explained briefly. A very small piece of Ferguson Township would be within this overlay district. This would bring the Township into compliance with the Commonwealth statute.

Mr. Heinsohn made a motion to adopt Ordinance 947, establishing an Airport District Overlay. Mr. Miller seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

IV. COMMUNICATIONS TO THE BOARD

Board members noted that they received various types of communication regarding the TS District Ordinance, including communication from residents in support of the ordinance.

V. ACTION ITEMS

1. CONSENT AGENDA

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

VI. REPORTS

- **Manager**

The Township Solicitor and Mr. Kunkle attended a seminar on four timely topics on Thursday, February 3rd. Mr. Kunkle noted the topics covered.

Staff has begun refinement of the Strategic Plan. A work session will be planned for the Board in March to review and make further revisions to the plan.

Staff has begun work on the Spring Newsletter with a publication goal of March 30th.

- **Public Works Director**

Mr. Modricker provided detailed information about various 2011 Contracts regarding bids, proposals, and Open House projects. Highlighted were:

Whitehall Road Widening: This project includes improvements from W. College Avenue to Tadpole Road, including widening and relocation of utility poles. Milestone dates were provided. Mr. Modricker highlighted that there will be a Utility Coordination Meeting on February 8th.

Old Gatesburg Road Extension: Construction work on this project will begin in the spring.

Contract 2011-C2 Horseshoe Circle and East Chestnut Street: Based on preliminary engineering and examination of core samples, it may be necessary to completely reconstruct Horseshoe Circle. An open house for this project is scheduled for February 22nd. Mr. Modricker provided repair options for the Board, and his recommendation was to go with Option 3. He stated that he and the Township Engineer would like to see Option 5, but they have also heard concern about the budget and the limited traffic on that road. The Board held a brief discussion on the five options presented.

Mr. Keough made a motion to provide direction to the Public Works Director Direction following his memorandum of February 7, 2011 to move forward with Option 3. Mr. Miller seconded the motion. The motion passed unanimously.

Option 3: Select Asphalt Repair, Scratch, Stress Absorbing Membrane, Asphalt Overlay

- a) Anticipated 10 year life
- b) Existing CMP storm pipes not replaced but should have 10 year life remaining
- c) Estimate cost = \$150K

- **Director of Planning and Zoning**

HARPSTER FINAL SUBDIVISION AND GALLOWAY FINAL LAND DEVELOPMENT PLANS WERE INTRODUCED: Two relatively small projects that have been submitted for approval and are currently under review were presented to the Commission to identify the intent of the plans and to obtain feedback on the issues that have been identified to date. A recommendation on the approval of these projects is anticipated before the end of March.

REVIEW OF TRAFFIC CALMING POLICY DOCUMENT: The Commission continues to discuss the development of a Traffic Calming Program for the Township. Staff revised the current draft based on comments presented at the last meeting and provided a point scale to be used in determining the severity of a reported problem. As noted previously, the Commission would like to present a draft to the public prior to preparing a final draft for the Board's consideration.

As part of the Planning Commission's work plan for 2011, they wanted to pay attention to some of the regional projects going on. Information about the Comprehensive Plan has been released in small pieces. Ms. Lang is trying to keep the Commission aware of the CRPC's agenda.

I. MINUTES

1. January 17, 2011 BOS Regular Meeting Minutes

Mr. Killian made a motion to approve the January 17, 2011 BOS Regular Meeting minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

Mr. Killian made a motion to adjourn the February 7, 2011 BOS Regular Meeting. Mr. Heinsohn seconded the motion. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the February 7, 2011 Regular Meeting at 9:52 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 03/07/2011