

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, July 15, 2013  
7:00pm

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, July 15, 2013 at the Ferguson Township Municipal Building. In attendance were:

**Board:** Richard Mascolo  
Drew Clemson  
Elliott Killian

**Staff:** Mark Kunkle, Township Manager  
David Pribulka, Assistant Manager  
Erika Green, Planning & Zoning Director  
Diane Conrad, Chief of Police  
Dave Modricker, Public Works Director

*Others in attendance included:* John Sepp

### II. CALL TO ORDER

Mr. Mascolo called the Monday, July 15, 2013 regular meeting to order at 7:00pm.

### III. PUBLIC HEARINGS - OTHER

#### 1. A PUBLIC HEARING ON AN APPLICATION TO AMEND THE FERGUSON TOWNSHIP AGRICULTURAL SECURITY AREA BY ADDING AN ADDITIONAL 54.9 ACRES OWNED BY AMANDA G. ROCKOWER, TAX PARCEL 24-006-006B.

Mr. Mascolo introduced an amendment to the Ag Security Area to include 54.9 acres owned by Amanda Rockower. Mr. Kunkle said that the Board of Supervisors received the application of Amanda G. Rockower on May 20th to add an additional 54.9 acres of land to the Township's Agricultural Security Area (ASA). Pursuant to the Agricultural Security Area Act the Board of Supervisors appointed an advisory committee.

On June 10th the Planning Commission considered the application and on June 18th the Agricultural Security Area Advisory Board considered this application. Mr. Kunkle said that both bodies have indicated support for this application and the Centre County Planning Commission indicated that it had no objections to the addition of this property.

Mr. Killian made a motion that the Board of Supervisors APPROVE the addition of the Amanda G. Rockower property, Tax Parcel # 24-006-006B, consisting of 54.9 acres to the Township's Agricultural Security Area. Mr. Clemson seconded the motion. *The motion passed unanimously.*

### IV. ACTION ITEMS

#### 1. CENTRE LEARNING COMMUNITY CHARTER SCHOOL LAND DEVELOPMENT PLAN, PLAN LAST DATED JUNE 3, 2013 PLAN DEADLINE AUGUST 26, 2013.

Ms. Green introduced the Centre Learning Community Charter School Land Development Plan, which proposes an addition to its existing school facility located at 2643 West College Avenue. The existing school facility is 16,103 square feet and a 3,972 square foot addition is proposed to be added to the southeast corner of the building.

Mr. Clemson made a motion to APPROVE the Centre Learning Community Charter School LDP subject to completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memo dated July 12, 2013. Mr. Killian seconded the motion. *The motion passed unanimously.*

**2. SANDY DRIVE LAND DEVELOPMENT PLAN, PLAN LAST DATED JUNE 6, 2013  
PLAN DEADLINE SEPTEMBER 9, 2013.**

Ms. Green introduced the Sandy Drive LDP which proposes a 7,368 square foot professional office building that will include three suites for business, medical or professional offices located on Sandy Drive near Science Park Road. She said that only minor administrative issues are remaining to be resolved.

Mr. Killian made a motion to APPROVE the 2188 Sandy Drive Office Building LDP subject to completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memo dated July 10, 2013. Mr. Clemson seconded the motion. *The motion passed unanimously.*

**3. PLACES OF ASSEMBLY ORDINANCE AMENDMENT**

Ms. Green started by saying that she had previously presented this amendment at the last BOS meeting, where the Board elected to forward the document to the PC for comment. She said that the feedback from the PC closely reflected her recommended changes, including: changing the term “uses” to “structures”; amending the square footage limits for places of assembly to lot coverage; and adding a definition of “impervious area.”

Mr. Clemson asked if an exception to the height limitation could be added to allow field lighting at the Whitehall Road Regional Park to exceed the 40ft limit. Mr. Kunkle said that this limit was waved as part of the conditional use for the park.

Mr. Clemson made a motion to proceed with the Places of Assembly Ordinance Amendment. Mr. Killian seconded the motion. *The motion was passed unanimously.*

**4. ZONING HEARING BOARD SPECIAL EXCEPTION / VARIANCES**

**a. VARIANCE – AMANDA AND MATTHEW HOMAN, 3473 SHINGLETOWN ROAD,  
STATE COLLEGE**

Mr. Kunkle introduced a variance for the property at 3473 Shingletown Road owned by Joseph and Delores Homan to allow for the construction of a pet care facility in the RA zoning district that exceeds the allowable maximum of 20 dogs at any one time. He said that the variance, if granted, would allow more than 20 dogs and be restricted only by the kennel license given by the Pennsylvania Department of Agriculture.

He said that the application is for a boarding kennel and that kennels have a variety of classes and nomenclatures applied to them. He said that the application did not specify the desired kennel class, however he thought it would likely be a Class 3 Kennel, which allows for 26 or more dogs.

Mr. Clemson commented that he was not yet ready to support this application because it was lacking specificity. Mr. Kunkle recommended that the BOS remain neutral for the time being and await further details from the next ZHB meeting.

Mr. Killian made a motion to remain neutral in the variance application of Amanda and Matthew Homan, 3490 Shingletown Road to construct a kennel / training facility that would accommodate more than the maximum 20 dogs permitted under the zoning ordinance. Mr. Clemson seconded the motion. *The motion passed unanimously.*

## **5. APPROVAL OF JUNE 2013 VOUCHER REPORT**

Mr. Killian made a motion to approve the June 2013 voucher list. Mr. Clemson seconded the motion. The motion passed unanimously.

## **6. CONSENT AGENDA**

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

## **V. REPORTS**

### **1. Manager – No Report**

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

Mr. Modricker reported briefly on several projects including Bristol Ave, North Allen St., West Aaron Drive, Whitehall Road paving, and Coral Acres; microsurfacing; and the bike path seal coat. He said Public Works is also currently working on brush collection, mowing, and a sink hole repair on Science Park Road. Mr. Clemson requested that Public Works ensure there is sufficient and clear signage for the Whitehall Road project, especially once the Penn State football season commences.

At its last meeting the Homeowners Associations discussed several Public Works related items. Mr. Modricker said that some wanted to upgrade the size of the trees that are planted in their area, with the homeowners paying the difference in price. Public Works was also discussing whether or not to treat the diseased street ash trees. Because the trees were mostly beyond repair and likely to die soon, he would prefer to replace these trees rather than continually treating them. Mr. Kunkle commented that the cost of removal, stump grinding, & replacement must all be considered to compare replacement with treatment. He said that his recommendation would be to replace them with trees that would last much longer, although there was one homeowner's association that seemed to prefer treatment.

### **3. Planning & Zoning Director**

Ms. Green reported on permit activity for June. She said the only notable difference was in the number of rental permits. There were 248 in June, compared to just 18 the previous month. This increase was mostly attributed to the Turnberry Development.

### **4. Chief of Police**

Chief Conrad reported that the number of Part 1 crimes for this June was down slightly compared to 2012. Part 2 crimes were also down, at 37 this year versus 48 the previous year. However other calls for service were higher than last year. Chief Conrad reported that vehicle code and traffic incidences were the leading calls, which were likely due to the storms and flooding experienced in the region that month. Officer Jeff White received recognition for his outstanding number of traffic citations.

## **5. COG Committee Reports**

### **a. Executive**

Mr. Kunkle said that the COG Executive Committee is meeting later in the week. He reported that the General Forum meeting is scheduled for the following Monday.

**b. Finance**

Mr. Mascolo reported Finance Committee members spent most of the last meeting reviewing the preliminary COG Program Plan.

**6. Other Non-COG Regional Committees**

**a. Environmental**

Mr. Killian reported that his committee recently toured the local refuse & recycling center. He said they will likely be reviewing the refuse & recycling contract again starting in September.

**VI. MINUTES**

Mr. Killian made a motion to approve the June 17, 2013 BOS minutes and the June 28, 2013 CIP Worksession Minutes. Mr. Clemson seconded the motion. *The motion passed unanimously.*

**VII. ADJOURNMENT**

Mr. Killian made a motion to adjourn. Mr. Clemson seconded the motion. *The motion passed unanimously.*

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 7:45pm.

RESPECTFULLY SUBMITTED,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 08/05/2013