

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, FEBRUARY 8, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its first meeting of the month on Monday, February 8, 2021, as a virtual meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Rob Crassweller - Secretary
Shannon Holiday
Bill Keough
Lisa Rittenhouse
Dr. Ellen Taricani
Lewis Steinberg
Ralph Wheland
Quin Zhang

Staff:

Jenna Wargo, Planning & Zoning Director
Kristina Aneckstein, Community Planner
Dave Modricker, Director of Public Works
Lance King, Township Arborist
Jeff Ressler, Zoning Administrator
David Pribulka, Township Manager

Others in attendance: Rhonda Demchak, Recording; Danielle Bleir, Develop Manager, Aspen Heights Partners; Wes Glebe, Ferguson Township Resident; John Sepp, PennTerra; Doug Hill, Senior Engineer, Wooster and Associates; Jeremy White, Architect, Aspen Heights Partners; David Helfrich, President, East Division, Aspen Heights Partners; Daniel Koebel, VP of Development, Aspen Heights Partners; Evan Heiser; Laura Dininni, Chair, Ferguson Township Board of Supervisors

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, February 8, 2021 at 6:08 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES JANUARY 11, 2021

Mr. Thompson called for a motion to approve the minutes from January 11, 2021.

Mr. Crassweller moved that the Planning Commission **approve** the minutes of January 11, 2021. Ms. Holiday seconded the motion. The motion passed unanimously.

III. CITIZEN INPUT

None

IV. LAND DEVELOPMENT

A. West College Avenue Student Housing

Ms. Aneckstein presented the project. PennTerra Engineering, Inc. has submitted a Land Development Plan and Lot Consolidation Plan on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The parcels are located at the intersection of West College Ave and Buckhout Street. Tax Parcels 24-002A,015, 24-002A,016, 24-002A,017, 24-002A,018, and 36-010-006 are to be consolidated to form a 1.136 acre parcel. The parcels are located in the Terraced Streetscape District (TSD) in Ferguson Township and Parcel 36- 010-006 is located partially in The Borough of State College's CP-2 Planned Commercial District. The land development plan proposes a 6-story multi-family residential apartment building with commercial/retail space on the first floor. The

applicant is utilizing height incentives found in §27- 304.3.B.(2) and has provided additional parking in the parking structure to share for use by others. The applicant is eligible for an additional 20 feet to be added to the permitted maximum height (55 feet). The building will consist of two subsurface floors of underground parking, one floor containing commercial space and 5 floors of multi-family residential apartments. There are 96 residential units with 268 beds and 5,976 square feet of non-residential spaces proposed. Ground floor area is 29,571 square feet with 28,483 in Ferguson Township and 1,088 square feet in the Borough of State College. The plan calls for 159 parking spaces, 151 of which will be located in the parking structure. A variance was granted by the Ferguson Township Supervisors on February 25, 2020 to allow parking on first floor of the building. There are 14 short-term bicycle parking spaces proposed.

Mr. David Helfrich, President, East Division, Aspen Heights Partners, presented a company overview. Aspen Heights is based in Austin, Texas and was founded in 2006. Aspen Heights has currently developed 34 different projects, including six that are under construction. Aspen Heights is consistently ranked among top developers in the country since the company's conception.

Mr. Jeremy White, Architect, reviewed the project highlights.

- 5-story apartments consisting of 96 two and three bedroom units
- Indoor and outdoor amenity areas
- On-site management and security staff
- Accessed controlled buildings, common area, units, and bedrooms
- Approximately 7,400 square feet of retail/commercial space

Mr. White reviewed the plan that included parking, commercial space, electrical charging stations, bike parking, roof terrace, integrated clubhouse with a fitness area and study lounge. Mr. White reviewed what the building will look like when completed.

Mr. Keough asked about internal traffic and if it will be one-way. Mr. White noted that it will be two-way traffic.

Ms. Taricani asked if Calder Alley will be one-way. Mr. John Sepp, PennTerra noted that it will be two-way. Ms. Taricani expressed concerns making a hard-right turn onto Buckhout. Mr. Sepp noted that trucks will be restricted from making the right turn off of Buckhout onto Calder Alley.

Ms. Holiday asked if a traffic study was conducted. Mr. Doug Hill, Senior Engineer, Wooster and Associates, noted that a traffic study was completed. Mr. Hill stated that there have been conversations with the Borough, PennDot, and the Township regarding a traffic control plan during construction that could include West College Avenue to be one lane near the project. Mr. Ron Seybert noted that the traffic study is still in review and has not been approved.

Mr. Keough asked if the traffic study took in to account the student population. Mr. Hill noted that they did and used historical data from the last few years.

Mr. Binney asked if the traffic study included the impacts or level of service with any lighted intersection on West College Avenue. Also, Mr. Binney inquired if the study included other approved developments in the region. Mr. Hill stated the intersections were not included in the study, but the developments were included.

Mr. Wheland noted that he doesn't see a CATA bus stop near the project. Mr. Sepp stated that CATA has an existing stop on College Avenue and will maintain a stop at the entrance of the building. Mr. Sepp noted that there is not an actual pull off and the bus will remain on the road. Mr. Keough expressed concerns with not having a pull off due to holding up traffic and the safety of pedestrians. A pull off was considered, but Mr. Sepp said there wasn't a place for a pull off with the project. Mr. Keough asked staff to obtain clarification from CATA with regards to dropping off people on the opposite side of the road. Ms. Holiday concurred with Mr. Keough.

Mr. Binney asked if any of the experts expressed concerns with regards to pedestrian safety. Mr. Hill noted that a sight distance analyses from every corner was performed and it was deemed appropriate with the characteristics of the roadway. Pedestrian enhancements will be included such as additional signage. There will be lights added along the sidewalks. Mr. Binney asked if there was consideration of flashing yellow lights at the crosswalks. Mr. Hill stated that at this time there hasn't been consideration, but there has been a recommendation to include pedestrian signage in the scheme of florescent green coloring. Mr. Helfrich stated they will cooperate in any way to ensure the safety of pedestrians.

Mr. Steinberg asked if there has been consideration in making West Calder Way one-way heading west and expressed concerns with the blind spot on the eastern side of the building. Mr. Sepp stated that cars coming from Calder Way will be sitting in the easterly direction and need to look to the left for cars approaching and it's a different visual pulling out from a parallel parking position versus a pulling out perpendicular. Dr. Taricani agreed with Mr. Steinberg and noted that having West Calder Way one-way makes more sense. Dr. Taricani stated that the road has been very bad for a long time because of the road condition.

Mr. Sepp reviewed the landscape plan that utilized the Terraced Streetscape District (TSD) design criteria.

Public Comment

Mr. Wes Glebe expressed concerns with pedestrian traffic with regards to a Brew Pub being established on the south corner of Buckhout Street in conjunction with the student housing project.

Mr. John Sepp, PennTerra Engineering, Inc. (PTE), noted that the waiver has been submitted for Consideration of a Modification as part of the West College Avenue Student Housing Land Development Plan. The modification/waiver is requesting relief from Section 22.502.5.1.3.b. This section of the code states that all entrance drives serving more than four dwelling units and all other used in this category shall be laid out to conform to the design, service and access standards established in this chapter for the classification of street based on expected ADT. The proposed entrances to the building are designed to meet Township parking lot design criteria. PTE states that this design provides safe access to the building.

Ms. Holiday asked why there couldn't be a pull off stop for CATA and what businesses are going to be in the building. Mr. Sepp stated that if a pull off stop was installed the sidewalk would only be 2-3 feet wide. Mr. Helfrich commented that the project is two-years out and they have not identified who the retailers would be but would be suitable for neighborhood retail.

Transportation Comments

Ms. Holiday asked about buses for school aged children occupying the apartments with their parents. Ms. Wargo noted that when a land development plan is received for housing units, they provide the data to the State College Area School District. Ms. Aneckstein stated that the State College Area School District will determine where the stop would be.

Alley Comments

Mr. Keough asked about the ownership of the alley. Mr. Modricker noted that he refers the West Calder Alley as a private alley and not owned by the Township. The alley was created with the sub-division that created the alley but never turned over to the Township. Mr. Sepp read the note on sheet four of the plan that states, the developer will maintain in good repair Calder Alley along the project and access to Calder Alley will not be restricted. Mr. Keough expressed concerns with having two-way traffic and recommends taking a closer look at the issue. Mr. Keough has concerns with delivery trucks not being able to fit into the garage and as a result, deliveries will be along College Avenue.

Ms. Rittenhouse concurred with Mr. Keough regarding deliveries along College Avenue. Mr. Sepp stated that they are considering having limited deliveries during off-peak hours on the western part of the building along College Avenue. Ms. Rittenhouse agreed with limited deliveries due to traffic issues. Mr. Thompson shared his concerns with vehicles pulling off in front of the building.

Mr. Keough stated that if the alley remains two-way that a width of 20 feet makes sense.

Ms. Holiday asked about ADA access. Mr. Sepp stated that there are handicap parking stalls inside the garage near the elevator and they designed the sidewalks into the building to meet ADA requirements. Mr. Keough recommended to the developer to have one or two units be designed as handicap units. Mr. White noted that all units are Type B Adaptable.

Pedestrian Comments

Dr. Taricani asked if the public has access to the parking garage and will the tenant have a parking fee. Mr. Helfrich stated there will be a few spaces for guests, but it is not open to the public to use.

Ms. Holiday asked if there has been consideration for a traffic light to be placed at the intersection of College Avenue and Buckhout Street to enable pedestrians to cross safely. Mr. Hill noted there would need to be one Traffic Signal Warrant from the state for a traffic signal to be installed, and the intersection doesn't satisfy any warrants from the state.

Mr. Keough expressed concerns with securing a space of 10 feet between the proposed building and the building next door. Mr. Keough suggested placing a gate at both ends of the space with lights. Mr. Helfrich stated they will study Mr. Keough's concern.

Parking Comments

Mr. Wes Glebe asked if the width of the ramps going into the underground lot have been modified from 20 feet to the National Building Code of 24 feet. Mr. Hill noted that if there are no parking spaces on the ramp, then it can be minimized to a 20-foot width.

Mr. Glebe asked if all the handicap parking could be located on the ground floor. Mr. Hill stated that it is code requirement to disburse handicap spaces equally where there is an elevator opportunity on each floor. Mr. Helfrich stated that the units come fully furnished so there will be limited moving of items during PSU move in and move out dates.

Mr. Thompson asked if the charging spaces will be designated for electric vehicles only when they are charging. Mr. Helfrich will examine this.

Mr. Binney asked if this will be student housing in perpetuity. Mr. Helfrich stated that there could be a mix of students and non-students. Ms. Holiday asked if there could be affordable housing included with the rental fees. Mr. Helfrich noted that there is nothing in place and they are market rate units.

Mr. Keough indicated that on sheet 3c the intersection of the alley and Buckhout Street that there is sinkhole that is in the Borough; however, it is not included on the plan. Mr. Sepp noted that there is a sinkhole, it has been identified and is included in the Stormwater Management Plan. Mr. Keough requested consideration of altering the landscape and sidewalks in front of the building to have a pull-off due to safety concerns. Mr. Sepp indicated that variances would be required.

Mr. Thompson reminded the Planning Commission that the plan is preliminary and will be reviewing again.

Mr. Keough moved that Planning Commission **table** the Preliminary West College Avenue Student Housing Land Development Plan until the next meeting due to outstanding questions that need to be addressed by the developer.

Ms. Wargo stated that the next Planning Commission is too close to get the plan back from the developer and staff has already reviewed the plan five times.

The motion failed.

Mr. Crassweller moved that the Planning Commission recommend to the Board of Supervisors to **approve** the Preliminary West College Avenue Student Housing Land Development Plan pending outstanding review comments. Dr. Taricani seconded the motion. The motion passed 6-1 with Mr. Keough opposing.

B. Modifications/Waiver for West College Avenue Student Housing

Ms. Aneckstein noted that much of the waiver was covered during the West College Avenue Student Housing discussion but introduced the waiver. PennTerra Engineering, Inc. (PTE) has submitted an Application for Consideration of a Modification as part of the West College Avenue Student housing LDP. The modification/waiver is requesting relief from Section 22.502.5.I.3.b. which are designed to meet Township parking lot design criteria. PTE states that this design provides safe access to the building.

Mr. Rob Crassweller moved that the Planning Commission **recommend** to the Board of Supervisors to approve the Application for Consideration of Modification/Waiver. Mr. Binney seconded the motion. The motion passed unanimously.

V. TREE PRESERVATION ORDINANCE

Ms. Wargo reviewed the ordinance. After the January 11th meeting, Ms. Wargo met with

Mr. King to review and update the ordinance from the comments and suggestions that were given. The ordinance was divided up into two chapters because it will be housed in the Township's SALDO. here are two amendments, the new chapter and to amend the definitions.

Mr. Binney expressed concerns with the lack of clarity within the Applicability Section. Ms. Wargo stated that it is the intent of dividing and having it live in the SALDO. The SALDO has the establishment of controls and applicability section within the ordinance.

Under Farm-Based Business, Mr. Keough asked why the following was included, "This use shall be considered of similar nature and function as a home-based business." Mr. Ressler noted that the Farm-Based Business is defined in the ordinance that was passed recently. Mr. Keough stated that there are farms that have separate lots that are wood lots and doesn't want to see those lots come under scrutiny if they want to timber.

Applicability – Mr. Keough requested to have the word "for" replace the word "of" in 3c. Ms. Wargo will make the change.

Tree preservation, protection and replacement – Mr. Keough asked if there needs to be a definition for Minor Alteration Plans under section 1.a.i. Mr. Ressler noted that it wouldn't be hard to make a definition. Under 2.a, Mr. Keough suggested adding a third "i" that accounts for flood plains and slopes. Mr. King didn't feel it should be the arborists decision and suggested having the tree portion examined separately.

Mr. Keough continues to disagree with the \$1,000 fine. Ms. Wargo noted that the fine was a recommendation by the staff. Ms. Rittenhouse agreed that the fine is too high. Mr. Thompson suggested creating a tiered fine system. Ms. Rittenhouse liked the idea of the tiered program because mistakes happen and suggested having it start at \$500 for the first offense, \$750 for the second offense, \$1000 for the third offense. Mr. Keough supports the tiered system. Ms. Holiday asked if the fine is per tree or per incident. Ms. Rittenhouse suggested the fine be per tree. Mr. Keough recommended that the tree be planted within a 10-foot diameter of the original tree. Mr. King supports Mr. Keough recommendation. Ms. Wargo suggested adding within a 5-foot diameter and add that it can't be planted within the buffer.

Mr. Keough moved that the Planning Commission recommend to the Board of Supervisors to **consider** a tiered fine system consisting of a \$500 fine for the first offense, \$750 for the second offense, \$1000 for the third offense, and the landowner would be required to replace the tree within a 10-foot diameter of the original tree except if it would encroach on the buffer zone. Ms. Holiday seconded the motion. The motion passed unanimously.

Mr. Keough moved that the Planning Commission recommend to the Board of Supervisors to **approve** the Tree Preservation Ordinance with the tiered modification and authorize staff to advertise a public hearing. Mr. Binney seconded the motion. The motion passed unanimously.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo noted the Board met on February 1, 2021 and will be reviewing Storm

Water Management Utility Fee Ordinance on February 16th meeting.

B. CRPC Report

Dr. Taricani reported that Patton Township will have an equine hospital on Buffalo Run Road. Hilltop has developed housing for low income residents and for students. Aspen Heights will be the official name of the development. here will be an Aldi's built near the Nittany Mall and a Rural King will take over the old Sears store within the mall. Patton Township will have an Aldi's built as well. The old Auto Port in State College Borough was being considered for a large hotel, but it has been cancelled. There is reorganization being done within the CRPC area with combining departments to make more efficient.

Mr. Keough asked for an update regarding the casino. Dr. Taricani noted that it is being placed within the Nittany Mall. Ms. Aneckstein noted that the casino will create 300-400 full-time positions.

Ms. Holiday stated that the Pine Grove Mills Small Area Plan Advisory Committee requested to have either the Planning Commission or staff look into a traffic study for the LED light conversion installation at Nixon, Pine, and Water Street. Ms. Wargo noted that more information will be provided at the next Pine Grove Mills Small Area Plan Advisory Committee meeting.

Ms. Rittenhouse noted that a Mexican restaurant will take over the old Mario's restaurant.

C. Land Development Plans

Ms. Aneckstein noted that they are waiting on the developer to resubmit the Wasson-Ash Avenue Replot which is a three lot replot on Ash Avenue.

D. Staff Updates

No report.

Ms. Holiday asked if anyone attended the Representation Matters event that was aired through CNET. Ms. Holiday was a panel member where she discussed her experience as a minority serving on either an appointed or an elected office.

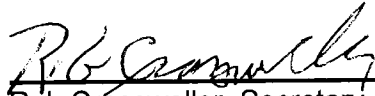
Mr. Keough thanked Ms. Wargo and Ms. Aneckstein for providing the large engineering plans for West College Avenue. Mr. Keough requested that in the future when a bigger plan is to be reviewed to have more time to prepare. Mr. Thompson suggested receiving a memo or email to check the Township website for any plans. Ms. Aneckstein noted that she can send everyone an email.

Ms. Holiday stated that the American Association of University Women is hosting their Empowering Women's Series via Zoom on March 17, 2021 from 11:00 a.m. – 1:00 p.m.

VII. ADJOURNMENT

Dr. Taricani made a motion to adjourn the February 8, 2021 Planning Commission meeting at 10:05 p.m. Mr. Binney seconded the motion. The motion passed unanimously.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Rob Crassweller", is written over a solid horizontal line.

Rob Crassweller, Secretary
For the Planning Commission