

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MARCH 22, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its second meeting of the month on Monday, March 22, 2021, as a virtual meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Rob Crassweller - Secretary
Shannon Holliday
Bill Keough
Dr. Ellen Taricani
Lewis Steinberg - Alternate
Ralph Wheland
Qian Zhang - Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Kristina Aneckstein, Community Planner
Jeff Ressler, Zoning Administrator

Others in attendance: Rhonda Demchak, Recording Secretary; Ms. Janice Gainer, Ferguson Township Resident; Cole Meighen, PSU Student; Doug Hill, Senior Engineer, Wooster and Associates; John Sepp, Penn Terra; Danielle Bleier, Development Manager, Aspen Heights

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, March 22, 2021 at 6:00 p.m. Mr. Thompson noted that the Planning Commission meeting was advertised in accordance to the PA Sunshine Act as a virtual meeting via Zoom. There was also an audio conference bridge that is accessible by dialing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Persons attending the meeting as members of the public and wanted to participate were asked to enter their name, municipality, and topic by utilizing the Q&A bubble at the bottom of the screen. C-NET is recording as well.

Ms. Wargo took roll call and the Planning Commission had a quorum.

II. APPROVAL OF REGULAR MEETING MINUTES MARCH 8, 2021

Mr. Binney moved that the Planning Commission **approve** the minutes of March 8, 2021. Dr. Taricani seconded the motion. The motion passed unanimously.

III. CITIZEN INPUT

None.

IV. LAND DEVELOPMENT

A. West College Avenue Student Housing LDP Application for Consideration of a Modification Waiver

Ms. Wargo presented the modification waiver for consideration. Penn Terra Engineering has submitted an Application for Consideration of a Modification/Waiver on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The specific section of the Subdivision and Land Development Ordinance request is Section 22.502.5.M.3.d –

Standards for Traffic Capacity and Access. The Northbound approach to the intersection of W. College Avenue and Butz Street currently operates below Level of Service (LOS) F under existing conditions. The intersection is unsignalized and does not satisfy required warrants for a traffic signal, resulting in no practical method to improve the existing LOS to D or better as required within the Township's SALDO. Staff has reviewed the application request and isn't recommending any conditions to include as part of the application. Ms. Wargo noted that Mr. Seybert provided a memo as well as a traffic count for the intersection.

Mr. Binney asked what plans need to be developed in order to protect the interest of the motorist, residents, and pedestrians since there is no intention of adding a traffic light. Mr. Hill noted that in terms of pedestrian access there are improvements being implemented. Mr. Binney asked about more pedestrian signage and lighting that could be put in that would area to help protect people. Mr. Hill stated that there will be pedestrian signage and lighting installed. Also, the crossing at College Avenue and Buckhout Street will be upgraded to ADA requirements. Ms. Wargo noted that CATA will be working with the applicant to move the bus stop closer to the crosswalk.

With regards to the Butz Street intersection and College Avenue, Mr. Keough asked what was being proposed for pedestrians crossing College Avenue. Mr. Hill stated that there is nothing being proposed because it is an uncontrolled intersection and there are currently crosswalks on Butz Street that will be maintained. Mr. Keough expressed his concerns with not having crosswalks.

Mr. Thompson stated that there are several K-12 schools in the vicinity of the intersection and expressed concerns with crossing.

Mr. Crassweller asked about the feasibility at Butz Street connecting to West Campus Drive and the level of service at the intersection. Ms. Wargo noted that Mr. Seybert stated that the issue isn't with the traffic, but the issue is on Butz Street because it is already an established neighborhood.

Mr. Binney indicated that he will be abstaining from voting due to lack of clarity with the functionality of the project.

Mr. Sepp stated that Mr. Hill has done a comprehensive traffic impact study for the project. The study was prepared in accordance of PennDot and the Township's regulations. The study has gone through three reviews. The development has no impact on neighboring streets that would result in any mitigation required other than signage.

Ms. Holliday expressed concerns with pedestrians crossing at College and Buckhout without a traffic light.

Mr. Keough stated that if there were some sort of mitigation at Butz Street to slow the traffic down before it gets to the other intersection, it may impact positively with the concerns at the Buckhout intersection. Mr. Sepp stated that PennDot will not allow for a signal because it doesn't meet any warrants. Mr. Keough asked if there is anything the Township could ask PennDot to help with the unique intersection. Ms. Wargo indicated that typically in her experiences, PennDot is not opened to slowing down traffic.

Mr. Crassweller moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Modification/Waiver Application for §22.502.5.M.3.d.—Standards for Traffic Capacity and Access. Mr. Thompson seconded the motion. Mr. Binney abstained, Ms. Holliday, Mr. Keough, and Dr. Taricani opposed.

Mr. Sepp asked for consideration to approve the modification/waiver with a condition that staff will ensure all available signage and any other measures are investigated to be incorporated into the plan for the intersection.

Mr. Keough commented that he would be happy to support moving forward on the condition the staff and the developer discuss and pursue issues related to pedestrian traffic in and around the intersection at Butz. Mr. Sepp stated that Mr. Keough's condition can be placed on the motion.

Ms. Zhang asked for clarification on why PennDot won't allow more signs. Mr. Sepp explained that when signs want to be placed there needs to be a sign study performed. PennDot has specific criteria that needs to be met. Mr. Hill added that PennDot has criteria about how many signs are allowed within an area.

Mr. Keough moved that the Planning Commission **approve** the modification request with the condition that further discussions between staff and the developer take place regarding pedestrian movement in and around the development with emphasis on slowing traffic starting at Butz Street. Mr. Crassweller seconded the motion. The motion passed unanimously.

B. West College Avenue Student Housing LDP Application for Consideration of a Modification Waiver

Ms. Wargo presented the modification waiver and noted that Penn Terra Engineering has submitted an Application for Consideration of a Modification/Waiver on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The specific section of the Subdivision and Land Development Ordinance request is Section 22.504.2.A.2 – Lot Frontage and Access. This section of the ordinance requires a Private Street Agreement to be signed by all property owners who access the private street. Calder Way is an alley that was created as part of the original subdivision plan and exists for the use and enjoyment of those lots created during the subdivision. The alley is in common ownership by all of the lots that created the alley and requiring all properties to sign a Private Street Agreement presents an unreasonable hardship on the applicant since the applicant will be maintaining the alley in its entirety and has included as Note 18 on the attached plan sheet their responsibilities. Ms. Wargo reviewed a map of the area and noted that the private street agreement would require the applicant to obtain signatures from every property owner along the entire length of Calder Way, from Corl to Buckhout. The Township solicitor made a recommendation to have a private street agreement. Staff recommend that the applicant provide the agreement.

Mr. Keough suggested phrasing the motion to approval with the condition that the applicant enter into an agreement with the Township for pre and post construction and general maintenance of the alley.

Mr. Binney asked if the Planning Commission ever had an executive session with counsel over any issues, motions or waivers. Mr. Crassweller noted they have had executive sessions before. Mr. Binney noted that there could be a possibility of litigation with this sort of issue and would be interested in hearing the Township Solicitor's opinion. Mr. Sepp noted that the ordinance was not written for Calder Way and that type of access/maintenance.

Mr. Keough noted that there is another option that he doesn't prefer. The modification could be recommended to the Board to only include abutting property owners on the block of the development and not the entire length of the alley. Mr. Keough went on to state that the developer could then make the agreement with only the property owners

on the block. Mr. Keough prefers that there is an agreement with the Township. Mr. Sepp concurred and noted that Aspen will be responsible for the alley.

Mr. Steinberg suggested adding signage at Butz and Buckhout to state that the Township is not responsible. Mr. Sepp noted that it could be done.

Ms. Janice Gainer noted that she is the abutting property owner across from the development. Ms. Gainer pays a landscaping company to plow her portion of the alley, which is half of the alley. Ms. Gainer wants to make sure that her portion of the alley and others will be taken care of by the developer.

Mr. Keough stated that an agreement with the Township would be safer for everyone involved because the location will not change. Mr. Sepp noted that the developer will own the maintenance of the alley and if the property would ever be transferred the agreement will also be transferred.

Mr. Keough moved that the Planning Commission **approve** the application for modification with the following condition, that approval as requested with the developer a submission of a pre-construction, post-construction, and amenity agreement for the area between Buckhout Street and Butz t Street o be executed with Ferguson Township. Mr. Crassweller seconded the motion. Mr. Binney abstained and suggested having an Executive Session with the Township Solicitor. The motion passed.

V. COMMUNITY PLANNING

Ms. Wargo noted that at the March 15, 2021 Board of Supervisor's meeting, an amendment to the Terraced Streetscape Zoning District was reviewed by request of a Board member. The request included an amendment to §27-304.3.B.2 Building Height Incentives to remove it in its entirety. Provided with the agenda is a draft amendment to remove this provision of the ordinance. Staff is recommending that the Planning Commission review the proposed amendment and recommend approval to the Board of Supervisors. The amendment was sent to the County and to the Centre Region Planning Agency (CRPA). The CRPA has 45-days to review and comment. The Public Hearing will be held in May 2021.

Mr. Keough asked about the concerns and how it is dealt within the Terraced Streetscape District (TSD). Mr. Wargo noted that in relation with the West College Avenue Student Housing, the incentive that was utilized by the development to gain an additional 20 feet of height was the building height incentives. The incentive states, if structured parking is provided to accommodate the use(s) on the lot and provides space for use by others, an additional 20 feet may be added to the permitted maximum without the need to obtain conditional use approval. Ms. Wargo stated the issue with the ordinance is that it doesn't specify how many spaces must be shared. The original development proposed 7 shared spaces, but since there were some rearrangements and a loading area added to the back of Calder, they needed to remove some parking spaces. The developer will be building 2 spaces, but still getting the additional 20 feet of height. The Board feels that it's not a good return for the Township. Staff recommended to the Board to include a specific number instead of removing it in its entirety.

Mr. Keough stated that the ordinance wasn't intended to provide only 2 spaces for an entire story of a building.

Mr. Keough moved that the Planning Commission **recommend** approval of the ordinance repealing the incentives with building heights as identified in the agenda. Mr. Crassweller seconded the motion.

Mr. Keough suggested that when the TSD is a work project for the Planning Commission to identify a specific number of shared parking.

The motion passed unanimously.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo reported that the Board met on March 15, 2021 and the agenda included the Amendment to Chapter 27 as well as a minor alteration plan in which Ms. Wargo presented. Ms. Wargo stated that there are community concerns with the minor alteration plan of the Brew Hub that is going in across from the West College Avenue Student Housing. Ms. Wargo noted that the Township Manager is doing a new process with Department Heads reporting at the Board meetings. The Department Heads will only be on when the topic of discussions is presented due to the length of the Board meetings.

B. CRPC Report

Dr. Taricani stated there was not a meeting.

C. Land Development Plans

Ms. Aneckstein noted that there were no major updates since the last meeting. The Board will see all of the plans such as Wasson, Water Authority and the West College Avenue Student Housing at their April 4, 2021 meeting. Ms. Aneckstein received a resubmission of the West College Avenue Student Housing that should address a majority of the outstanding comments.

D. Staff Updates

No report.

Mr. Keough inquired how Ms. Wargo will be able to report back to the Planning Commission with an update of the Board meetings if they are not required to attend the entire meeting. Ms. Wargo stated that the Manager provides the staff with motions based on topics after each board meeting but there wouldn't be much context to reveal. Mr. Keough expressed concerns with not having that update and requested Ms. Wargo to inquire.

Mr. Keough requested the Township to follow-up with Mr. Wheland before the next meeting with regards to his technology issues. Ms. Wargo will have Mr. Wheland place a work ticket into the IT Department.

II. ADJOURNMENT

Mr. Keough made a motion to adjourn the March 22, 2021 Planning Commission meeting at 8:00 p.m. Mr. Binney seconded the motion. The motion passed unanimously.

Respectfully Submitted,



Rob Crassweller, Secretary
For the Planning Commission