

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, AUGUST 9, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its first meeting of the month on Monday, August 9, 2021, as a hybrid meeting. In attendance:

Commission:

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

Staff:

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

Others in attendance: Neil Sullivan, University Planner, PSU

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, August 9, 2021 at 6:00 p.m. Mr. Thompson noted that the Planning Commission meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting, in person and via Zoom. Persons attending via zoom 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. Persons that were attending in person and wanted to participate were to stand at podium to address the Commission.

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

II. APPROVAL OF REGULAR MEETING MINUTES JULY 26, 2021

Mr. Keough moved that the Planning Commission **approve** the minutes of July 26, 2021. Dr. Taricani seconded the motion. The motion passed unanimously.

III. CITIZEN INPUT

None.

IV. NEW BUSINESS

A. Campbell Application for a Consideration of a Modification/Waiver

Ms. Wargo noted that included in the agenda is an Application for Consideration of a Modification/Waiver from Sue and John Campbell submitted to the Planning & Zoning Department. Sue and John Campbell own the property located at 401 Plainfield Road (24-007-,004-,0000-). Farmers Way is a private driveway on the northern portion of Tax Parcel 24- 007-,004-,0000-.

The applicant proposes to build a third single family home on the northern portion of the parcel and is requesting a modification/waiver from the Subdivision and Land Development Ordinance (§22-104.1.B – New Subdivisions and Land Developments)

requirement to complete a land development plan. There are two existing homes on the 181.3 acre property. The property is zoned Rural Agriculture (RA).

Staff reviewed the Application for Modification/Waiver and is recommending as a condition of approval that the applicants comply with all State regulations.

Mr. Wheland and Dr. Taricani stated that they would have no problem approving the consideration.

Mr. Keough asked why the language that includes "that the applicants comply with all State regulations" is being included. Ms. Wargo noted that it is utilized for planning modules, sewage, etc., and they will always have to comply with state regulations. Mr. Keough stated that since it is a preserved farm, he suggested that the consideration includes language regarding ag preservation.

Mr. Crassweller moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Application for Consideration of a Modification/Waiver from §22-104.1.B. without a condition. Mr. Binney second the motion. The motion passed unanimously.

B. Penn State University Conditional Use Application

Ms. Wargo noted that included in the agenda is a Conditional Use application from The Pennsylvania State University (Penn State) located at 1445 West College Avenue (24-004-051C-0000), submitted to the Planning & Zoning Department. The applicant is requesting to continue the conditional uses currently operating at the site in accordance with Chapter 27-304.2.E.(1) and (2). There are two existing conditional uses on the property. One dated November 7, 2011 for the use of the property as a golf course maintenance facility (8,500SQFT) and one dated August 26, 2014 for the use of the property as a Mixed Martial Arts studio (7,800 SQFT). Both agreements expire December 31, 2021.

The property is located in the Terraced Streetscape (TS) Zoning District and both uses are not permitted uses (§27-304.2.E.(1)), nor prohibited (§27-304.2.E.(2)). Upon review by staff, the proposed uses provide a complementary balance of land uses throughout the community meeting the needs of existing residents and businesses. This district strives to encourage a wide variety of commercial services, in appropriate locations, and to support a diverse range of business activities including professional, technical, and medical/health services. A Storage, Maintenance and Repair Facility and Mixed Martial Arts studio at this location will provide an efficient means of servicing golf carts in close vicinity to where they're being utilized, as well as, allowing a local business to continue to thrive at this location.

Given that both uses are continuing at the site and the Township is rewriting the Terraced Streetscape Ordinance, staff is recommending an addendum to these agreements to permit the uses to operate for another five years at this location.

Included with the agenda in Exhibit #1, Planning and Zoning staff has provided recommended conditions to include for the Public Hearing to be held by the Board of Supervisors on August 16, 2021.

Planning Commission is asked to review and comment on the conditional use approval. Recommendations related to the conditional use will be presented to the Board of Supervisors at the Public Hearing, scheduled for August 16, 2021. Such reasonable conditions and safeguards, other than those related to off-site transportation

improvements can be attached to the permit as the Board of Supervisors deem necessary for the health, safety, and welfare of the municipality. The conditions must be related to a valid public interest established in the record of the application.

Mr. Binney asked about the 5-year agreement and if it was an internal rule. Ms. Wargo stated that it was a recommendation from the Township Solicitor.

Dr. Taricani commented that it has been a good ongoing relationship with PSU.

Mr. Crassweller stated that the reason the Planning Commission allowed the golf course to place their maintenance building there is because the old maintenance shed was decrepit. Mr. Crassweller asked why PSU keeps maintaining the condition since the buildings were tore down and new ones were built.

Mr. Neil Sullivan, University Planner, PSU, stated they understand it is a 5-year extension and will most likely not ask for another extension if it were granted.

Mr. Keough expressed his concern with granting a concurring conditional use and that there is an end-of-life to the condition on the part of the applicant.

Mr. Keough moved that the Planning Commission **approve** the addendum to the conditional use agreement with Penn State University for an additional five years. Mr. Wheland seconded the motion. The motion passed unanimously.

C. Zoning and SALDO Amendments

Ms. Wargo reported that a comprehensive update to the Township's Zoning and Subdivision and Land Use Ordinance (SALDO) was adopted in November 2019 by the Board of Supervisors. While applying the regulations, staff has identified additional areas within the ordinances that need to be amended. The Board of Supervisors was presented with a redlined copy of staff's proposed amendments at the August 2, 2021 Regular Board of Supervisors meeting. The Board identified additional amendments that they would like to see included. Those comments are reflected in this redlined draft. The Board referred these amendments to the Planning Commission for review and comment.

Mr. Binney inquired about the minor land developments on page 47 of the agenda. Ms. Wargo reviewed the blue line items and noted that they are smaller projects that Staff recommends for a shorter process.

Mr. Keough asked where the number came from with regards to water consumption and sewer discharge not to exceed 350 gallons per. Ms. Wargo stated that it came from other municipalities in Pennsylvania. Continued discussion regarding the difference between minor alteration and minor land development plan. Ms. Wargo will change the language to include 350 gallons with new construction. Mr. Ressler stated that they will review the standard.

Mr. Keough inquired about charging stations and what they would be identified as. Mr. Ressler noted they are not considered a utility.

With regards to vertical expansions, Mr. Keough asked for confirmation with the language. Ms. Wargo confirmed and noted that it would only be in a few zoning districts. Mr. Keough commented that adding a story or two to a vertical structure is a major project.

Ms. Wargo noted that the Board of Supervisors wanted the Planning Commission to review the post final amendment for Planned Residential Development District (PRD). Ms. Wargo stated that Planning Commission would review locating, siting and height of

buildings, structures, and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the approved final development plan and all other changes.

Mr. Keough expressed concerns with the Mobile Retail Food Facilities because it seems intrusive on the part of government with regards to the operation of the business within the Township. Mr. Keough asked why a letter to the Township needs to be submitted to grant permission to be on private property. Mr. Ressler noted that the language has been in the ordinance and there has been no issues. Mr. Thompson commented that there is a section regarding no audio amplifications but stated that the ice cream truck is allowed to have noise. Ms. Wargo noted that the ice cream truck is exempt.

Mr. Keough had concerns with the Home-Based Business permit.

Mr. Steinberg asked why the word peddler is being used and not vendor. Ms. Wargo stated that it is in line with the PA Food Code. Mr. Keough concurred with Mr. Steinberg and suggested it needs to be change. Mr. Thompson agreed with changing the word peddler. Ms. Wargo stated that it can be changed.

V. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo reported that the Board reviewed the draft redline version of the Zoning and SALDO Amendments at their last meeting. The Musser Gap Trail was discussed, and the Board would like to have the trail on the Township's official map.

Mr. Keough asked if the Planning Commission will have the opportunity to discuss and forward comments regarding the red light/stop light on Route 45 Nixon Road in Pine Grove Mills. Ms. Wargo noted that there has been no decision made yet and there will be a mobility study included in the CIP for Pine Grove Mills. Ms. Aneckstein will be the contact because she is included on the mobility study. Mr. Wheland inquired about the \$61,000 that will be paid to McCormick Taylor for the mobility study and asked what their goal will be. Ms. Wargo stated that it is a Public Works initiative, and they will identify sidewalks, bike paths, parking, etc. Ms. Wargo can ask Mr. Seybert for a summary. Mr. Binney concurred with Mr. Keough that the Planning Commission should be included. Ms. Wargo will inquire about having the Planning Commission be involved with the process.

Ms. Wargo presented the TSD at the last Board meeting. Mr. Keough asked if the Planning Commission could review the Request for Proposals. Ms. Wargo will inquire about the request.

B. CRPC Report

Dr. Taricani reported that they discussed the agricultural zoning changes in Harris Township, a solar planning accessory, and development of moderately priced homes.

C. Land Development Plans

Ms. Aneckstein reported that they are working on the subdivision plan for Sycamore Drive, the Peace Center and cemetery for the Islamic Society.

Mr. Keough asked about the regulatory responsibility for cemeteries. Mr. Ressler noted that there is a Source Water Protection Ordinance that has regulations for cemeteries. Mr. Keough suggested finding out what the rules are and who is responsible prior to a Planning Commission review.

Ms. Aneckstein reported that Nittany Dentist submitted a land development plan to build a new facility on West College Avenue. Reviewing a plan for J. L. Farm & Cidery for a deck addition. Penn Terra submitted a subdivision plan on Homestead Lane.

Mr. Keough read from an online search about who regulates cemeteries in Pennsylvania. The search found and stated that there are no rules that govern specific burial or maintenance practices in Pennsylvania. Private, for-profit cemeteries (there are about 600 out of 10,000) fall under the jurisdiction of the Real Estate Commission because they are involved in the buying and selling of deeds. Ms. Wargo stated that there are additional regulations included in the ordinance. Mr. Ressler noted that in the ordinance it states all caskets shall be encased in concrete grave liners as defined by the Federal Trade Commission in regulations at part 453, as amended. Mr. Ressler stated that Ferguson Township does regulate cemeteries.

D. Staff Updates

Ms. Wargo reported that the Planning and Zoning Administrative Assistant position is currently open.

Mr. Binney and Mr. Wheland stated that they will not be available for the August 23rd meeting.

VI. Adjournment

Mr. Binney made a motion to adjourn the August 9, 2021 Planning Commission meeting at 7:25 p.m.

Respectfully Submitted,



Rob Crassweller, Secretary
For the Planning Commission