

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 27, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its second meeting of the month on Monday, September 27, 2021, as a zoom meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Robert Crassweller
Bill Keough
Lisa Rittenhouse
Dr. Ellen Taricani
Lewis Steinberg - Alternate
Qian Zhang – Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Kristina Bassett, Community Planner
Jeff Ressler, Zoning Administrator
David Pribulka, Township Manager

Others in attendance: Rhonda Demchak, Recording Secretary; Laura Dininni, Chair, Ferguson Township Board of Supervisors; Wes Glebe, Ferguson Township Residents; Christopher Bruce, Ferguson Township Resident; Chad Stafford, Civil Engineer, Penn Terra Engineering

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, September 27, 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 virtual zoom meeting. Persons attending 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.

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

II. CITIZEN INPUT

There were none.

III. APPROVAL OF REGULAR MEETING MINUTES SEPTEMBER 13, 2021

Dr. Taricani moved that the Planning Commission **approve** the minutes of August 23, 2021. Mr. Crassweller seconded the motion. The motion passed unanimously.

Due to a scheduling conflict with the Township Manager, Jerry Binney moved that the Planning Commission start with the Draft Ordinance Amendment under Community Planning. Dr. Taricani seconded the motion. The motion passed unanimously

IV. COMMUNITY PLANNING

A. Draft Ordinance Amendment – Turf Grass, Weeds and Other Vegetation

Mr. Pribulka noted that the Board of Supervisors reviewed a draft amendment to the Township's Turf Grass, Weeds and Other Vegetation Ordinance on September 7, 2021.

Comments on the ordinance have been incorporated in the revised draft that is included in the agenda packet. The amendments include an increase in the permitted height of managed turf grass from six inches to eight inches; requirements to establish a mowed buffer around any installation; and removal of the audit provisions, as well as other minor amendments. The Board referred the amendments to Planning Commission for review and comment. There is an Ordinance Enforcement Officer that routinely patrols the Township and there is a process if there is a violation. Several years ago, native landscape gardens were added to the ordinance, but not many have taken advantage of the permit process.

Ms. Zhang asked how the ordinance of height is enforced. Mr. Pribulka noted that it is mostly complaint driven and the Township has a part-time Ordinance Enforcement Officer.

Mr. Steinberg asked what the standard is in other regions of Centre County. Mr. Pribulka noted it is mostly 6-8 inches but have seen it go to 10 inches.

Mr. Crassweller noted that the ordinance doesn't define what a weed is. Mr. Pribulka stated that it is subject to interpretation and will refine the language as appropriate. Mr. Crassweller asked if there were any provisions for field mice or moles. Mr. Pribulka noted that the 2-foot buffer surrounding any native landscape should deter nuisance animals.

Mr. Keough asked how many of the violations with the 6-inch grass occur with occupied homes. Mr. Pribulka noted that it is not common, but there have been violations. Mr. Keough asked if anyone spoke with PSU about the differences between 6-inch to 8-inch. Mr. Pribulka will reach out to the Extension Office for consultation. Mr. Pribulka noted that he has researched the differences in heights and has found no differences in keeping out invasive insects/species. Mr. Keough expressed concerns with changing the heights because 6 inches is common to the Homeowners Association and is opposed to the proposed change. Mr. Keough felt that the only reason this is being presented because of one incident where the resident didn't comply.

Dr. Taricani noted that 8-inch-high grass is a significant amount.

Ms. Rittenhouse stated that she lives in an HOA and noted that some will try to sidestep the HOA by going to the Township to get their way. Ms. Rittenhouse stated it is a consistent issue in Foxpointe.

Mr. Steinberg concurred with Mr. Keough to keep it at 6 inches.

Ms. Zhang asked if language could be added to the ordinance to address the HOA's. Mr. Pribulka noted it could be added but does not suggest having subset regulations. Mr. Pribulka stated that it is legally permissible for a HOA covenant to be more restrictive than the Township ordinances.

Mr. Keough asked why grow zone was removed from the ordinance and suggested adding back into the ordinance. Mr. Pribulka noted that the policy refers to green infrastructure, but the signage, marketing material, etc. are called grow zones. Mr. Keough suggested adding low-mow, no-mow meadows, and grow zones to the last sentence under B of Green Infrastructure. Mr. Pribulka will work the language back into the ordinance.

Mr. Thompson stated that there are residents in the northeast of the Township that

are concerned with increasing the height. Mr. Thompson expressed concerns with pesticides not being properly applied. Mr. Pribulka noted that the Township has certified applicators on staff for roadside spraying.

Mr. Keough moved that the Planning Commission **recommend** approval of the Turfgrass, Weeds, and Other Vegetation ordinance proposed and maintain the 6-inch grass height that is in the current ordinance. Mr. Binney seconded the motion. The motion passed unanimously.

V. UNFINISHED BUSINESS

A. Zoning and SALDO Updates

Ms. Wargo noted that Comprehensive updates to the Township's Zoning and Subdivision and Land Development (SALDO) Ordinances were adopted in November 2019 by the Board of Supervisors. While applying the new regulations, staff has identified additional areas within the ordinance that need to be amended. The Board was presented with a redlined copy of staff's proposed amendments at the August 2, 2021 Board of Supervisors meeting. The board identified additional amendment that they would like to see included. Those comments are reflected in this redlined draft. On September 13, 2021, Planning Commission reviewed the first draft of amendments and provided input to staff. Staff has updated the redlined draft to reflect those comments as well. Ms. Wargo noted it will be an ongoing process.

Mr. Keough thanked the staff for reworking the language on page 2 of 18 in the agenda packet.

Mr. Steinberg had concerns regarding the disputed review fees about the clarity and could they pay the fee first then dispute. Ms. Wargo noted that the language is from the MPC and legally can't withhold approving a land development plan. Mr. Binney asked if interest could be charged. Ms. Wargo will look into but doubts that it can be done. Ms. Wargo will consult with the Township solicitor regarding the fees.

Mr. Keough asked how the fire hydrants requirements are handled in the RR and RA zones for residential properties because it is not listed. Ms. Wargo stated that there isn't a requirement but there is an exemption placed in the water supply requirement. Mr. Keough suggested getting clarity regarding the exemptions. Mr. Keough noted in the western end of the Township many years ago if there were three or more houses in a sub-division, the subdivider had to install a water tank in the ground. Mr. Keough would like to know if the tanks are still in the ordinance, if so, he suggested removing. Ms. Rittenhouse stated that Harris Township still has the ordinance where the developer can place holding tanks or sprinklers.

VI. NEW BUSINESS

A. Land Development Plans

a. Rogan/Sycamore Drive Subdivision Application for Consideration of a Modification/Waiver from §22.306. – Minor Subdivision

Ms. Bassett reported that Penn Terra Engineering, Inc. on behalf of their client, has requested a modification/waiver from Section 22.306. – Minor Subdivision. This section has a process that outlines requirements for submission, however

the definition of a Minor Subdivision was omitted from the most recent update of the Subdivision and Land Development Ordinance. The plan is to split one lot into two. There was no fee due to the omission by the staff.

Ms. Bassett reviewed and gave an overview of the lot via a slide.

Mr. Keough moved that the Planning Commission **make** a recommendation to the Board of Supervisors to approve or deny the Application for Consideration of a Modification from §22.306. – Minor Subdivision. Mr. Crassweller seconded the motion. The motion passed unanimously.

b. Rogan/Sycamore Drive Subdivision Application for Consideration of a Modification/Waiver from §22-512.1.E. – Sidewalks

Ms. Bassett reported that Penn Terra Engineering, Inc. on behalf of their client, has requested a modification/waiver from Section 22.512.1.E. – Sidewalks. This section states that sidewalks are required along both sides of all private streets and/or driveways serving more than three units unless a modification is granted by the Board of Supervisors. Only two lots are being proposed, each with approximately 50 foot frontage to the lot. No sidewalks currently exist along Sycamore Drive. The roadside berms along Sycamore Drive are rip rap lined channels and if sidewalks would be developed along Sycamore Drive, it would require the sidewalks to be placed into the lots and outside of the right-of-way.

Mr. Binney moved that the Planning Commission **make** a recommendation to the Board of Supervisors to approve or deny the Application for Consideration of a Modification from §22.512.1.E. – Sidewalks. Dr. Taricani seconded the motion. The motion passed unanimously.

c. Rogan/Sycamore Drive Subdivision Application for Consideration of a Modification/Waiver from §506.1.B. & G. – Water Supply

Ms. Bassett reported that Penn Terra Engineering, Inc. on behalf of their client, has requested a modification/waiver from Section 22.506.1.B & G. – Water Supply. These sections require a fire hydrant to be provided along public roads for the protection of buildings. The spacing between fire hydrants shall not exceed 1000 feet in developments of one and two-family dwellings as measured along the center line of the fire apparatus access roads. Since the proposed house on Lot 1R is set back on the lot, it is not within the required distance from the fire hydrant.

The applicant wishes to install a National Fire Protection Association (NFPA) 13D Sprinkler System in the planned home(s) in lieu of relocating the fire hydrant as required by the Township's Ordinance. Relocating the fire hydrant requires an extension of nearly 700 linear feet and upgrading the current water infrastructure from 4" to 6" pipe. Installing the NFPA 13D Sprinkler System is financially feasible and provides a better opportunity for fire control in the proposed home. The Alpha Fire Chief has reviewed this request and supports.

Mr. Keough asked if the sprinkler system commitment will be included in a later land development plan. Ms. Wargo stated that they will need to submit a land development plan for the homes.

Mr. Crassweller moved that the Planning Commission **make** a recommendation to the Board of Supervisors to approve or deny the Application for Consideration of a Modification from §22.506.1.B. & G. – Water Supply. Mr. Keough seconded the motion. The motion passed unanimously.

d. Rogan/Sycamore Drive Subdivision Application for Consideration of a Modification/Waiver from §22-301. General

Ms. Bassett reported that the applicant is requesting to go through the land development process as a Preliminary/Final land development plan instead of two separate plans. Public utilities will be available to connect to the home and minimal earth disturbances will occur on the site.

Mr. Binney moved that the Planning Commission make a recommendation to the Board of Supervisors to approve or deny the Application for Consideration of a Modification from §22.301. – General. Mr. Keough seconded the motion. The motion passed unanimously.

e. Rogan/Sycamore Drive Preliminary Subdivision

Ms. Bassett reported that Penn Terra Engineering, Inc. submitted, on behalf of their client, The Rogan/Sycamore Drive Subdivision. The Rogan/Sycamore Drive Subdivision is a 10.152 acre lot located on Sycamore Drive and is currently undeveloped. The purpose of this plan is to subdivide Tax Parcel 24-009A,254-,0000- into two lots, proposed Lot 1A and Lot 1R. The existing lots are 0.547 acres, 0.414 acres, and 0.268 acres respective to the Tax Parcels listed above. Lot 1A is proposed to be 2.586 acres. Lot 1R is proposed to be 7.566 acres. The parcel is located within the Single Family Residential (R1) zoning district. Ms. Bassett shared her screen to review the plan.

Mr. Thompson noted that it appears that access will need to cross over an intermittent stream. Mr. Chad Stafford, Civil Engineer, Penn Terra stated that it is essentially a water swale from the mountain above and there is an existing pipe at the crossing. There is an agreement in place between the two homeowners. Mr. Crassweller expressed concerns with the mountainside because of the slope and the water that is there. Ms. Bassett and Ms. Wargo stated that is why the Township requires a land development plan for steep slopes and will address those issues. Mr. Crassweller stated there have been a lot of problems with the subdivision in the past and is not in favor. Ms. Bassett noted that the Public Works Department installed new inlets and stormwater piping and it has helped a lot.

Mr. Keough expressed his concerns with construction vehicles being able to cross the culvert and perhaps place a note on the plan. Mr. Keough suggested adding further language to the plan regarding no further subdivision will be allowed.

Mr. Thompson also concurs with Mr. Keough regarding construction vehicles. Mr. Stafford noted that the driveway is wider than Sycamore Drive at 26 feet wide.

Mr. Keough moved that the Planning Commission **make** a recommendation to the Board of Supervisors to approve or deny the draft ordinance. Mr. Thompson seconded the motion. The motion passed 4-1 with Mr. Crassweller opposing.

VII. COMMUNITY PLANNING – CONTINUED

B. MOBILE FOOD VENDOR SURVEY

Ms. Wargo noted that at the September 13th Planning Commission meeting, staff was directed to investigate the viability of meeting with the local mobile food vendors to discuss the Township's regulations for food trucks and allow for input. This task has proven to be unfeasible due to lack of contact information for the vendors. As an alternative, staff has created a draft survey for review and input by Planning Commission that the Township can distribute to vendors for their input, as well as include on the Township's social media accounts. Included in the agenda is the draft survey.

Mr. Binney would like to know if any of them operate in the vicinity of other restaurants. Ms. Bassett stated that Ferguson Township doesn't allow them to be in the vicinity of other eating establishments. Ms. Wargo noted that the current ordinance was changed to allow with permission from the property owner.

Mr. Keough stated that he wants the mobile food vendors to be successful and to provide a service. Mr. Keough would like to know what their business model would be and suggested having a meeting with them. Ms. Wargo noted that staff has contacted the food inspector for vendor contact information. Ms. Wargo noted that it is not an easy process to find contact information and noted that the manager is not comfortable postponing amendments to hold a meeting with all the vendors. Ms. Wargo recommended that a meeting in the winter would be ideal. Mr. Keough stated he has no problem in delaying discussions but expressed concerns with not having the meeting due to the unfeasibility. Mr. Keough stated that the Planning Commission is going to initiate an additional study to try to make it better and will give to the Board of Supervisors later.

Mr. Binney suggested talking with the vendor at Myers Dairy for their business model. Ms. Rittenhouse suggested having a sub-committee because in order to get the vendors together, you need an inside person who is in the food industry. Ms. Rittenhouse stated it is difficult to reach the vendors, but perhaps talk with Clem to pull them all together. Ms. Wargo will reach out to Clem.

Ms. Wargo stated that since COVID-19 there have been no issues with the food trucks near restaurants.

Mr. Steinberg stated that there are restaurants that don't want a food truck on the public street outside of their venue. Mr. Binney concurred and suggested having a waiver from a restaurant that states it can't be within so many feet of the establishment.

Mr. Keough noted that we don't regulate competing restaurants and asked why government is imposing regulations with the food truck industry. Mr. Steinberg stated that food trucks involve the township roads, so it needs to have regulations.

Mr. Crassweller suggested adding the places that they can't be located to keep it simple. Ms. Wargo noted that they did look at that idea and did add the other zoning districts to the ordinance.

Mr. Thompson added that there are food trucks offering Grubhub.

VIII. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Bassett reported that the Board approved the Flag Lot on Greenwood Circle and discussed the official map.

B. CRPC Report

Dr. Taricani reported that they will be meeting next week during the lunch hour.

C. Land Development Plans

Ms. Bassett reported that the Centre Animal Hospital submitted a plan to expand their building and a lot consolidation.

D. Staff Updates

Ms. Wargo reported they will be interviewing for Faye Drawl's position in mid-October.

Mr. Keough stated that the developer for the student housing building on the corner of Buckhout and College Avenue has started surveying. Mr. Keough noted that one of the survey markers is 3 feet into the alley next to the adjacent apartment building owned by the Yocums. Mr. Keough asked if staff could look into the survey marker. Ms. Wargo will investigate.

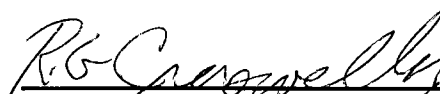
Mr. Thompson noted that PennDot held meetings to discuss the State College Area Connector project.

Mr. Keough asked if there has been any indication of a high-speed railway coming from Philadelphia through State College onto Pittsburgh. Mr. Thompson stated that he can't confirm but did hear something about it. Mr. Thompson watched a recorded roundtable discussion regarding new service routes for Amtrak that will connect Pittsburgh to Philadelphia to New York.

IX. Adjournment

Mr. Binney made a motion to adjourn the September 27, 2021, Planning Commission meeting at 8:45 p.m.

Respectfully Submitted,



Rob Crassweller, Secretary
For the Planning Commission