

**FERGUSON TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
MONDAY, OCTOBER 8, 2018  
6:00 PM**

**I. ATTENDANCE**

The Planning Commission held its 1<sup>st</sup> regular meeting of the month on Monday, October 8, 2018 at the Ferguson Township Municipal Building. In attendance were:

**Commission:**

Lisa Strickland, Chairperson  
Bill Keough, Vice Chairperson  
Ralph Wheland  
Marc McMaster  
Rob Crassweller  
Eric Scott  
Jeremie Thompson  
Shannon Holliday, alternate

**Staff:**

Ray Stolinas, Director of Planning & Zoning  
Lindsay Schoch, Community Planner  
Jeff Ressler, Zoning Administrator

Others in attendance were: Marcella Bell, Recording Secretary; Eileen and Mark Kline, Kline Subdivision; B.K. Bastress, Kline Subdivision; Chris Summers, Conditional Use Application for a Skate park; Ben Wentz, Conditional Use Application for a Skate park; Jake Johnson, Conditional Use Application for a Skate park; and John Saxton, Conditional Use Application for a Skate park;

**II. CALL TO ORDER**

Ms. Strickland called the meeting to order at 6:01 p.m.

**III. CITIZEN INPUT**

There was no citizens' input.

**IV. MARK C. & EILEEN C. KLINE SUBDIVISION/RELOT PLAN**

Mr. Stolinas stated that on September 5, 2018, Hawbaker Engineering, on behalf of the applicants, Mark & Eileen Kline, submitted a subdivision/replot plan to subdivide and consolidate tax parcels 24-9A-184, 24-9A-184A, and 24-9A-185 located on the corner of Chestnut Street and S.R. 26 South Water Street in Pine Grove Mills. Tax parcel 24-9A-184 is currently 19,000 square feet (0.436 acres) and will be reduced by 7,388 square feet, making a new lot totaling 11,612 square feet (0.267 acres). Tax parcel 24-9A-184A is currently 14,518 square feet (0.333 acres) and will increase by a total of 8,837 square feet, with 7,388 square feet from tax parcel 24-9A-184A and 1,449 square feet from tax parcel 24-9A-185, which is currently 15,996 square feet (0.367 acres). All three parcels contain single-family dwellings within the R-1 (Single-Family Residential) zoning district and contain access drives along South Water Street and West Chestnut Street with public water service from State College Borough Water Authority and public sewer from the University Area Joint Authority. The applicants have completed a majority of revisions to the proposed subdivision/replot since the September 10, 2018 Planning Commission meeting. The remaining comments are administrative in nature.

Mr. Stolinis stated that this is the second time the Planning Commission has seen this proposal and then referred to his Power Point and showed the updated plan of the proposed Subdivision and Replot. Mr. Stolinis stated that there have been two changes since the Planning Commission saw it last. The first is that the updated plan shows a private drive, Dannley Drive that goes through the above mentioned parcels. There is also a recorded agreement for the maintenance of this private drive. The second change is that there was a variance granted to this property in the 1980s to not require sidewalks—this variance was added to the plan as a note.

The Planning Commission had no comments for this plan.

A motion was made by Mr. Wheland and seconded by Mr. McMaster to recommend approval of the Kline Subdivision and Replot plan to the Board of Supervisors, conditioned on the remaining comments. The motion carried unanimously.

**V. CONDITIONAL USE APPLICATION FOR A SKATE PARK ON PROPERTY LOCATED AT 1316 WEST COLLEGE AVENUE IN THE TERRACED STREETScape DISTRICT.**

Mr. Stolinis stated that on June 2, 2017, Planning & Zoning staff received a conditional use application request from Benjamin Wentz, Jake Johnson, and Frank Singley for tax parcel 24-002A-124-0000- (1316 West College Avenue) within the Terraced Streetscape District (TSD). The applicants request the Board of Supervisors consider a private area for skateboarding, utilizing an existing foundation at the previous Sheesely Concrete Plant. Section 27-703 2.F. identifies “(8) private recreation areas, arenas, and stadiums” as a prohibited use within the TSD. Staff offered legislative options to the applicants that include filing a conditional use application, a variance request, or an appeal. Section 27-703 2.E. provides for conditional uses for any use not specifically permitted within the TSD that is deemed to be an acceptable use due to its consistency with in stated intent of the district. At the October 1, 2018 Board of Supervisors meeting, a motion was made to refer the conditional use application to the Planning Commission and schedule a public hearing for November 5, 2018. The motion carried unanimously. Mr. Stolinis stated that the Planning Commission should discuss and propose reasonable conditions and safeguards to recommend to the Board of Supervisors for consideration at the public hearing.

Mr. Stolinis referred to his PowerPoint and presented the renderings of the skate park that the applicant provided. He explained that staff has been waiting for a map from the land owner showing the combined lots that would be one acre or larger, which is a requirement for approval. Mr. Stolinis reviewed the items that the Planning Commission should consider in its discussion. These items included:

- Is the use consistent with the stated intent of the TSD?
- How will the Skate Park integrate seamlessly into the neighborhood?
- Is the amount of square footage ample for a skate park facility (Skate Park Adoption Model)?
- Will there be public access?



- How many potential skate park users will there be?
- Hours of Operation (closed dusk to dawn)
- Limit skate park to skateboards, rollerblades and skates?
- What type of skate park is planned? Concrete? With or without Fixtures (kick plates, screws, bolts, rails)?
- Will there be drinking fountains, restrooms, bleachers, lighting?
- Concern for noise depending on skate park surface v. spectators/attendees. (Popping and Ollieing = 65-71 dB and Grinds and Slides = 54-63 dB)
- Litter control (require trash and recycling receptacles)

The applicants introduced themselves: Benjamin Wentz, Jake Johnson, and construction manager John Saxton. Mr. Wentz explained that this skate park will be private to those who have been a part of the whole process in getting the skate park approved, which limits the number of people to 5-10. He went on to explain that the proposed skate park is a place for he and his group to go train and practice since there is no other place to go and they are not legally allowed to skate downtown or on campus. It will not be a membership park and it is not open to the public.

The majority of the discussion revolved around the definition of private recreation, the security of the site and the actual ramps, and the liability of having this type of use within the Township.

Mr. Keough and Mr. Crassweller expressed their concern about whether or not the Township would be liable for any damage or injury if the Township approved the skate facility. Mr. Keough asked the question, since the applicants are asking for a variation of the rules, would that in itself constitute the Township being a party in a lawsuit? Mr. Crassweller asked if the Township could get an opinion from the Township solicitor on what the liability would be for the Township regarding the skate facility. A few of the other Commission members felt that the Township would not be liable because it is a private skate park on private property. Mr. McMaster stated that if this skate park was open to the public, there would most likely be a lot of conditions, however, it's a private facility and the Township does not tell people how to fence in their yard. He went on to say that security is the applicant and land owner's issue, not the Township's. In regard to security, the applicants will construct a fence around the facility and will also have chains over the ramps when not in use. The applicants will also consider having monitoring equipment for the times they are not there. There was a lengthy discussion regarding how the skate facility will run—whether it would be open to the public, accessed via membership, or completely private.

Mr. Crassweller expressed concern about the number of people allowed in the skate facility. Other members of the Planning Commission felt that it was not their place to regulate the number of people allowed in the skate park. The applicants stated that their insurance will only insure a certain number of people for the skate facility, and right now the applicants have a group of 5-10 people that would use the facility. There was a concern about accessibility to restrooms. Most of the Planning Commission felt that it

was not their responsibility to regulate bathrooms and that it would be the responsibility of the Centre Region Code Administration. Mr. Keough would like the definition of private recreation to be defined so as to decide whether or not the proposed skate facility fits within the TSD intent.

A motion was made by Mr. Scott and seconded by Mr. McMaster to recommend the conditional use application to the Board of Supervisors for approval with the following conditions: No lighting—daytime use only, chains on the features to make them useless when not in use, fencing around the perimeter of the facility, applicants must adhere to the current noise ordinance, and define the term “private recreation facility”. The motion carried 5-2.

## **VI. PLANNING DIRECTOR’S REPORT**

Mr. Stolinis reviewed his director’s report which included the following items:

On September 12, 2018, the Planning & Zoning Director attended the monthly meeting of the Centre County Housing & Land Trust.

On September 19, 2018, the Planning & Zoning staff met with Carolyn Yagle of Environmental Planning & Design to review notes from the Joint Work Session between the Board of Supervisors and Agricultural Ad Hoc Board and staff-generated comments on the third draft of both documents.

On September 25, 2018, the Planning & Zoning Director and Zoning Administrator met with Andrew Warner and Deanna Behring regarding proposed zoning ordinance revisions within the Rural Agricultural Zoning District and current zoning requirements for tax parcel 24-005-016C-0000.

On September 26, 2018, the Planning & Zoning Director attended a meeting with the Centre County Housing & Land Trust Strategic Planning Committee to discuss revisions to the 2015-2017 Strategic Plan document.

On October 1, 2018, the Planning & Zoning Director attended a meeting with representatives of Sweetland Engineering, State College Borough, Penn State Campus Planning, and Clayco regarding the Penn State University West Campus Parking Deck.

On October 2, 2018, the Planning & Zoning staff met with Derek Anderson of Residential Housing Development, LLC, to discuss the traffic study, terms and conditions document, workforce housing agreement, general project status and deadlines, specific implementation planning moving forward, along with various miscellaneous items such as playing fields commentary, concert hall, etc.

On October 3, 2018, the Planning & Zoning Director and Township Manager met with Ted Graef, President, All Traffic Solutions regarding the proposed Source Water Protection Ordinance and Overlay. On October 3, 2018, the Planning & Zoning Director and Community Planner met with Derek Anderson of Residential Housing Development, LLC and Missy Schoonover, Executive Director, Centre County Housing & Land Trust to



discuss the proposed Pine Hall Workforce housing agreement. Also on October 3, 2018, the Planning & Zoning Director and Zoning Administrator met with Pat Ward, Uni-Tec, Consulting Engineers, Inc., and Asif Khatari regarding current zoning requirements for tax parcel 24-009A-254-0000 in Pine Grove Mills. In addition, on October 3, 2018, the Planning & Zoning Community Planner attended the first Transportation Mobility Study public meeting at Radio Park Elementary School.

On October 4, 2018, the Planning & Zoning Community Planner and Zoning Administrator volunteered for the 2018 United Way Day of Caring at a Strawberry Fields property within Ferguson Township. Also on October 4, 2018, the Planning & Zoning Director and Community Planner attended the Peer-to-Peer workshop titled "Future of Comprehensive Planning in the Centre Region".

Upcoming Board of Supervisors Agenda Items (10/15/18):

- Variance Request for Zachary Maser at 310 Marengo Lane – Relief from performing a Flood Study for a home addition
- Kline Subdivision/Replot recommendation for Approval with Conditions

Upcoming Joint Work Sessions with the Board of Supervisors:

- Source Water Ad Hoc Advisory Board recommendations on the Source Water Protection Overlay Ordinance scheduled for October 9, 2018 from 6:00 p.m. to 9:00 p.m. in the Main Meeting Room

Recent BOS Actions Summary (10/1/18 Regular Meeting):

- The Board of Supervisors requested the Tree Commission draft a tree preservation ordinance.
- The Board of Supervisors referred the draft Zoning and Subdivision and Land Development Ordinances to the Tree Commission for their review, focusing on low impact development, environmental impacts, suggestions for supplemental ordinances or amendments (i.e. stormwater, riparian buffer, etc.), buffer requirements that are low maintenance and appropriate for different types of uses, how vegetation may be better incorporated into zoning and suggestions for removal of invasive or undesirable species in the plant list.
- The Board of Supervisors referred the Conditional Use Application to Planning Commission and schedule a public hearing for November 5, 2018.
- The Board of Supervisors directed Planning & Zoning staff to draft a utility scale solar ordinance to be reviewed by the agricultural community and Climate Action Committee.
- The Board of Supervisors appropriated \$45,000 toward acquisition and installation of solar photovoltaics at Whitehall Road Regional Park and withdraw funds for a community kitchen.

Upcoming Zoning Hearing Board Agenda (10/23/18):

- Stormwater Appeal for 222 Blue Course Drive (King Wealth Strategies)
- Variance Request for Zachary Maser at 310 Marengo Lane – Relief from performing a Flood Study for a home addition

Mr. Stolinis also stated that he and Mrs. Schoch will be attending the APA PA Annual Conference October 14th through the 16<sup>th</sup> in Erie, PA at the Bayfront Convention Center.

**VII. ACTIVE PLANS UPDATE**

Ms. Schoch provided the active plans update, which included the following active plans: Kline Subdivision/Lot Consolidation, Pine Hall Traditional Town Development General Master Plan, The Cottages at State College Final PRD, Step by Step Early Learning Land Development Plan, and King Wealth Strategies Land Development Plan.

Mrs. Schoch added that there is a mobility study for the area of Martin Street, Blue Course Drive, North Atherton, and Clinton Avenue. There was a public meeting on October 3 for public input, however, there was not a lot of attendance. She explained that on the Township's website is a link to an online survey to give input on mobility issues in the above mentioned corridor. She invited the Planning Commission members to participate in the survey by October 17 for a chance to win a \$50 gift card.

**VIII. CENTRE REGIONAL PLANNING COMMISSION (CRPC) REPORT**

Mr. Thompson stated that CRPC met on October 1, 2018 with the Transportation and Land Use (TLU) Committee. The Commission and Committee reviewed the Regional Growth Boundary (RGB) and Sewer Service Area (SSA) expansion request for 1,000 acres from Halfmoon Township. The proposed expansion is at the Patton Township line south of 550. Halfmoon Township is looking to keep the growth to the west central portion of the expansion. Mr. Thompson added that he attended the Peer-to-Peer training on the Future of Comprehensive Planning in the Centre Region on October 4, 2018. In response to a question from Mr. Wheland, Mr. Thompson clarified that the RGB and SSA expansion request is to develop vacant land in Halfmoon Township.

**IX. SOURCEWATER PROTECTION AD HOC COMMITTEE UPDATE**

Mr. Stolinis stated that there is a joint meeting tomorrow, October 9, 2018, between the Board of Supervisors and the Sourcewater Protection Ad Hoc Committee to go over the 27 recommendations from the Committee as well as the reasoning behind the recommendations. The next steps would be to see what the Board of Supervisors wants to do after the discussion.

**X. ZONING/SALDO STEERING COMMITTEE UPDATE**

Mr. Stolinis stated that staff will be receiving the fourth drafts of the Zoning and SALDO this week sometime. Once staff receives it, the Board of Supervisors, the Planning Commission, and the Tree Commission will have a chance to review it.



**XII. PINE GROVE MILLS—SMALL AREA PLAN**

Ms. Strickland stated that the steering committee will be meeting this Wednesday to review the alignment meeting and prepare for the upcoming Town Hall meeting in November.

**XIII. APPROVAL OF THE REGULAR MEETING MINUTES – SEPTEMBER 10, 2018**

A motion was made by Mr. McMaster and seconded by Mr. Wheland to approve the September 10, 2018 meeting minutes as presented. The motion carried unanimously.

**XIII. ADJOURNMENT**

There being no further business for the Planning Commission, the meeting adjourned at 8:12 p.m.

RESPECTFULLY SUBMITTED,

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

ROB CRASSWELLER, SECRETARY  
FOR THE PLANNING COMMISSION

