

**FERGUSON TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
MONDAY, JUNE 12, 2017  
6:00 PM**

**I. ATTENDANCE**

The Planning Commission held its regular meeting of the month on Monday, June 12, 2017 at the Ferguson Township Municipal Building. In attendance were:

**Commission:**

Marc McMaster, Chairman  
Rob Crassweller, Vice Chair  
Ralph Wheland  
Lisa Strickland  
Bill Keough  
Eric Scott  
Andrea Harman  
Cristin Mitchell, alternate (absent)

**Staff:**

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

Others in attendance were: Marcella Bell, Recording Secretary; Michelle Spiering, Harner Farms Rezoning; Justin Mandel; Harner Farms Rezoning; Nancy Harner, Harner Farms Rezoning; Dan Harner, Harner Farms Rezoning; Jean Moore, Harner Farms Rezoning; Thompson Harner; Harner Farms Rezoning; Eric Reischer, Harner Farms Rezoning; Ansusan Brewer, Pet Daycare in the IRD; Ron Propst, Harner Farms Rezoning; Megan Leathers, Harner Farms Rezoning; Lynda and Greg Mussi, Pet Daycare in the IRD; Anna Mazzucato, Harner Farms Rezoning; Mark Kunkle, Harner Farms Rezoning; and Steve Miller.

**II. CALL TO ORDER**

Mr. McMaster called the June 12, 2017 Planning Commission meeting to order at 6:00 p.m.

**III. CITIZEN INPUT**

There was no citizens' input.

**IV. HARNER FARMS REZONING REQUEST—ZONING MAP AMENDMENT**

Mr. Stolinis stated that Planning & Zoning staff received a completed application for a rezoning request from Aspen Whitehall Partners, LLC to rezone tax parcel 24-004-,067-,0000- (71.9 acres) owned by Danny R. and Pamela M. Harner and Thompson P. Harner and Nancy P. Harner. The applicant represents a development company with an interest in acquiring the property to construct residential and commercial units. The current zoning designation of the property is Rural Agricultural (RA) and Corridor Overlay. The proposed designations are General Commercial (C), Single-Family Residential (R1), and Two-Family Residential (R2). The property is located within the Regional Growth Boundary (RGB)/Sewer Service Area(SSA) of the Centre Region.

Mr. Stolinas referred to the projector to show the property in question and the proposed rezoning. Mr. Stolinas stated that staff looked at the wetlands overlay and the floodplain areas in the GIS mapping and identified that there are none present for the property in question. The nearest stream is about 1,200 feet away and is a tributary to Slab Cabin Run. The soils in existence on the property include the Hublersburg silt loam, Hagerstown silt loam, and Opequaon-Hagerstown complex. The Ferguson Township Agricultural Security Area list of property owners currently includes the property in question as a part of the Township Agricultural Security Area; however, it does not include a purchased Agricultural Easement. The property is identified on the 2013 Centre Region Comprehensive Plan, Future Land Use Map of Ferguson Township as a "Mixed Use" land use category.

Mr. Stolinas referred to the projector and pointed out the out parcels that will not be included in the rezoning request. To the east along West College Avenue of the proposed rezoning is zoned commercial, the area north of the property is zoned R2, along the west part of the property is zoned R1, and a small portion of the property down West College Avenue will remain RA.

Included in the agenda packet is an application submitted by Aspen Whitehall LLC to rezone the front part of the property along West College Avenue as general commercial, the back part of the property as R1, and a small four-acre area to be zoned R2. The proposal includes 27.5 acres for the general commercial area, 12.7 and 9.8 acres for the R1 area, and 4.3 acres for the R2 area.

Ms. Harman stated that she received an email from a Township resident concerned about whether this proposed rezoning/development would impact the wastewater treatment plant in terms of overcapacity. The resident also had concerns regarding the character of the area. Ms. Harman stated that she thinks it's exciting to see development along that part of Whitehall Road. Mr. Stolinas stated that staff does not have any concern for overcapacity at this point and will be receiving detailed plans later on regarding the commercial and residential developments, along with any Department of Environmental Protection (DEP) modules that would identify gallons per day for certain phases of the development.

In response to a question from Ms. Strickland Mr. Harner stated that the parcel that contains the electrical substation belongs to West Penn Power and will not be affected by the rezoning. In response to a question from Ms. Strickland, Mr. Mandel from Aspen Whitehall stated that the substation owned by West Penn Power will not change, as well as the farm stand that is owned by the Harners. Mr. Mandel explained that as far as the development itself, Aspen Whitehall has not gotten into the level of detail that includes retail tenants and homebuilders. The current stage of the process is really focused on the rezoning request and process. Aspen Whitehall primarily builds for retail uses but has also built residential areas. Aspen Whitehall was attracted to this property primarily for the different types of uses that could be built, as well as the fact that there is not a lot of development on this side of State College. Ms. Strickland stated that she was expecting more residential zoning in the proposed rezoning request, rather than a larger amount of commercial. Ms. Strickland explained that she's heard concerns from

residents regarding the type of commercial being proposed, the signage, and the lighting. She also got comments regarding the fact that West College Avenue is an unattractive area and Harner Farm is the most attractive area to look at. Ms. Strickland stated that she is often concerned about new developments putting pressure on the Regional Growth Boundary; however, she feels like this is a reasonable plan due to the proposed residential area behind the commercial area.

Mr. Keough stated that the Township has known for a long time that this property was going to change. The Township wanted to allow the Harners maximum protection through zoning in order to keep the apple orchard; however, the opportunity for the Harners to make the change never presented itself. The fact that the frontage on West College Avenue is commercial is just a part of the nature of the region that the Harners are in. Mr. Keough believes that there are downsides to zoning the parcel all R1, especially with the commercial zone across the street. Mr. Keough stated that he is pleased that student housing is not being proposed here. Allowing R1 properties near other R1 properties, as well as R2 properties near R2 properties is reasonable.

Mr. Scott stated that he is of the same opinion as Mr. Keough and is sad to see Harner Farms go.

Michelle Spiering, President of the Golden Orchards HOA, stated that she doesn't know enough about what is being proposed. She questioned when and how much input the residents can have. Mr. Stolinas explained that the Planning & Zoning staff received the application, which is first reviewed by the Township Board of Supervisors. Once the Board refers the rezoning request to the Planning Commission, the Planning Commission will review the application and eventually make a recommendation to the Board of Supervisors. The Board will advertise the proposed rezoning for a public hearing and consider any comments before approving it. In this case, if the Board approved the rezoning request as-is, there will be 21 permitted uses in the Commercial district, and the R1 and R2 districts would allow for single and double family housing. After the rezoning request is approved, the developer would have to submit land development plans, which will be more detailed. Mr. McMaster added that there will be a public hearing after the 30-day advertisement.

In response to Ms. Spierling's question, Mr. Stolinas stated that if the developer's plans fall through after the rezoning is approved, the property in question will always be rezoned whatever is approved; however, any new developers looking to build on the property would have to meet the ordinance requirements.

Mr. Keough added that developments come to the Township in stages: the first stage comes in the form of permitted uses related to zoning. The next step would be for a developer to propose what those uses would look like. The proposal goes to the Planning Commission for review and recommendation and then the Board of Supervisors reviews and approves the proposed development. During a rezoning request, the Planning Commission and Board of Supervisors does not have a detailed plan, except for the zoning districts ordinances that depict what is and what is not a permitted use in specific districts. Mr. Keough went on to explain that the Board of Supervisors just adopted a new

sign ordinance, so any new signs will have to comply with the new ordinance. There are ordinances for lighting, illumination, spillage, sewage, stormwater, etc., and developments must comply with these ordinances.

In response to a question from Ms. Spierling, Mr. Ressler stated that the setback for commercial abutting the R2 district is 15 feet. Mr. Ressler went on to explain that if the commercial property is subdivided into several parcels, there would be a 50-foot rear setback.

In response to a question from Eric Reischer regarding the density of the R1 area, Mr. Mandel stated that there is a minimum density, although Aspen Whitehall has not drawn up any plans. Mr. Ressler added that the minimum lot size for R1 is 10,000 square feet. Mr. Mandel stated that Aspen Whitehall Primarily develops retail developers and it is his hope that small offices will be a part of the land development. He believes the residents will be happy with the land development plan that Aspen Whitehall comes up with because they try to create plans that are good for the community. Mr. Reischer expressed concern with the houses near the commercial area depreciating in value due to the large commercial zone. Mr. Reischer wondered if the Planning Commission had any authority over the design of the layout.

Jean Moore, Ferguson Township resident, asked the Planning Commission to consider the area zoned commercial versus residential. She stated that there should be more residential versus commercial because she doesn't want West College Avenue to end up like North Atherton Street.

Mr. Wheland stated that the Township is running out of room for uses in the Industrial and Research District (IRD), and this parcel of land may be a good use for that district. Mr. Scott stated that this end of town is a lot slower paced and staff should do studies regarding the need for retail on the property in question.

In response to a question from Ms. Strickland, Mr. Mandel stated that Aspen Whitehall picked this parcel of land specifically so they could mirror the rest of West College Avenue and the zoning. There will be a mix of R1, R2, and commercial which fits the rest of the area.

Mark Kunkle, Ferguson Township resident, stated that he believes the property being considered for rezoning is consistent with the Centre Region Comprehensive Plan. Mr. Kunkle stated that there should be more analysis of this request done by staff regarding the amount of commercial property available in the Township currently, as well as how many acres of R1 and R2 are available. He also asked staff to consider the Planned Residential Developments (PRD) that have neighborhood commercial zoning already. He is not against the rezoning; however, he is concerned with the distribution, makeup, and consistency of the rezoning as it relates to the area and adjacent properties. He urged the Planning Commission not to make a recommendation tonight to let staff analyze these items. Staff should gather the foundational facts such as impacts on water, traffic, the school district, and emergency services. This analysis should be provided to the Planning Commission prior to the recommendation of the rezoning. Mr. Kunkle stated

that there is no time limit on a rezoning request, so there are no time constraints if the rezoning request is referred back to staff for further analysis. Once it's zoned, the development aesthetics will be controlled by the uses and the land development regulations under which those uses will be governed.

In response to a question from Mr. Wheland regarding the size of the commercial area, Mr. Mandel stated that if there is interest different plan, they would be happy to discuss that.

Mr. Scott mentioned that there is a shortage of for-sale houses in the 200-300k range. Mr. Mandel stated that at the minimum density required by the ordinance, he believes there would be quite a number of housing units, and the absorption of houses in State College is not great enough to create a land development plan with mostly R1 and R2 zoning; however, if the Township would like to see more residential housing, they'd be happy to discuss that.

After discussion, Mr. Wheland made a motion, seconded by Mr. Crassweller, to table the Harner Farms Rezoning Request until Township staff can provide further analysis on the rezoning request. The motion carried 6-0. Mr. McMaster abstained.

#### V. **PET DAYCARE IN THE IRD**

Mr. Stolinis stated that on April 14, 2017, Planning & Zoning staff received an ordinance amendment application from Robert and Judy Burgess of 3020 Research Drive to add Pet Daycare facilities as a permitted use in the Light Industrial/Research and Development (IRD) Zoning District. The Township currently permits such facilities in the General Commercial (C) Zoning District only. At the May 2, 2017 meeting, the Board of Supervisors directed staff to develop a draft ordinance amendment that considers Pet Daycare Facilities in the IRD as a Conditional Use. The Board of Supervisors reviewed the proposed draft amendment and referred it to the Planning Commission for further recommendation. Mr. Stolinis stated that there are two definitions that were amended in the ordinance several years ago: Pet Care Facility versus Pet Day Care Facilities.

**Pet Care Facility:** A site utilized for short-term care of domestic animals or household pets. May include spas, resorts, and/or grooming facilities which provide overnight boarding. No outdoor, overnight boarding of animals is permitted. Permitted by right—Rural Agricultural, Rural Residential, and Light Industry/Research & Development districts.

**Pet Day Care Facilities:** The daytime care of domestic dogs or other household pets, belonging to persons not residing on the premises. Grooming and training services may also be provided at such a facility, as well as the retail sale of pet food and pet accessories. No outdoor or overnight boarding of animals is permitted. Permitted by right—General Commercial district.

Mr. Stolinis stated that when comparing the provisions for each use, they are very similar—the two differences being that with a pet care facility, if located within 1,000 feet

of a residential occupied site, it must identify how noise from the facility will be controlled for nuisance situations, and the facility operates on a 24-hour basis.

The pet day care facility may not be located within 1,000 feet of a residential zoning district or within 500 feet of any food service establishment. Any portion of the site that abuts a residential occupied property must provide a six-foot landscape screen or fencing. The hours of operation for a pet day care facility are from 7:00 a.m. to 7:00 p.m.

Mr. Stolinis noted that in the ordinance under the Commercial zoning district, pet day care facilities are allowed a minimum lots size of half an acre. When the Board of Supervisors reviewed the proposal, it recommended that the ordinance amendment consider a 0.75-acre minimum lot size. Mr. Stolinis stated that there is only 704 feet from the property line to the Stonebridge neighborhood as well as 776 feet to the residential area across West College Avenue.

Mr. Scott stated that he does not see any problem with allowing the proposed conditional use in the IRD. In response to a comment from Mr. Keough, Ms. Ansusan Brewer of the Stonebridge neighborhood stated that there used to be a restrictive covenant that did not allow for dogs to be left unattended outside; however, the covenant is not in effect anymore, even though the residents of that neighborhood still follow the covenant. Ms. Brewer stated that the application does not meet the zoning requirement and does not meet the conditional use requirement. Ms. Brewer asked if there could be conditions placed on the use that would allow the use to be vacated if the property owner gets "x" number of noise complaints per year. Mr. Stolinis stated that he has not heard of any such conditions placed on these types of uses before.

Ms. Lynda Mussi provided additional information to the Planning Commission about her proposed use. Ms. Mussi stated that the building proposed for a conditional use was built in 1989 with the intent of having child care services for a long period of time. At the time, the building was used for a full-day kindergarten center for roughly 80 children for the State College Area School District. The building has been sitting empty for about five years since then. There have been a few rentals of the property since then, but it has not been successful.

There were several questions and concerns from the Planning Commission including:

- The Planning Commission would like the Mussis to come up with a better idea of what type of business they would like to have at the property. The Mussis have not yet created a detailed business plan because they want to have an idea of what uses are allowed before they spend money creating a business model.
- There is some concern that the property line does not meet the conditional use requirement of 1,000 feet away from residential occupied properties.
- There is concern about the size and location of the exercise and defecation areas for the dogs outside.
- There was a comment made about the ratio of employees to dogs.
- There was a comment made about the standard for parking spaces.

Mr. Stolinas added that the Planning Commission can consider that the applicant create a sound barrier since the property is not 1,000 feet from a resident occupied property.

Since the Planning & Zoning department is working with Environmental Planning & Design (EPD) for the Zoning, Subdivision, and Land Development ordinance rewrite, the Planning Commission suggested that staff bring the draft ordinance amendment to the consultant to review and consider including in the rewrite.

A motion was made by Ms. Harman and seconded by Mr. Scott for staff to review the draft ordinance amendment with EPD to consider including it in the Zoning, Subdivision, and Land Development ordinance rewrite. The motion carried 6-1.

## **VI. PLANNING DIRECTOR REPORT**

Mr. Stolinas reviewed the Planning Director's Report.

On May 19, 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- within the TS Zoning District. The applicants request the Board of Supervisors to consider a private area for skateboarding utilizing an existing foundation at the previous Sheesely Concrete Plant.

On May 23, 2017, the Planning & Zoning Director and Zoning Administrator attended the Zoning Hearing Board meeting for the variance requests submitted by Peter and Chelsea Mali at 1363 Sconsett Way (Impervious Coverage) and the J.L. Cidery @ J.L. Farms (Buffer Yard).

On May 25, 2017, Planning & Zoning staff received a Zoning Text Amendment Application from Kenneth W. Beldin, Jr., PE, Gwin, Dobson and Foreman, on behalf of the State College Borough Water Authority, to modify several sections of the existing Zoning Ordinance, specifically text related to "Essential Services" and "Essential Services" within areas of Floodplain Conservation. The amendment had also been sent to Carolyn Yeagle, EPD, for consideration into the Working Draft Zoning Ordinance. On May 25, 2017, the Planning & Zoning Director and Community Planner met with Kurt Homan regarding a discussion about a potential relocation of parking area for the Hunter's Chase Park – Proposed Final Buildout. Also on May 25, 2017, the Planning & Zoning Director, Community Planner and Township Manager met with representatives of Penn State Real Estate, Municipal Liaison, Campus Planning Director and Legal Counsel pertaining to the "Potential Park Acquisition" outlined on the Draft Official Map. Staff reviewed the process of Public Outreach and Official Map development timeline to clarify changes to the draft.

On June 5, 2017, the Planning & Zoning Director and Community Planner met with the Township Engineer and representatives of PennTerra Engineering and McCormick Taylor related to TIS Scoping for Foxpointe PRD modified Phase 1E (Neighborhood Commercial/Multifamily Housing to 55 Single Family Lots). On June 5, 2017, the Planning & Zoning Director attended the Executive Session of Board of Supervisors to

discuss the Cottages PRD Commonwealth Court Decision. Also on June 5, 2017, the Board of Supervisors adopted the revised Chapter 19 – Signs and Billboards.

On June 6, 2017, the Planning & Zoning staff received a copy of the Internal Working Draft Zoning Ordinance from Environmental Planning & Design. On June 6, 2017, the Planning & Zoning Director and Zoning Administrator met with Jon Eich regarding an existing private access drive, adjacent to Thistlewood, that traverse properties leading to the Estate of Samuel Atmore. Also on June 6, 2017, the Planning & Zoning Director and Township Manager met with Dr. Steven Jackson, Ferguson Township representative to the State College Borough Water Authority to discuss items discussed at the May 18, 2017 SCBWA meeting specific to Ferguson Township proposed connections.

## **VII. ACTIVE PLANS UPDATE**

Ms. Schoch reviewed the active plans which included: West Cherry Lane Multi-Use Building Lot Consolidation & Land Development Plan, J.L. Cidery at J.L. Farms Land Development Plan, The Cottages at State College Final PRD, CSC Northland Buffalo Wild Wings, and Whitehall Road Regional Park.

Mr. McMaster asked if the opposers of The Cottages at State College have filed the appeal to the Commonwealth Court decision. Ms. Schoch stated that she believes they plan to file to appeal but doesn't think they have done so yet. Mr. Stolinas added that they 30-day appeal period ends at the end of this week.

Mr. Wheland stated that he believes there are people sleeping overnight in the tents at the intersection of Whitehall Road and Blue Course Drive. Mr. Stolinas stated that he and Mr. Ressler will be having a meeting on June 13, 2017 with Township staff, the Township Solicitor, and staff from Penn State to discuss Penn State's next steps. Mr. Stolinas stated that Penn State is ultimately the property owner.

Mr. McMaster stated that he is concerned about sanitation issues regarding the opposers staying overnight on the property.

Ms. Schoch stated that the Buffalo Wild Wings plan expires June 13, 2017; however, she received their time extension earlier this evening.

## **VIII. CENTRE REGION PLANNING COMMISSION (CRPC) REPORT**

Ms. Strickland stated that the CRPC met on June 1, 2017. Many Centre Region residents attended the meeting and provided public comment about the Toll Brother's Development, The Cottages at State College. The Commission received the Act 537 Sewage Facilities Plan Special Study, which has been forwarded to the COG General Forum for public review and a comment period. The plan depicts extending the beneficial water reuse lines out to the Boalsburg area which includes the Mountainview Country Club and Tussey Mountain.

The Commission received a presentation from Ed LeClair regarding the State College Downtown Master Plan and Development. Ms. Strickland will send the PowerPoint to the other Planning Commission members.

The Commission also received a presentation from Erica Ehly, CRPA Senior Planner, regarding Ag Sustainability in the Centre Region. CRPA was tasked with looking at zoning practices that support agriculture in the Centre Region. The first draft included evaluations of existing ordinances regarding agriculture zoning regulations. The aim is to develop guidelines and recommendation for amending aspects of agricultural zoning districts to reduce unintended barriers to agricultural uses.

Mr. Keough expressed concern that Ms. Ehly has not reached out to the farming community in the Centre Region. Ms. Strickland stated that Ms. Ehly has only looked at the zoning ordinances related to agriculture to see what kind of primary uses are allowed. Mr. Stolinas stated that he plans to sit down with Ms. Ehly and Jim May (CRPA Director) to review what Ferguson Township has done related to agriculture zoning. Mr. Stolinas added that Ms. Ehly only compared the uses in the RA district, but she should also include the uses in the Agricultural Research and the Rural Residential zoning districts. Ms. Strickland stated that the next part of Ms. Ehly's study will have guidelines and proposed amendments, and part three will involve the development of community tools and resources to encourage viability of agricultural lands. Ms. Strickland stated that the COG is really focusing region-wide instead of taking the differences between the municipalities into account. Ms. Strickland stated that she is concerned that COG staff is putting a lot of time and work effort into these different reports, and she is not sure that this is the best use of their time.

The CRPC also discussed the administration of the Regional Growth Boundary (RGB) and whether the Development of Regional Impact (DRI) process is the best way to add areas into the RGB. The Commission received a report regarding the DRI process and how other areas use and enforce a growth boundary and other tools that could be used to enforce a growth boundary. CRPA has been researching the best way to add areas into the RGB, instead of haphazardly adding bits and pieces into it. Mr. McMaster stated that he is concerned that CRPA is looking into this without reaching out to developers who have specific reasons for developing in the areas they do.

Ms. Strickland stated that the CRPC cancelled the July meeting and will meet again in August.

Ms. Strickland mentioned that she will be attending the State College Borough Water Authority meeting on June 15, 2017 in place of Steve Watson of the CRPC.

**IX. SOURCEWATER PROTECTION WORK GROUP UPDATE**

The Sourcewater Protection Work Group will meet on June 14, 2017.

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

Planning & Zoning staff has received the draft Zoning/SALDO ordinance and will meet with EPD in the near future. After meeting with EPD, staff will schedule a meeting with the Zoning/SALDO Steering Committee.

**XI. APPROVAL OF THE REGULAR MEETING MINUTES – APRIL 10, 2017**

A motion was made by Ms. Harman and seconded by Mr. Wheland to approve the May 22, 2017 Planning Commission meeting minutes. The motion carried unanimously.

**XII. ADJOURNMENT**

There being no further business for the Planning Commission, Mr. Crassweller made a motion to adjourn the meeting at 8:26 p.m. The motion carried unanimously.

RESPECTFULLY SUBMITTED,

  
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LISA STRICKLAND, SECRETARY  
FOR THE PLANNING COMMISSION