

**FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MONDAY, NOVEMBER 13, 2017
6:00 PM**

I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, November 13, 2017 at the Ferguson Township Municipal Building. In attendance were:

Commission:

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

Staff:

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

Others in attendance were: Marcella Bell, Recording Secretary; Carolyn Yagle, Environmental Planning & Design; Janice Keough, Wheland and Cooper Estate Subdivision and Lot Consolidation Plan; Lance Cooper, Wheland and Cooper Estate Subdivision and Lot Consolidation Plan; John LeClair, J.L. Farms at J.L. Cidery; Diane Boden, J.L. Farms at J.L. Cidery; Jessica Serna, PSU Student; Zakary Ruppert, PSU Student; Chris Muller, PSU Student; Samuel Reeser, PSU Student; Micahel Zee, PSU Student; Kyle Hilk, PSU Student; John Sepp, Penn Terra Engineering; and Ruth Cooper, Resident

II. CALL TO ORDER

Mr. McMaster called the November 13, 2017 Planning Commission meeting to order at 6:00 p.m.

III. CITIZEN INPUT

There was no citizens' input

IV. J.L. CIDERY AT J.L. FARMS LAND DEVELOPMENT PLAN

Mr. Stolinis stated that John W. LeClair owns tax parcel 24-004-092B-000 at 3392 Shingletown Road containing approximately 31 acres with an existing home, multiple greenhouses, an apple orchard, vineyard and a proposed cidery. The cidery will also include a new parking area with a handicap parking space to support a proposed tasting room. The Planning Commission initially reviewed the land development on February 27, 2017, as Township Planning and Zoning staff reviewed a third submission of the plan on October 17, 2017 and submitted comments to Penn Terra Engineering. Mr. Stolinis showed the proposed cidery on the PowerPoint. Ms. Schoch reviewed the outstanding comments that the applicant needs complete before their plan is approved.

In response to a question from Mr. Keough, Mr. John Sepp stated that the two trees proposed on the plan are required to be planted by the Township's ordinance, which requires trees to be planted at the end of parking bays. He explained that he tried to

make the argument that the zoning requirements did not apply in this situation, but ultimately the trees will have to be planted, as stated. Mr. Sepp went on to explain that the aforementioned zoning ordinance is aimed at commercial properties; however, the ordinance doesn't actually differentiate between Commercial or Rural Agriculture districts. Mr. Keough asked staff to make a note of this requirement to be updated in the Township's Zoning and Subdivision and Land Development Ordinance (SALDO) update.

Mr. Stolinis mentioned that Mr. LeClair requested a variance from the Zoning Hearing Board to the buffer yard requirements. Mr. Sepp added that if the variance wasn't granted, the applicants would have had to plant a buffer yard in the woods on the property. There was some discussion about updating buffer yard requirements in the Zoning and SALDO update. Mrs. Schoch stated that when the Zoning and SALDO update first started, staff provided EDP consultants a list of all the requested variances from several years and most variances were buffer yard variances.

In response to a question from Mr. Keough, Mr. Sepp stated that the proposed pavement in one section of the driveway is actually tying into existing pavement. The driveway was not wide enough to have parking stalls as well. It was of Mr. Sepp's opinion that the paved driveway should not be required in the RA district. Mr. Scott stated that without the paved driveway, he would be concerned about a gravel driveway washing out. Mr. Keough added that there are maintenance issues when a gravel road meets a paved road, specifically with snow operations.

A motion was made by Mr. Keough and seconded by Mr. Wheland to recommend that the Board of Supervisors approve the J.L. Cidery at J.L. Farm Land Development Plan, conditioned upon the completion of the remaining comments. The motion carried 5-0.

V. HUMMEL SUBDIVISION AND LOT CONSOLIDATION PLAN

Mr. Stolinis stated that the Hummel subdivision, located on Ridge Road, approximately 260' east of Plainfield Drive off West Pine Grove Road, tax parcel 24-007-014E-0000 of 3.85 acres, consists of a three-lot subdivision plan. This plan is first proposing the consolidation of a portion of tax parcel 24-007-104E with 24-7-14C which will create the revised tax parcels of 24-007-014E (1.181 acres) and 24-007-024C (3.350 acres) and create the residual Lot 1 (1.208 acres) along West Pine Grove Road. Subdivision plans have been submitted by Penn Terra Engineering on behalf of the applicant, Philip Mandzik. Mr. Stolinis referred to his powerpoint to show how the parcels will be subdivided and consolidated.

In response to a few questions from Mr. Keough, Mr. Stolinis explained that the applicant is subdividing three or more lots, which requires a park land fee-in-lieu. It was of Mr. Keough's opinion that this submission should not trigger the park land fee-in-lieu since only the lot lines are changing and a new lot is not being created. Mr. Stolinis stated that it could be argued that only Lot 1 would potentially have a new dwelling unit proposed, whereas the other lots already have existing dwelling units. Therefore, there would only be one new lot (Lot 1) and the other lots would just change lot lines. Ms. Schoch added that staff has not received all of the comments for this plan yet since they are due this coming Wednesday. Ms. Schoch stated that she does not have the

calculation of the park land fee-in-lieu. There was some concern about the Hummel property being able to subdivide their property again; however, Mr. Sepp explained that a private road cannot have more than seven (7) lots per private road.

In response to a question from Mr. Wheland, Mr. Stolinis stated that one of the questions staff had was who owns the strip of land through the middle of the parcels. Ms. Schoch explained that Chad Stafford of Penn Terra Engineering told her that the Hummels' created that lane that goes through the middle of the parcels and all adjoining landowners had an agreement to maintain the lane. Ms. Schoch stated that the agreement will have to be updated as a part of this plan. Mr. Stolinis added that it may be a good idea to reference the original maintenance agreement in the plan as well. Mr. Sepp stated that on the plan, Ridge Road is called a 50-foot right-of-way, not a lot. Mr. Keough stated that Ridge Road is not entirely in the 50-foot right-of-way, so a new agreement needs to be drafted that identifies the location of the road or the meets and bounds.

Ms. Schoch stated that she has received comments from the Township Engineer, Ron Seybert; Steve Bair, Alpha Fire Chief; and Greg Garthe, Centre Regional Planner. She will collect all comments after this coming Wednesday, compile the comments, send to the applicant, and meet with the applicant if necessary.

VI. WHELAND AND COOPER ESTATE SUBDIVISION AND LOT CONSOLIDATION PLAN

Since Mr. Wheland and Mr. Keough are listed as applicants on this plan, they sat in the audience to exclude themselves from the deliberation.

Mr. Stolinis stated that the proposed subdivision, located on Tadpole Road, is approximately 1.8 miles west of the intersection of Tadpole Road and West Gatesburg Road. The proposal intends to consolidate tracts of parcels 24-06-7A, 24-06-7B, and 24-06-08 to create a 1.00-acre tract (Tract 1R), a 1.89 acre tract (Tract 2-BR), a 109.02 acre tract (Tract 3R), and a 233.50 acre tract (Tract 4R). The consolidations are a result of residual land from the original alignment of Tadpole Road and lands from the former Lewisburg and Tyrone Railroad. Subdivision plans have been submitted from Fred M. Henry/Mease Associates, Inc. on behalf of the applicants, Ralph F. Wheland & Janice Keough, co-executor. Mr. Stolinis referred to his PowerPoint and showed the lot consolidations.

There was a short discussion on who owned the new consolidated tracts. Mr. Stolinis pointed out that the lot addition to the Keough property is not described with a number like the other parcel additions. Staff will include this in the comments.

The Planning Commission took a short intermission.

VII. FERGUSON TOWNSHIP WORKING DRAFT ZONING ORDINANCE

Mr. Stolinis stated that Carolyn Yagle with Environmental Planning & Design (EPD) will lead the discussion and review changes that have gone into the working draft Zoning Ordinance between Planning & Zoning staff and the appointed Steering Committee. Staff distributed working draft copies to the Ferguson Township Planning Commission on

October 6 in order to initially discuss the revisions at this evening's meeting. An online "Idea Board" has been developed and will be linked to the Township website to garner further public input on the proposed document. Mr. Stolinis then turned the floor over to Ms. Yagle.

Ms. Yagle introduced herself as a consultant to the Township from Environmental Planning & Design. She stated that Township staff and her team continue to hone the draft Zoning Ordinance and tonight's meeting is the first step in collecting comments to further revise the draft Zoning Ordinance. Ms. Yagle explained that EPD was tasked with looking at the Township's current almost 500-page Zoning Ordinance and see where there may be opportunities to clarify and revise areas as addressed throughout the years. She explained that there were a number of things in each of the zoning districts where there were a lot of variations relating to land use and dimensional criteria. EPD consultants worked to understand the intent of the revisions over time. EPD was also tasked with taking the current information and present it in a consumable way for the Township as well as any applicants. Ms. Yagle referred to her presentation and showed a page referred to as a 'Quick View'. EPD took the notion of the mapping with the districts, land uses, and dimensions to try to summarize what it meant in one snapshot. Within the draft Zoning Ordinance, each district has its own Quick View. Ms. Yagle explained that one of the biggest changes to the Zoning Ordinance is the consolidation of the Office Commercial District with the General Commercial District.

Ms. Yagle explained that after meeting with several steering committees, EPD realized there was a consideration for the pattern of natural resources within the Township. There are two forces that are a part of zoning in the Township—the municipal service boundary and the fundamental aspect of infrastructure service in context of where the natural resources are (prime agriculture soils and the Sourcewater Protection Overlay District, for example). Ms. Yagle referred to the PowerPoint and showed different areas of the map that were colored in and shaded. EPD mapped where the prime agricultural soils are in the Township, and according to the map, prime agricultural soils are located all throughout the municipal service boundary. Ms. Yagle explained that EPD used this information in looking at the scaling of densities and different types of uses within districts. EPD also mapped the Sourcewater Protection Overlay. Both of these mappings will be used as tools as it relates to the draft Zoning Ordinance. Ms. Yagle stated that EPD took the information presented from the Sourcewater Protection Overlay as well as the mapping for the prime agricultural soils and compared the Sourcewater Protection Overlay boundaries and the location of the prime agricultural soils. EPD also took the aforementioned information and compared it to where the municipal service boundary is. Mr. Stolinis added that the crosshatch pattern on the map indicates the Zone 2 areas of the Sourcewater Protection Overlay District. Ms. Schoch stated that the municipal service boundary is the same thing as the Regional Growth Boundary (RGB).

Ms. Yagle stated that EPD looked at the different scales of solar use. Included in the draft Zoning Ordinance, is EPD's model ordinance that was developed for 23 municipalities, as well as the City of Philadelphia. Ms. Yagle stated that this addition of solar language does not include community-scale solar systems.

Ms. Yagle stated that in the current Zoning Ordinance, there are a number of land uses that do not have definitions. The draft Zoning Ordinance includes a number of new land use definitions, and some definitions may even need to be further defined. In relation, the ratios for parking requirements are not specific to each land use in the current zoning ordinance. There was a lengthy discussion about parking as it relates to the regulations and requirements in the draft Zoning Ordinance. The main discussion point centered around the idea that requirements would be based on the land use in the different districts, and whether or not the use is accessory or principle. Ms. Schoch stated that the current zoning ordinance has a clause where an applicant can request a reduction in parking requirements if there are incentives like carpooling. Ms. Schoch suggested making the percentage decrease in parking, if conditions are met, higher so that more applicants would take advantage of it.

Ms. Yagle also discussed the addition of Principle Uses and Accessory uses in the different districts (specifically the agriculture districts), which stemmed from discussions from the steering committee. Retail uses in commercial would have a different definition that retail uses in agriculture.

Instead of the Commission members providing their comments verbally during the meeting, due to the size and nature of the draft Zoning Ordinance, Township staff and EPD staff are asking that the members mark up their copies of the draft Zoning Ordinance. Township staff will digitally scan in the comments to collate and respond to them for discussion during the December and January meetings.

The Planning Commission members provided general comments for the layout and ease of use of the draft Zoning Ordinance:

- In the Use Regulation Summary Table, it would be beneficial to identify what 'P' and 'C' uses are
- Define 'Use A' and 'Use B'
- Generally, the Quick Views are confusing to read and need to have more explanation
- Create a key for Quick Views to help better explain how to read it
- Include the Township Zoning Map in the ordinance
- Include drawings for the setback criteria
- Provide the changes between the current Zoning Ordinance and the proposed draft Zoning Ordinance so that the Planning Commission can see the differences

In response to a question from Mr. McMaster, Ms. Yagle stated that the Idea Board should be ready to launch by the end of November so that the public can read the draft Zoning Ordinance and provide comments. The Idea Board will be interactive and will allow the public to use links to navigate throughout the document. Mr. Keough stated that while he appreciates the use of technology to engage the public, he does not believe that the Idea Board will be of much use to residents over the age of 60 years old. Ms. Yagle gave an example of Derry Township who used the Idea Board for one of its documents. Statistics showed that it served people of all audiences.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stolinas reviewed his report. On September 26, 2017, the Planning & Zoning staff and Carolyn Yeagle of EPD met with State College Department of Planning & Zoning staff and their consultant, Clarion to discuss proposed updates to the Terraced Streetscape District in Ferguson Township to coincide with the updates to the Borough Zoning Ordinance and the Urban Village District. On September 26, 2017, the Planning & Zoning staff met with Mr. Rob Veronesi regarding tax parcel 24-004-015-0000 (18.48 acres) within the Industrial District. Mr. Veronesi inquired about the process of applying for a Zoning Map Amendment through an application. Also on September 26, 2017, the Planning & Zoning staff met with Bill Keough regarding questions related to the Landings Phase 3A Plan and the Park Center Boulevard connection to Westerly Parkway/Blue Course Drive. Lastly, on September 26, 2017, the Planning & Zoning Director and Zoning Administrator attended the Ferguson Township Zoning Hearing Board meeting. A variance application was heard for the Russian Church of Christ to keep a community garden on-site, an unpaved roadway through the floodplain, and a sand volleyball court with lighting within a floodplain.

On September 27, 2017, the Planning & Zoning Director and Community Planner met with the Communications Coordinator to discuss Community Planning Month initiatives.

On October 3, 2017, the Planning & Zoning Director and Zoning Administrator met with members of the Safety Committee and Cheryl Lees, Manager of Loss Control Services of PennPrime, to conduct a Safety Committee training.

On October 5, 2017, the Planning & Zoning staff met with Carolyn Yeagle, EPD and the Zoning and SALDO Steering Committee to discuss the working draft Zoning Ordinance. Mr. Stolinas stated that unfortunately, the attendance from the Steering Committee was very low. Also on October 5, 2017, the Planning & Zoning Director attended the Joint TL/CRPC meeting at the COG Forum.

On October 6, 2017, the Planning & Zoning Director and Zoning Administrator met with Lewis Steinberg on the working draft Zoning Ordinance since he could not attend the Steering Committee meeting.

On October 11, 2017, the Planning & Zoning Director attended the October Board of Directors meeting of the Centre County Housing and Land Trust.

On October 12, 2017, the Planning & Zoning Director and Community Planner attended a workshop sponsored by the Centre County Association of Realtors titled "Smart Growth for the 21st Century" at the Mountain View Country Club.

On October 13, 2017, the Planning & Zoning staff met with the Township Manager and Township Solicitor to discuss items related to the draft Source Water Protection Ordinance, specifically non-permitted uses and blasting regulations through PA DEP.

On October 16, 2017, the Planning & Zoning staff met with the Township Manager and reviewed the Landings Phase 3A Plan.

On October 17, 2017, the Planning & Zoning Director met with the Township Finance Director and Township Manager on the 2018 Planning & Zoning Budget. Also on October 17, 2017, the Planning & Zoning Director and Zoning Administrator attended the Ferguson Township Zoning Hearing Board meeting. Variance requests were submitted by Ira M. Lubert and Galen Dreibelbus at 324 Vairo Boulevard related to floodplain regulations and the riparian buffer yard, King Wealth Strategies for a property at 222 Blue Course Drive related to buffer yard and corridor overlay requirements, and Brandy Tressler at 910 N. Nixon Rd. to permit a 6,000 square foot garage to be added to the property. The variance voting results are at the end of this report.

On October 19, 2017, the Planning & Zoning staff met with representatives from Land Design and 505 Design related to the Pine Hall Master Plan and discussed "community DNA" and cultural aspects of the region in consideration of their design approach within the TTD.

On October 20, 2017, the Planning & Zoning Director and Zoning Administrator met with Ferguson Township Zoning Hearing Board Chairman, Mike Twomley, to discuss recent hearing protocol.

On October 25, 2017, the Planning & Zoning staff met to review the approach to provide data to the Centre Region Planning Agency for the updated REDCAP report.

On October 27, 2017, the Planning & Zoning staff, Township Engineer, Public Works Director, and Township Manager met with Michael Pratt of Keller Engineers and Derek Anderson of Residential Housing Development, LLC, to kickoff discussion related to the Pine Hall Master Plan Phasing, Stormwater Management, Specific Implementation Plan submissions, and Transportation Studies.

On October 30, 2017, the Planning & Zoning Director met with Cindy Hahn of C-NET, Bill Keough of the FTPC, and Dave Modricker, Public Works Director, to discuss a staging plan for televised Planning Commission meetings starting in January 2018. Mr. Stolas explained that as a result of the meeting, the alternates will sit at an extended table with a microphone next to Ms. Schoch. The public podium will be placed to the right of the PowerPoint and closer to public seating. Any applicants, engineers, etc. who wish to present to the Planning Commission will sit at a table with a microphone that connects adjacently to the Planning Commission alternate's table and directly faces the Planning Commission members. Staff believes that this staging will allow for better dialog between applicants and the Planning Commission, as well give the public its own microphone.

On November 3, 2017, the Planning & Zoning staff, met with Todd Smith, ELA Group and Adam Fernsler, Fernsler Hutchinson, LLC, to discuss the addition of garages and carports at the Heights in Turnberry TTD. Also on November 3, 2017, the Planning & Zoning Director and Community Planner met with the Township Manager and Charles Suhr, Esq. regarding the resubmission of the TTD text amendment due to a procedural challenge that has been filed in Centre County Court by Attorney Dwight Ferguson,

representing Circleville Road Partners. Attorney Ferguson also submitted a Substantive Validity Challenge to Ferguson Township for the Zoning Hearing Board to consider at the December meeting.

On November 6, 2017, the Planning & Zoning Director and Community Planner met with Matt Harlow of ELA Group and representatives of the State College Area School District and Massaro Construction to discuss the use of the O.W. Houts property on North Buckhout Street as a laydown and parking area for the renovation of the Corl Street Elementary School. A Conditional Use Application would need to be submitted for Board of Supervisors consideration. Also on November 6, 2017, the Planning & Zoning Director, Community Planner and Township Engineer met with Michael Pratt of Keller Engineers and Armen Sahakian regarding the Hillside Farm Estates proposed PRD Plan.

On November 9, 2017, the Official Map adopted on October 2, 2017 was officially recorded in the Centre County Recorder of Deeds.

Mr. Stolinas reviewed the upcoming Hearings and Board of Supervisor discussions:

- Source Water Protection Overlay Ordinance - November 20, 2017 (Revisions to Draft Consideration of Pub. Hearing)

Recent BOS Actions (11/06/17 Meeting):

- Variance for SBA Towers II, LLC/Cellco Partnership: Motion to Remain Neutral (5-0)

Recent Zoning Hearing Board Actions (10/17/17):

- Ira M. Lubert and Galen Dreibelbus at 324 Vairo Boulevard: Motion to Approve Variance (5-0)
- King Wealth Strategies for property at 222 Blue Course Drive: Motion to Approve Variance (4-1)
- Brandy Tressler at 910 N. Nixon Rd.: Motion to Approve (Failed 4-1)

IX. ACTIVE PLANS UPDATE

Ms. Schoch provided the active plans update, which included the following active plans: Ralph Wheland and Pauline Cooper Estate Replot & Property Line Realignment Plan, Hummel Subdivision Plan, The Landings Phase 3A Final Subdivision Plan, Science Park Plaza Land Development Plan, J.L. Cidery at J.L. Farms Land Development Plan, and The Cottages at State College Final PRD Plan.

Mr. Stolinas stated that on November 8, 2017, the Pennsylvania Supreme Court denied the Petition for Allowance of Appeal for the Cottages at State College decision. Ms. Schoch added that the time clock for the land development plan has started or will start soon.

X. CENTRE REGION PLANNING COMMISSION (CRPC) REPORT
Ms. Strickland stated that CRPC did not meet this month.

XI. SOURCEWATER PROTECTION WORK GROUP UPDATE
There was no update.

XII. ZONING/SALDO STEERING COMMITTEE UPDATE
There was no update.

XIII. APPROVAL OF THE REGULAR MEETING MINUTES – SEPTEMBER 27, 2017

A motion was made by Mr. Wheland and seconded by Mr. Keough to approve the September 27, 2017 meeting minutes. The motion carried 5-0.

XIV. ADJOURNMENT
There being no further business for the Planning Commission, Mr. McMaster made a motion to adjourn the meeting at 8:36 p.m. The motion carried 5-0.

RESPECTFULLY SUBMITTED,



LISA STRICKLAND, SECRETARY
FOR THE PLANNING COMMISSION

