

## FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting  
Monday, March 14, 2016  
6:00 pm

### I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, March 14, 2016 at the Ferguson Township Municipal Building. In attendance were:

<b>Commission:</b>	Rob Crassweller, Vice Chairman	<b>Staff:</b>	Ray Stolinas, Director of Planning and Zoning
	Kurt Homan		Lindsay Schoch, Community Planner
	Ralph Wheland		Jeff Ressler, Zoning Administrator
	Lisa Strickland		
	Erik Scott		
	Bill Keough, Alternate		

Others in attendance included: Heather Bird, Recording Secretary; Justin Newman, Susan Eckert, Winn Bishop, Craig Adler, John LeClair, Diane Boden, Rob and Rachel Johnson, Andrea Harman, Chris Summers, Todd Smith, John Lichtman, Dave Yoxtheimer, Steve Miller, Laura Dininni

### II. CALL TO ORDER

Mr. Crassweller called the Monday, March 14, 2016 Planning Commission meeting to order at 6:00 pm.

### III. WELLHEAD PROTECTION ZONING AREA OVERLAY DISTRICT AND MODEL ORDINANCE

Mr. Stolinas stated on July 7, 2015 the State College Borough Water Authority (SCBWA) and Ferguson Township Supervisors conducted a joint meeting to discuss the Cottages PRD submission and discussed policy recommendations on future developments located within wellhead protection areas. One of the policy recommendations that had been discussed at the joint meeting was the development of a new Wellhead Protection Zoning Overlay District which corresponds to the delineated SCBWA Zones 1, 2 and 3. The intent of the ordinance is to safeguard public health, safety and welfare. It would regulate land uses in the overlay zones and is specific to the manufacture, use, storage, transport and disposal of hazardous substances which pose a threat to quality and quantity of extracted ground water. It would regulate and limit certain land development within wellhead protection zones 1, 2 and 3, have design standards that are intended to minimize impervious surface and provide stormwater management practices that maintain recharge and protect and enhance surface and ground water quality.

Mr. Scott stated he supports what Mr. Yoxtheimer and the SCBWA recommend.

Ms. Strickland asked to hear from the SCBWA representative and Mr. Yoxtheimer on their thoughts on the ordinance and are there any concerns of theirs that have not been addressed in the ordinance.

Mr. John Lichtman, SCBWA Executive Director, stated that he highlighted a few minor suggestions for changes in the ordinance. Overall it is a great start and once both the stormwater management ordinance and this one are completed they will tie together very nicely.

Mr. Wheland referred to page 2, location of district, where it states the wellhead protection district shall be located in an area equal to a 1,200-foot radius extending from each well supplying potable water and page 3, limited uses, where it states land application or storage of animal manure, fertilizer, herbicide and pesticides. He stated this will put farmers out of business. The protection area covers hundreds and hundreds of acres of farmland. Ms. Strickland stated that she read provisions for existing structures. Mr. Lichtman stated the ordinance still needs tweaking but the spirit of it is good. Mr. Wheland stated the Dearthwell field is not active in the west end yet but what happens when it is, will all farmland be useless. Mr. Lichtman stated that the well would fall within the regulations established under this ordinance. Mr. Wheland stated he is very concerned with this ordinance.



Mr. Homan echoed the concerns of Mr. Wheland. He sees the need for this ordinance but it does need to address the needs of the agricultural community as well as all of the communities in the region.

Mr. Keough stated Ferguson Township has invested a significant amount of money on preservation of agricultural land in the west end of the township with the most preserved farms in the county. Agriculture is an industry and it needs to be protected. If we didn't have the recharge capability that our agricultural community provides we may have been in trouble a long time ago with the availability of water. Clearly zone 2 hugely impacts the existence of an industry that has been promoted and invested in with tax dollars in this area. Whatever we pass needs to have a strong statement on the viability of agriculture on the west end of the township. We need to find a middle ground on the industry of farming and preserving the water in the community. He recommended a review by the Centre County Conservation and/or Farm Bureau because a township may be prohibited from passing laws that affect the farming community as an industry.

Mr. Crassweller asked how this ordinance will interact with private wells. He asked about section 6 reporting requirements and who would have the responsibility to make the geological report. Mr. Lichtman stated it would be the land owner who would have to make the reports. Mr. Crassweller does not think this should be on the land owner. Mr. Lichtman stated farmers already make these type of reports to DEP as required by law. Mr. Crassweller asked about geothermal systems not being allowed. Mr. Scott said that the external loops have some type of antifreeze in them.

Mr. David Yoxtheimer stated that the Water Authority did not come up with this ordinance, at this time this is a model ordinance. At this time the model ordinance is very restrictive but a good starting point to adjust to best apply to the Township as appropriate. The College Township ordinance is more moderate.

Mr. Crassweller stated the map included with the ordinance should include the Dearthmitt well and the Rock Springs wells.

The Commission suggested a worksession where modifications would be made that are more appropriate to this area. They would like to see the agricultural community included in this process.

#### **IV. REMOVAL OF CHILD DAYCARE / PRESCHOOL FROM PROHIBITED USES IN THE TERRACED STREETSCAPE DISTRICT**

Mr. Stolas stated on February 17, 2016 Robert and Rachel Johnson filed a Zoning Ordinance Amendment application for the Board of Supervisors to consider removing Child Daycare and Preschool from the list of prohibited uses in the Terraced Streetscape District. The Board forwarded this to the Planning Commission for further consideration.

Mr. Keough stated that from a historical standpoint it was inserted in the TSD design primarily to limit or discourage activities that generated almost exclusively vehicle traffic as opposed to pedestrian traffic. It was discussed that a residence building would maybe have daycare on the first or second floors as a conditional use. He would support the opportunity for a conditional use as opposed to removing it from the prohibited uses.

Mr. Scott stated there is already MMA, bar restaurant, waffle shop. He doesn't see how a daycare would be significantly more traffic than those businesses.

Mr. Homan would support the concept of a conditional use and Mr. Wheland and Ms. Strickland agreed.

Mr. Scott wondered what type of business is expected to be in this district because no matter what people have to drive to get there. Mr. Keough stated the original vision for the district was very different from what exists there now, there were concerns with parking.



Mr. Crassweller asked if this would allow a Charter School. Ms. Rachel Johnson stated there is a difference: child daycare and preschools are licensed by the state but not the Department of Education as a charter school would be.

Mr. Homan made a motion to RECOMMEND APPROVAL to the Board of Supervisors to allow as a conditional use child daycares and preschools within the Terraced Streetscape District. Ms. Strickland seconded the motion. The motion passed unanimously.

#### **V. PROPOSED ZONING AMENDMENT – ASSISTED LIVING FACILITIES AT TURNBERRY “CROSSING AT STATE COLLEGE”**

Mr. Stolinas stated at the January 25<sup>th</sup> meeting the Planning Commission heard a presentation from representatives from the company Smith/Packett regarding the allowance of Personal Care Home and Assisted Living Residences with the Traditional Town Development district. At that meeting the Planning Commission made a motion to recommend this change to the zoning ordinance. Since that time staff has prepared a draft amendment which has been reviewed by the Centre Regional Planning Agency, the Centre Regional Planning Commission and the Township Solicitor. Staff also provided to the Commission a revised General Master Plan site plan of Turnberry TTD for the Commission's consideration. The Commission will be looking at two things: a review of the amendment and the language based on the comments from CRPA, CRPC and the Township Solicitor and determine if the changes to the Master Plan are substantial enough to require a modification to the approved Turnberry Master Plan prior to the submission of a Specific Implementation Plan for that project. Ms. Schoch added that the CRPC requested that nursing homes also be permitted in the TTD as they are currently permitted in a PRD but prohibited in the TTD.

Ms. Strickland stated that CRPC had a lengthy discussion on the difference between assisted living home and personal care homes. The nursing home item came up due to the plan for the memory care wing.

Mr. Craig Adler, attorney for applicant, stated there has been a lot of question to regulatory context. Assisted living facilities and personal care homes regulations differences relate to staffing, the plant and other differences. But from the point of view from the people being served, there is little distinction, there are from a developer point of view, marketing cost and benefits and construction cost and benefits. As far as the population being served there is not a real big difference between the two. A skilled nursing facility is a whole different item which provides higher care and the regulations would be very specific to staffing requirements.

Mr. Crassweller stated if the law defines them separately then how are they considered the same. Mr. Adler stated they are not the same but the type of person that would reside there would be similar. In the state of Pennsylvania an assisted living facility is rare. There are provisions that allow for the licensure of both. For this situation the builder thought it was appropriate to have maximum flexibility in including both types of facilities.

Mr. Homan verified that this change would allow for personal care or assisted living but would not allow for skilled nursing care. Mr. Adler stated that is correct, the applicant is not against this type of care but it was not necessary for this application. Mr. Homan stated that skilled care is good as needs increase for the elderly patients. Mr. Adler stated that that skilled nursing care would not be for this project but the applicant would not be opposed to including that change in the ordinance as they are beneficial.

Mr. Keough stated he was in favor of putting this forward to the Board for the ordinance revision and he does not feel the change is large enough of a change to warrant a master plan change.

Mr. Wheland stated he was in support of the ordinance revision and supported including the skilled nursing facility with the revisions.

Ms. Strickland agreed to adding the skilled nursing to the ordinance revision so the option is available in the future. She asked how the change in demographic for this plan would affect changing the master plan. Mr. Adler stated that the change in demographic would be a minor change and a reduction in public service.



Mr. Crassweller asked about bus access. Ms. Schoch stated once the applicant submitted their specific implementation plan that aspect would be reviewed.

Mr. Scott asked for clarification on the question to change the master plan. Mr. Todd Smith, engineer, stated the original plan for the site was to include four buildings and this plan is proposed to be a single building. He presented a comparison of the two master plans. He stated the question to change the master plan would be because of a change of use from senior housing to the proposed assisted living facility.

Ms. Strickland commented that the effect on health related public services such as life link could be increased. Mr. Justin Newman, Smith/Packett stated that the seniors that would reside here are already in the community but spread out, this facility would allow them to be in a condensed area.

Ms. Strickland brought up prohibiting the conversion of private homes into personal care homes. Mr. Homan stated that this ordinance would strictly prohibit this conversion. Mr. Keough stated that the ordinance should keep the conversion of personal homes as a prohibited use.

Mr. Scott made a motion to approve the proposed amendment and that the changes are not substantial enough to require a change to the master plan. Mr. Homan seconded the motion. The motion passed unanimously.

#### **VI. REFARM CAFÉ & J.L. CIDERY AND WINERY**

Mr. Stolinas stated the plan that proposes a 2,500 square foot farm café and a 2,600 square foot cidery and winery located at 3392 Shingletown Road. In June 2015 the Board of Supervisors adopted an amendment to the Zoning Ordinance to allow farm cafes as a conditional use within the rural agricultural zoning district. The property is approximately 30.86 acres. The front, rear and side setbacks in the rural agricultural zoning district are 50 feet. The existing impervious coverage that includes building, parking, drives and walks is approximately 78,000 square feet. The proposed impervious includes approximately 35,000 square feet. The total proposed parking is 34 spaces. This is the initial plan review. Ms. Schoch stated the comments were due back today and as of now they will compile all of the comments and send them back to the plan engineer. She stated that the applicants will be participating in the Living Building Challenge which requires high environmental standards.

The Commission reviewed the plan.

#### **VII. STATE COLLEGE ALLIANCE CHURCH**

Mr. Stolinas stated the proposed plan is for a 21,933 square foot addition to their existing building which is approximately 21,836 square feet. The stormwater, parking and lighting will be addressed again as part of this new land development plan submission. Ms. Schoch stated this is for the Commission's information and they can make any comments they wish to have included before the plan comes for approvals.

The Commission reviewed the plan.

#### **VIII. PLANNING DIRECTOR REPORT**

Mr. Stolinas stated staff toured the Penn State Office of Physical Plant with Steve Watson on February 24<sup>th</sup>. Staff met with Mr. Wheland and Mr. Keough on future proposed subdivision. Mr. Stolinas attended the Stormwater Management stakeholder workshop. Staff had a pre-application meeting on the Young Scholars of Central PA proposed plan for an addition to their facility. After the last meeting staff sat down with Ansusan Brewer, Stonebridge HOA, and reviewed the approved PRD plan for the Landings.

#### **IX. ACTIVE PLANS UPDATE**

Ms. Schoch reviewed the current active plans.

#### **X. CENTRE REGION PLANNING COMMISSION REPORT**

Ms. Strickland stated CRPC met and discussed updating their bylaws. They reviewed a Planning Commission training survey. The general opinion was that people liked the peer to peer events. The next meeting will be joint meeting with the COG Transportation and Land Use Committee. They also discussed the workforce housing ordinance amendment.

#### **XI. APPROVAL OF MINUTES FROM FEBRUARY 8, 2016 AND FEBRUARY 22, 2016**

Mr. Scott made a motion to APPROVE the February 8, 2016 regular meeting minutes. Mr. Homan seconded the motion. The motion passed unanimously.

Mr. Scott made a motion to APPROVE the February 22, 2016 regular meeting minutes. Mr. Homan seconded the motion. The motion passed unanimously.

#### **XII. ADJOURNMENT**

Mr. Crassweller made a motion to adjourn the meeting. Mr. Homan seconded the motion. The motion passed unanimously.

With no further business, the March 14, 2016 Regular Planning Commission meeting was adjourned at 8:29 p.m.

RESPECTFULLY SUBMITTED,

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

Scott Harkcom, Secretary  
For the Planning Commission