

**FERGUSON TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING AGENDA**  
**Monday, June 13, 2016**  
**6:00 pm**

**I. ATTENDANCE**

The Planning Commission held its regular meeting of the month on Monday, June 13, 2016 at the Ferguson Township Municipal Building. In attendance were:

**Commission:**

Marc McMaster, Chairman  
Rob Crassweller, Vice Chair  
Scott Harkcom  
Lisa Strickland  
Kurt Homan  
Ralph Wheland  
Erik Scott  
Bill Keough, Alternate  
Cristin Mitchell, Alternate

**Staff:**

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

Others in attendance included: Tonya Jackson, Recording Secretary and Jean Ryan of Hazen & Sawyer.

**II. CALL TO ORDER**

Mr. McMaster called the Monday, June 13, 2016 Planning Commission meeting to order at 6:00 pm.

**III. PENNSYLVANIA STATE UNIVERSITY WATER REUSE SYSTEM ACT 537 SPECIAL STUDY**

Mr. Stolinis stated on May 6, 2016, Hazen and Sawyer submitted the Act 537 Special Study for the Penn State University Water Reuse System. Penn State University request approval of a Completed 4A Form and Resolution for Plan Revision following Component 3M guidelines. The University has gradually installed a reuse water distribution system and intends to upgrade it Waste Water Treatment Plant and produce Class A wastewater from what is currently produced as Class C reuse effluent. Less than 10 acres are anticipated to be disturbed for the completion of this reuse system with parts of Ferguson Township, College Township and State College Borough.

Mr. Stolinis stated staff recommends that the Planning Commission review the submission of the Component 4A-Municipal Agency Review.

Mr. Keough stated the map in the packet was misleading because he did not see the first topo map in the Special Study where Ferguson Township was affected.

Ms. Jean Ryan, HRG Representative indicated that map is incorrect. Mr. Keough asked if any prime agricultura land would be disturbed. Ms. Ryan explained a soil survey was a requirement and the study indicated what is disturbed. Mr. Homan reviewed the plan earlier and noticed the sprinkler system at the golf course cannot discharge water into the pond. Ms. Ryan agreed they would not be permitted to discharge directly into the pond without NPDES (Chesapeake Bay) approval. Mr. Scott asked where the proposed pipe would be located. Ms. Ryan answered under the path so they would not be tearing up the road in College Township. Mr. Wheland asked where the water would be reused. Ms. Ryan stated PSU has a lot of irrigation and cooling towers in which the water will be reused.

Mr. Crassweller made a motion to recommend and review submission of the Component 4A- Municipal Planning Agency Review. Mr. Wheland seconded the motion. The vote carried unanimously.

#### **IV. PROPOSED ZONING ORDINANCE AMENDMENT – BACKYARD CHICKENS**

Mr. Stolinas stated on June 3, 2016, the Ferguson Township Board of Supervisors reviewed the draft Backyard Chicken Ordinance Amendment and provided comments within sections of the document, particularly the location of henhouses and coops in defined yards, maximum structure area, clarification of the structure as unit along with hen access to chicken runs. Staff has forwarded these proposed changes to CRPA, Centre County Planning & Development and Township Solicitor, Joe Green.

Mr. Stolinas stated there was a change to the ordinance that added the word domestic chicken and explained how to stop the confusion of the side, back and front yard setback. He noted other track changes to the ordinances.

Ms. Mitchell asked if the Staff used a template for the ordinance. Mr. Stolinas stated he had varied other neighboring localities and the set recommendation was 25 feet. Ms. Mitchell asked about the process of and asked why the Planning Commission does not receive prior information before the Board of Supervisors reviews it. Ms. Schoch explained the Planning Commission get the draft and it goes back to the Board of Supervisors and then they give it back to Staff.

Ms. Mitchell asked if the setbacks would be the same for an accessory building. Mr. Stolinas answered that an accessory building has different required setbacks.

Mr. Keough stated the area of 144 square foot seems large for the maximum size of the structure for the chickens and he asked if a chicken run should be required. Mr. Stolinas stated it was a suggested area and the chicken run was a suggestion from the templates he used. Mr. Keough asked why Section 5 regarding the manure and smell was stricken from the ordinance. Mr. Stolinas explained it would be too hard to administer and it would be subjective because what smells to one person may not smell to another. Mr. Keough stated this seems to be a problem when we are mixing agriculture uses with residential uses. Ms. Strickland stated if someone did slaughter a chicken would they have to eat it since the ordinance states for "personal consumption." Mr. Keough noted has no issues with having chickens in residential properties.

Mr. Homan stated that smell is something DEP regulates for landfills, therefore smells can be regulated in residential properties. Mr. Wheland stated dogs can smell just as bad when homeowners do not clean up after them. Ms. Strickland asked if there is someone to make a complaint to regarding any type of smell such as compost. She stated composts can smell if homeowners are doing it wrong.

Mr. Crassweller made a motion to leave out regulations of the smell from the Chicken Ordinance. Mr. Scott seconded the motion. The motion carried unanimously.

Ms. Dininni approached the Commission stating she understands taking the odor clause out is understood. She said if the bedding is changed often things it would not be a problem and how could the smell be measured. She read an article from Virginia stated there was an outbreak of salmonella from children touching chicks and not washing their hands. Ms. Dininni requests the Commission to take more of a look to mitigate for things like the chicken ordinance and require individuals take a CDC Resources class regarding the raising of chickens. She was concerned with putting nutrients in a backyard and not accounting for it and how this would affect the groundwater. Mr. Ressler stated the backyard area would be part of impervious surface coverage.

Mr. Crassweller made a motion to APPROVE the backyard chicken ordinance. Mr. Wheland seconded the motion. The vote carried with 4 for and 3 opposed, (Mr. Wheland, Mr. Homan and Mr. McMaster.) The vote carries.



## **V. PROPOSED ZONING ORDINANCE AMENDMENT -PRE-FINAL DESIGN SUBMISSION IN THE PRD**

Mr. Stolinis stated this particular section legislates the submission of a plan, after the Board of Supervisors grants Tentative Approval, but before the Application or Final Design Approval. This is not a typical requirement under the PA Municipalities Planning Code and therefore, not consistent. On May 23, 2016, the Planning Commission recommend ordinance language amending the Planned Residential Development section of the Zoning Ordinance to eliminate Pre-Final Design Submission. However, upon further review of Township Solicitor, Joe Green, he concurred with the Planning Commission's concern for retaining a form of the Pre-Final language, most likely in the Tentative Approval section. These changes are outlined as Section 5 within the draft ordinance. Staff has forward these purposed changes to CRPA, Centre County Planning & Development and Township Solicitor, Joe Green.

Ms. Strickland stated this process was rushed and the Commission should have taken more time to review the amendment.

Mr. Dininni stated this is the same example when the Toll Brothers got a variance then the Township wanted to change it and now Toll Brothers want the change back and the Township is making everyone else follow it.

Mr. Scott made a motion to approval of the proposed Zoning Ordinance Amendment – Pre-Final Design Submission in the PRD. Mr. Crassweller seconded the motion. The vote carried unanimously

## **VI. LETTER FROM THE MANAGER SOURCEWATER PROTECTION WORK GROUP**

There was a discussion regarding the letter to the Planning Commission from the Township manager. The Commission does not believe that people on the list have the knowledge to represent the practical knowledge part of farming.

Mr. Homan stated he was concerned about the response from Mark Kunkle because changes to the sourcewater protection area would have a major impact on farmers and they should have a voice in the work group.

Mr. Wheland stated he is not comfortable having a couple of county planners protecting his farming interest.

Mr. Keough stated that if staff is going to refer to the conservation plans for the work group he wanted pointed out they are not public documents and once the Township has a copy they become public documents.

There was a discussion on what a County Conservation Plan is and it consists of erosion, conservation and farming practices. The plan does not address manure control, pesticides and applications.

Mr. Homan made a motion to recommend a farmer and a representative of the water authority should be on the Sourcewater Protection Work Group (I believe they also included in the motion to add a local farmer as well. Mr. Scott seconded the motion. The vote carried unanimously.

## **VII. PLANNING DIRECTOR REPORT**

Mr. Stolinis reviewed the Planning Director report.

## **VIII. ACTIVE PLANS UPDATE**

Ms. Schoch reviewed the active plan update.

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

Ms. Strickland stated there was no meeting.

## **X. APPROVAL OF MEETING MINUTES MAY 23, 2016**

Mr. Scott made a motion to APPROVE May 23, 2016 minutes. Ms. Strickland seconded the motion. The vote carried unanimously.

## **XI. ADJOURNMENT**

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

With no further business, the June 13, 2016 Organizational and Regular Planning Commission meeting was adjourned at 8:09 pm.

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