

## FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting

Tuesday, December 1, 2015

6:00 pm

### I. ATTENDANCE

The Planning Commission held its first regular meeting of the month on Tuesday, December 1, 2015 at the Ferguson Township Municipal Building. In attendance were:

**Commission:** Marc McMaster, Chairman  
Rob Crassweller  
Scott Harkcom  
Kurt Homan  
Lisa Strickland  
Ralph Wheland  
Richard Killian

**Staff:** Ray Stolinis, Director of Planning and Zoning  
Lindsay Schoch, Community Planner

Others in attendance included: Heather Bird, Recording Secretary; Laura Dininni; Sarah Walter, Tom Songer, Bob Poole

### I. CALL TO ORDER

Mr. McMaster called the Tuesday, December 1, 2015 Planning Commission meeting to order at 6:00 pm.

### I. CITIZENS INPUT

### II. FUTURE AGRICULTURAL CONSERVATION EASEMENT PURCHASES

Mr. Stolinis stated a memorandum was included with the agenda from the Township Manager to the Township Planning Director regarding Future Agricultural Conservation Easement Purchases. The Memo raised the issue that Conservation Easements exist adjacent to the Growth Boundary, which forces development to "leapfrog" over the existing easements, causing sprawl. Staff has plans to meet with the County's Coordinator of Ag Land Preservation Program to discuss future opportunities to purchase that land if the growth boundary were to expand in those areas. Since 1994 the Township has been a funding partner with the Commonwealth of Pennsylvania and Centre County in acquiring agricultural conservation easements. Approximately 2,918 acres have been preserved in agricultural conservation easements, the most out of all the municipalities in the county. The Centre Region Comprehensive Plan of 2013 states a few objectives. Objective 7.1 is to encourage enrollment in agricultural security areas and participation in the Ag Conservation Easement Program in appropriate locations, minimize conflicts between productive agricultural areas and urban land uses and discourage the parcelization and conversion of large agricultural holdings into rural residential parcels or urban uses. Use rural preservation techniques for development outside of the regional growth boundary. The scoring criteria include a higher scoring value for properties in close proximity to the regional growth boundary. As of 2010 there have been approximately 173 parcels that have identified as agricultural security areas, which is a pre cursor to being a farm considered for an agricultural easement purchase. The Township has a Memorandum of Understanding with Centre County that stipulates that the Township does have some responsibilities in evaluating the current year's farmland preservation rank sheet to assist in determining the Township's funding commitment. There has been an annual funding commitment to agricultural preservation by the Township. The memorandum indicates a concern for the creation of a green ring around the growth boundary thereby making expansion of the growth boundary nearly impossible. For future growth the Township would need to leapfrog over the agricultural conservation easements creating some sprawl. Mr. Stolinis asked what the Ferguson Township Planning Commission's role become in advising the county considering long term development issues prior to granting easement status to properties. The Agricultural Security Area Program is updated every seven years.

Mr. Harkcom confirmed that this discussion would be for those properties being considered for easements not for those properties that have already been purchased.



Ms. Sarah Walter, Centre County Farmland Trust, stated that if an applicant is eligible for the program they must move forward with the purchase as long as they are using county dollars. It would be a violation of state law to skip a farm. Farms cannot be removed from ag security areas once purchased, the easements are forever. Mr. Wheland thought there was a condition allowing a buy back at assessed value. Ms. Walter stated that is no longer allowed; the only way to get out of the easement is to be approved by the Pennsylvania Supreme Court.

Ms. Walter stated when funding from the municipality and state match are enough to purchase a full easement than a property may be purchased out of order on the ranked list but once a farm reaches the top of the list a municipality cannot prevent the purchase.

Mr. Homan asked if the property owner requests to be placed in a conservation easement. Ms. Walter stated that yes, the applicant would apply.

Mr. McMaster stated the growth boundary established includes approximately 40 years of development. Mr. Crassweller doesn't see a problem with having development and then a nice green area before more development. Mr. Wheland agreed and stated they do not know what the requirements will be in the next 40 years.

Ms. Laura Dininni, resident, asked how many properties in Ferguson Township are on the list but not secured with an easement. Ms. Walter stated there are 10 or so and none are directly adjacent to the growth boundary. Mr. Wheland stated that there is only a sign up every two years.

Mr. Wheland stated that his farm ranked higher than Stewart's land last year and now under the new criteria he is ranked approximately #10. He stated that it makes it be no sense buying properties in Township's with strict zoning because the land is already somewhat protected. Ms. Walter stated in prior years strictly zoned properties received higher points and this was deemed unfair to other areas.

Mr. Harkcom asked that if ordinance was changed regarding 50 acre agricultural lot sizes. If a parcel was in an agricultural easement program would this be allowed to be sold into smaller parcels? Ms. Walter said this would not be permitted.

Mr. Homan discussed changing the growth boundary, which would need done through the Centre Region.

Mr. McMaster stated the Township doesn't want to end up like the Borough and only be able to go up. Mr. Wheland stated that the difference is that the Borough has distinct growth boundary, they can't go any further. Mr. McMaster stated that if the growth boundary is surrounded by agricultural easements than the Township may have a distinct boundary too.

Mr. Harkcom said the leap frog may not be bad, would allow the remainder of green space.

Mr. Homan doesn't think there are any current concerns for the way the program is currently set up.

### **III. JOHNSON FARM ASSOCIATES-REQUEST FOR ZONING AMENDMENT – THE LANDINGS PRD**

Mr. Stolas stated Johnson Farm Associates submitted an application to amend provisions of the zoning ordinance relative to Planned Residential Development. The application was received November 6, 2015. The proposed amendments include item 1 - the exception for a grocery store up to 60,000 square feet with accessories of gas pumps and an electric fueling station for motor vehicles and commercial trucks; item 2 - ground floor commercial uses may, at the developer's discretion, provide the opportunity and item 3 - add retail in general and more specifically, greenways, professional or financial offices, engineer and broaden the term of health club to include exercise facility, gym and sports training facilities and the removal of not including drive through service.

Mr. Wheland stated this request came to the Planning Commission before.

Mr. Tom Songer, Johnson Farm Associates, stated a Planned Residential Development (PRD) allows the Township and Developer the opportunity to work together to define the developments terms. This land was determined to be included with the Landings. Approximately five years ago the plan was adopted with the commercial section included. The commercial area will back the Bristol office park. The plan is already an approved plan. The request is to add a grocery store, the current ordinance allows for maximum of 20,000 square feet. The current approved plan depicts three 20,000 square feet commercial areas for a total of 60,000 square feet. Modern grocery stores include more such as a pharmacy and are a gathering place for the community. The request is for the allowance of a 60,000 square foot grocery store that may have a gas station or drive thru.

Mr. Homan stated a grocery store sounds like great idea, but what guarantees that is the only business to go into this larger permitted space. Mr. Songer asked that the approval be limited only to a grocery store in the amendments.

Mr. Harkcom asked for a comparison store for 60,000 square feet. Mr. Songer stated that it would approximately half of Wegmans or Walmart.

Mr. Crassweller suggested a two story grocery store. Mr. Bob Poole stated that would not work in this area.

Mr. Crassweller wants to see the commercial area developed within a PRD.

Mr. McMaster stated either way there will be 60,000 square feet of commercial space; one commercial tenant makes more sense.

Mr. Killian stated previously the idea of a larger grocery store didn't go over well with neighborhood.

Mr. Wheland verified that the plan shown is what is currently approved and that includes three 20,000 square feet of commercial space.

Ms. Dininni asked why the applicant submitted an ordinance change instead of a variance request. Mr. Poole stated they believed this was the better approach for this request. Ms. Dininni expressed concern with this being a permanent change in the ordinance. Mr. Songer stated that it could be added as a conditional use so not every PRD would be able to have this.

Mr. Homan asked where on the plan are the gas pumps or electric fueling station. Mr. Songer stated what is displayed is the current approved plan. Mr. Poole stated that the option for pumps allows them to potentially draw in a larger chain grocery store.

Mr. McMaster moved the discussion to Item #2 ground floor commercial uses. No objections to this request.

Mr. McMaster moved the discussion to Item #3 uses.

Mr. Crassweller asked why they are adding engineer. Mr. Songer stated the ordinance has architect so they thought it should say engineer too. Mr. Crassweller asked why they wanted to include drive-thru services. Mr. Poole stated that these days all stores want the option for a drive thru.

Mr. Homan made a motion to RECOMMEND APPROVAL of Item #1 to be approved as a conditional use and Items #2 and #3 as submitted. Mr. Harkcom seconded. The motion passed by a vote of 5-2 with Mr. Killian and Ms. Strickland voting against the motion.

#### IV. DISCUSSION OF FUTURE EDUCATION OPPORTUNITIES

Mr. Stolas reviewed the educational opportunities that would be available to the Commission members beginning in 2016. He received feedback and will be scheduling course at a later date.

**V. PLANNING DIRECTOR REPORT**

Mr. Stolinis stated the House Bill 33 passed and the Board was interested in appointing alternates to the Planning Commission. At the Centre Regional Planning Commission joint COG meeting the 2017 project priority list was discussed. Staff attended a webinar regarding sign and billboard content. The sign ordinance will be reviewed.

**VI. ACTIVE PLANS UPDATE**

Ms. Schoch reviewed the current active plans.

**VII. APPROVAL OF NOVEMBER 9, 2015 MEETING MINUTES**

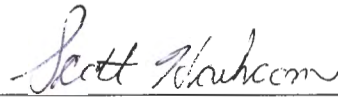
Mr. Wheland made a motion to APPROVE the November 9, 2015 regular meeting minutes changing the adjournment motion to Mr. Crassweller. Mr. Crassweller seconded the motion. The motion passed unanimously.

**VIII. ADJOURNMENT**

Mr. Killian made a motion to adjourn the meeting. Mr. Wheland seconded the motion. The motion passed unanimously.

With no further business, the December 1, 2015 regular Planning Commission meeting was adjourned at 8:12 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, reading "Scott Harkcom", is written over a horizontal line.

Scott Harkcom, Secretary  
For the Planning Commission