

**FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MONDAY, JANUARY 8, 2018
6:00 PM**

I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, January 8, 2018 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Lisa Strickland, Chairperson,
Bill Keough, Vice Chairperson
Ralph Wheland
Marc McMaster
Rob Crassweller
Eric Scott
Andrea Harman, absent
Cristin Mitchell, alternate
Jeremie Thompson, alternate

Staff:

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

Others in attendance were: Marcella Bell, Recording Secretary; and Laura Dininni, Board of Supervisor

II. CALL TO ORDER

Ms. Strickland called the meeting to order at 6:09 p.m.

III. CITIZEN INPUT

There was no citizens' input

IV. GUENOT SUBDIVISION – REPLOT OF TAX PARCELS 24-005-,018M,0000- INTO LOTS 1RR, 2R, 3, AND 4

Mr. Stolinis stated that the proposed subdivision is a replot of a previously approved subdivision for Edward G. & Ronald L. Guenot at tax parcel 24-005-018M-0000- of 83.381 acres on West Gatesburg Road, now proposed as Lot 1RRR at 79.919 acres. All acreage exists within the Rural Agricultural (RA) district. A portion of the acreage extends into Halfmoon Township. The replot includes a change to Lot 2RR proposing 1.115 acres from 1.012 acres, Lot 3R proposing 6.197 acres from 2.996 acres, and Lot 4R proposing 33.243 from 33.085 acres. Mr. Stolinis referred to his PowerPoint and provided a few maps of the property in question.

Mrs. Schoch stated that since staff received this plan after the December 5, 2017 Planning Commission meeting and due to the holidays, the plan was sent out to all of the reviewers including the Township Engineer, the Centre Regional Planning Agency (CRPA), the Township Zoning Administrator, and the Alpha Fire Director before the Planning Commission initially reviewed it. Staff already sent the reviewer comments to PennTerra and will include the Planning Commission's comments in the next round of comments.

In response to a question from Mr. Scott, Mr. Stolinis explained that the Planning Commission has looked at the Guenot submission before; however, this submission is different in that a lot line has been adjusted to encompass the entire drainage way. The applicants also delineated an easement around a septic field for maintenance purposes. In response to a question from Mr. Keough, Mrs. Schoch stated that all of the lots are only being revised—there are no new lots being created. In response to a question from Ms. Mitchell, Mrs. Schoch stated that as part of the last plan, the applicants moved the easement depicted on the map and they will own and maintain it as well.

Staff will include the Planning Commission comments in the next round of comments to PennTerra.

V. ACCUWEATHER LAND DEVELOPMENT PLAN PARKING EXPANSION

Mr. Stolinis stated that the existing Accuweather facility is located at 385 Science Park Road as tax parcel 24-004-021R-0000- on 6.33 acres. The existing facility provides approximately 206 off-street parking spaces. The facility is located within the Light Industrial Research and Development (IRD) District. A new land development application has been submitted containing 79 new parking spaces, including 20 along the entrance drive and 59 located to the northeast of the existing building. New underground storm water storage facilities are proposed to control runoff from the new parking area. Mr. Stolinis referred to his PowerPoint to show aerial maps and lot details. Mr. Stolinis then turned the floor over to Mrs. Schoch.

Mrs. Schoch stated that as was the case with the Guenot submission, the Planning Commission did not initially review the plan before the plan was sent out to all of the reviewers for comments. Mrs. Schoch stated that staff met with Sweetland Engineering last week and the firm is planning to request a variance from the buffer yard requirements from the Zoning Hearing Board. Mrs. Schoch explained that the applicant is asking to keep the existing buffer yard instead of removing it and replanting the buffer yard. Mr. Ressler showed the existing buffer yard on the PowerPoint.

There was a brief discussion about the type of trees that would be planted in the buffer yard. Ms. Mitchell asked that staff include a comment for the applicant to consider planting vegetation other than Service Berry trees. Mr. Scott stated that birds really love Service Berries and the shrubs or trees typically produce a lot of fruit. In response to a question from Mr. Crassweller, Mr. Ressler stated that it has been a long time since the official Township plant list has been updated. Ms. Mitchell stated that the Parks Committee could work on updating that list.

In response to a question from Mr. Crassweller, Mr. Ressler stated that handicap parking requirements are covered under Centre Region Codes, not zoning. In response to a question from Mr. Crassweller, Mr. Ressler stated that he is not aware of any disturbance to any new Nolan Soils.

Mr. Keough expressed concern regarding the curve data with the parking along the entrance drive. He is concerned about the sight distance when people back out of those parking spaces. Mr. Keough suggested that the applicant add an area of gravel lot in the

parking driveway and also add an exit row. Mr. Scott stated that it might be beneficial if the applicant squares up the parking area near the entrance drive to make it easier to pull in and back out of.

VI. PA DEP COMPONENT 1 PLANNING MODULE – DREIBELBIS (9 160 EMORY LANE)

Mr. Stolinas stated that Ray E. & Ray E. Dreibelbis Jr. own tax parcel 24-007-005-0000- of 172.70 acres off of West Whitehall Road via Emory Lane. The owners are planning on constructing a second single-family home and a water well along with primary and alternative test sites for a newly proposed on-lot sewage disposal system. There is no subdivision of the parcel at this time. There is an existing single-family residential dwelling on the parcel which is a current Agricultural Conservation Easement. There are some accessory agricultural buildings on the parcel as well. Mr. Stolinas referred to his PowerPoint and showed aerial maps of the property. He pointed out the red areas and explained that those areas are of high concern with farmland or soils. Mr. Stolinas also pointed out the floodplain areas on the property. The Component 1 Planning Module asks the Planning Commission and the Township Zoning officer to sign Section J, which states that the plan is consistent with Zoning and Subdivision and Land Development ordinances. Mr. Stolinas stated that the plan is consistent with Ferguson Township's Zoning and Land Development ordinance. The plan does not include a subdivision, so it does not fall under any subdivision ordinances.

Mr. Keough referred to the map and pointed out a finger-shaped area of red that sticks out on the lot line. Mr. McMaster stated that there is no change to the lot—there is already an existing lane there. Mr. Stolinas stated that there is a utility easement that bends along the property line, as well as dashed lines that represent soil areas. In response to a question from Mr. Keough, Mr. Stolinas stated that he spoke with Ms. Sarah Walter of the Centre County Agriculture Preservation Board and under the easement agreement, the property owner would be allowed to place a second residence on the property as long as the first residence existed when the property was put into Centre County's Purchase of Agriculture Conservation Easement (PACE) program. The first house on the property was built in the 1800s. Ms. Walter also mentioned that the Agriculture Preservation Board would have to give approval for the second residence to be built. Ms. Walter will be in contact with Mr. Jonathan Fisher of Sweetland Engineering to work out that issue. It was Mr. Keough's opinion that the applicant should get approval from the Agriculture Preservation Board to build the second home before they seek approval from the Planning Commission and Board of Supervisors for the sewage planning module.

Mr. Stolinas explained that he provided some of the sewage planning module information to Ms. Walter as well.

A motion was made by Mr. Wheland and seconded by Mr. McMaster to authorize the Chairperson and the Zoning Officer to sign the appropriate DEP forms for the PA DEP Component 1 Planning Module for the property at 160 Emory Lane. The motion carried 6-0.

VII. PLANNING DIRECTOR'S REPORT

Mr. Stolin reviewed his report. On December 13, 2017, the Planning & Zoning Director, Public Works Director, Township Engineer, and Township Manager attended the Penn State University West Campus Planning Update meeting to discuss a future West Campus Parking Deck and connections from West Campus through to West College Avenue. Also on December 13, 2017, the Planning & Zoning Director, Township Manager, and Zoning Administrator met with Township Solicitor Joe Green to discuss the upcoming Substantive Validity Challenge on December 19 in front of the Zoning Hearing Board. Attorney Dwight Ferguson, representing Circleville Road Partners, challenges the TTD Ordinance Amendment 1034 adopted by the Board of Supervisors on September 18, 2017. Lastly, on December 13, 2017, the Planning & Zoning Director attended the monthly Centre County Housing and Land Trust meeting at the College Township Building.

On December 14, 2017, the Planning & Zoning Director and Zoning Administrator met with Jon Eich regarding the Atmore Estate right-of-way at 592 E. Pine Grove Rd. Also on December 14, 2017, Planning & Zoning staff and the Township Manager met with Ron Strouse, Bill Keough, and Reverend Tomkiel of the Pine Grove Mills St. Paul's Lutheran Church proposed Farmer's Market. The Church is considered a Place of Assembly in the R1 zoning district.

On December 19, 2017, the Planning & Zoning Director, Community Planner, and Zoning Administrator attended the Ferguson Township Zoning Hearing Board meeting. A Variance request was submitted by SBA Towers II, LLC and Cellco Partnership for property at 200 Jackson Trail for required setbacks and proposed tower type. Attorney Dwight Ferguson, on behalf of Circleville Road Partners, filed a Substantive Validity Challenge in front of the Zoning Hearing Board as well. Testimony began at this hearing and will continue to the January 23, 2018 meeting.

On December 20, 2017, the Planning & Zoning Director, Zoning Administrator, Community Planner, and Township Manager met with Derek Anderson of Residential Housing Development, LLC, to discuss design considerations related to the commercial phase of the proposed Pine Hall TTD Master Plan.

On December 21, 2017, the Planning & Zoning Director conducted annual staff performance evaluation meetings.

Mr. Stolin outlined the upcoming Public Hearings and Board of Supervisors discussions for the January 16, 2018 meeting:

- Agricultural Conservation Easement Program
- Source Water Protection Overlay Ordinance
- Ad Hoc Farming Committee for the Zoning and SALDO Update
- Modification of the Landings Terms and Conditions

Mr. Stolinas outlined recent Board of Supervisors actions at the January 2, 2018 meeting:

- ABC Appointments: Planning Commission core members and alternates
- Sourcewater Protection: Establish Ad Hoc Advisory Board and Establish a Regional Sourcewater Taskforce (Further discussion on 1/16/18)
- Parks and Recreation Committee: Increase membership from 5 to 7

Mr. Stolinas outlined recent Zoning Hearing Board Actions from the December 19, 2017 hearing:

SBA Towers II, LLC and Cellco Partnership at 200 Jackson Trail: Motion to Approve Setback Variance (5-0) and Motion Failed to Replace the Current Lattice Tower with a new Lattice Tower instead of a Monopole (1-4)

Substantive Validity Challenge on the TTD Ordinance Amendment: Hearing continued to 1/23/18 for additional testimony

In response to a question from Mr. McMaster, Mr. Stolinas explained that Attorney Ferguson is contending that the TTD Ordinance Amendment 1034 that was adopted by the Board of Supervisors is invalid and that there was improper planning placed within that ordinance amendment. The Zoning Hearing Board will have to decide if that is true or not. The burden of proof lies with Circleville Road Partners, L.P. to prove that it is invalid. Attorney Green is representing the interests of the Board of Supervisors and Attorney Charlie Suhr who represents Residential Housing, LLC, will be asking for testimony from the expert witness that Attorney Ferguson put forth. Circleville Road Partners had their expert witness testify what was wrong with the ordinance amendment at the last hearing and Attorney Green and Attorney Suhr will be questioning that expert on how he came to those conclusions at the next hearing. If the Zoning Hearing Board rules with Circleville Road Partners, L.P., it would have to recommend changes to Ordinance 1034 to the Board of Supervisors as they see fit. If the Zoning Hearing Board rules against Circleville Partners L.P., the applicant could appeal that decision to the County Court of Common Pleas. Mr. Stolinas added that in alignment to this validity challenge, Attorney Ferguson has also filed a procedural challenge in the County Court of Common Pleas.

VIII. ACTIVE PLANS UPDATE

Ms. Schoch provided the active plans update, which included the following active plans: Guenot Subdivision – Replot of Tax Parcel 24-005-018A-0000 into lots 1RRR, 2RR, 3R, and 4R; Accuweather Parking Lot Expansion Land Development Plan; Ralph F. Wheland and Pauline E. Cooper Estate Report & Property Line Realignment Plan; Hummel Subdivision Plan; The Landings Phase 3A Final Subdivision Plan; Science Park Plaza Land Development Plan; and the Cottages at State College Final PRD.

Mrs. Schoch stated that on Friday, January 12, 2018, staff is holding an all-day work session with Environmental Planning & Design (EPD) for the Zoning/SALDO Update and invited the Planning Commission as well as the Zoning/SALDO Steering Committee. The

work session will start at 9:30 a.m. and go until about 5:00 p.m. The day is split up into four sections and members may come to all sessions or however many they would like. The first discussion starting at 9:30 a.m. will be about the Subdivision and Land Development Ordinance. From 11:30 a.m. to 1:00 p.m., the discussion will be about the Zoning Districts. From 1:30 p.m. to 3:00 p.m., the discussion will be about the definitions in the ordinance. From 3:30 p.m. to 5:00 p.m., the discussion will be about the administrative parts of the Zoning Ordinance.

EPD will compile all of the comments and edit the Zoning/SALDO to be distributed at the January 22, 2018 Planning Commission meeting and then the edits will be discussed at the special January 29, 2018 Planning Commission meeting. Mr. Keough asked that EPD signify the new changes from the old Zoning/SALDO in a different font color. Mrs. Schoch agreed and thought it was a great idea.

IX. CENTRE REGION PLANNING COMMISSION (CRPC) REPORT

Ms. Strickland stated that CRPC did not meet in January.

X. SOURCEWATER PROTECTION WORK GROUP UPDATE

There was no update.

XI. ZONING/SALDO STEERING COMMITTEE UPDATE

There was no update.

XII. APPROVAL OF THE REGULAR MEETING MINUTES – DECEMBER 5, 2017

A motion was made by Mr. Wheland and seconded by Mr. Crassweller to approve the December 5, 2017 meeting minutes. The motion carried 6-0.

XIII. ADJOURNMENT

There being no further business for the Planning Commission, Mr. McMaster made a motion to adjourn the meeting at 7:11 p.m. The motion carried 6-0.

RESPECTFULLY SUBMITTED,



ROB CRASSWELLER, SECRETARY
FOR THE PLANNING COMMISSION