

## FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting

Monday, September 8, 2014

7:00 pm

### I. ATTENDANCE

The Planning Commission held its first regular meeting of the month on Monday, September 8, 2014 at the Ferguson Township Municipal Building. In attendance were:

<b>Commission:</b>	Marc McMaster, Vice Chair Ralph Wheland Kurt Homan Marc McMaster Scott Harkcom Lisa Strickland	<b>Staff:</b>	Maria Tranguch, Director of Planning & Zoning Jeffrey Ressler, Zoning Officer
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Others in attendance included: Heather Bird, Recording Secretary; Bill Keough, John LeClair, Duke and Monica Gastiger, Wes Glebe, Pam Steckler, Bill Heckinger, Chad Stafford, PennTerra; Joyce and David Burns

### II. CALL TO ORDER

Mr. McMaster called the Monday, September 8, 2014 Ferguson Township Planning Commission meeting to order at 7:00 pm.

### III. BURNS SUBDIVISION

Ms. Tranguch stated the location of this plan is at the northwest corner of Deibler and Whitehall Road. The land is located in the rural residential zoning district. This subdivision plan proposes to move the lot line between parcels. The result would be a lot that is expanded from 1.45 acres to 2.19 acres and another lot that would shrink from 3.63 acres to 2.58 acres.

Chad Stafford, PennTerra stated the Burns would like to expand the one lot to install a garage and driveway. There are no immediate plans for development on the smaller parcel of land. Mr. Stafford is awaiting the original Deed of Easement.

Mr. Homan made a motion to recommend APPROVAL to the Board of Supervisors for the Burns Subdivision subject to the completion of the conditions in the memorandum from the Director of Planning and Zoning dated September 4, 2014. Mr. Wheland seconded the motion.

The motion passed unanimously.

### IV. FARM CAFÉ SKETCH PLAN

Ms. Tranguch stated the proposal from Duke and Monica Gastiger and John LeClair is to create a sit-down eatery, cidery and multi-use space on Mr. LeClair's 31 acre property located off Route 45 which is located in the rural agricultural district. This proposal is not an official submission but rather to receive feedback. The next step would be an application to change the ordinance because this use is not currently allowed in the rural agriculture district.

Mr. Duke Gastiger began by introducing himself and his wife, Monica and Dr. John LeClair. Mr. Gastiger stated they are not developers but individuals living one way or another from the land. They would like to receive help from the Commission in finding a way for this viable and sustainable agricultural business endeavor to become a reality. The unique project, a sustainable range resource, is a new multi-functional farm building housing a cidery and farm café. They have had a meeting with Township staff to discuss the limitations within the Rural Agricultural (RA) District. One permitted use in the RA District is establishments for raising, processing, storage, sales and/or service of farm products, supplies and commodities. Even a strict interpretation of this ordinance recognizes the farmers inherent right to market and sell farm products. John can build and operate a cidery and a market for JL Farm produce. Allowing the addition of a Farm Café, whether by ordinance amendment, unique Route 45 agricultural overlay district or an updated interpretation of existing rules makes good sense. As partners we can craft language to exclude



development not in the best interest of the farming community and Ferguson Township. JL Farm has grown from a few dozen fruit trees to over 4000 and seedlings nurtured in five green houses.

Dr. John LeClair has had a small farm in Ferguson Township since 1982. He has tried many endeavors. Began with plants, such as marigolds, and has moved to fruit trees. He does not make enough money selling eggs, seeds, vegetables and fruit to hire good help, upkeep, supplies and taxes and this project would enhance his income. This project would not hurt the environment. He has 56 varieties of cider apples for making hard cider. This project will help him keep his farm and not need to sell.

Mr. Killian questioned the hard cider. Mr. LeClair stated for hard cider he would need a storefront in order to market according to the liquor control board. Mr. Killian asked if the farm was more than 50 acres. Mr. LeClair stated no it is approximately 31.5 acres.

Mr. Gastiger stated that the new facility would be positioned on JL Farm where from Route 45 only a glimpse would be seen. The solar panels are hidden from view on the pitched roof with southern exposure; the framing would be reclaimed barn timber and the exterior rough cut Hemlock. As you enter the access road a focal point will be a reclaimed farm silo that will serve as an entrance and the adjacent solar greenhouse provides fresh herbs for the café. Rain barrels irrigate the garden areas surrounding the building. The main floor would be the working / teaching open kitchen. Two days a week the cooks would work for JL Farm. The cider and storage areas would occupy a lower level. All programming would be seasonal.

Ms. Monica Gastiger stated it is important to look at how this project would line up with what the Centre Region wants. The 2013 Centre Region Comprehensive Plan section on agriculture viability and the 2014 Ferguson Township Strategic Plan have many visions in sync. The comprehensive plan refers to shaping the heritage and unique character of the Centre Region and protecting existing agriculture and finding ways to expand future agriculture. Some of the objectives are to develop agricultural activities, encouraging new economically, socially and environmentally sustainable agricultural industries, supporting the development of new markets for local products, identifying farm locations that have good economic potentials, supporting private and public farmer's markets, providing the connection between local farmers and consumers (including restaurants) and create municipal regulations that permit diversified farm based uses such as farm based retail and Agri tourism in agricultural zones as a means to promote economic viability while preserving the regions agricultural heritage. In the Ferguson Township Strategic Plan Action step 3.22 states examine Township zoning regulations to identify areas that can be modified to promote the sustainability of agriculture as a business. Sustainability is large part of this proposal. They have contracted with the Seven Group, a multi-disciplinary collaboration of leading professionals who are dedicated to developing sustainable and regenerative solutions for the built environment. With the Seven Group leading them they have contracted with the Living Building Challenge, known as the world's most rigorous green building performance standard. The Living Building institute specifies all of your own energy must be generated through clean renewable resources; the building must capture and treat its own water, incorporate only non-toxic materials and operate with efficiently and for maximum beauty. To participate with this you must meet all of these requirements for a minimum of one year. Ms. Gastiger stated that they are responsible business owners in the community, owners of Spats for almost 30 years, they value the community and promoting sustainability is very important. They have been in collaboration with Penn State department of sustainability, the college of health and human development, people in architecture, landscape architects and many other individuals on this project.

Mr. Gastiger stated he found the following quote on the Ferguson Township Strategic Plan: "Vision without and action is merely a dream, action without vision is just a passing time, vision with action can change the world" Joel Barker. This project provides Ferguson Township the opportunity to be leaders in sustainable green development, combining vision with action and possibly changing the world for good.

Mr. Homan stated this is an interesting project and he cleared up the location of the project. Mr. Homan questioned if all items used would be from local farms exclusively. Mr. Gastiger replied that almost all items would be although some items would have to be purchased. Mr. Homan questioned Jeff as to why this would not fit into the primary use



#5, with the exception of the lot size. Mr. Gastiger stated the footprint for the building would be approximately 2,900 square feet. Mr. Ressler stated that it would not comply with permitted use #5 and the lot would be too large. There would be difficulty with subdividing the already non-conforming lot.

Mr. Gastiger stated that staff had suggested the possibility of an Overlay District.

Mr. Homan stated he likes the proposal and would support finding a solution to allowing this.

Mr. Harkcom stated the idea is positive but he questioned how would we allow this and how could this change affect all other Rural Agricultural land in the Township. What could the downside of this be?

Mr. Wheland stated he would lean towards a conditional use rather than an overlay district because many other individuals throughout the Township could benefit from doing something similar to this.

Ms. Tranguch stated a conditional use would be one way to restrict the use more.

Mr. Wheland questioned the onsite septic. Mr. Gastiger stated that PennTerra will be completing the data to ensure this would work. This café would have seating for up to 50 people.

Mr. Killian asked if this plan would be handled like a commercial property. Ms. Tranguch stated that yes it would be processed with a full land development plan.

Ms. Strickland asked for the location of the building on the lot and what time would dinners be served. Mr. Gastiger stated that the preliminary plan includes dinner service on Thursday for one seating, Friday for one seating and Saturday for two seating's. Ms. Strickland likes the plan.

Mr. McMaster stated the plan is a good idea and supports making smaller farms sustainable.

Mr. Bill Keough, Township resident, and Chairman of Ag Land Preservation Board stated he is in support of this project but he does have concerns with agricultural preservation. A lot is being done to preserve farm land but what goes along with that is preserving farming as an economically viable profession. It is time to look at ordinance and how it relates to current farming. Acreage in the Township Ordinance is a problem. It may be a good idea to open up discussion with the broader farming community.

#### **V. TSD WORK WITH CONSULTANT**

Ms. Tranguch staff would like the Planning Commissions feedback on the edits to the TSD that have been completed by consultant Tom Committa. The scope of work was based on the idea that the Township wished to remove impediments to development, promote opportunities for appropriate development and to improve the regulations to create reasonable outcomes. Back in March, staff met with developers, engineers and real estate agents to discuss ways of spurring development in the district. In August, the same group was questioned for feedback. Some of this feedback was not positive. Ms. Tranguch summarized some of these comments and they included too many regulations in general, not enough square footage for commercial, too many public improvement (street trees, sidewalks, etc) parking requirements and small lots make it difficult to make the proforma work and unpredictability of district regulations. Staff level commented that the current market demand does not meet type and size of use, however national trends indicate the intent of these districts is desirable to young professionals, student housing will likely clash with the surrounding community, student housing will not produce the revenue that other occupants will and it may create a larger strain on Township resources such as police and public works and a more quickly diminishing housing stock and cost to live in the housing may be higher than most young professionals can afford.

Mr. McMaster questioned why tattoo parlors were added as a prohibited list. Ms. Tranguch stated this was a staff decision. Mr. McMaster stated the prohibited uses include convenience stores with fuel pumps and then on allowed



uses are convenience stores with no more than four fuel pumps. Ms. Tranguch stated this is an inconsistency and would reflect in the breakup of the district to TSD1 and TSD2.

Mr. Homan stated he has not been able to deeply review but does see problems do exist.

Mr. McMaster stated the parking is an issue, with the regulations the building and parking would not be able to appropriately match up. Ms. Tranguch stated the district promotes vertical parking.

Mr. Harkcom stated that some student housing in this area may help with the area and could eliminate some of the parking areas.

Mr. Killian stated in a way the district did work because it didn't attract the things that were not wanted.

Ms. Strickland asked if there has been interest in the area but people were turned away by the regulations. Mr. McMaster stated that there has been interest in the properties.

Mr. Wes Glebe, resident, questioned the \$58,000 spent on a survey of the area and what the outcome of this was. Mr. McMaster stated this was the Beaver Avenue study and the result was that the Township needed to enforce regulations.

Ms. Pam Steckler, Hoy Street resident, lives in the corridor stated she understood the purpose of this district was to have five story buildings mix with owner occupied homes and areas. She stated that terracing the area would actually include lower story buildings. The question is does the Township want to keep Beaver Avenue to be an owner occupied community or an area with large loud buildings. She would like to see the entire plan revisited, if student housing is developed too close the current residents will leave the area.

Mr. Bill Heckinger, Hoy Street resident, questioned if the Township has applied for grants and how are the applications doing. He would like to know how these improvements will be paid for. The current district plans should be should be thrown out and started over. He suggested that maybe the front footage and size of the buildings should be reduced.

Ms. Steckler stated that part of original problem was that those in the neighborhood were not included in the process until it reached a public hearing phase. This is happening again with the consultant. The residents of the community should be included in the process.

#### **VI. TTD AND IRD**

Ms. Tranguch stated this idea has been at the staff level that the Township may have less Industrial Research and Development (IRD) than what is in demand and more Traditional Town Development (TTD) than is in demand, judging by the pace that Pine Hall is developing. Does the Commission think this is something that should be changed? IRD does provide high quality jobs for Township.

Mr. McMaster questioned how this came up. Ms. Tranguch stated staff had discussed this.

Mr. McMaster asked what the allowed uses in IRD are. Mr. Ressler stated that it would include office, research, doctor's offices, small manufacturing. Mr. McMaster stated it should include kid's sports buildings such as gymnastics.

Mr. Harkcom questioned that the need may be down in the Township because the industrial parks near Bellefonte are more affordable? Mr. McMaster agreed these parks would influence businesses locations. Mr. Killian stated this should be looked at a regional level to see if or where the need for this may be.

#### **VII. DISCUSSION ON ARTICLES OF AGREEMENT BETWEEN TOWNSHIP AND CRPA**

Ms. Tranguch stated in response to some discussion at the previous meeting she provided this information for the Commission to review.

**VIII. CRPC SEPTEMBER 4, 2104 MEETING REPORT**

Nothing to report.

**IX. APPROVAL OF MINUTES AUGUST 25, 2014**

Mr. Harkcom made a motion to APPROVE the Planning Commission Regular Meeting Minutes from August 25, 2014 with a correction to the Commission member who motioned to approve the minutes at the previous meeting changing from Mr. Wheland to Mr. Harkcom. Ms. Strickland seconded the motion.

The motion passed unanimously.

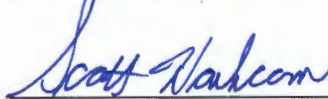
**X. ADJOURNMENT**

Mr. Homan made a motion to adjourn the meeting. Mr. Killian seconded the motion.

The motion passed unanimously.

With no further business, the September 8, 2014 regular Planning Commission meeting was adjourned at 8:22 p.m.

RESPECTFULLY SUBMITTED,



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Scott Harkcom, Secretary  
For the Planning Commission