

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
Monday, June 10, 2019
6:00 PM**

ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, June 10, 2019 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Lisa Strickland, Chairperson
Ralph Wheland
Erik Scott
Jeremie Thompson
Jerry Binney
Shannon Holliday, Alternate
Rob Crassweller, Secretary
Bill Keough, Vice Chairperson

Staff:

Lindsay Schoch, Interim Planning & Zoning Director
Jeff Ressler, Zoning Administrator

Others in attendance were: Summer Krape, Recording Secretary; Yvonne Lernelle.

I. CALL TO ORDER

Mrs. Lisa Strickland called the Ferguson Township Planning Commission meeting to order on Monday June 10, 2019 at 6:02 pm.

II. CITIZENS INPUT

III. REQUEST FOR CONSIDERATION OF A MODIFICATION ORCHARD VIEW SUBDIVISION

Mrs. Lindsay Schoch stated that this is a simple modification request. Our ordinance requires that profiles along center lines of each proposed street showing finish grade are a scale of 1 inch equals 50 feet horizontal and 1 inch equals 5 feet vertical. They are requesting instead of 1 inch equals 50 feet, 1 inch equals 60 feet so the entire road profile can fit on one plan sheet. Mrs. Schoch has talked with the Township Engineer and he is still reviewing the plans as is she, along with others who review the plans but it is legible. We are asking the Planning Commission to recommend that the Board of Supervisors grant the modification. There was no discussion Mr. Rob Crassweller motioned to approve and Mr. Ralph Wheland seconded the motion. The motion passed unanimously.

IV. ZONING ORDINANCE UPDATE

Mrs. Schoch stated that the last time we met was a special work session in which she thanked the commission for attending. The Commission will be reviewing parts four and eight that Mr. Bill Keough was assigned as he was not present for the work session. He will be giving an overview of his sections and then we will move onto the quick views. Mr. Keough stated that part four deals with the four overlays that we have in our ordinance. The corridor overlay, ridge overlay, riparian buffer overlay, and the source water protection overlays. These are relatively recent actions for the most part so he had nothing to note on the first section. However, when you get to page 87 the Riparian buffer overlay item number 4 at the bottom "any required riparian buffer preservation and maintenance shall be the sole responsibility of each individual property owner" Mr. Keough's question is do homeowners

associations as opposed to the land owner have the control over some of those areas? Should we add each individual property owner or home owners association? What would be the status of the riparian buffers with the proposed new storm water discussion with regards to the ownership of the storm water facilities we have in the township. If there is a transition with the new stormwater management issue it may be that the riparian buffer as it is written is going to have to be addressed.

Page 88 states: "Establishment of a riparian buffer overlay district applies to the following: lands adjacent to streams and lands adjacent to inner mineral water courses and lands adjacent to state or federally designated water bodies. Item number 3 states "the lands adjacent to state or federally designated water bodies and wet lands." How is this impacted that statement by the federal action we have in terms of the control of waters of the U.S., which states lands adjacent to state or federally designated water bodies well under the waters of the U.S. rule that is being challenged in court. Mr. Keough is saying if in fact in court they find out that the government is trying to make modifications to that interpretation based on would item 3 be applied to us as well/is item 3 based on the Waters of the U.S. designations. Mr. Wheland stated that he would think if the designation changes by definition we would use whatever the current definition/designation is. Mr. Keough stated that if that is the case this ordinance was written with the Waters of the U.S. designation. It is his understanding that certain stormwater facilities in our township would fall under of the waters of the U.S. definition that is currently being presented by the federally government through rule. He stated that he is not sure that we want our stormwater to fall under this category as we have rather specific approaches to our stormwater.

Mrs. Schoch stated that she has taken note of this and will speak to Ms. Carolyn Yagle on Wednesday and we can go over and see if Waters of the U.S. was considered when preparing this section. Mr. Keough also wanted to note that he noticed in the airport overlay district on page 95 specifically under item A it only refers to the University Park airport.

Mr. Keough also questioned if "A zoning permit shall be required prior to the erection, extension or alteration of any structure or portion thereof" also accounts for interior alterations. Mr. Ressler stated that we will look into this. .

Mr. Keough questioned, if the list of land use activities have been updated to be consistent with the new uses within the proposed drafts, since throughout the process we have changed titles of uses, it did not look as though this has been done. .

Nonconformities have always been a concern of Mr. Keough, particularly how a new property owner would know if his lot, house, shed, etc. is a nonconformity. He feels the Township should strive to keep better track of nonconformities. Mrs. Schoch noted that the MPC used to require all nonconformities be documented until about ten years ago. It is a burdensome task to record these, but the Township staff does try to keep record of the nonconformities we are aware of.

Another issue Mr. Keough found in the zoning ordinance is, within the RA district, where we recognize the 50 acre minimum lot size for RA land. We have a number of Ag properties

that are less than 50 acres and are non-conforming. Mr. Keough suggested the possibility we add a section in non-conformities that addresses our Ag areas. Mr. Wheland stated that we have discussed this and that was our intent to continue Ag uses on smaller lots and we intend to do that we just don't know where it's at. Mr. Keough is concerned and feels the Township has to find a way to address this situation within the Ag zone especially with the generational change. Mr. Keough suggested that we add a part or a section for non-conformities that might address the RA zone in particular to reduce/eliminate this problem.

Mrs. Schoch stated she will be taking notes and if any commission members have any notes she would be happy to take them as well and forward the info on to Ms. Yagle. Mr. Wheland stated that "usual farm structures" and "dwellings" sounds as if they are being treated the slike there being treated as the same thing when they should not be they should be very separate so this needs to be clarified.

Mrs. Strickland stated that the commission previously talked about removing the maximum acreage for dwellings in the RR. She also noted, the RR dimension chart there is no two acre minimum in the use categories and the Lions Club is in the RR. Mr. Ressler stated that we have place of assembly listed. Mrs. Strickland stated that there is a definition for clubs, lodges, and fraternal organizations. So is that also a use or should that be under places of assembly? Mr. Ressler stated he believes it should be under places of assembly but we will check it out. When we changed the definition of places of assembly that included places like that but we will check it out.

Mr. Wheland stated in the RR the lot size of ten acres and lot width at one hundred and fifty. He would like to know how you get a flag lot? Mr. Ressler stated that is the normal lot width, flag lots are special.

Mr. Crassweller questioned accessory uses in the AR. It says composting small scale. There is no definition for composting (small scale) and he was thinking people can compost animals. Wheland stated that a lot of people in RA are composting their deceased animals because no one will come pick them up.

Mr. Keough wanted to note on Horse Riding Facilities and Equestrian Facilities. That definition states horse shows or other competitive events involving horses not normally kept on the premise is forbidden. In addition, this use may not include the sale of feed, tack, or any other goods/services associated with riding or showing horses. This is under Horse Riding Stables and Riding Academies. Mr. Keough stated that he knows of two facilities in the Township that holds horse shows. Why is it forbidden? Mr. Ressler stated that there is another definition for Equestrian Facility and that would allow for boarding, showing, and a tack shop. Mr. Keough asked how you tell the different between the two facilities. Mrs. Strickland stated that Equestrian Facility is listed in the uses in the RA and RR as conditional. Mr. Keough suggested that we get rid of the horse riding facility/academy.

Mr. Wheland stated that we need to add dwelling units in the AR because they exist now.

Other discussion topics follow and will be discussed with Ms. Yagle:

Mrs. Strickland stated that we need to update the language in the definition for Short Term Rentals.

It does not make sense to require two acres for a community garden in an R1 District.

Mr. Keough wants to ensure the principal and accessory uses are compared to the chart on area and bulk to see if it makes sense that that definition/principal or accessory uses are consistent.

Mr. Keough asked why we have an R1 and R1B. Mr. Ressler stated that there were different lot size and different house sizes, we talked about changing it at one time but we would have issues with impervious coverage, more non-conformities, and stormwater issues.

Mr. Keough stated that again the principal uses in R3 there is a lot that are category 1 and each one will require a minimum lot size of three acre this seems a little high. Mr. Wheland agreed that three acres is a lot for all of those uses. Mr. Keough stated that we have an ongoing theme in regards to relationship between the area and bulk references and the principal and accessory uses they all need to be looked at to make sure they make common sense.

Mrs. Strickland asked if we can add exhibit halls and museums to village.

Moving forward to R4 Mr. Keough stated that he noticed that essential services is listed in most of these categories and yet in each zone there is a wide variety of lot sizes necessary for that essential services to be there. Essential services is the most consistent one he has found.

Moving forward to Village. Mr. Wheland stated that he thought we decided to have one definition for bed and breakfast. He thinks they recommended a change in the definition so it states a minimum of four and maximum of 10 rooms are rented and we said we don't care what the minimum is because there is no need for it. Right now we have two categories and we need to have one. Mrs. Strickland stated that they have different uses as well. The smaller one is a permitted use and a permitted accessory and the larger one is conditional. Mrs. Schoch asked if the commission wanted to keep them different or combine the definitions. Mr. Wheland stated it makes sense to have them conditional if you're going to have more than three rooms rented out at a time. Mr. Binney stated from a regulatory point of view you are going to want to have that distinction.

Mr. Keough stated that Pine Grove Mills itself has a history and there is an interest in having some of that history brought to one location.

Mrs. Strickland asked if we could add that to R1 under accessory use to a place of assembly. Mr. Ressler stated we will take a look at this. It was agreed by the commission to add it to the village district.

Mr. Thompson stated that there is a private school in R1 but it is not a principal use, the school he is referring to is housed in a church. So would that school be an accessory use or

are we at least accounting for that in this process. Mr. Thompson stated he would think it would be a principal use since it gets more everyday use. Mr. Ressler stated when we changed the definition and added place of assembly that didn't include schools.

Mrs. Schoch explained that we were going to remove the Official Commercial Zoning District, but as a result of a work session with the Board of Supervisors, it was decided to keep the designation as it acts as a buffer between the Commercial Zoning and Residential Zoning of Overlook Heights.

Mrs. Strickland suggested to Ms. Yagle to rename the quick views by calling them use tables or something. When you say quick views it sounds like a bigger document than what it is.

She also wanted to know what our time table is now. She stated we will need to go over definitions one more time and go over the RA and RR charts. Mrs. Schoch stated she will have a better understanding of moving forward after she speaks with Ms. Yagle on Wednesday.

Tomorrow staff will be with the Ag Ad Hoc committee and once those edits are considered, we will send them back to Carolyn. We will have our 8th draft after that. Mrs. Schoch has been in contact with Jim May and when CRPC will want to see it and he stated when they are right and ready to go. She thinks the 8th draft will go to CRPC. She feels this will all be moved back to August and this is all tentative. Early fall for a public hearing most likely September.

V. CONSENT AGENDA

VI. INTERIM PLANNING DIRECTOR REPORT

Mrs. Schoch wanted to mention that on Friday we did receive phase 1 land development plan for Whitehall Road Regional Park for review.

Mrs. Schoch stated everything is in Penn Terra's hands regarding the Sheetz plan and the Harner Farm development but we are still reviewing the Orchard View Subdivision.

Mrs. Schoch stated that the Zoning Hearing Board will be having a meeting on June 25th regarding 200 Jackson Trail for a cell tower, 331 Selders Circle is a building addition, and Rutherford is a parking change because of a change in use in the building. Mrs. Schoch thanked the commission for the work session we had last week on the 7th zoning ordinance draft she thought it was very productive.

VII. CENTRE REGIONAL PLANNING COMMISSION REPORT

Mr. Jeremie Thompson stated that the Centre Regional Planning Commission met last Thursday June 6th. Pam Salokangas Centre Region Parks and Recreation director gave an update on the Whitehall Road Regional Park as well as the comprehensive plan, master plan update. They are looking at ground break at the Whitehall Road Regional Park March of 2020. The Toll Brothers development has been helping with establishing

\$1.2 million dollars in utilities, lighting and road connection. Whitehall Road Regional Park will have hook ups for all major utilities such as electricity, water, gas, sewage.

Learned that Tudek Park was among one the most popular parks in the Township in a recent survey. Autumn Wood Park also made the top ranks in survey.

CRPC looked at Halfmoon Township's proposal to amend an ordinance in reference to home occupations. The commission also made an approval for the Metropolitan Planning Organization (MPO) MPO work order agreement for supplemental funds. Centre County MPO submitted a request supplemental funding for three special transportation planning projects. PennDOT approved all three. Those were brought to the CRPC to approve. With this being within the second year of a two-year transportation work project these three projects that were approved need to be completed by June 30, 2020.

One of the most interesting ones that Mr. Thompson feels will be beneficial is the hiring of a consultant at CATA that will evaluate the fairs that are set to see if CATA is charging an ideal rate and if there are any enhancements can be made to the bus pass programs. The next meeting is July 11th at 7:00 pm in the forum room at the COG offices.

VIII. ZONING/SALDO UPDATE – MAY 28, 2019 DRAFT ATTACHED FOR PUBLIC VIEW

Mrs. Schoch wanted to note that a long with agenda we included the zoning ordinance on the link so the public can look at to.

X. PINE GROVE MILLS- SMALL AREA PLAN

Mrs. Strickland wanted to make note that the next meeting is Wednesday, June 12th at the St. Paul Lutheran Church at 6:00 pm. They will be getting a preliminary draft of the small area plan and will be talking about a proposed DCNR trail access enhancement along W Chestnut Street and some mapping.


XI. APPROVAL OF REGULAR MEETING MINUTES & WORK SESSION NOTES: May 28, 2019 & JUNE 3, 2019

Ralph motioned to approve the May 28, 2019 regular meeting minutes and the June 3, 2019 work session notes. Mr. Binney seconded the motion.

XII. ADJOURNMENT

The Planning Commission meeting for Monday June 10, 2019 was adjourned at 8:11 pm.

Respectfully Submitted,


Rob Crassweller, Secretary
For the Planning Commission