

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MARCH 28, 2022
6:00 PM**

ATTENDANCE

The Planning Commission held its second meeting of the month on Monday, March 28, 2022, as a hybrid meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Rob Crassweller - Secretary
Bill Keough
Lewis Steinberg - Alternate
Dr. Ellen Taricani
Ralph Wheland
Qian Zhang - Alternate

Staff:

Jenna Wargo - Planning & Zoning Director
Kristina Bassett - Community Planner
Jeff Ressler - Zoning Administrator

Others in attendance: Rhonda Demchak, Recording Secretary; Chris Schubert, Esquire; Wes Glebe, Ferguson Township Resident; Cristine Bailey, Ferguson Township Resident; Mark Kunkle, Ferguson Township Resident; Casey Hannings, Ferguson Township Resident; Debra Smart, Centre Animal Veterinary Hospital; Todd Smith, ELA Group; Jim Maund, Ferguson Township Resident; Halie Kines, CDT

I. CALL TO ORDER

Mr. Thompson noted that they are testing new equipment to be able to do hybrid meetings in the future.

Mr. Thompson noted that the Planning Commission meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting with space available in the Township main meeting room for any public members to participant. Persons attending and wanted to participate were asked to enter their name, municipality, and topic by utilizing the Q&A bubble at the bottom of the screen. The chat feature is no longer available on zoom.

Ms. Wargo took roll call, and the Planning Commission had a quorum.

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, March 28, 2022, at 6:00 p.m.

II. CITIZEN INPUT

There were none.

III. APPROVAL OF MINUTES

Dr. Taricani moved that the Planning Commission **approve** the March 14, 2022, Regular Meeting Minutes. Mr. Keough seconded the motion. The motion passed unanimously.

IV. OLD BUSINESS

A. Wireless Communication Towers/Act 50 Ordinance

Mr. Wargo reported that provided in the agenda is a draft amendment to §27-710—Wireless Communication Facilities proposed by staff along with revised District

quickviews. The amendments included in the agenda are based on research and peer review of other Pennsylvania Municipalities. Staff has identified additional sections that will need to be amended, §22-5B01—Design Standards, §27-1102—Definitions, and District Quicks for the RA, AS, RR, C, FG, I and IRD zoning districts. The blue amendments refer to the request from AT&T and the green amendments refer to the Act 50 amendments. Staff is prepared to discuss the draft.

Mr. Keough asked if the purpose of the provision on page 12 is to permit an increase in the height of one tower to reduce the need for additional towers is based on science. Ms. Wargo answered yes, and if the applicant can prove that if increasing the height of their proposed tower can eliminate the need for another tower, it can be permitted.

Mr. Keough stated that he is glad that the legislation was included in the ordinance that started on page 28 because it emphasizes the use of existing structures. Mr. Keough thanked the staff for including.

Mr. Crassweller questioned under the fence/screen section on page 16 if the barbed arm slant at a 45-degree angle is to be outward. Ms. Wargo stated that it is a safe assumption that it will be outward. Mr. Ressler concurred that it should be outward. As a former lawyer, Mr. Steinburg stated that he doesn't like to make assumptions, and suggested adding outward to the ordinance. Ms. Wargo will add outward to the ordinance.

Mr. Keough reported that he drove out to the proposed site and suggested that when the development plan is submitted that the applicant would address the patch of woods because it is messy. Mr. Schubert stated that it is the owner's responsibility but will pass along because they are only the tenant of the property. Mr. Keough stated he didn't realize they were just the tenants.

Mr. Wes Glebe, Ferguson Township Resident, expressed confusion regarding the height of the tower. He attended a presentation from AT&T and was told that high ground is not necessary sought out. Mr. Schubert doesn't recall saying that and typically higher ground is better.

Mr. Keough moved that the Planning Commission **provide** the draft to the Board of Supervisors as a recommended ordinance amendment to §27-710, §22-5B01 and district quicks for the RA, AS, RR, C, FG, I and IRD zoning districts. Mr. Crassweller seconded the motion. The motion passed unanimously.

Mr. Schubert thanked the Planning Commission and staff for all their time and patience working through the issues and noted it was productive.

V. NEW BUSINESS

A. Application for a Modification/Waiver – Centre Animal Veterinarian Hospital

Ms. Bassett reported Tussey Tracks, LLC, owner of Centre Animal Veterinary Hospital, has requested a modification/waiver from Section 22-5A09 –Streetscape Design Standards. Located at 1518 West College Avenue, this plan is located in the Terraced Streetscape Zoning District. Section 22-5A09 of the Ferguson Township Code of Ordinances requires a specific set of design standards for the streetscape.

Design Standards:

- 12 foot sidewalks, scored or stamped, to ADA standards
- 2-foot paver accent
- 4'x24' planter bed with a minimum of one street tree
- Streetlights at pedestrian-scale, period-lighting on decorative poles that incorporate hardware for banners/planters
- "Site Furnishings": benches, trash and recycling, bike racks, bus shelters and free standing planters

Streets perpendicular to West College shall provide for similar treatments but at a smaller scale.

Since the Terraced Streetscape Zoning District Standards will be reexamined in the upcoming zoning rewrite, staff is recommending approval of the request.

Mr. Wheland asked if the modification is to eliminate all the design standards. Ms. Bassett stated they are requesting a waiver from the design standards.

Ms. Bassett reported that the hospital is existing, and they are just proposing an addition.

Dr. Taricani expressed concerns with the streetlight and asked how much lighting it would be. Ms. Wargo reported that the waiver for the application would be specially waiving the requirement to provide ornamental streetlights. Dr. Taricani stated that it would be annoying to have the lights on all the time and could potentially invite unwanted people to gather. Ms. Bassett indicated it is possibly PennDot regulations since West College Avenue is a state road. Ms. Debra Smart, Owner, noted that there is lighting that comes from the building that illuminates the parking lot and the sidewalks around the building. The sign is also illuminated when it is dark so that it can be read. The bank across from the hospital also has lights that keeps the parking lot lite, and they are on all night but low to the ground so that neighboring properties are not affected. Mr. Ressler reported that the Township has a lighting ordinance that states it is to shine down and not out.

Mr. Keough stated he is in favor of granting the modification but trying to understand the impact of the modification due to the TSD Zone being reviewed. Mr. Keough asked that if the waiver was granted could the Township revisit the stretch along College Avenue to maintain the continuity of pedestrian walkway that the rest of the district may have in the future but does not exist now because the waiver was granted. Ms. Wargo noted that the owners would need to submit another subdivision or a land development plan to require the design guidelines.

Todd Smith, ELA Group, stated that there are sidewalks on Owens Drive and West College Avenue along the front of the property and will remain in place. Ms. Wargo shared that she feels comfortable because the sidewalks are in place as well as the bike rack parking.

Mr. Steinberg stated that it is not uncommon when an ordinance changes that those who have developed based upon the ordinance at the time, which would include waivers being granted or at that point becoming nonconforming. Mr. Steinberg stated that nothing can be done.

Mr. Keough concurred with Mr. Steinberg's statement but wants the Planning

Commission to recognize that granting the waiver will not limit it to just this timeframe. Mr. Keough noted that if the zone would change the modification will remain with the land until there is a new land development plan that would come forward

Mr. Crassweller moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Application for Consideration of a Modification and Waiver for Section 22-5A09 for the Tussey Tracks – Centre Animal Land Development Plan. Dr. Taricani seconded the motion. The motion passed unanimously.

VI. COMMUNICATIONS TO THE COMMISSION

Mr. Thompson reported that he received an email of support from John Matthews with regards to saving the tree on Farmstead Lane.

Mr. Thompson received a communication from Wes Glebe and Cristine Bailey about plan reviews and upcoming projects on the West College Corridor.

Dr. Taricani reported that by the new development on West College Avenue there is a curve and the road turns into two lanes, there are vehicles bolting down that short street. Dr. Taricani has experienced this many times and expressed that it is a dangerous curve. Ms. Wargo will send the Borough Dr. Taricani's concerns because it is their road. Mr. Glebe reported that he has watched traffic in that area and noted that there would be no problem if people went the speed limit of 25 MPH.

Mr. Thompson reported that he and his fiancé will be moving on May 1st within Ferguson Township.

VII. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo noted that the Board met on March 15TH and reported that two new police officers were hired. They are Brian Green and Cherese Green and they are brother and sister. Public Hearing on Zoning and Subdivision & Land Development Amendments were adopted and approved the modification/waiver – Rogan/264 Sycamore Drive Land Development Plan Lighting. At the next Board of Supervisors meeting, the Orchard Square Land Development Plan will be on the agenda and perhaps the consultant contract. Also, the Centre Animal Hospital application modification/waiver will be on the agenda on April 5th and the MP Machinery.

B. CRPC Meeting

Dr. Taricani reported they will be meeting next week and will have a report at the next meeting.

C. Land Development Plans

Ms. Bassett noted that staff has been busy reviewing plans that were returned. Ms. Bassett reviewed the following:

- a. Farmstead View Subdivision – Awaiting Response to third review
- b. CVIM – 2026 Sandy Dr – Awaiting Response to second review

- c. Peace Center and Cemetery – Awaiting Response to first review
- d. Orchard Square Final LDP – Awaiting Board Approval (4/5)
- e. Centre Animal Hospital – 3rd staff review started 3/24
- f. Fusion Japanese Steakhouse – Awaiting Response to first review
- g. Imbt Subdivision - Awaiting Response to first review
- h. West College Avenue Vertical Mixed-Use Development – Under Staff first review

Mr. Keough asked where the Fusion Japanese Steakhouse is located. Ms. Bassett reported it is the old TGIF building.

Mr. Keough also sits on the Parks & Rec. Authority and stated that he was informed that the Whitehall Road Regional Park changes that were made by the General Forum are under a review at the Township level. Mr. Keough asked for an update. Ms. Wargo reported that herself, Jeff Ressler, and Ron Seybert met with Lou, Pam, and Eric to review the amendments. They are trying to figure out if the changes are significant because there are elevation changes on the playing fields. The increase in height on the fields could have some impact with the stormwater. Mr. Keough stated that the timing is critical due to contracts. Ms. Wargo received a timeline from Parks & Rec. but just received the notification of changes last week. Parks & Rec. engineers are to provide Ron Seybert with the changes.

Jim Maund, Ferguson Township Resident, who would like to save the tree on Farm Stead Lane noted that the developer is his neighbor. Mr. Maund asked if the developer requested a modification/waiver to cut the tree down. Ms. Wargo reported that the developer's engineer is doing an assessment on the existing tree canopy on site and noted that there are a few walnut trees on site. If they can preserve the walnut trees, they might be able to meet the 20% requirement of the Township's ordinance and would be permitted to cut down the tree in question.

D. Staff Updates

Ms. Wargo reported that the new staff assistant started last week, Liza Ruhf. Mr. Keough welcomed Hailey, Casey, and Scott to the Planning Commission.

VIII. Adjournment

Mr. Wheland made a motion to **adjourn** the March 28, 2022, Planning Commission meeting at 7:10 p.m. The motion passed unanimously.

Respectfully Submitted,



Rob Crassweller, Secretary
For the Planning Commission