

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

ATTENDANCE

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

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Shannon Holliday
Bill Keough
Lisa Rittenhouse – 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; Wes Glebe, Ferguson Township Resident; Cristine Bailey, Ferguson Township Resident; Chris Schubert, Esquire; Chris Rogan, Ferguson Township Resident; Christopher Lash, Project Manager, Jacobs; Jim Maund, Ferguson Township Resident

I. CALL TO ORDER

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, February 28, 2022, at 6:00 p.m. Mr. Thompson noted that the Planning Commission meeting had been advertised in accordance with the PA Sunshine Act as a virtual zoom 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.

II. CITIZEN INPUT

There were none.

III. APPROVAL OF MINUTES

Dr. Taricani moved that the Planning Commission **approve** the February 14, 2022, Regular Meeting Minutes. Mr. Binney seconded the motion.

Mr. Thompson noted that there is no longer a chat featured available during the meetings.

The motion passed unanimously.

IV. OLD BUSINESS

1. 264 Sycamore Drive/Sycamore Land Development Plan Revision

Ms. Basset reported that due to recent price spikes in some materials (supply chain issues, etc.) the Rogan's have made some changes to their house plans to simplify construction and reduce size slightly. That resulted in a layout that is a bit different

than the plan previously reviewed by Planning Commission at their February 14, 2022, meeting. Ms. Bassett shared her screen to show the plan.

Mr. Chris Rogan noted that construction costs are changing daily, and they had to modify the garage.

Mr. Wheland asked if the Fire Suppression System was a requirement. Ms. Bassett stated it was a comment from the Fire Chief.

Mr. Thompson noted that Sycamore Drive is narrow, and it is challenging getting fire apparatus to the location.

Ms. Zhang asked if the water lines are running into the ditch and are their concerns with water corrosion. Mr. Rogan stated that it is a graded area. Ms. Holliday also questioned the possible water corrosion. Ms. Wargo stated that staff has no concerns. Ms. Rittenhouse stated it is common in developments and there should not be any concerns.

Mr. Keough spoke about concerns with Fire Suppression System from 10-15 years ago and stated people would leave for the winter only to come back where the system had failed. Mr. Thompson noted that with technology, residents can watch their residences from a far.

Mr. Keough moved that the Planning Commission make a recommendation to the Board of Supervisors to **approve** 264 Sycamore Drive/Rogan Preliminary/Final Land Development Plan. Mr. Wheland seconded the motion. The motion passed unanimously.

2. Amendment to Chapter 16, Parks and Recreation, Part 1, Section 106 and 107, Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning by Amending Sections as Described in the Attached Exhibits

Ms. Wargo noted that on November 16, 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments, staff have been tracking errors and omissions while interpreting the ordinances and is recommending additional amendments to address these issues. The Board was provided the draft that was last reviewed by the Planning Commission and made additional amendments to be included. Those updates include amendments to Supplemental Regulation (§27-700) and Definitions (§27-1102).

Ms. Wargo noted the Board has reviewed several times with the latest being at their February 8th worksession. There are two outstanding issues they would like to discuss that involve B&B's, places of assembly, and food trucks. Big changes that were not included in the September draft were a definition for the storage of land clearing material. Another change was the Supplemental Regulations that are captured in zoning that still had parking requirements in the zoning ordinance. Ms. Wargo stated that there will be a future resolution for food trucks operating in parks.

Mr. Thompson noted that any changes would require a vote. Ms. Wargo stated that any recommended changes will be summarized in a memo to be included in the agenda packet to the Board.

Ms. Holliday inquired about the food trucks operating in parks. Ms. Wargo stated that food trucks are not permitted in parks but want to change so that they are

permitted in some of the parks that have parking capacity.

Mr. Binney questioned the language under 16-107 B. that states *not to adversely limit allowances as provided in Ferguson Township's Code of Ordinances*. Ms. Wargo noted that the Township Solicitor reviewed. Ms. Binney suggested adding more words so that the language is clearer. Mr. Keough concurred with Mr. Binney.

Mr. Keough expressed concerns with the lack of selling concessions for clubs such as soccer and softball tournament. Mr. Wheland suggested having a statement be included on what would be allowed. Mr. Keough will inform the Park Authority about the issue to review.

Under Places of Assembly, Mr. Keough expressed concerns with identifying them as either community, neighborhood, or regional. Mr. Keough suggested to identify them as small, medium, or large places of assembly.

Mr. Binney asked if the goal of the classifications is for the Township to control the site and parking as opposed to what occurs at the places of assembly. Ms. Wargo stated that the goal of the amendments is to have an objective view of the types of places of assembly.

Mr. Keough stated there has been an effort to ban country auctions at the Baileyville Community Center. Ms. Rittenhouse asked if Mr. Keough's concern is the square footage. Mr. Keough noted that the Baileyville Community Center is approved for 83 people, but during the warm season, auctions are held outside.

Mr. Keough asked what the status is in the western part of the township regarding Rocksprings Water Authority supplying water to the hydrants. Ms. Wargo reported that the issue is ongoing because the fire company can't connect to the hydrants and the Board will be reviewing. Mr. Keough stated that where the ordinance refers to subdivision and land developments located outside of the regional area with regards to water storage systems should be looked at closer. Ms. Wargo stated that it is on her radar and will make note of it.

Mr. Wheland moved that the Planning Commission make a recommendation to the Board of Supervisors to **approve** the Proposed Amendments. Dr. Taricani seconded the motion. The motion passed unanimously.

3. Ordinance Amendment Application—Traditional Town Development Zoning District

Ms. Wargo reported that on January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, submitted an application for a text amendment to the Traditional Town Development zoning district. Planning Commission heard a presentation from the applicant at the February 14, 2022, Planning Commission meeting. Provided in the agenda is a Staff Report and a draft amendment to §27-710—Wireless Communication Facilities proposed by the applicant. The applicant is prepared to present the proposed amendments. Mr. Wargo reported that they met with Mr. Schubert last week to review the comments from the last Planning Commission meeting.

Mr. Schubert reviewed the red lined version of the Ferguson Township Code, Chapter 27, Part 7, Section 710 Wireless Communications Facilities that was included in the packet.

Dr. Taricani asked if there are any dangers to people or other devices with the 5G. Mr. Schubert stated that there is no danger. The applicant must produce an Electric & Magnetic Frequency (EMF) Report. The FCC regulates the power that comes from the facilities. Dr. Taricani asked if the FCC reevaluates. Mr. Schubert noted there is not a regulation to reevaluate, but if other co-locaters come on to the tower, they would have to produce an EMF report as well.

Mr. Keough asked what the protocol is when a co-locater comes on board, is there a process or protocol. Mr. Schubert stated that under federal and state regulations, they would need to apply for a building and electrical permit. The Township would review against the code requirements. They would have to establish that the facilities would meet the EMF and supply a structural report.

Mr. Keough asked if Mr. Schubert is agreeing to the conditional use. Mr. Schubert stated that the applicant would agree to the conditional use.

Ms. Wargo stated that she needs more time to get the Act 50 included and review other ordinances in PA on the amendments. Ms. Wargo would like the Township Solicitor to review before moving forward.

Ms. Zhang asked if it could be revised so that the Township could review on a case-by-case basis. Mr. Schubert stated that any new tower built outside of the right-of-way and under 200 feet would not be subject to any review. Mr. Schubert noted that with the proposed change especially in the TTD any new tower would require a Conditional Use approval.

Mr. Wes Glebe, Ferguson Township Resident asked about an access road. Mr. Schubert noted that it will be to the left of the tower. There will be no trees removed and a barrier such as a gate will need to be installed.

Mr. Keough stated that moving forward with the modifications would be appropriate but suggested having some sort of barrier around the tower to keep people away/off it. The vicinity is populous with college students. Mr. Thompson noted that with technology today there are other alternatives. Mr. Schubert stated there will be cameras in the vicinity that will monitor 24/7.

Mr. Keough moved that the Planning Commission **direct** staff to research the proposed Wireless Communication Facilities ordinance and include amendments for compliance with the Small Wireless Facilities Deployment Act (Act 50) that was adopted in June 2021 to allow for Conditional Use in the TDD. Ms. Holliday seconded the motion. The motion passed unanimously.

Mr. Keough stated that in the rural end of the Township there is a great need of service upgrades to the wireless system and suggested placing towers in that area.

Ms. Wargo asked if the motion was Conditional Use solely for TTD or Conditional use as Mr. Schubert presented as all towers being proposed. Ms. Wargo stated that most municipalities permit all towers by Conditional Use. Mr. Keough suggested having a legislative review as this moves forward and has no issue moving forward throughout the Township.

V. NEW BUSINESS

1. Community Planning – Three Essential Questions for Better Planning

Included in the agenda is an article from the APA, Planning Advisory Service. The article proposes three essential questions to direct intentions across all our work by asking:

1. Who is helped?
2. Who is harmed?
3. Who is missing?

As Planning Commissioners, asking these essential questions can create a foundation for good planning practice. Asking and answering these three questions.

Mr. Wheland suggested adding another question, what are the unintended consequences.

Mr. Keough noted sometimes basic common sense gets lost.

Ms. Rittenhouse asked why the chat feature was disable from zoom. Mr. Thompson noted that the outgoing manager made that decision because it wasn't being monitored. Ms. Wargo stated that there were conversations going on that were not captured in the minutes. Ms. Rittenhouse suggested adding the chat feature back for just the members of the Planning Commission to save time. Ms. Wargo will inquire with the Acting Manager.

Mr. Keough asked Ms. Rittenhouse for a small report on the housing inventory in the region. Ms. Rittenhouse stated that houses coming onto the market in State College and Bellefonte will go under contract within 7 days. The inventory is short with only 9 properties in Bellefonte and approximately 12 listings in State College. Ms. Rittenhouse stated that we need to allow builders to build and be able to approve the land development plans.

Mr. Glebe expressed concerns with the staffing issue at the hospital and the housing inventory.

VI. COMMUNICATIONS TO THE COMMISSION

Mr. Thompson received a text communication from another Planning Commission member in another municipality inquiring about getting gift cards. Mr. Thompson reported that it was a scam. Later in the day a Ferguson Township Planning Commission member received a text communication claiming to be Mr. Thompson. This too was a scam.

VII. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo noted that the Board met on February 15th. They discussed the SALDO and will advertise for public hearing on March 15th; strategic plan update; agricultural security area; and Ms. Martin was appointed as acting Township Manager.

B. CRPC Meeting

Dr. Taricani reported they meet later in the week and will have a report at the next meeting.

C. Land Development Plans

Ms. Bassett reviewed the following:

- a. Farmstead View Subdivision – 3rd Staff review completed; comments delivered
- b. 264 Sycamore Dr LDP – Revised Review
- c. CVIM – 2026 Sandy Dr – Under 2nd Staff Review
- d. JL Cidery Proposed Deck – Withdrawn
- e. Peace Center and Cemetery – Awaiting Response
- f. Orchard Square Final LDP – 1st Staff Review
- g. Centre Animal Hospital – Awaiting Response
- h. Fusion Japanese Steakhouse – Under First Staff Review
- i. Subdivision of an Impt Property on Blue Course Drive

Jim Maund, Ferguson Township Resident noted he lives close to the Farmstead View Subdivision and expressed concerns with a tree that is to be taken down. Mr. Maund asked if there is a way to work with the developer to save the tree. Ms. Bassett stated that she heard from a lot of people about saving the tree and the Tree Commission has recommended to save the tree. The Tree Commission received a response back from the developer and it doesn't appear it can be saved. Ms. Wargo stated that the Board makes the final decision regarding the tree.

Mr. Glebe asked for an update regarding the Bobby Rahal suit. The suit went to the Zoning/Hearing Board in December and the variance request was not granted. Bobby Rahal appealed and will be meeting on March 22nd.

D. Staff Updates

Ms. Wargo reported that the new Administrative Assistant for Planning and Zoning will be starting on March 15th.

Mr. Keough asked if there was any feedback on the TSD rewrites and RFP. Ms. Wargo stated that the RFP closed on February 18th and staff will be meeting tomorrow to review the respondents. There were only two that were received. Mr. Keough stated that just because there were two applicants, we shouldn't feel obligated to appoint one of the two if they are not going to do the job that the Township needs. Ms. Wargo concurred with Mr. Keough. Mr. Thompson concurred as well.

VIII. Adjournment

Mr. Binney made a motion to adjourn the February 28, 2022, Planning Commission meeting at 8:40 p.m. Ms. Holliday seconded the motion. The motion passed unanimously.

Respectfully Submitted,



Rob Crassweller, Secretary
For the Planning Commission