

**FERGUSON TOWNSHIP PLANNING COMMISSION**  
**Regular Meeting Agenda**  
**Monday, May 23, 2022, 6:00 PM**

**Hybrid Meeting**

**REMOTE PARTICIPANTS:**

***Join Zoom Meeting:***

<https://us02web.zoom.us/j/83268113138>

**Meeting ID: 832 6811 3138**

[Zoom Access Instructions](#)

**IN-PERSON PARTICIPANTS:**

**Ferguson Township Municipal  
Building**

**Main Meeting Room  
3147 Research Drive  
State College, PA**

---

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

**1. April 25, 2022 Regular Meeting Minutes**

**IV. OLD BUSINESS**

None.

**V. NEW BUSINESS**

**1. Application for a Zoning Ordinance Text Amendment—Terraced Streetscape (TS) Zoning District**

**a. 127 Hoy Street**

On May 11, 2022, Pamela Steckler submitted an application for a text amendment to the Terraced Streetscape Zoning District (§27-304.2.A.—Permitted Principal Uses). The Board received the application at the May 16, 2022, regular meeting and referred the request for further review to the Planning Commission. Included in the agenda is the application submitted by Ms. Steckler requesting to permit home burials in the Terraced Streetscape Zoning District.

Chapter 27—Zoning defines a cemetery as “*Land used or dedicated to the burial of the dead, including, mausoleums, necessary sales and maintenance facilities.*” Cemeteries are permitted as a principal use in the Rural Agricultural (RA) Zoning District and as an accessory use in the Rural Residential (RR) Zoning District.

The Zoning Ordinance doesn’t include a definition or regulations for home burials. The Zoning Administrator has determined the definition of cemetery applies to home burial which only permits home burials as a principal use in the Rural Agricultural (RA) Zoning District and as an accessory use in the Rural Residential (RR) Zoning District.



Included in the agenda is a report from Staff about local and state regulations in relation to cemeteries and home burial/private interment. Typically, home burial/family burial grounds are privately held parcels of land specifically designated for the burial of members of the same family (blood or marriage). Most ordinances will include:

- Depth requirements
- Setback requirements (property lines, private or public wells, floodplains, roads, etc.)
- Minimum lot size requirements
- Maximum number of interments per acre of land
- Burial marker requirements
- Map/survey depicting the burial site location
- Access from a public or private roadway
- Maintenance

Additionally, ordinances will typically include additional requirements if the land is sold outside of the family that is within the family burial site. These requirements include:

- The deed needs to reflect the restriction/reservation for the family burial site
- Identify what party(s) are responsible for maintenance (landowner or other)
- Include an access easement for family members of the deceased

Finally, some regulations include disestablishment procedures:

- Removal of human remains
- Removal of markers, monuments, etc.
- Removal, demolition or conversion of mausoleum or columbarium
- A new deed of record must be filed documenting the disestablishment

Staff recognizes that there are differences between cemeteries and home burials including scale, familial requirements, commercialization, etc. Planning Commission is being asked to review the request and provide a recommendation to the Board of Supervisors for the June 7, 2022, regular meeting.

**Staff's Recommendation:** That Planning Commission review the application.

**Recommended Motion:** Move that the Planning Commission recommend an ordinance amendment to Chapter 27 Zoning to include a definition and regulations for home burials.

## **VI. OFFICIAL REPORTS AND CORRESPONDENCE**

1. Communications to the Commission
2. Board of Supervisors Report
3. CRPC Report
4. Land Development Plans
  - a. Farmstead View Subdivision – 5<sup>th</sup> submission under review
  - b. CVIM – 2026 Sandy Dr – BOS Approved 5/3 – awaiting plan for signatures

- c. Peace Center and Cemetery – Awaiting Response to first review
  - d. Centre Animal Hospital – Awaiting Preliminary Plan to be signed
  - e. Fusion Japanese Steakhouse – Awaiting Response to first review
  - f. Imbt Subdivision - Awaiting Response to first review
  - g. West College Avenue Vertical Mixed-Use Development – Awaiting Response to first review.
  - h. Nittany Dental LDP – under first review
  - i. MP Machinery LDP – under first review
5. Staff Updates

## **VII. ADJOURNMENT**

**FERGUSON TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, APRIL 25, 2022  
6:00 PM**

**ATTENDANCE**

The Planning Commission held its second meeting of the month on Monday, April 25, 2022, as a hybrid meeting. In attendance:

**Commission:**

Jeremie Thompson – Chair  
Jerry Binney – Vice Chair  
Rob Crassweller - Secretary  
Bill Keough  
Shannon Holliday  
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 R. Demchak, Recording Secretary; Michael Siggins, Applicant, 500 West Aaron Drive; Chad Stafford, PennTerra; Cheryl White, Centre Volunteers in Medicine

**I. CALL TO ORDER**

Mr. Thompson welcomed everyone to the meeting and asked all participants from home to mute their microphones when not speaking. Any Planning Commission members making motions to please state your name so it can be accurately recorded on the minutes.

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, April 25, 2022, at 6:02 p.m.

**II. CITIZEN INPUT**

There were no comments.

**III. APPROVAL OF MINUTES**

Mr. Wheland moved that the Planning Commission **approve** the April 11, 2022, Regular Meeting Minutes. Mr. Binney seconded the motion. The motion passed unanimously.

**IV. OLD BUSINESS**

Mr. Keough asked what the outcome was for the Nittany Dental Associates that was extensively reviewed at the last Planning Commission meeting. Ms. Wargo reported that Nittany Dental submitted a minor alteration plan that will get them into the office space and then they will submit their minor land development plan. The Board agreed with the minor land development plan for the addition of enclosing the drive thru lane to include as part of the building.

**V. NEW BUSINESS**

**1. Application for Consideration of a Modification/Waiver-Farmstead View**

**a. 500 West Aaron Drive, Building 1 | Suite 1**

Ms. Wargo reported that Michael Siggins has requested a waiver from §22-306.2.—Minor Alteration Plan. This section of the ordinance permits any change in use that doesn't result in additional parking on-site to proceed as a Minor Alteration Plan. Mr. Siggins has requested the Board to waive that requirement and proceed with a zoning permit.

The applicant previously had a hair salon within Suite 1 of Building 1 that required 8 parking spaces. The applicant has been approached by a new tenant to locate a Veterinarian Office within Suite 1 that would require 1 parking space/250 SF of net floor area. Suite 1 has a net floor area of 906 SF which would require 4 parking spaces for the Veterinarian Office. The applicant is proposing interior renovations to Suite 1 and no exterior construction or changes are being proposed.

Ms. Bassett stated that staff has reviewed, and they have mixed feelings. Staff is recommending denying the modification/waiver.

Mr. Michael Siggins stated that he understands the need and reason to document changes to a property that includes parking, but the process to file a minor alteration plan is an unnecessary time and expense for his client. Mr. Siggins noted that there will be four less parking spaces and there isn't a hardship with parking. Mr. Siggins is requesting an inhouse review then to issue a zoning permit.

Mr. Wheland asked why staff has mixed feelings. Mr. Ressler reported that it has been done this way historically before his time with the Township. Mr. Ressler reported that the review time is 45 days. Mr. Ressler agrees that it is a lot of work for something that won't affect anything, but it is what the Township Ordinance states.

Ms. Wargo stated that she and Ms. Bassett have started reviewing minor alternation plans. Ms. Wargo's reviewed the [municipal code in question](#) and stated that nothing is changing on the site. They will be maintaining all eight spaces and in her opinion that it should be a zoning permit for a change in use. Mr. Ressler responded that the section was recently moved to the SALDO to give people the option to come in for a medication and not for a variance. Mr. Ressler stated that it is applicable and doesn't feel it is wrong to ask for a modification.

Mr. Wheland asked what the differences with this request and the dental office are. Ms. Wargo stated that if the Board waives this request, it will argue the point that if nothing physically is changing on the site, does the applicant need to revise their land development plan to document the change in use or can it be documented in a zoning permit.

Mr. Keough stated that there are two interpretations of the same language that aren't necessarily wrong and is proposing an alternate recommended motion.

Mr. Keough moved that the Planning Commission make a recommendation to the Board of Supervisors to **approve** the application for modification/waiver from §22-306.2.— Minor Alteration Plan and to have the zoning officer issue a zoning permit when the applicant supplies the net square foot interior calculation to be part of the zoning permit.

Ms. Bassett asked if just the property is being altered or the entire lot that includes two buildings. Mr. Ressler noted it is obvious if the one suite needs less than before then it would be ok for the entire building. Ms. Wargo reported that it becomes an issue when the change in use requires more. Mr. Thompson stated that he has been living near the establishment for 10 years and has never seen an issue with parking.

Mr. Wheland seconded the motion.

Mr. Wheland asked what is being done with the four parking spaces. Mr. Ressler said they are extra spaces, and they can be used by anyone. Mr. Wheland suggested to change the wording in the ordinance to make things simpler in the future. Mr. Ressler concurred.

Mr. Binney echoed Mr. Wheland's statement and stated that the Planning Commission shouldn't be involved because it is a cumbersome process. Mr. Binney noted that he feels it is between the staff and supervisors due to the minor request.

Mr. Siggins stated that he would be willing to include the calculation sheet onto his drawing's. Mr. Ressler noted it would be easier to keep track.

Mr. Keough stated that he understands what Mr. Binney stated about not reviewing, but on the other hand he is glad the Planning Commission is reviewing because it appears there is a need to tweak the ordinance that the Planning Commission needs to recommend to the Board. Mr. Thompson asked Ms. Wargo how the ordinance discussion could be started. Ms. Wargo reported that any recommendation to the Board on any amendments is completely within the prevue of the Planning Commission.

Mr. Keough reviewed the intent of his motion and stated that it is more business-friendly approach than to deny the request.

The motion passed unanimously.

**b. 2026 Sandy Drive—Centre Volunteers in Medicine**

Ms. Bassett presented the next two agenda items together and reported that Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-301—General. This section of the ordinance defines the subdivision and land development review process and requires certain proposals to proceed as a preliminary, and final land development plan, preliminary/final land development plan, or a minor alteration plan.

The applicant recently acquired the property at 2026 Sandy Drive (TP: 24-433-022-0000). The existing building is 10,979 square feet and the applicant is proposing an addition to the building of 2,228 square feet. The addition will extend into the front of the building, removing the existing covered patios and sidewalks. A new entrance and sidewalks will be constructed.

The applicant is proposing to have their plan processed as a Minor Land Development Plan. Chapter §22-306.3. (as amended by Ord. 1076, 3/15/22) outlines criteria for a plan to be considered as a Minor Land Development Plan.

Ms. Bassett reported that the land development plan proposes a 2,228 SF addition to the existing 10,979 SF building. The owner recently acquired the

property, and the addition will expand the front of the building, removing the existing covered patios and sidewalks. A new entrance and sidewalks will be constructed.

Ms. Wargo shared her screen and reviewed the plans. Mr. Chad Stafford, PennTerra, gave an overview of the changes. The building addition will be enclosed, modifying the sidewalks, new entrance will have a set of stairs with an ADA ramp, the Centre Volunteers will enter the building on a new sidewalk, replacing a tree, eliminating a parking space, water quality improvements to the stormwater for the site, and preserved and added landscaping.

Ms. Holliday asked how many ADA parking spaces there will be. Mr. Stafford answered that there are two but replacing the signs because they are older. They will be repainting the parking spaces. There will be one ADA space for loading/unloading van capacity.

Mr. Binney moved that the Planning Commission make a recommendation to the Board of Supervisors to **approve** the application for modification/waiver from §22- 301.—General. Mr. Keough seconded the motion. The motion passed unanimously.

## **2. 2026 Sandy Drive—Centre Volunteers in Medicine Preliminary Land Development Plan**

Ms. Bassett didn't add anymore because it was covered in agenda item 1.b.

Mr. Keough questioned the current motion and stated it should be for approval on the Preliminary/Final Land Development Plan. Ms. Bassett agreed.

Mr. Wheland ask if staff was comfortable with all the comments on the plan. Ms. Bassett stated that the majority of the comments have been addressed and most of the outstanding comments are stormwater which are minor.

Mr. Wheland moved that the Planning Commission make a recommendation to the Board of Supervisors to **approve** the 2026 Sandy Drive – Centre Volunteers in Medicine Preliminary/Final Land Development Plan pending outstanding comments. Mr. Keough seconded the motion. The motion passed unanimously.

## **VI. COMMUNICATIONS TO THE COMMISSION**

Mr. Thompson received a communication from Jim Maund, Ferguson Township Resident with regards to the tree on Farmstead View.

## **VII. OFFICIAL REPORTS AND CORRESPONDENCES**

### **A. Board of Supervisors**

Ms. Wargo reported that the Board met on April 19<sup>th</sup> and appointed Centrice Martin as the new Township Manager. The Assistant Manager's position is being advertised. The Centre Animal Veterinarian Hospital land development plan was reviewed and approved. There was a public hearing for the conditional use of the flag lot on Farmstead Lane. The Board denied the applicants request to cut the tree down on Farmstead Lane, but it doesn't mean they need to preserve the tree. They need to meet the 20% preservation requirement. Nittany Dental Associates

amended their request to go through as a minor land development plan per the Planning Commission's recommendation. The plan was approved by the Board.

Mr. Wheland noted that there is a Stormwater Engineer position listed in the CDT and questioned why it was needed. Ms. Wargo stated that it was her understanding that during the budget planning meetings to hire a fulltime person to manage the program. Ms. Wargo will confirm and let the Planning Commission know. Ms. Bassett stated that the part-time engineer retired so that work will need to be completed too.

## **B. CRPC Meeting**

Dr. Taricani reported they will have a meeting next week. Mr. Keough stated that the Planning Commission received an invitation for a series of training programs that CRPC is offering. Ms. Wargo reported that this was a staff request for new members of ABC's. The meetings will be recorded and listed on CNET if anyone misses a live class.

## **C. Land Development Plans**

Ms. Bassett reviewed the following:

- a. Farmstead View Subdivision – Awaiting Response to 4<sup>th</sup> review.
- b. CVIM – 2026 Sandy Dr – PC Review
- c. Peace Center and Cemetery – Awaiting Response to first review
- d. Orchard Square Final LDP – Gather Signatures (BOS Approved 4/5)
- e. Centre Animal Hospital – Awaiting Preliminary Plan to be signed
- 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 – Awaiting Response to first review.

## **D. Staff Updates**

Ms. Wargo reported that the Owl 360 camera will be available from CNET for the Planning Commission meetings starting in May. Commission members are welcome to attend in person.

Mr. Keough asked when the Planning Commission will get to see for the first time the West College Avenue Vertical Mixed Use Development Plan. Ms. Wargo stated that the applicant has a lot of areas that need to be worked on, specifically stormwater. Mr. Keough is interested in looking at the status of the alley as it relates to the development.

Mr. Binney updated the Planning Commission on the Pine Grove Mills Mobility Study and noted there was an informational session held last week. Ms. Bassett will email the online [survey](#) to the Planning Commission members.



**VIII. Adjournment**

Dr. Taricani made a motion to **adjourn** the April 25, 2022, Planning Commission meeting at 7:15 p.m. Mr. Crassweller seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Rob Crassweller, Secretary  
For the Planning Commission



**APPLICATION FOR PROPOSED ORDINANCE AMENDMENT**  
**Ferguson Township, Centre County**

Date Application Submitted: 5/11/22

Subject of Proposed Ordinance Amendment: Home Burial

Applicant Name: Pamela Steckler

Address: 127 Hoy St. State College, PA 16801

Phone: 814-404-4477 Fax: \_\_\_\_\_ E-Mail: pamasunshine@aol.com

Chapter / Section of Existing Ordinance to be Amended: 27-304.2.A and 27-405.I.B.8

Description of Proposed Ordinance Amendment: To permit

Home Burials in Terraced Streetscape District  
Allow exemption from concrete grave lining based  
on spiritual beliefs

Describe Reason for Ordinance Amendment: Green Home Burials are  
much lower impact than "Cemetery" which is the  
determined definition by zoning. As conservationists  
it has always been our desire to replenish & restore  
the ecological integrity of the land.

Signature of Applicant: Pamela Steckler

Date Fee Paid: 5/11/22 Amount: 250.00

Note: To be considered on a Board agenda, this application along with the required fee (see Township Fee Schedule) must be submitted to the Township a minimum of 7 days in advance of the Board meeting at which the applicant wishes to attend. The fee is non-refundable.

It is, and has been our belief that nature is sacred and  
that humans are a part of nature. That the natural  
cycles of birth, growth & death carry profoundly  
spiritual meaning.

Ferguson Township  
3147 Research Drive  
State College, PA 16801  
814-238-4651  
814-238-3454 (fax)  
www.twp.ferguson.pa.us

000000

Receipt No. 00020378

05/11/2022 08:50 AM

Pamela Steckler

01 Ord Amendment /Home Burial	250.00
----------------------------------	--------

Check # 7598	
Receipt Total	250.00
Payment Total	250.00

Thank you!



**SUBJECT:** Text Amendment Application to Permit Home Burials in Terraced Streetscape Zoning District

**APPLICANT/PROPERTY OWNER:** Pamela Steckler

**PURPOSE:** This report provides information on current Township Regulations for cemeteries to provide context to the requested text amendment. In addition, regulations that should be considered if an amendment is recommended.

**EXECUTIVE SUMMARY:** The Board of Supervisors received and referred the text amendment application to Planning Commission for further review. The Board acknowledges that cemeteries have a different connotation than home burials and would like Planning Commission to review the definition of cemetery, provide a definition of home burial (if warranted), review zoning districts where these uses are currently permitted, and if permitting these uses in more zoning districts is viable. Some municipalities in the State have ordinances dedicated to the Burial of Human Remains, while two cities prohibit all new burial grounds within city limits.

**BACKGROUND:** There are no state laws in Pennsylvania prohibiting home burial and local governments have the authority to regulate these types of burials. Pennsylvania law prohibits burials on any land that drains into a stream supplying water to a city, unless the burial ground sits at least one mile from the city ([9 Pennsylvania Statutes § 10](#) (2018)). Ferguson Township Zoning Ordinance does not define a home burial. §27-1102 defines Cemetery as “*land used or dedicated to the burial of the dead, including mausoleums, necessary sales and maintenance facilities*” and the Zoning Administrator has determined the definition of cemetery applies to home burials.



The Ferguson Township Zoning Ordinance permits cemeteries as a principal use in the Rural Agriculture (RA) zoning district on parcels with a minimum lot size of 50-acres. Cemeteries are permitted as an accessory use in the Rural Residential (RR) zoning district on parcels with a minimum lot size of 3-acres. Cemeteries are also permitted as an accessory use customarily incidental to the specified principal use (church).

Churches are considered to be a Place of Assembly (Neighborhood, Community or Regional) and these uses are permitted in the Rural Agriculture (RA), Rural Residential (RR), Agricultural Research (AR), Single Family Residential (R1), Suburban Single Family Residential (R1B), Two Family Residential (R2), Townhouse Residential (R3), Village (V), Office Commercial (OC), Planned Residential Development (PRD), and Commercial (C) Zoning Districts.

The Multifamily Residential (R4), Industrial (I), Light, Industry, Research and Development (IRD), Mobile Home Park (MHP), Traditional Town Development (TTD), Forest/Gamelands (FG), and Terraced Streetscape (TSD) zoning districts currently do not permit cemeteries as a principal or accessory use, and they don't permit Places of Assembly. The Traditional Town Development (TTD) zoning district is the only district where cemeteries are expressly prohibited.

The Applicant for the Text Amendment resides in the Terraced Streetscape District and would like to have home burials added as a permitted accessory use. Currently, the terraced streetscape doesn't have accessory uses. The Parcel is 8,850 SF (0.2 acres) and in a residential area with an industrial supply business located behind the lot.

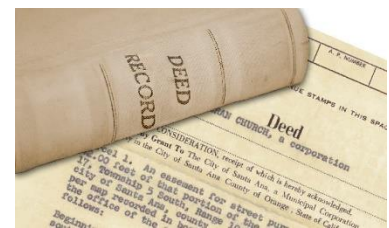
<b>ADDRESS:</b>	127 Hoy Street
<b>PARCEL ID:</b>	24-002A,076-,0000-
<b>ZONING DISTRICT:</b>	Terraced Streetscape District (TSD)
<b>SITE DESCRIPTION:</b>	Single-Family Home approximately 0.20 acres (8,850 SF)
<b>SURROUNDING LAND USE:</b>	Single-Family Homes and an industrial supply business
<b>RECENT LAND USE ACTIONS: (REZONINGS, CU'S, SE'S, VARIANCES, MOD/WAIVERS)</b>	The Terraced Streetscape Zoning District is currently being reviewed by a Consultant for a complete zoning rewrite for this district.

**STAFF ANALYSIS:** Staff has conducted research into the differences between a home burial and cemeteries. Staff recognizes that there are differences in a commercially or religiously run cemetery and a home burial in relation to scale and familial requirements. Home burials, family plots and other private interments are privately held plots for burial of members of the same family (blood or marriage).

Certain perpetuity clauses and restrictions are required with the establishment of a home burial, ensuring that future residents know of the location and establishing dedicated access to the site. The deed to the property should also include language of the existence of the private interment. Disturbing a home burial ground is illegal and regulations should be clearly outlined to ensure that proper care is taken to preserve the burial sites.

Regulations to consider:

- What Zoning Districts would home burials be permitted?
- What setback requirements should be regulated?
- Minimum lot size and number of graves per lot.
- Minimum depth of graves.
- Environmental concerns (i.e. proximity to a floodplain, riparian buffer, steep slopes, sinkholes, etc.)
- Easement or access to burial site.
- Burial marker requirements.
- Map/survey depicting the burial site location.
- Maintenance of the burial site.



**ATTACHMENTS:** Location Map, Text Amendment Application

**Primary Author:**

Kristina Bassett | Community Planner, 814-238-4651 or [kbassett@twp.ferguson.pa.us](mailto:kbassett@twp.ferguson.pa.us)

**Reviewed/Approved By:**

Jenna Wargo, AICP | Director of Planning & Zoning



**Tax Parcel:  
24-00A,076-,0000-**

