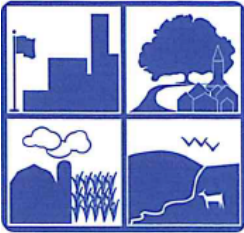


FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, April 5, 2021, 7:00 PM

Join Zoom Meeting:
<https://us02web.zoom.us/j/88575479202>
Meeting ID: 885 7547 9202
[Zoom Access Instructions](#)

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZENS INPUT**
- IV. APPROVAL OF MINUTES**
 - 1. March 15, 2021, Board of Supervisors Regular Meeting Minutes
- V. SPECIAL REPORTS**
 - a. COVID-19 (Coronavirus) Response Report
 - b. Centre Area Transportation Authority Report
 - c. Private Streets and Alleys Presentation
- VI. PROCLAMATIONS**
 - a. 2021 Arbor Day Proclamation
 - b. 2021 Watershed Cleanup Day Proclamation
 - c. 2021 Bike Month Proclamation
- VII. UNFINISHED BUSINESS**
 - 1. Public Hearing – Tree Preservation and Protection Ordinance
 - 2. Public Hearing – Ordinance Accepting Deeds of Dedication of Public Right-of-Way
 - 3. Public Hearing – Stormwater Fee Non-Profit Organization Exemption Resolution
 - 4. Kocher Well Field Improvements – Final Land Development Plan
- VIII. NEW BUSINESS**
 - 1. Consent Agenda
 - 2. Resolution – DCED Grant Application for Construction of Park Hills Drainageway
 - 3. Request for Modifications/Waivers
 - a. West College Student Housing Preliminary Land Development Plan
 - b. Wright Property – Waiver of Land Development Plan
 - c. Wasson/Ash Avenue Subdivision Plan
 - 4. West College Student Housing Preliminary Land Development Plan
 - 5. Wasson/Ash Avenue Replot Preliminary/Final Subdivision Plan
- IX. REPORTS**
 - 1. COG Committee Reports
 - 2. Other Regional Reports
 - 3. Staff Reports
- X. COMMUNICATIONS TO THE BOARD**
- XI. CALENDAR ITEMS – MARCH/APRIL**
 - a. Coffee and Conversation, Saturday, April 17, 8:00 a.m.
 - b. Pine Grove Mills Small Area Plan Advisory Committee, Thursday, April 22, 4:00 p.m.
- XII. ADJOURNMENT**





TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, April 5, 2021
7:00 P.M.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. March 15, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

40 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. Centre Area Transportation Authority Report – John Spsychalski
3. Private Streets and Alleys Presentation – David Pribulka, Township Manager & David Modricker, Director of Public Works

VI. PROCLAMATIONS

1. 2021 Arbor Day Proclamation
2. 2021 Watershed Cleanup Week Proclamation
3. 2021 Bike Month Proclamation

Recommended motions: That the Board of Supervisors adopt the _____ proclamation(s).

VII. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT; PART 5, DESIGN AND IMPROVEMENT STANDARDS BY ESTABLISHING SECTION 515, TREE PRESERVATION AND PROTECTION AND AMENDING PART 202, DEFINITIONS.** 20 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

The Public Works and Planning & Zoning Department have drafted an amendment to Chapter 22, Subdivision and Land Development to establish a new part, Tree Preservation and Protection. The intent of this chapter is to encourage the protection of trees through sound land use and tree management practices. This chapter will preserve, protect and maintain existing trees in Ferguson Township, as well as, increase the overall tree canopy

and understory with native species. It will aid in improving tree and ecosystem health on both public and private lands. The Board authorized staff and the Ferguson Township Tree Commission to draft a Tree Preservation Ordinance. The draft ordinance has been received and reviewed by all local, regional and county reviewers. The updated amendment, as advertised, is included with tonight's agenda packet.

Recommended motion: That the Board of Supervisors adopt the ordinance amending Chapter 22, Subdivision and Land Development; Part 5, Design and Improvements Standards by establishing Section 515, Tree Preservation and Protection and amending Part 202, Definitions.

Staff Recommendation

That the Board of Supervisors **adopt** the ordinance.

- 2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS: (1) ACCEPTING THE DEED OF DEDICATION OF ASPEN WHITEHALL PARTNERS, LLC A PENNSYLVANIA LIMITED LIABILITY COMPANY AND ASPEN ROUTE 26 PARTNERS, LLC A PENNSYLVANIA LIMITED LIABILITY COMPANY, FOR ADDITIONAL RIGHT OF WAY ALONG WHITEHALL ROAD; (2) ACCEPTING THE DEED OF DEDICATION OF ALEC J PRINGLE AND JODI L PRINGLE, HUSBAND AND WIFE, FOR ADDITIONAL RIGHT OF WAY ALONG CIRCLEVILLE ROAD; (3) ACCEPTING THE DEED OF DEDICATION OF STATE COLLEGE APARTMENTS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A PUBLIC STREET IN THE COTTAGES PLANNED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS BLUE COURSE DRIVE; (4) SETTING A MAXIMUM SPEED LIMIT OF 25 MILES PER HOUR FOR BLUE COURSE DRIVE BETWEEN WHITEHALL ROAD AND THE ROTARY TRAFFIC ISLAND; (5) ESTABLISHING A ROTARY TRAFFIC ISLAND ON BLUE COURSE DRIVE AT MUSSERVIEW WAY (PRIVATE) AND WHITEHALL ROAD REGIONAL PARK DRIVEWAY (PRIVATE); AND (6) ESTABLISHING YIELD INTERSECTIONS ON BLUE COURSE DRIVE AT MUSSERVIEW WAY (PRIVATE) AND WHITEHALL ROAD REGIONAL PARK DRIVEWAY (PRIVATE). 20 minutes**

Dave Modricker, Director of Public Works

Narrative

Provided with the agenda is a copy of the ordinance advertised for public hearing accepting offers of dedication of public right-of-way in several areas of the Township as follows: (1) Additional right-of-way along Whitehall Road has been offered for dedication to the Township as part of the approved subdivision plan for Harner Farms and is ready for acceptance; (2) As part of an approved subdivision plan along Circleville Road, additional land was dedicated to the Township and is ready for acceptance; (3) A section of Blue Course Drive from Whitehall Road to the entrance to the future Whitehall Road Regional Park was constructed by the developer of The Cottages at State College Planned Residential Development and is now in a condition to be accepted by the Township. A final inspection was completed and the deed of dedication and maintenance bond are acceptable. Items (4), (5), (6) establish the necessary motor vehicle regulations.

Recommended motion: That the Board of Supervisors adopt the ordinance accepting deeds of dedication of public right-of-way as described therein and establishing additional motor vehicle regulations for the same.

Staff Recommendation

That the Board of Supervisors **adopt** the ordinance.

- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FROM THE STORMWATER MANAGEMENT UTILITY FEE FOR ELIGIBLE NON-PROFIT ORGANIZATIONS AS DESCRIBED IN EXHIBIT "A".** 10 minutes

David Pribulka, Township Manager

Narrative

On March 1, the Board authorized advertisement of a public hearing on a resolution establishing a non-profit exemption policy for the Stormwater Management Utility Fee for this evening. During the discussion, a motion carried removing 501(d) organizations from the list of eligible applicants for the exemption. Provided with the agenda is the amended resolution as advertised for public hearing.

Recommended motion: That the Board of Supervisors adopt the resolution establishing an exemption policy from the Stormwater Management Utility Fee for eligible non-profit organizations as described in Exhibit "A".

- 4. KOCHER WELL FIELD WATER PUMPING IMPROVEMENTS – FINAL LAND DEVELOPMENT PLAN DATED FEBRUARY 17, 2021** 10 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

This Final Land Development Plan was submitted by Gwin, Dobson & Foreman Engineering, Inc. on behalf of their client, State College Borough Water Authority. The parcel is 47.7 acres and is zoned Rural Agricultural (RA). The Land Development Plan proposes water pumping improvements via two proposed structures to the Kocher well fields on Tax parcel 24-006-055E, located at 3961 W. Whitehall Road. The construction consists of two (2) buildings that measure 9 feet 4 inches by 12 feet 4 inches relative to Existing Well No. 71 and 9 feet 4 inches by 11 feet 4 inches relative to Existing Well No. 78. There is an existing floodplain that traverses the parcel, and no construction is planned in the floodplain. On June 23, 2020, a variance was approved by the Zoning Hearing Board to utilize FEMA Mapping for Floodplain Boundary determination instead of independent Hydrologic and Hydraulic (H&H) study as required by §27-701. This is the final review of the land development plan. The Preliminary Plan was conditionally approved on October 5, 2020.

Recommended motion: That the Board of Supervisors approve the Kocher Well Field Water Pumping Improvements Final Land Development Plan, dated February 17, 2021, subject to the outstanding conditions described in the Community Planner memorandum dated March 26, 2021.

Staff Recommendation

That the Board of Supervisors **approve** the final land development plan.

VIII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Contract 2018-PWGG-HVAC, Pay App #5: \$339,380.36
- b. Contract 2018-PWGG-Plumbing, Pay App #7: \$121,918.25
- c. Contract 2020-C4-Suburban Park, Pay App #9: \$700.80
- d. Contract 2021-C6- Curb & Ramp Upgrades, Pay App #1 Final: \$38,248.05
- e. Board Member Request – Report on Mental Health Taskforce
- f. Board Member Request – Terraced Streetscape District Amendment
- g. Treasurer’s Report – January 2021 for Acceptance
- h. Voucher Report – January 2021
- i. Voucher Report – February 2021

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP MANAGER TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT GREENWAYS, TRAILS, AND RECREATION PROGRAM FOR THE CONSTRUCTION OF THE PARK HILLS DRAINAGEWAY. 5 minutes
Centrice Martin, Assistant Township Manager

Narrative

The Board budgeted \$100,000 to obtain permits and complete the design for a natural-type restoration of a severely eroded and incised drainageway through the Park Hills neighborhood in its 2021 Operating Budget. Funding for the utility relocation, easement acquisition, and construction of the Park Hills Drainageway project is included in the Capital Improvement Program budget in the amount of \$1,500,000. The Township intends to pursue a grant from the Pennsylvania Department of Community and Economic Development for a \$250,000 grant which requires a 15 percent local cash match of the total project cost. If approved, grant funding would not exceed the amount of \$250,000. The Park Hills Drainageway Improvement project goals are to maintain stormwater on Township property or within easements, eliminate erosion and sediment deposits in the drainageway and preserve as many existing trees as possible within the project limit. Provide below is a link to the presentation that was provided to the Board at a Second Public Meeting held on March 3, 2021. The resolution required by PA for submission of the grant application is provided with the agenda.

- Park Hills Drainageway Improvements Project Presentation 3-3-2021

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Township Manager to submit a DCED Greenways, Trails, and Recreation Program Grant application for the construction of the Park Hills Drainageway.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

3. REQUESTS FOR MODIFICATIONS – SUBDIVISION AND LAND DEVELOPMENT

Jenna Wargo, Director of Planning & Zoning

40 minutes

a. West College Student Housing, §22-504.2.A.2.—Lot Frontage and Access

Narrative

Penn Terra Engineering has submitted an Application for Consideration of a Modification/Waiver on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The specific section of the Subdivision and Land Development Ordinance request is Section 22.504.2.A.2 – Lot Frontage 1 and Access. This section of the ordinance requires a Private Street Agreement to be signed by all property owners who access the private street. Calder Way is an alley that was created as part of the original subdivision plan and exists for the use and enjoyment of those lots created during the subdivision. The alley is in common ownership by all of the lots that created the alley and requiring all properties adjacent to Calder Way (Buckhout Street to Corl Street) to sign a Private Street Agreement presents an unreasonable hardship on the applicant since the applicant will be maintaining the alley in its entirety (from Buckhout Street to Butz Street). The applicant has included as Note 18 on the attached plan sheet their maintenance responsibilities for that section of Calder Way. Staff and Planning Commission have reviewed the application and recommend approval with the condition that the applicant submit a Private Street Agreement, with the Township as a party, that will include pre-construction, post-construction, maintenance and indemnity for the length of Calder Way between Buckhout Street and Butz Street.

Recommended motion: That the Board of Supervisors grant the modification to §22-504.2.A.2—Standards for Traffic Capacity and Access with the condition that the applicant submit a Private Street Agreement, with the Township as a party, that will include pre-construction, post-construction, maintenance and indemnity for the length of Calder Way between Buckhout Street and Butz Street.

Staff Recommendation

That the Board of Supervisors **grant** the modification.

b. Wright Property. §22-104.1.B.(1)—Establishment of Controls; Applicability

Narrative

Property owners, Daniel and Kelly Wright, have submitted an Application for Consideration of a Modification/Waiver from §22-104.1.B.(1)—Establishment of Controls; Applicability for their 44-acre property at 1000 North Nixon Road (24-003C.054-,0000-, Rural Residential; RR). There is currently one dwelling on the parcel and the applicants are proposing to construct a new dwelling on the property. During construction of the new dwelling, the owners will live in the existing dwelling and demolish the existing structure within 6 months of receiving a Certificate of Occupancy for the new dwelling. In accordance with the PA Municipalities Planning Code (MPC) and the Township's Subdivision and Land Development Ordinance (SALDO), the addition of the second dwelling requires the applicant to submit a land development plan and go through the land development plan process. The applicants have requested a waiver from having to complete a land development plan with the condition that the existing dwelling will be demolished within 6 months of receiving a Certificate of Occupancy for the new dwelling and that the applicant will comply with all other State

Regulations. Staff and Planning Commission have reviewed the request and have no additional conditions to include with the application.

Recommended motion: That the Board of Supervisors grant the modification to §22-104.1.B.(1)—Establishment of Controls; Applicability with the condition that the existing dwelling be demolished within 6 months of receiving Certificate of Occupancy for the new dwelling and that the applicant will comply with all other State Regulations.

Staff Recommendation

That the Board of Supervisors **grant** the modification.

c. Wasson/Ash Avenue Subdivision, §22-306.1.—Minor Subdivision and Minor Alteration Plan

Narrative

PennTerra Engineering, Inc., on behalf of their client, has requested a modification/waiver from Section 22-306.1.—Minor Subdivision and Minor Alteration for the Wasson – Ash Avenue Replot/Subdivision Plan. This section has a process outlined for a Minor Subdivision and the definition of a minor subdivision was omitted during the Township’s Comprehensive Update to Chapter 22—Subdivision and Land Development Ordinance (SALDO). The plan submitted is replotting lot lines and no new lots are being created. Staff and Planning Commission have reviewed the application and are recommending approval.

Recommended motion: That the Board of Supervisors grant the modification to §22-306.1.—Minor Subdivision and Minor Alteration Plan.

Staff Recommendation

That the Board of Supervisors **grant** the modification.

d. Wasson/Ash Avenue, §22-512—Sidewalks

Narrative

PennTerra Engineering, Inc., on behalf of their client, has requested a modification/waiver from Section 22-512—Sidewalks for the Wasson –Ashe Avenue Replot/Subdivision Plan. The plan is proposing to replot three (3) existing lots in an established, built-out neighborhood. There are no existing sidewalks on either side of the street. The potential for connection to future sidewalks is extremely unlikely and no new land development is proposed. Staff and Planning Commission have reviewed the application and are recommending approval.

Recommended motion: That the Board of Supervisors grant the modification to §22-512—Sidewalks.

Staff Recommendation

That the Board of Supervisors **grant** the modification.

**4. WEST COLLEGE STUDENT HOUSING – PRELIMINARY LAND DEVELOPMENT PLAN
DATED MARCH 19, 2021** 20 minutes
Jenna Wargo, Director of Planning & Zoning

Narrative

Penn Terra Engineering, Inc., submitted a Land Development Plan and Lot Consolidation Plan on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The parcels are located at the intersection of West College Ave and Buckhout Street. Tax Parcels 24-002A,015, 24-002A,016, 24- 002A,017, 24-002A,018, and 36-010-006 are to be consolidated to form a 1.136 acre parcel. Four parcels are located in the Terraced Streetscape District (TSD) in Ferguson Township and Parcel 36-010-006 is located partially in the Borough of State College’s Planned Commercial District (CP-2).

The land development plan proposes a 6-story multi-family residential apartment building with commercial/retail space on the first floor. The applicant is utilizing height incentives found in §27-304.3.B.(2) and has provided additional parking in the parking structure to share for use by others. The applicant is eligible for an additional 20 feet to be added to the permitted maximum height (55 feet).

The building will consist of one subsurface floor of underground parking, one floor containing additional parking wrapped by commercial space and 5 floors of multi-family residential apartments. There are 96 residential units (268 beds) and a total of 8,696 square feet (7,488SQFT in Ferguson Township) of non-residential spaces. The plan calls for 159 parking spaces, 151 of which will be located in the parking structure. A variance was granted by the Ferguson Township Zoning Hearing Board on February 25, 2020, to allow parking on first floor of the building. There are 14 short-term bicycle parking spaces proposed on site.

Planning Commission reviewed this Preliminary Land Development Plan at their February 8 Regular Meeting and recommended approval to the Board of Supervisors. Provided below in the agenda is a Dropbox link to access the land development plan. Provided with the agenda packet is a memorandum from Kristina Aneckstein, Community Planner, dated April 1, 2021, summarizing Planning Commission’s comments on the plan. Staff has also included all outstanding staff review comments, as well as comments provided by the Borough of State College’s advisory review bodies. Staff reached out to Walt Schneider, Centre Region Code Administration Director, about §22-5C01.1.C.(1)(a) for compliance with PA Uniform Construction Code. The Code is silent on drive aisle widths for parking structures and only includes standards for accessibility and height.

- [West College Student Housing – Preliminary Land Development Plan](#)

Recommended motion: That the Board of Supervisors approve the West College Student Housing Preliminary Land Development Plan pending outstanding staff comments as noted in the Community Planner’s memorandum dated April 1, 2021.

Staff Recommendation

That the Board of Supervisors **approve** the West College Student Housing Preliminary Land Development Plan.

5. WASSON/ASH AVENUE REPLOT - PRELIMINARY/FINAL SUBDIVISION PLAN DATED NOVEMBER 24, 2020 10 minutes
Jenna Wargo, Director of Planning & Zoning

Narrative

PennTerra Engineering, Inc., submitted the Wasson – Ash Avenue Replot Plan on behalf of their client. The Wasson – Ash Avenue Replot Plan is located at 1451 Ash Avenue, T.P. # 24- 002A,132-,0000. The purpose of this plan is to replot Tax Parcel 24-002A,132-,0000-, 24- 002A,134-,0000- and 24-002A,135-,0000-.

- Tax Parcel 24-002A,0132-,0000- is currently 0.547 acres and proposed to replotted to 0.74 acres.
- Tax Parcel 24-002A,0134-,00 is currently 0.414 acres and proposed to be replotted to 0.23 acres.
- Tax Parcel 24-002A,0135-,0000- is currently 0.268 acres and proposed to be replotted to 0.26 acres.

The parcel is located within the Single Family Residential (R1) zoning district. A request for a modification/waiver from Section 22-306.1. – Minor Subdivision and Minor Alteration Plan and Section 22-512 – Sidewalks was submitted on behalf of their client. Pending approval from §22-306.1., this will be a Preliminary/Final Subdivision Plan. Provided with the agenda packet is a memorandum from Kristina Aneckstein, Community Planner, dated March 26, 2021, that includes outstanding staff comments.

Recommended motion: That the Board of Supervisors approve the Preliminary/Final Subdivision Plan for Wasson/Ash Avenue pending outstanding staff comments outlined in the Community Planner’s memorandum dated March 26, 2021.

Staff Recommendation

That the Board of Supervisors **approve** the Plan.

IX. STAFF AND COMMITTEE REPORTS

- 1. **COG COMMITTEE REPORTS** 15 minutes
 - a. Executive Committee
 - b. Solar PPA Working Group
 - c. Joint PSE, TLU Committees and CRPC
- 2. **OTHER COMMITTEE REPORTS** 5 minutes
 - a. Spring Creek Watershed Commission
- 3. **STAFF REPORTS** 15 minutes
 - a. Manager’s Report
 - b. Public Works Director
 - c. Planning and Zoning Director

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – MARCH/APRIL

- a. Coffee and Conversation, [Saturday, April 17, 8:00 a.m.](#)
- b. Pine Grove Mills Small Area Plan Advisory Committee, Thursday, April 22, 4:00 p.m.

XII. ADJOURNMENT