

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting Agenda**  
**Monday, June 1, 2020, 7:00 PM**

Join Zoom Meeting:

<https://us02web.zoom.us/j/82480468031>

**Meeting ID: 824 8046 8031**

[Ferguson Meetings Page](#)

[Zoom Instructions](#)

Dial In: (814) 238-4651, extension 3799

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

1. May 18, 2020, Board of Supervisors Regular Meeting

**IV. SPECIAL REPORTS**

- a. COVID-19 (Coronavirus) Response Report
- b. Schlow Centre Region Library Report

**V. UNFINISHED BUSINESS**

1. Public Hearing – Conditional Use, Orchard View Subdivision
2. Appointments to the Pine Grove Mills Small Area Plan Advisory Board
3. Plastic Bag Ban Ordinance – Continued Discussion

**VI. NEW BUSINESS**

1. Consent Agenda
2. Zoning Appeals/Requests for Variance
  - a. 250 Banyan Drive
  - b. 3961 West Whitehall Road
3. Rezoning Request – Hillside Farm Estates
4. COG Management of Centre County HAZMAT Team
5. Comments on the DRAFT 2020/2021 CATA Budget
6. Comments on the DRAFT 2021 – 2024 Transportation Improvement Program and Air Quality Conformity Report

**VII. REPORTS**

1. COG Committee Reports
2. Other Regional Reports
3. Staff Reports

**VIII. COMMUNICATIONS TO THE BOARD**

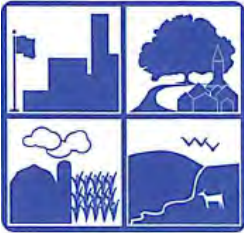
**IX. CALENDAR ITEMS – JUNE**

1. Ferguson Township Elementary School Teachers' Parade

**X. ADJOURNMENT**



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# TOWNSHIP OF FERGUSON

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## Board of Supervisors Regular Meeting Agenda Monday, June 1, 2020 7:00 P.M.

- I. **CALL TO ORDER**
- II. **CITIZEN'S INPUT**
- III. **APPROVAL OF MINUTES**
  - 1. May 18, 2020, Board of Supervisors Regular Meeting Minutes
- IV. **SPECIAL REPORTS** 10 minutes
  - 1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
  - 2. Schlow Centre Region Library – Lewis Steinberg
- V. **UNFINISHED BUSINESS**
  - 1. **A PUBLIC HEARING ON A CONDITIONAL USE APPLICATION SUBMITTED BY ASPEN WHITEHALL PARTNERS, LLC & ASPEN ROUTE 26 PARTNERS, LLC FOR THE ORCHARD VIEW SUBDIVISION.** 10 minutes

### **Narrative**

On April 27, 2020, Penn Terra Engineering submitted a conditional use application for the Orchard View Subdivision Plan at the corner of West College Avenue and West Whitehall Road on behalf of their client, Aspen Whitehall Partners, LLC. The Orchard View Subdivision Plan consists of 37 lots including 36 single-family residential lots and one lot dedicated as a stormwater basin. The application is to request a flag lot parcel for Lot #37, the stormwater basin.

The Zoning Ordinance requires that all lots have appropriate street frontage determined by the zoning district. Orchard View is zoned Single-Family Residential (R-1) and the minimum required lot width at street line is fifty (50) feet. The applicants are requesting conditional use approval to allow Lot #37 to have less than the required fifty (50) feet and are proposing a lot width for Lot #37 at street line to be twenty (20) feet as shown on the approved subdivision plan.

The Zoning Ordinance does permit the Board of Supervisors to approve a lot width of less than the required minimum width as a flag lot. The memorandum included in the agenda from the Zoning Administrator, dated May 6, 2020, lists the four conditions that the Board of Supervisors should consider when reviewing a conditional use application for a flag lot. The Planning Commission reviewed the Conditional Use Application at their May 11, 2020, meeting and recommended approval to the Board of Supervisors pending the conditions listed in Planning & Zoning Director memorandum dated May 12, 2020. A copy of the memorandum and conditional use application have been provided with the agenda.

*Recommended Motion: That the Board of Supervisors approve the conditional use application submitted by Aspen Whitehall Partners, LLC & Aspen Route 26 Partners, LLC for the Orchard View Subdivision subject to the conditions described in the Planning & Zoning Director memorandum dated May 12, 2020.*

**Staff Recommendation**

That the Board of Supervisors **approve** the conditional use application.

**2. APPOINTMENTS TO THE PINE GROVE MILLS SMALL AREA PLAN ADVISORY BOARD** 10 minutes

**Narrative**

On March 16<sup>th</sup>, the Board enacted an ordinance to establish a Pine Grove Mills Small Area Plan Advisory Committee. The standing committee would consist of five members serving four-year staggered terms and would be tasked with advising the Township Manager and Board of Supervisors on matters pertaining to the implementation of the Pine Grove Mills Small Area Plan. Five applications for membership on the committee were received and have been provided with the agenda. Per the Board policy on the appointment of Authority, Board, and Commission members (attached), the next step would be for the Board to schedule a worksession to interview applicants. However, if the Board chooses to do so, it can exempt these appointments from the interview requirement by unanimous vote. Given that there are five applicants for five vacancies, staff is recommending that the Board forego the interview process and make appointments this evening. Provided with the agenda is a memorandum from the Township Manager describing the recommended appointments and terms. Two members will initially be appointed for two years so that term lengths can be staggered.

*Recommended Motion: That the Board of Supervisors appoint the applicants to the Pine Grove Mills Small Area Plan Advisory Board in accordance with the terms recommended in the Township Manager memorandum dated June 1, 2020.*

**Staff Recommendation**

That the Board of Supervisors **appoint** the applicants to the Pine Grove Mills Small Area Plan Advisory Board.

**3. PLASTIC BAG BAN ORDINANCE – CONTINUED DISCUSSION** 20 minutes

**Narrative**

Several Board members received a communication from a Conservation Associate with Penn Environment concerning legislation that is likely to be introduced and/or appended to the state budget proposal that would effectively extend for an indefinite amount of time the preemption on local regulations concerning single use plastic bags. A memorandum from Representative Johnathan D. Hershey of District 82 expressing his intent to introduce legislation to preempt local regulations can be found below. Provided with the agenda is a copy of the communication sent to some Board members from Penn Environment.

In May 2019, the Board directed staff to prepare a draft ordinance that would establish an impact fee imposed on all single-use plastic bags distributed in Ferguson Township. Shortly after drafting an ordinance, Governor Wolf signed the 2020 Commonwealth Budget proposal that enacted a year-long moratorium on municipal regulations while the impact of local prohibitions on plastic bags could be researched by the state legislature. No outcome on that analysis has been shared with the Township to date, but the moratorium is scheduled to expire in July. Board members have asked for this item to be added to the agenda to consider sending a letter of support for lifting the state moratorium on local regulations.

[Rep. Hershey Single Use Plastic Bag Prohibition Memorandum](#)

**Staff Recommendation**

That the Board of Supervisors **discuss** the proposed plastic bag ban ordinance.

**VI. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Acceptance of the April 2020 Treasurer's Report
- b. Voucher Report – April 2020
- c. Board Member Request – Procurement Policy Amendment

**2. ZONING APPEALS/REQUESTS FOR VARIANCE**

10 minutes

**a. 250 Banyan Drive – Jed Neilson**

**Narrative**

Provided with the agenda is a copy of the application for a request for variance for the property located at 250 Banyan Drive. The applicant is seeking relief from the setback requirements applicable to the zoning district to permit the installation of a paved basketball court in the setback area.

*Recommended Motion: That the Board of Supervisors remain neutral on the request for variance for property located at 250 Banyan Drive.*

**Staff Recommendation**

That the Board of Supervisors **remain neutral** on the variance request.

**b. 3961 West Whitehall Road – State College Borough Water Authority**

**Narrative**

Provided with the agenda is a copy of the application for a request for variance for the property located at 3961 West Whitehall Road. The property is currently the location of the Kocher wellfield, and two new outbuildings are being proposed for construction. The property sits in an established floodplain, and the applicant is requesting relief from the requirement of the zoning ordinance to secure a Letter of Map Revision (LOMR) from the Federal Emergency Management Authority (FEMA) to formally amend the floodplain boundaries prior to construction. The variance requested is not to permit an encroachment in the established floodplain that would increase base flood elevations beyond the ordinance limitations. The applicant has prepared a detailed hydrologic and hydraulic analysis to determine that it will meet the ordinance requirements relative to construction within the floodplain.

*Recommended Motion: That the Board of Supervisors remain neutral on the request for variance for property located at 3961 West Whitehall Road.*

**Staff Recommendation**

That the Board of Supervisors **remain neutral** on the variance request.



### 3. REZONING REQUEST – HILLSIDE FARM ESTATES

20 minutes

#### **Narrative**

On May 22, 2020, Armen D. Sahakian submitted a Rezoning Application Request for his Hillside Farm Estates Development (Parcels No. 24-007-023A-0000, 24-007-024E-0000, and 24-735-004-0000) located approximately at the intersection of East Pine Grove Road and Banyan Drive (abutting both sides of East Pine Grove Road) and northwest of Sheldon Drive.

These properties are currently zoned Single Family Residential (R1) and the applicant is requesting Townhouse Residential (R3). The total acreage to be rezoned is 71.62 acres and the majority of the properties are currently undeveloped. The applicant would like to build one and two story detached, semi-attached and attached dwellings on these parcels. All three parcels are located within the Regional Growth Boundary/Sewer Service Area.

The materials attached to the agenda were submitted by the applicant and include the current zoning map, proposed zoning map, proposed parkland map, Sewer Service Area map of Pine Grove Mills, and the current design for the single-family residential lots that are located northwest of Sheldon Drive.

With the recently adopted Zoning Ordinance, the Township has codified the rezoning application and request process, which requires a substantial investment on behalf of the applicant. If the Board is interested in considering the request, staff is recommending that the applicant be directed to complete an impact analysis and refer the request to the Planning Commission for review and comment.

*Recommended Motion: That the Board of Supervisors refer the application for rezoning to the Planning Commission for review and comment pending the submittal of an impact analysis by the applicant.*

#### **Staff Recommendation**

That the Board of Supervisors *refer* the rezoning application to the Planning Commission for review and comment.

### 4. CENTRE REGION COUNCIL OF GOVERNMENTS MANAGEMENT OF THE CENTRE COUNTY HAZMAT TEAM

20 minutes

#### **Narrative**

Beginning in 2013, and more formally in 2016, COG Staff, Alpha Fire Company, State College Fireman's Relief Association, and the Pennsylvania State University have been discussing the transfer of the Penn State HazMat Team to COG. After considerable discussion, several reports, a HAZMAT Learning Lunch event, and multiple presentations to the COG Public Safety Committee, there is consensus on a plan to move forward.

The plan to move forward is based on COG accepting responsibility for the HAZMAT Team as part of the Regional Fire Protection Program for not less than three years. Penn State will fully fund the team for two years and will donate all team equipment to COG. This plan does not increase the Regional Fire Protection Program budget over the three-year period.

Formal agreements have been developed to affect the transfer of the HAZMAT Team from Penn State to COG, these agreements are provided with the agenda. These include an agreement between the COG and Penn State; an agreement between the COG and Centre County; and an agreement between the COG, Alpha Fire Company, and the State College Fireman's Relief Association.

On Tuesday, May 12, 2020, the Public Safety Committee reviewed the draft agreements in detail and affirmed their desire to move the project to completion and move these agreements forward for approval by the Executive Committee. It was the consensus of the Executive Committee to refer the three draft agreements to individual municipalities for final review and comment. These agreements have been previously reviewed by the municipal managers.

*Recommended Motion: That the Board of Supervisors direct the Township Manager to forward its comments on the agreements for the management of the Centre County HAZMAT Team to the COG Executive Director.*

**Staff Recommendation**

That the Board of Supervisors **review and comment** on the proposed Centre County HAZMAT Team Agreements.

**5. COMMENTS ON THE DRAFT 2020/2021 CENTRE AREA TRANSPORTATION AUTHORITY BUDGET** 10 minutes

**Narrative**

At their April 27<sup>th</sup> meeting, the CATA Board of Directors voted to approve the draft Fiscal Year 2020/2021 CATA Budget and release it for public comment. The link to the draft budget and its supporting documents is provided below. The Board of Supervisors approved Ferguson Township's local match for FY 2020/2021 on November 4, 2019. A proposed twenty cent increase in the **CATABUS** fare and several changes to service routes have been incorporated in the program for FY 2020/2021, and public hearings have been held on the proposed changes. The Board does not have approval authority over the CATA budget, but has been traditionally afforded an opportunity to provide its comments.

[DRAFT 2020/2021 Centre Area Transportation Authority Budget](#)

*Recommended motion: That the Board of Supervisors direct the Township Manager to forward its comments on the DRAFT 2020/2021 Centre Area Transportation Authority Budget to the CATA Executive Director.*

**Staff Recommendation**

That the Board of Supervisors **review and comment** on the DRAFT 2020/2021 CATA Budget.

**6. COMMENTS ON THE CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION DRAFT 2021 – 2024 TRANSPORTATION IMPROVEMENT PROGRAM AND AIR QUALITY CONFORMITY REPORT** 10 minutes

**Narrative**

The DRAFT 2021 – 2024 Transportation Improvement Program (TIP) and Air Quality Conformity Report are currently in public comment periods through June 8, 2020. The TIP is a four-year plan that identifies the proposed expenditure of federal and state transportation project funding. The Air Quality Conformity Report is prepared to ensure that the projects on the TIP do not result in vehicle emissions that exceed the established budget for Centre County relative to the 1997 8-hour Ozone National Ambient Air Quality Standards. Provided below are the links to the relevant documents including the DRAFT 2021 – 2024 Transportation Improvement Program. The Coordinating Committee of the Centre County Metropolitan Planning Organization will consider formal adoption of the 2021 – 2024 TIP on Tuesday, June 23<sup>rd</sup>. Ms. Strickland is the Township's representative on the CCMPO Coordinating Committee and Ron Seybert, Township Engineer, represents the Township on the CCMPO Technical Committee. A flyer advertising the public meeting that was held on May 20<sup>th</sup> is provided with the agenda for additional information.

[DRAFT 2021 – 2024 Centre County Transportation Improvement Program](#)

*Recommended motion: That the Board of Supervisors direct the Township Manager to forward its comments on the draft 2021 – 2024 Centre County Transportation Improvement Program and Air Quality Conformity Report to the Centre County Metropolitan Planning Organization.*

**Staff Recommendation**

That the Board of Supervisors **review and comment** on the DRAFT 2021 – 2024 TIP and Air Quality Conformity Report.

**VII. STAFF AND COMMITTEE REPORTS**

- |  |            |
|--|------------|
| <b>1. COG COMMITTEE REPORTS</b>        | 10 minutes |
| a. Executive Committee                 |            |
| b. Transportation & Land Use Committee |            |
| <b>2. OTHER COMMITTEE REPORTS</b>      | 5 minutes  |
| a. Spring Creek Watershed Commission   |            |
| <b>3. STAFF REPORTS</b>                | 15 minutes |
| a. Manager's Report                    |            |
| b. Public Works Director               |            |
| c. Planning & Zoning Director          |            |

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – JUNE**

- a. Ferguson Township Elementary School Teachers' Parade, June 4, 2020, 1:00 p.m.

**X. ADJOURNMENT**