

**shortFERGUSON TOWNSHIP BOARD OF SUPERVISORS**

**Regular Meeting Agenda  
Monday, June 21, 2021, 7:00 PM**

**Join Zoom Meeting:**  
**<https://us02web.zoom.us/j/83838226462>**  
**Meeting ID: 838 3822 6462**  
**[Zoom Access Instructions](#)**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. CITIZENS INPUT**

**IV. APPROVAL OF MINUTES**

1. June 7, 2021, Board of Supervisors Regular Meeting Minutes

**V. SPECIAL REPORTS**

- a. University Area Joint Authority Report
- b. Community Resilience Building Workshop Summary Report
- c. COVID-19 Temporary Zoning Amendments Report

**VI. SPECIAL RECOGNITION**

- a. Resolution – Honoring Faye Drawl's Service to the Township

**VII. UNFINISHED BUSINESS**

1. Public Hearing – Zoning Ordinance Amendment; General Commercial Zoning District
2. Conditional Use Permit – 179 Apple View Drive
3. Final Land Development Plan – West College Student Housing

**VIII. NEW BUSINESS**

1. Consent Agenda
2. Public Hearing – Resolution Amending the Act 537 Sewage Facilities Plan
3. Award of Contract 2018-PWGG, Rooftop Solar PV
4. Discussion – Public Access between Whitehall Road Regional Park and Musser Gap
5. Traffic Study Request – Radio Park Elementary
6. Future Meeting Format Discussion

**IX. REPORTS**

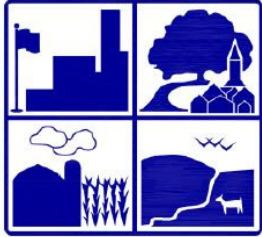
1. COG Committee Reports
2. Other Regional Reports
3. Staff Reports

**X. COMMUNICATIONS TO THE BOARD**

**XI. CALENDAR ITEMS – JUNE/JULY**

**XII. ADJOURNMENT**





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# TOWNSHIP OF FERGUSON

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## BOARD OF SUPERVISORS Regular Meeting Agenda Monday, June 21, 2021 7:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. CITIZEN'S INPUT
- IV. APPROVAL OF MINUTES
  - 1. June 7, 2021, Board of Supervisors Regular Meeting Minutes
- V. SPECIAL REPORTS 30 minutes
  - 1. University Area Joint Authority Report – Mark Kunkle
  - 2. Community Resilience Building Workshop Summary Report – Adam Whelchel, Nature Conservancy; Jim Price, Sustainable Pittsburgh
  - 3. COVID-19 Temporary Zoning Amendments Report – Kristina Aneckstein, Community Planner
- VI. SPECIAL RECOGNITION – A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA COMMEMORATING FAYE DRAWL AND HER EXCEPTIONAL CAREER OF PUBLIC SERVICE TO FERGUSON TOWNSHIP. 10 minutes  
*David Pribulka, Township Manager*

### Narrative

It is with tremendous sadness that staff presents the resolution provided with the agenda this evening commemorating the 21 years of public service Faye Drawl dedicated to the Township. While she is no longer with us, the impact she made on her community will always be remembered.

*Recommended motion: That the Board of Supervisors adopt the resolution commemorating the career of Faye Drawl and her public service to Ferguson Township.*

### Staff Recommendation

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

## VII. UNFINISHED BUSINESS

### 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART II, DISTRICT REGULATIONS; SECTION 205.13, GENERAL COMMERCIAL DISTRICT BY ADDING SELF STORAGE FACILITIES AS A PERMITTED PRINCIPAL USE.

*Jenna Wargo, Director of Planning & Zoning*

10 minutes

#### **Narrative**

On April 30, 2021, Craig LeCrone submitted an application for an ordinance amendment to Chapter 27, Zoning. The proposed amendment is to §27-205.13, General Commercial Zoning District to allow Self-Service Storage Facilities as a permitted use. The applicant maintains that self-storage facilities are a commercial use and would meet the intent of the General Commercial Zoning District. The Board reviewed this request at the May 16<sup>th</sup> Regular Meeting and referred the amendment request to the Planning Commission. Staff has reviewed the request and is recommending that Self-Storage Facilities be added as a permitted use within Area and Bulk Category 4 of the General Commercial (C) Zoning District to maintain consistency with the Light, Industry, Research and Development (IRD) Zoning District regulations, where this use is permitted. This amendment was provided to and reviewed by the Centre County Office of Planning & Community Development, Centre Regional Planning Agency, and Ferguson Township Planning Commission. Those reviews are provided in the agenda, as well as the draft ordinance amendment as advertised for public hearing this evening.

*Recommended motion 2: That the Board of Supervisors adopt the ordinance amending Chapter 27, Section 205.13., General Commercial Zoning District, by adding Self-Service Storage Facilities as a permitted Principal Use in Area and Bulk Category 4.*

#### **Staff Recommendation**

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

### 2. CONDITIONAL USE PERMIT – 179 APPLE VIEW DRIVE

10 minutes

*Jenna Wargo, Director of Planning & Zoning*

#### **Narrative**

On May 6, 2021, BTJM LLC, submitted to the Planning and Zoning Department, an application for a conditional use permit for the property located at 179 Apple View Drive (24-004-067G-0000). The applicant is requesting a Conditional Use permit for the use of the property as a Model Home in accordance with Chapter 27-502.24. The Township's Zoning Ordinance and the PA Municipalities Planning Code require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. The Board held a public hearing on June 7, 2021, and received testimony from Township staff. The Director of Planning and Zoning has prepared a draft decision based on the record from the June 7<sup>th</sup> public hearing. Since the public hearing was adjourned on June 7<sup>th</sup>, no additional testimony should be taken at tonight's meeting. The Board is asked to review and discuss the draft decision and take final action to approve or deny the conditional use permit.

*Recommended motion: That the Board of Supervisors approve the conditional use permit for 179 Apple View Drive subject to the conditions described in the decision written by the Director of Planning & Zoning.*

**Staff Recommendation**

That the Board of Supervisors **grant** the conditional use permit for 179 Apple View Drive.

**3. FINAL LAND DEVELOPMENT - WEST COLLEGE STUDENT HOUSING** 20 minutes  
*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

On June 4, 2021, Penn Terra Engineering, Inc. submitted a Final Land Development Plan on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The parcels are located at the intersection of West College Avenue 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).

This land development plan proposes a six story multi-family residential apartment building with commercial/retail space on the first floor. The building will consist of two subsurface floors of parking, a ground floor containing commercial/retail space and five floors of multi-family residential apartments. There will be 96 residential units (268 beds) and 7,488 square feet of commercial space in Ferguson Township. The development includes 165 parking spaces on site with 159 spaces located in the parking structure and six exterior spaces. A variance was granted by the Ferguson Township Zoning Hearing Board on February 25, 2020, to allow parking on the first floor of the building in lieu of some commercial space.

Planning Commission reviewed the Final Land Development Plan at their June 14th Regular Meeting and recommended approval to the Board of Supervisors. Provided below is a link to access the full plan set. Provided with the agenda is a memorandum from Jenna Wargo, Director of Planning & Zoning that provides an overview of outstanding staff review comments. State College Borough Planning Commission reviewed and recommended approval of the Final Land Development Plan during their January 21st Regular Meeting.

[West College Student Housing Final Land Development Plan](#)

*Recommended motion: That the Board of Supervisors approve the West College Student Housing Final Land Development Plan subject to the conditions described in the Community Planner memorandum dated June 11, 2021.*

**Staff Recommendation**

That the Board of Supervisors **conditionally approve** the Final Land Development Plan.

**VIII. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Contract 2020-C4, Suburban Park, Pay Application No. 10: \$692.10
- b. Contract 2021-C8, Pavement Markings, Pay Application No. 1: \$88,466.94
- c. The Cottages Surety Reduction No. 2, Reduction Amount: \$538,717.66
- d. Special Events Permit – Stonebridge 4<sup>th</sup> of July Parade
- e. Letter of Support – Alpha Fire Director Funding Request
- f. Board Member Request – Recreational Vehicle Short-Term Rentals
- g. Board Member Request – Fairbrook Grow Zone Map Discussion
- h. ARLE 2021 Grant Application Proposal

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING AN UPDATE TO THE CENTRE REGION ACT 537 SEWAGE FACILITIES PLAN.** 10 minutes  
*David Pribulka, Township Manager*

**Narrative**

Pursuant to the Pennsylvania Sewage Facilities Act (Act 537 of 1996), member municipalities of the University Area Joint Authority (UAJA) sanitary sewer system must adopt by resolution any revisions to the Official Centre Region Act 537 Sewage Facilities Plan. UAJA and the Centre Regional Planning Agency (CRPA) have completed an amendment to the Act 537 Plan to upgrade the aging ultraviolet wastewater disinfection system. Provided with the agenda is a copy of the resolution advertised for public hearing adopting the revised Plan. Corey Rilk, Senior Planner at CRPA, will be present to respond to any questions from the Board or public. A presentation of the proposed update was provided at the May General Forum meeting of the Centre Region Council of Governments. A link to the study prepared by Rettew Associates, Inc., for UAJA can be found at the link below.

[Act 537 Sewage Facilities Plan Study for Plant Effluent Ozone Disinfection](#)

*Recommended motion: That the Board of Supervisors adopt the resolution amending the Centre Region Act 537 Sewage Facilities Plan.*

**Staff Recommendation**

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

- 3. AWARD OF CONTRACT 2018-PWGGGS, ROOFTOP SOLAR PHOTOVOLTAIC SYSTEM FOR THE PUBLIC WORKS MAINTENANCE FACILITY** 10 minutes  
*Dave Modricker, Director of Public Works*

**Narrative**

The Basis of Design for the new Public Works Maintenance Facility states in part that the building be designed to accommodate rooftop solar photovoltaic arrays to help achieve net zero carbon emissions. The rooftop and the building automation systems were designed accordingly. As the building neared final construction and occupancy, staff, with the assistance of consultant Marcus Sheffer of 7Group, solicited proposals from firms for a Power Purchase Agreement (PPA). The PPA was designed to allow the contractor to take advantage of tax credits to offer a favorable financing option to the Township, whereby the contractor owns the system and sells the Township power over time at a savings. Unfortunately, staff encountered barriers to this option due to the current low price of electricity in our area and the small size of our project making long-term financing unfeasible for bidders. The Board directed staff to prepare a contract and bid the rooftop solar project as a lump sum construction project with a financing option to consider a hybrid PPA. The Township received two bids as outlined in the memorandum from the Public Works Director dated June 18, 2021. Staff is recommending award of the contact to purchase and install the arrays without the financing option to Envinity, Inc., in an amount of \$190,225.00.

*Recommended motion: That the Board of Supervisors award Contract 2018-PWGGGS, Rooftop Photovoltaic System for Ferguson Township Public Works Building 6, to the low bidder Envinity, Inc., for the lump sum amount of \$190,225.00.*

**Staff Recommendation**

That the Board of Supervisors *award* Contract 2018-PWGGS.

**4. DISCUSSION OF PUBLIC ACCESS BETWEEN WHITEHALL ROAD REGIONAL PARK AND MUSSER GAP** 20 minutes

*Laura Dininni, Township Supervisor*

**Narrative**

At its May meeting, the COG Parks Capital Committee discussed the importance of establishing public access to the connection across the 192.07-acre parcel located between Whitehall Road Regional Park and Musser Gap. Further, the Parks Capital Committee expressed concern about securing the easement guaranteeing public access and expressed support for Ferguson Township to proceed in discussing the matter with the property owner. This connection is an essential part of the Whitehall Road Master plan as created together by Penn State and the municipalities participating in the COG parks program. Further, as it is both a recreation and a conservation corridor in the Centre County Recreation and Greenway plan, this is an important priority for public access not only for the region, but the County.

As it notes in the Centre County Recreation and Greenway Plan regarding the connection, called the “Musser Gap Conservation Greenway”, “ClearWater Conservancy and Penn State University are addressing the need for a safe connection to Musser Gap for pedestrians and bicyclists by creating a greenway between it (Musser Gap) and the neighborhoods across Whitehall Road and beyond to town and campus. Musser Gap is a gateway to Rothrock State Forest purchased by ClearWater in 2007 and turned over to the Pennsylvania Department of Conservation and Natural Resources Bureau of Forestry. Musser Gap is part of the Tussey Mountain Important Bird Area, as designated by the Pennsylvania Audubon, is adjacent to the Rothrock State Forest and Stone Mountain Important Bird Area, and is also within the one-year zone of contribution of the State College Borough Water Authority's Harter and Thomas well fields, which supply drinking water to approximately 38,000 residents of the Centre Region.

This project can serve as a viable model for other organizations and stakeholders on how to successfully acquire and protect land and more importantly how partnerships are essential to the success of any project. Financial contributions that made the (Musser Gap) land acquisition project possible came from DCNR; the State College Borough Water Authority; Centre County's Ferguson, Harris, Patton, College, and Halfmoon townships; State College borough, the Huplits Foundation, and Omega Bank.”

The Board should discuss the matter and consider the following actions:

- Direct staff to begin discussion of a bikeway access easement to connect WRRP to the Musser Gap Trail;
- Amend the Ferguson Township Official Map to include the proposed shared use bikeway across tax parcel 24-004-094-0000; or
- Amend the region's existing and proposed bike map to show a shared use bike path connection between WRRP and Musser Gap.

Attachments/Links: [FT Official Map](#), [Regional Existing and Proposed Bikeway Map](#), [Greenway article](#), [Musser Gap Recreation Area Map](#), [Centre County Recreation and Greenway Plan Map](#); [Whitehall Road Regional Park Plan Documents](#)

**5. AUTHORIZATION TO CONDUCT A TRAFFIC STUDY AT RADIO PARK ELEMENTARY** 5 minutes  
*David Pribulka, Township Manager*

**Narrative**

Randy Brown, Finance and Operations Officer of the State College Area School District, submitted the attached request for the Township to conduct a traffic study to determine warrants for an additional stop intersection at West Cherry Lane and Martin Street adjacent to Radio Park Elementary School. The request comes in the wake of several safety concerns expressed by navigating the intersection during peak hours when school is in session. Currently, there are two stop signs at the intersection on the approaches on Martin Street and exiting the Elementary School. SCASD is requesting a four-way stop or an additional stop sign on an approach from West Cherry Lane. If the Board directs staff to proceed with the study, it would be done in-house and would not commence until the fall when students return.

*Recommended Motion: That the Board of Supervisors direct staff to conduct a traffic study at the intersection of West Cherry Lane and Martin Street.*

**Staff Recommendation**

That the Board of Supervisors **direct** staff to conduct the traffic study.

**6. FUTURE MEETING FORMAT DISCUSSION** 10 minutes  
*David Pribulka, Township Manager*

**Narrative**

The Board of Supervisors and the Township's Authorities, Boards, and Commissions (ABCs) have been meeting in a virtual environment since April 2020. Now that Governor Wolf's disaster declaration has been rescinded, and the temporary emergency ordinance of Ferguson Township has been repealed, it is permissible for the Board and the Township's ABCs to begin to meet in person again. Staff has requested an opinion from the Township Solicitor on the legality of the Board continuing to meet virtually or in a "hybrid" environment given that the disaster declaration has been rescinded. The Board should discuss its preference on the conducting of meetings in person beginning as early as Tuesday, July 6<sup>th</sup>.

**Staff Recommendation**

That the Board of Supervisors **discuss** the Regular Meeting format.

**7. STAFF AND COMMITTEE REPORTS**

1. **COG COMMITTEE REPORTS** 15 minutes
  - a. Public Safety Committee
  - b. Finance Committee
  - c. Climate Action & Sustainability Committee
2. **OTHER COMMITTEE REPORTS** 5 minutes

**3. STAFF REPORTS**

5 minutes

- a. Manager's Report
- b. Public Works Director
- c. Planning and Zoning Director
- d. Chief of Police

**IX. COMMUNICATIONS TO THE BOARD**

**X. CALENDAR ITEMS – JUNE/JULY**

a. Ferguson Township upcoming committee meetings:

1. Pine Grove Mills Small Area Plan Advisory Board - Thursdays, June 24 and July 22, 4PM
2. Planning Commission - Mondays, June 28, July 12 and 26, 6PM
3. Parks & Recreation Committee - Thursday, July 15, 4PM
4. Tree Commission - Monday, July 19, 5PM

b. Summer Bike Anywhere Friday, July 23

**XI. ADJOURNMENT**