

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, November 1, 2021, 7:00 PM

MEETING PARTICIPATION OPTIONS

VIRTUAL:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83838226462>

Meeting ID: 838 3822 6462

[Zoom Access Instructions](#)

IN-PERSON:

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. October 18, 2021 Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

- a. State College Borough Water Authority – Ford Stryker
- b. COVID-19 Local Response Report – David Pribulka, Township Manager

V. UNFINISHED BUSINESS

1. 2022 Centre Region Council of Governments Summary Budget
2. Ferguson Township Parks Assessment Update
3. Review of Draft Zoning & Subdivision and Land Development Ordinance Amendments

VI. NEW BUSINESS

1. Consent Agenda
2. Public Hearing – Single Use Plastic Bag Regulation Commitment Resolution
3. Request for Variance – Team Rahal of State College Properties
4. Request for Modification – 237 Northland Shopping Center
5. Public Hearing Authorization – Turf Grass, Weeds, and Other Vegetation Ordinance Amendment
6. Discussion of Single-Use Plastics Ordinance
7. Award Contract 2021-C15, Street Tree Pruning

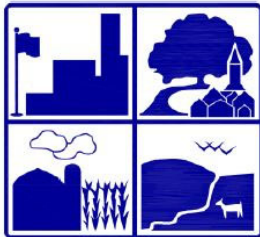
VII. REPORTS

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – NOVEMBER

X. ADJOURNMENT





TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-954-7642
www.twp.ferguson.pa.us

BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, November 1, 2021

7:00 P.M.

- I. CALL TO ORDER
- II. CITIZEN'S INPUT
- III. APPROVAL OF MINUTES
 1. October 18, 2021 Board of Supervisors Regular Meeting Minutes
- IV. SPECIAL REPORTS 30 minutes
 - a. State College Borough Water Authority – Ford Stryker
 - b. COVID-19 Local Response Report – David Pribulka, Township Manager
- V. UNFINISHED BUSINESS
 1. **2022 CENTRE REGION COUNCIL OF GOVERNMENTS SUMMARY BUDGET**
David Pribulka, Township Manager 30 minutes

Narrative

At the October 26th COG General Forum Meeting, the draft 2021 COG Summary Budget was reviewed and referred to the member municipalities for consideration. Comments are due back to the COG Executive Director by November 17th. Eric Norenberg, COG Executive Director and Joe Viglione, COG Finance Director will be present to respond to any questions the Board may have. Below is a link to the 2021 Summary Budget.

[2022 DRAFT Centre Region Council of Governments Summary Budget](#)

Recommended Motion: That the Board of Supervisors direct the Township Manager to forward its comments on the draft 2022 COG Summary Budget to the Executive Director.

Staff Recommendation

That the Board of Supervisors **adopt** the 2022 COG Summary Budget.

2. **FERGUSON TOWNSHIP PARKS ASSESSMENT UPDATE** 20 minutes
Centrice Martin, Assistant Township Manager

Narrative

At the Regular Meeting on December 7, 2020, the Board of Supervisors directed staff to research information and report back to the Board information related to the Township's participation in the Council of Government Centre Region Parks Recreation Program. A park assessment is prioritized as an actionable step to achieve Goal 1 and Goal 9 in the Ferguson Township Strategic Plan (2017). Interdepartmental staff have met throughout

the year to examine resources invested to conduct the existing services and service levels currently facilitated by the Township as well as identify resources needed to provide any additional services. Additionally, the Assistant Township Manager met with the Centre Region Parks and Recreation Director to discuss existing services and service levels facilitated by their agency. A scenario-based approach is proposed to develop a cost-benefit analysis for the Board to compare the estimated cost of providing services in-house versus being a participant in the Council of Government Centre Region Parks and Recreation (CRPR) Agency.

Most Park operations, maintenance, programming, and recreational public services and service levels require resources including personnel, equipment and storage that are currently managed and maintained by CRPR. Ferguson Township Administration, Public Works, and Planning & Zoning Departments work together to identify and budget for capital projects or initiatives, as well as assist CRPR when repairs are time-sensitive or involve a safety hazard that the Ferguson Township Public Works Crew are better equipped to address. This item is for information only and no action is being requested of the Board at this time. A worksession has been scheduled for November 30th to further discuss each scenario and evaluate projected costs associated with each. Provided with the agenda is a copy of the December 7, 2020, Board Member Request and the Ferguson Township evaluation of participation in the CRPR Program.

Staff Recommendation

That the Board of Supervisors *receive* the update.

3. REVIEW OF DRAFT ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS 20 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

In November 2021, 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 ordinance and is recommending additional amendments to address these issues. The Board was provided with a draft during the August 2, 2021, regular meeting and referred the draft to Planning Commission to review and comment on the draft. Since that time, Planning Commission has reviewed the draft twice and provided additional comments and recommendations to staff. Provided with the agenda is an updated copy of the draft ordinance amendments for the Board to review and provide additional comments.

Recommended motion: That the Board of Supervisors authorize advertisement of the Zoning Amendment Ordinance for Public Hearing on December 13, 2021.

Staff Recommendation

That the Board of Supervisors *authorize* the ordinances for public hearing on December 13, 2021.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Contract 2021-C11 Sidewalk Repairs, Pay Application 1: \$5,139.70
- b. Board Member Request – Stormwater Fee Implementation Update

2. A PUBLIC HEARING ON A RESOLUTION OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, COMMITTING THE BOARD OF SUPERVISORS TO ADOPTING REGULATIONS OF SINGLE USE PLASTIC BAGS IN FERGUSON TOWNSHIP. 10 minutes

Pam Steckler, Township Supervisor

Narrative

Provided with the agenda is a copy of the resolution advertised for public hearing committing the Board of Supervisors to enacting an ordinance to regulate the use of single-use plastic bags and plastic straws in the Township. Ms. Steckler requested the item through the Board's Procedures Manual and will introduce the resolution.

Recommended motion: That the Board of Supervisors adopt the resolution committing the Board of Supervisors to implementing regulations of single-use plastic bags and straws in Ferguson Township.

3. ZONING APPEALS/REQUESTS FOR VARIANCES

10 minutes

Jenna Wargo, Director of Planning & Zoning

a. REQUEST FOR VARIANCE – TEAM RAHAL OF STATE COLLEGE PROPERTIES

Narrative

Team Rahal of State College, Inc.—3610, 3650, 3660 and 3670 West College Avenue (24-004-79A; 24-004-80; 24-004-81 and 24-004-82). One property (24-004-79A) is partially zoned General Commercial (C) and the remaining lots are zoned Rural Agriculture (RA). The applicant is requesting a variance from §27-701.3.A.(2) which requires that these properties be subject to the floodplain conservation regulations and §27-701.3.C.(1) which prohibits new development and construction in all areas that contain Nolin soils. The proposed development area contains Nolin soils, it is not a floodway or floodplain and is not subject to inundation.

Recommended motion: That the Board of Supervisors remain neutral on the request for variance for the Team Rahal of State College properties.

Staff Recommendation

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

4. REQUEST FOR MODIFICATION – 237 NORTHLAND SHOPPING CENTER

10 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

Limitless PCS, Inc. (DBA Metro by T-Mobile) is seeking a modification for property located at 237 Northland Center (24-004-067F), zoned General Commercial (C). The applicant is seeking relief from §22-306.2.D.—Minor Alteration Plan. The current ordinance limits the number of Minor Alterations Plans per property to one and Pet Supplies Plus completed a Minor Alteration Plan in October 2020.

Staff believes this was a result of an error during the Subdivision and Land Development Ordinance rewrite that occurred in November 2019. Historically, the Township has permitted an unlimited number of minor alterations where the change in use will not result in increased parking; and changes to the proposed/existing sign(s) on the property and landscaping changes. This has been noted by staff and is included in the draft amendments being considered by the Board.

The applicant is looking to open a retail space that was previously a business office use. The change in use is not requiring any additional parking to be provided and is considered a minor alteration. Planning Commission reviewed this request at the October 25th Regular Meeting and recommended approval of the modification. Township staff have reviewed the application and is not recommending any conditions to be included with the approval, if granted.

Recommended motion: That the Board of Supervisors grant the modification from §22-306.2.D.—Minor Alteration Plan for property located at 237 Northland Center.

Staff Recommendation

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

5. AUTHORIZATION OF PUBLIC HEARING – TURF GRASS, WEEDS, AND OTHER VEGETATION ORDINANCE AMENDMENT 10 minutes

David Pribulka, Township Manager

Narrative

Provided with the agenda is a redlined amended ordinance regulating the maintenance of turf grass, weeds, and other vegetation in Ferguson Township. The Board directed the draft be amended to incorporate elements of the Township’s Green Infrastructure Policy for municipal parks, and to increase the maximum permitted height of managed turf grass from six inches to eight inches. The item was referred to the Planning Commission, and the Commission is recommending that the Board maintain the maximum permitted height to no more than six inches, as is the allowance in the current ordinance. Additionally, the Planning Commission is recommending adding “Grow Zones” as a subcategory of Green Infrastructure for consistency with the Township’s park installations. The Board is asked to consider whether it will accept these recommendations or move forward with the amendment, and to authorize advertisement of a public hearing on the ordinance for December 6th.

Recommended motion: That the Board of Supervisors authorize the Turf Grass, Weeds, and Other Vegetation ordinance amendment for a public hearing on Monday, December 6th, 2021.

Staff Recommendation

That the Board of Supervisors **authorize** the ordinance for public hearing.

6. DISCUSSION OF SINGLE-USE PLASTICS ORDINANCE 20 minutes

Pam Steckler, Township Supervisor

Narrative

Provided with the agenda is a copy of a draft ordinance prepared by Ms. Steckler establishing regulations applicable to single-use plastic bags and straws. The ordinance is modeled after the regulations in place in West Chester Borough in Chester County, a Philadelphia suburb. The Board discussed this item on September 20th and directed staff to consult with Dr. Lara Fowler of the Penn State College of Law to consider engagement of local businesses to supplement a 2019 study concerning these regulations. Dr. Fowler has indicated that the assessment could commence in the spring of 2022. The Board should discuss whether it wants to proceed with advertisement of an ordinance at this time or wait for the study to conclude. Also provided with the agenda and linked below

are several supplemental documents requested to aid discussion this evening. Ms. Steckler will introduce the item.

[Environmental Health News – “Ocean Plastic Pollution”](#)

[Consumer Report – “The Big Problem with Plastic”](#)

[Tree Hugger – “Climate and Plastic Crises Are Interconnected and Must Be Fought Together”](#)

Recommended motion: That the Board of Supervisors authorize advertisement of an ordinance establishing regulations of single-use plastic bags and straws for Monday, December 13, 2021.

Staff Recommendation

That the Board of Supervisors **engage** the Penn State College of Law and Sustainability Institute to conduct an updated business survey and assessment prior to advertising an ordinance.

7. AWARD OF CONTRACT 2021-C15, STREET TREE PRUNING

5 minutes

David Modricker, Director of Public Works

Narrative

On October 26, 2021, bids were opened publicly and read out loud for contract 2021-C15. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves trimming 974 street trees in Saybrook, Chestnut Ridge Manor, Foxpointe, the Landings, Shamrock Estates, and a section of Blue Course Drive. Provided with the agenda is an award recommendation memorandum from David Modricker, Public Works Director summarizing the bids received.

Recommended motion: That the Board of Supervisor award Contract 2021-C15 Street Tree Pruning to Dincher and Dincher Tree Surgeons, Inc. in the amount of \$58,480.00.

Staff Recommendation

That the Board of Supervisors **award** Contract 2021-C15 to Dincher and Dincher Tree Surgeons.

VII. STAFF AND COMMITTEE REPORTS

20 minutes

1. COG COMMITTEE REPORTS

a. Executive Committee

2. OTHER COMMITTEE REPORTS

3. STAFF REPORTS

a. Manager’s Report

b. Public Works Director’s Report

c. Planning & Zoning Director’s Report

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – NOVEMBER

- a. Ferguson Township upcoming committee meetings:
 - 1. Planning Commission - Monday, November 8, 6 p.m.
 - 2. Tree Commission – Monday, November 15, 5 p.m.
 - 3. Parks & Recreation Committee - Thursday, November 18, 4:00 p.m.

X. ADJOURNMENT

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 18, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 18, 2021 as a virtual zoom meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	David Pribulka, Township Manager
	Lisa Strickland, Vice Chair		Eric Endresen, Director of Finance
	Steve Miller		Dave Modricker, Director of Public Works
	Patty Stephens		
	Pam Steckler		

Others in attendance included: Rhonda Demchak, Recording Secretary; Jeremie Thompson, Chair, Ferguson Township Planning Commission; Mark Torretti, PennTerra; Wes Glebe, Ferguson Township Resident; Rhonda Stern, Ferguson Township Resident; Dave Gibbons, Centre WISP, Jason Mandel, Aspen Whitehall Partners; Bill Keough, Member, Ferguson Township Planning Committee

I. CALL TO ORDER

Ms. Dininni called the Monday, October 18, 2021, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a virtual meeting via Zoom. Persons attending the meeting as members of the public 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. Also, Board member were asked to identify themselves when making a motion or seconding a motion. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

II. THE PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

Mr. Wes Glebe reported that the alley is blocked at the Yocum property and asked about concerns with the egress and ingress for fire trucks.

Ms. Rhonda Stern expressed concerns again with the Gap Theory that was presented as the reason why it was ok to have people making turns off Buckhout onto the alley. Ms. Stern noted there is a potential catastrophe waiting to happen. Mr. Glebe suggested placing plastic bollards to separate the two lanes.

IV. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the Regular meeting Minutes of October 4, 2021. Ms. Strickland seconded the motion. The motion passed unanimously.

V. SPECIAL REPORTS

a. Schlow Centre Region Library Report

Ms. Susan Werner, Trustee Representative, reported that they continue to make changes to their in-person services as they return to the Schlow You Know. The increased hours on the weekend have been very popular. Toys have been reintroduced to the children visiting the library and rotate the toys out for cleaning. In person programming is expanding and can be found on their [website](#).

The inter-loan program started up again. The library by mail service is available to any homebound patron. The fall fundraising mailing went out this month and it is the biggest fundraiser for the library. The budget was presented at the COG meeting.

b. Strategic Plan Update

Mr. Peter Melan, Polity, Inc. gave an update on the plan that included the following:

- Testing the validation logic for survey
- Finalizing the location for stakeholder meetings
- Compiling notes

Next steps will be to confirm a schedule, implementing the survey questions, and then communicate to residents and stakeholders.

Ms. Steckler asked where the survey could be found. Mr. Melan noted that it is a two-step process. The first step is to validate they are a Ferguson Township resident, once that is validated, they will receive the survey link. Mr. Pribulka stated they are refining the outreach effort.

Ms. Dininni asked if some of the questions from the last survey will be incorporated. Mr. Melan stated that there are some questions from the last survey included in the new survey.

c. COVID-19 Local Response Report

Mr. Pribulka reported that there has not been changes in the operational aspect of the Township from the last update. The Road Crew is collecting leaves and brush on schedule and some staff is reporting to the office on a rotating basis. Township meeting space is still unavailable to the public. In-person meetings with staff are by appointment only and will offer virtual meeting opportunities. Staff and Public are to be masked at all times in the building regardless of vaccination status. There are masks available in the lobby. Mr. Pribulka didn't have an update on the bulk waste collection. Centre County has 18,276 positive cases with 241 deaths. There have been 81,460 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth, the cases have reached 1,254,696 and there have been 30,523 deaths. Centre County full vaccination rate shows that 84,176 residents have been fully vaccinated with 6,667 having received one dose. The County vaccination rate is at 56.2% and 60.6% have been partially vaccinated. There are over 6.3 million people in PA fully vaccinated as of today. Mount Nittany Medical Center has 38 positive patients in their care ranging in age from under 1 year old to 94 years of age. 27 of the 38 hospitalized were unvaccinated with one patient on a ventilator. Mr. Pribulka encouraged Ferguson Township residence to get the vaccine. The Centre for Disease Control is recommending a booster shot for those with compromised immune systems. Mr. Pribulka thanked the residences and business owners in Ferguson Township for their patience and understanding as the Township recovers.

VI. NEW BUSINESS

1. Consent Agenda

- a. Contract 2018-PWGG, Pay Application 6: \$70,564.48
- b. Contract 2018-PWGG, Pay Application 8: \$34,014.36
- c. Sheetz at Harner Farms Surety Reduction #2: \$78,254.87
- d. Treasurer's Report – August 2021 for acceptance
- e. Board Member Request – Plastic Bag Regulation Resolution

Ms. Dininni pulled the following from the consent agenda:

- Foxpointe/Hunter's Chase Planned Residential Development – Phasing Schedule
- The Landings Planned Residential Development – Phasing Schedule

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda and the August Treasurer's Report. Mr. Miller seconded the motion. The motion passed unanimously.

2. Public Hearing – Sidewalk Snow Removal Map Resolution

Mr. Pribulka reported that Pursuant to Chapter 21, Section 207 of the Ferguson Township Code of Ordinances, the Board of Supervisors adopts a sidewalk snow removal map annually identifying the sections of public sidewalk that fall under the provision of the ordinance requiring sidewalks be kept clear of snow and ice.

Ms. Stephens commented that at Champs on Atherton Street, they pile up the snow next to Panera Bread and Panera Bread does the same thing on their side. The sidewalk then gets blocked. Ms. Stephens suggested meeting with both businesses to discuss the issue.

Public Hearing – There were no comments.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2020-31 and adopting a revised sidewalk snow removal map. Ms. Strickland seconded the motion.

ROLL CALL: Ms. Dininni – Yes: Mr. Miller – Yes: Ms. Steckler – Yes: Ms. Stephens – Yes: Ms. Strickland – Yes

3. Public Hearing – Centre WISP Internet Agreement Resolution

Mr. Pribulka noted that provided with the agenda is a resolution advertised for public hearing authorizing the Township Manager to execute an agreement with Centre WISP for the provision of highspeed Internet service to the Ferguson Township Municipal Buildings.

Ms. Stephens asked for clarification on what exactly is fiber optics. Mr. Gibbons noted that fiber optics refers how the data reaches the property and it is a very thin piece of glass that a laser is shot down on. Some portions are buried while others are not.

Public Hearing – There were no comments.

Ms. Steckler asked if the municipalities officially signed on. Mr. Pribulka noted that they are considering. Mr. Pribulka stated that it is approximately \$1,600 with four entities and if we get more than four, the price will decrease.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to execute an agreement with Centre WISP for the provision of Internet Service to the Ferguson Township Municipal Buildings. Ms. Steckler seconded the motion.

ROLL CALL: Mr. Miller – Yes: Ms. Steckler – Yes: Ms. Stephens – Yes: Ms. Strickland – Yes: Ms. Dininni

4. Request for Variance – Turnberry TTD

Mr. Pribulka noted that Provided with the agenda is a copy of an application submitted by New Cingular Wireless for property located at the intersection of Havershire Boulevard and Blue Course Drive (TP 24-4-200B). The applicant is submitting on behalf of the property owner to permit the company to construct a tower-based wireless communications facility in the Turnberry Traditional

Town Development (“TTD”). The use is not permitted in the TTD Zoning District, so the applicant is requesting a variance to permit the use. Other variances related to setbacks and landscape buffering are also being requested by the applicant. Use variances by definition must meet a more rigorous standard to be granted by the Zoning Hearing Board. Staff is recommending the Board of Supervisors remain neutral on all requested variances.

Ms. Dininni asked why it is not permitted. Mr. Pribulka noted that the poles are extremely big, noticeable and doesn't have the traditional town feel.

Mr. Miller moved the Board of Supervisors remain **neutral** on the request for variance for property located at 24-4-200B. Ms. Stephens seconded the motion. The motion passed unanimously.

5. Orchard Square Preliminary Land Development Plan

Mr. Pribulka shared his screen and noted that on August 15, 2021, Penn Terra Engineering, Inc. submitted, on behalf of their client, the Orchard Square Preliminary Land Development Plan. The plan proposes to construct a 19,856 square foot commercial shopping center with associated parking and utilities. As proposed, there will be three commercial spaces with 116 parking spaces. This lot (24-004-067F-0000) is 3.69 acres and is located in the General Commercial (C) zoning district and within the Corridor Overlay (CO) district.

The Board discussed concerns about parking and landscaping with the applicant.

Mr. Miller moved that the Board of Supervisors **approve** the Orchard Square Preliminary Land Development Plan subject to the conditions described in the Community Planner's memorandum dated October 12, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

6. Authorization of a Grant Application to the Centre County Liquid Fuels Program

Mr. Modricker noted that each year the Township submits an application to the Centre County Commissioners for funding assistance through the liquid fuels program administered at the County level. Last year funding was requested, yet not awarded, for improvements to the Science Park Road and Sandy Drive intersection by installing a traffic signal. The project is expected to be bid and constructed in 2022. The total project cost estimate is \$551,000. The requested amount from the Liquid Fuels Grant is \$50,000.

Ms. Dininni noted that before COVID-19, she was ready to move forward, but now when she travels through there, there doesn't seem to be the same congestion.

Ms. Stephens noted that Centre Volunteers in Medicine is moving to the location and that will bring in more traffic.

Mr. Miller noted that once COVID is done, traffic will pick back up.

Ms. Strickland noted that the subdivision plan for Farmstead could impact traffic as well. Ms. Strickland inquired about outside grant money for this expense. Mr. Modricker will look into other funding.

Ms. Stephens moved that the Board of Supervisors **authorize** the submission of a Centre County Liquid Fuels Program Grant Application. Ms. Steckler seconded the motion. The motion passed unanimously.

7. Certification of 2022 Minimum Municipal Obligation

Mr. Pribulka noted in accordance with PA Act 205, provided with the agenda is a memorandum from the Township Manager dated October 6, 2021, describing the anticipated Minimum Municipal Obligation for Police and Non-Uniformed Pension Plans for 2020. Act 205 requires the Chief Administrative Officer for the pension plans to provide the governing body with the MMO for the upcoming year. The total municipal pension cost is estimated to be \$306,547 for the Police Pension Plan and \$270,600 for the NonUniformed Pension Plan. The State Aid Unit Value has not been provided at the time of this discussion so the net cost to the Township, represented by the total municipal pension cost minus the State Aid Unit Value multiplied by the number of participants in each plan, cannot presently be determined. This item is for information only and no action is required by the Board.

8. Discussion - Annual Appointments to Ferguson Township Authorities, Boards, and Commissions

Mr. Pribulka noted that provided with the agenda is a list of upcoming vacancies as of December 31, 2021, on the Township's Authorities, Boards, and Commissions. Additionally, the Board's policy on ABC Appointments is also attached to the agenda. The Board should discuss reserving a date and time for interviews of applicants. Otherwise, this item is for discussion only and no formal action is required. The application period is October 1st through November 1st and is being advertised on the Township's website.

9. Foxpointe/Hunter's Chase Planned Residential Development – Phasing Schedule
The Landings Planned Residential Development – Phasing Schedule

Ms. Dininni noted that nothing has changed this year and asked why it's coming to the Board. Mr. Pribulka noted that under the provisions in the Municipalities Planning Code there is a specific sub section that pertains to how ordinances change impact phased land development plans. Mr. Pribulka reviewed [Section 508 of the MPC.](#)

Ms. Dininni thanked Mr. Pribulka for the explanation and asked if they are exempt from any new ordinances such as the Stormwater Ordinance. Mr. Pribulka stated that stormwater must meet today's standards. Mr. Pribulka's professional opinion is that other than the zoning and the SALDO all the new standards would apply.

With regards to the Landings Development, Ms. Strickland asked if it includes the commercial portion on Bristol. Mr. Pribulka noted that it is identified as phase 8. Ms. Strickland inquired about the dirt pile and if permits were required. Ms. Dininni expressed disappointment with the dirt pile. Mr. Pribulka will check into permitting and let the Board know his outcomes.

Ms. Stephens moved that the Board of Supervisors approve the schedule submissions by the developer. Ms. Strickland seconded the motion. The motion passed unanimously.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Centre Region Parks and Authority Report

Mr. Bill Keough noted that since the fall was warm with steady rain the grass continues to grow. The Park Maintenance staff has been busy mowing. The pools are closed for the season. The attendance rebounded to pre-pandemic numbers. Fall programming is underway and the youth sports program there are cross country runs in partnership with the Nittany Valley Running Club. There are also programs in soccer, basketball, and tennis. Adult sports consist of the wooden bat league, sand volleyball, regular volleyball, flag football, and pickleball. They are moving forward with rebuilding the Millbrook Marsh walk-ways. The Millbrook Marsh programs include, the puddle jumpers, pollinator programs, back yard chicken class, nature walks, and a nature classroom for the homeschooler program. Mr. Keough noted that the biggest challenge

is with the Active Adult Center at the Nittany Mall due to the spread of COVID because they are the most vulnerable. They had to curtail the program significantly over the last 2 years, but they are back in full swing. The Halloween Parade is back for its 75th year on October 26th at 6:30 p.m. in partnership with the State College Lion's Foundation. Mr. Keough reviewed the Whitehall Road Regional Park and noted that only two bids were awarded for playground fencing and playground installation. The lower bidder failed to complete the contract process for the fencing so it will need to be re-bid. The remaining bid packages for Phase I of the Whitehall Road Regional Park will be approved for advertisement on October 21st. With regards to Mobile Concession, Mr. Keough noted that he requested to have a discussion with the Authority regarding feedback they received. There have been ongoing discussions regarding Authority Governance and the Executive Committee of COG is proposing a task force to be created to discuss governance processes.

Ms. Strickland was happy to hear about the progress with the boardwalk and asked who would own the boardwalk. Mr. Keough recorded the question and will get an answer. Ms. Strickland gave her thoughts on the park's food truck plan and noted that she would look at pools differently than tournaments, because the needs are different. Mr. Keough stated that on a national level there is a component that included food concession.

Ms. Dininni spoke on benchmarking and noted that at a COG Budget meeting the Park & Rec. director gave a presentation of all the acres that are maintained by the Parks & Rec. Ms. Dininni noticed that included in the acres is the Ferguson Township "preserve" which is old water authority land in Pine Grove Mills of 80 acres. Ms. Dininni noted that the numbers need to be corrected so that benchmarking is accurate. Ms. Dininni would like an understanding from the Authority on the Regional Parks Comp. Plan. The Comp. Plan has 10-pages of action items and Ms. Dininni noted that the responsibility falls mostly on the municipalities and not the Authority. Ms. Dininni stated it should be a shared plan and suggested having conversations together to develop the process. Ms. Dininni noted that the Board is interested in the reduced parking option for the Whitehall Road Regional Park and inquired about the bid process. Ms. Dininni suggested having Mr. Lou Brungard, Facilities Coordinator, COG, answer the questions. Mr. Keough will investigate the acreage.

- b. Human Resources – Ms. Stephens noted that the report is in the agenda.
- c. Joint PSE-TLU CRPC Committee – Ms. Strickland reported that the county is performing an affordable housing study. Discussed the Comprehensive Plan. Ms. Steckler noted that there are different words used for affordable housing. Ms. Strickland stated that it's a problem because everyone is using the term interchangeably and some aren't interchangeable.
- d. Climate Action & Sustainability Committee – Ms. Steckler reported that Pam Adams presented the Draft Resolution for Adoption of Centre Region Climate and Adaptation Plan. There was a long discussion about the postponing of the bulk waste collection.
- e. Finance Committee – Mr. Miller reported that they reviewed the budget and noted it didn't change much. The committee discussed the food trucks. There was not an approval for a consultant for the park's governance.

Ms. Dininni noted that the library is hoping to expand the size of the book drop at the Giant on North Atherton. The Refuse and Recycling Program will be setting up the recycling at the Whitehall Road Regional Park and it will cost additional \$14,000.

2. STAFF REPORTS

- a. Manager's Report – Mr. Pribulka noted that the report is included in the agenda.

- b. Public Works Director – Mr. Pribulka noted that the report is included in the agenda.
- c. Planning and Zoning Director – Mr. Pribulka noted that the report is included in the agenda.
- d. Chief of Police - Mr. Pribulka noted that the report is included in the agenda.

Ms. Strickland attended a session at the PML Conference that is in relation to where the Township is upgrading to audio for the pedestrian accommodations on Bristol Avenue at College Avenue. Ms. Strickland stated that in the session they noted a lagging pedestrian accommodation may be safer. Mr. Pribulka will pass the information along to Mr. Modricker.

VIII. COMMUNICATIONS TO THE BOARD

Ms. Strickland had a communication to include/update bios for all ABC members. Ms. Strickland also had a communication about the CATA Bus Service cuts.

Ms. Steckler had a communication about the hiring process of the Arborist position.

Ms. Dininni had a few communications about a noise complaint at Baileyville Community Hall auctions.

IX. CALENDAR ITEMS – OCTOBER/NOVEMBER

a. Ferguson Township upcoming committee meetings:

- 1. Pine Grove Mills Small Area Plan Advisory Committee – Thursday, October 28, 4 p.m.
- 2. Planning Commission - Mondays, October 11, and 25, 6 p.m.

b. Cranksgiving, October 30th (see details under Events Calendar)

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 10:18 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

An assessment of possible costs, savings and increased safety in park maintenance and operations.

As the Board is aware, currently Ferguson Township is responsible for a large amount of park maintenance and is also responsible for parkland acquisition and all of the capital investment into our parks, such as master planning, tree planting, parking lot paving, stormwater feature installation and maintenance and installation of all amenities. Despite being in an agreement for many years with the Centre Region Park Agency for park maintenance, there continues to be confusion as to who is responsible for many instances of maintenance and the costs associated with them.

There are two ways that I can see to resolve this confusion. First, we could bring all park maintenance and operation fully under our control. Second, we could clarify our expectations as to what we believe is a reasonable division of authority, responsibilities and costs via a revised MOU.

Of course there are many benefits to bringing park operations and management fully under our control but there are also costs that must be assessed. ***In order to have an informed discussion in a future meeting, I would like the Board to request some information from Staff at Ferguson Township and the Centre Region Park Agency.***

MOWING

Assess mowing costs: In-house and Contract:

Request actual mowing data from CRPR for 2018, 2019, 2020, equipment, staffing, time for turf and sportsfields, separately.

Request cost estimate for assuming all turf mowing in parks from FTPW, including equipment needs and staffing.

Request cost estimate for current mowing done by FTPW in parks (stormwater basins, undeveloped areas, etc).

Request contract mowing estimate from three landscape companies.

REFUSE AND RECYCLING

Assess refuse and recycling collection needs and costs: Request refuse and recycling collection data from CRPR for 2018, 2019, 2020. Request cost assessment from FTPW to bring in-house.

PROGRAMS

Assess program usage: Request FT program participation data for pools and programs from 2018 and 2019 and 2020 from CRPR.

AMENITY MANAGEMENT

Assess potential revenue from pavillion rentals: Request pavillion rental data from CRPR for 2018, 2019, 2020.

Assess field use agreement potential: Request field reservation and revenue data from 2018, 2019, 2020 from CRPR, Request field maintenance data from CRPR from same period, mowing and ecocide application frequency and costs.

Assess staff and IT needs to manage pavillion and field reservations: Request estimate for staffing and technical needs from FT Administration.

After receiving the above requested information I propose we discuss whether it is feasible or desirable to bring the remaining park maintenance and operations responsibility under our control.

There may be significant benefits to doing so.

As we saw in the discussion of the Park Hills Drainageway there may be significant opportunities we are missing out on due to a segmented parks, stormwater and open space program. There are opportunities to cut costs (such as realizing the savings associated with decreased mowing) and improve service by integrating recreation, stormwater management and meeting our climate change goals via a consolidation of park maintenance and operations with open space and green infrastructure management under Ferguson Township.

REVISED MOU OPTION

The Centre Region Park Authority is currently discussing what they consider to be the Centre Region Park Agency responsibilities for park maintenance, to eventually be explicated in a MOU that Ferguson Township is expected to comply with. ***I propose that the FT Board of Supervisors discuss and identify important policy considerations such as division of authority, responsibilities and cost recovery to be included in the MOU.***

DIVISION OF AUTHORITY: RULES IN PARKS

Generally, Ferguson Township rules should take precedence over CRPR rules. We are the entity that is covered by hold harmless legislation.

Some example of specific rules that are needed:

Groups shall not store their equipment at FT parks without permission of the Board of Supervisors.

The dog park shall be managed via registration and fob access only.*

DIVISION OF AUTHORITY: CONTROL OVER COSTS AND POLICY

There is a very strong effort to brand our Ferguson Township parks as being maintained and operated by CRPR Agency and this includes an effort to standardize many things (trash cans, signs, benches, etc) across the entire region. Without our oversight this may result in higher costs to the municipality.

When CRPR Agency is making a recommendation for the installation of any park equipment, sign, bench or any amenity whatsoever it shall be accompanied by three alternatives and a cost analysis and be presented to the Board, ultimately responsible for the fiscal condition of Ferguson Township.

MAINTENANCE RESPONSIBILITIES

An option that may be something the Board would wish to pursue in the MOU is to accept full responsibility for certain more highly skilled maintenance needs and bill CRPR for the work performed. This practice of an entity billing another for services performed is very common in the Centre Region. It can be a way to achieve both a best use of resources and a proper assignment of costs.

Consideration should be given to billing for CRPR for services provided such as FT PW mowing, timely maintenance and repair of equipment/amenities, tree pruning, stump grinding, parking lot sealcoating, sign installation, one call charges.

This option gives less control to the municipality in terms of implementation of green practices and cost recovery efforts than bringing operations fully under FT but may be more beneficial in terms of efficiency for both parties. Further, green practices and cost recovery sharing could be part of the MOU.

Ferguson Township has sustainability goals that CRPA does not appear to share. A reduction in ecocides in parks is possible and if we desire to pursue such it should be included in the MOU along with recycling responsibilities. Recycling in all parks is strongly supported in repeated surveys.

COST RECOVERY

FT invests heavily in our parks and the Centre Region Park Agency spends no money on capital investments yet they receive all the revenue from our amenity rentals. Consideration should be given to cost recovery sharing for rental amenities.

*Controlling dangerous behavior at the dog park. Not only have there been multiple dog attacks that resulted in dog's deaths, additionally there are regular complaints of general bad behaviour and questions regarding health and safety at the dog park. I have repeatedly asked CRPR to consider instituting a register-before-use system to ensure the health and safety of users and to ease the struggle of our law enforcement officers who are tasked with responding to calls at the facility. There are established systems that can be used to register and grant access to users that would greatly increase safety and reduce the many negative aspects of a completely unsupervised dog park facility. If FT were responsible for park operations we could institute such a program. If CRPR continues to be responsible for operations this requirement should be considered for the MOU. This practice is extremely common and is recommended as a best practice for health and safety of all.

<https://www.urbanaparks.org/dog-park-members-will-need-a-new-key-fob-to-enter-park/>

<https://www.delcopa.gov/departments/parks/kent.html>

<https://uatwp.org/upper-allen-township-dog-park-at-daybreak/>

<https://www.wiltonmanors.com/681/Dog-Park>

<https://www.a2gov.org/departments/Parks-Recreation/play/Documents/Recommendations%20and%20Guidelines%20for%20Dog%20Park%20Site%20Selection%20updated%204-10-15.pdf>

Evaluation of Ferguson Township's Participation in the Participation in Council of Governments (COG)
Parks and Recreation Program

Services and Service Levels

1. What programming services and service levels are being considered
 - a. Parks maintenance and operations – **Dave Modricker**
 - i. Invasive species control
 - ii. Mowing operations
 - iii. Planting/landscaping
 - iv. Trash collection
 - v. Work orders and equipment repairs
 - vi. Mulching
 - vii. Building space (for camps, storage, etc.)
 - b. Capital Projects/Improvements - **Centrice**
 - i. Master Plan development - (continued collaboration and resources; park comp. Plan)
 - ii. Land acquisition
 - iii. Development
 - iv. Community engagement
 - c. Administrative – **Dave P.**
 - i. Staff oversight and management
 - ii. Office space/supplies/logistics
 - iii. Liability/Insurance implications
 - iv. Compliance and training
 - v. Budgeting and capital improvement planning
 - vi. Organizational management/union engagement - **Angela**
 - vii. Cost impact to residents (non-member rates for programs)
 1. Aquatics
 2. Millbrook Marsh Nature Center
 3. Camp discounts
 - viii. [Policies and SOPs](#)
 1. Volunteer management
 2. Special events/park and facilities rentals
 - ix. Governance model
 - d. Community outreach/engagement - **Nick**
 - i. Strategy for ongoing community engagement and branding
 - ii. Soliciting feedback/public meetings
 - iii. Social media/print media campaigns
 - e. Programming and Event Planning - **Centrice**
 - i. Youth programs
 1. Sports
 2. Camps

- 3. Rec on the Go
 - ii. Intramural sports leagues
 - iii. Adult services – programming
 - 1. Biking
 - 2. Fitness
 - 3. Senior Center
 - 4. Other
 - iv. Other recreational programs and initiatives
- f. Business Plan re: Mission and priorities | action steps to withdraw from CRPR – **Dave P.**
 - i. Funding Strategies
 - 1. Dedicated tax milage
 - ii. Staff recommendation
 - iii. Timeline
 - 1. Notice to COG of withdrawal
 - 2. Capital equipment acquisition/staffing
 - 3. Building space – leasing or acquisition
 - 4. Public outreach/engagement initiative
 - 5. Marketing/signage and branding
 - a. Development of community presence and partnerships
 - i. Schools
 - 6. Programming plan
 - 7. Liability/insurance
 - 8. Training
 - 9. What has to be ready “day one” versus what can be developed over time?

Deliverable

Written evaluation describing the proposed implementation plan and cost estimates to transition and fully operate park maintenance, operation and recreation in-house; Staff recommendation

Timeline

2021

April Request guidance from Board on programming service levels

April Follow up meeting (last week)

May - June Progress update to the Board

August-September Individual assessment/evaluation drafts

November Presentation to BOS
Submit 2021 Final evaluation report with cost estimates

2022 Submit withdrawal notification

2023/2024

§ 22-202 Definitions.
[Ord. No. 1050, 11/18/2019]

LAND DEVELOPMENT

Any of the following activities: 1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; 2) a subdivision of land; or 3) development in accordance with § 503(1.1) of the Municipalities Planning Code, as amended.

1. Land Development, Major—A land development which does not qualify or classify as a minor land development;
2. Land Development, Minor—A development on a parcel of land which contains:
 - A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township’s Zoning Ordinance for the zoning district the structures are located in;
 - B. The construction or alteration of a nonresidential building (not to exceed 1,000 square feet, cumulatively) or building addition with a footprint of not more than 1,000 square feet, whether initially or cumulatively; provided that the construction does not result in the following:
 - (1). Installation of new vehicular access to or from a public right-of way;
 - (2). Activities that would require the submission of a stormwater management site plan;
 - (3). Development within a floodplain or Nolin Soils;
 - (4). Changes to utility services including new service laterals to increase capacity or provide fire protection;
 - (5). Vertical expansions of more than two stories above existing structures; and
 - (6). A requirement of additional parking.
 - C. Conversion of an accessory structure to a residential unit.*
 - D. The sole construction of a parking lot, as defined in this chapter.

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling,

shall be exempted.

1. Subdivision, Major—Any subdivision which does not qualify or classify as a minor subdivision.
2. Subdivision, Minor—A subdivision of a parcel of land into not more than three lots, including the existing lot of record, where in each lot has direct access to and fronts upon any public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements. This includes:
 - A. Adjustment of lot line between lots where no new lots are created;
 - B. Consolidation of lot lines; and
 - C. Survey corrections of property lines for townhouses and other attached dwellings after construction when in conformance with the previously recorded plan.

§ 22-301 General.

[Ord. No. 1050, 11/18/2019]

Proposed subdivision and land development plans shall be reviewed by the Township Planning Commission and the Centre County Planning Commission, or its designated agent, and shall be approved or not approved by the Board of Supervisors in accordance with the procedures specified in this chapter. Following the recommended preapplication conference for sketch plan review, plans may be presented in two stages, preliminary and final, or simultaneously as a preliminary/final plan. If a plan is presented in one stage as a preliminary/final plan, then the plan must meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

1. Fees for Review.

The Supervisors shall establish, by resolution, a schedule of fees for applications for development, for the Township's review of the materials in connection therewith which are to be provided to the Township under the provisions of this chapter including, but not limited to, the payment of fees charged by the Township's professional consultants for their review. Such fee schedule shall be reproduced and made available upon request at the Township Building. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the Supervisors. Any approval for the issuance of any permits under this chapter shall be contingent upon payment of the proper fees as established by the Township's Fee Schedule.

A. Disputed Review Fees. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

B. Review Fee Dispute Resolution. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in the Municipalities Planning Code (MPC) §510(g), 53 P.s. §10510(g).

§ 22-303 Review of Preliminary Plan.

[Ord. No. 1050, 11/18/2019]

1. All applications for approval of subdivision and land development plans shall commence with the official submission of a plan and all required supplementary data to the Township Department of Planning and Zoning. All applications for preliminary review of a plan shall be acted upon by the Township within such time limits as established by the Pennsylvania Municipalities Planning Code. At any time during the review process the applicant may substitute an amended plan for that originally submitted solely for the purpose of correcting the original plan to the extent necessary to meet the requirements of this chapter. In the event that the applicant submits an amended plan to the Township, the owner or agent of the subject lot(s) must provide the Township with a written ninety-day time extension in a form to be supplied by the Township to review the plan. The 90 days will be measured from the date the revised plan is submitted to the Township. See § **22-303**, Subsection 6D.
2. A plan shall be deemed to have been submitted for preliminary review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:
 - A. One copy of a completed application for subdivision or land development, plus payment of all application and escrow fees.
 - B. Seven black (or blue) on white full-size prints, one eleven-inch-by-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.
 - C. One digital copy of all submitted documents.

§22-303.6.C.(1) Review of Preliminary Plan.

C. Authority. The Board of Supervisors shall act on all preliminary applications.

- (1) Decision Deadline. Not later than 90 days after the official filing date, the Board of Supervisors shall render a decision on the preliminary application. All decision shall be made at a public meeting.
- (2) Extension of Deadline. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.
- (3) Actions. The Board of Supervisors shall take on of the following actions:
 - a. Approve the preliminary application.
 - b. Approve the preliminary application with conditions.
 - c. Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Code.
- (4) General Standards for Review of Preliminary Applications. The Board of Supervisors shall approve the preliminary application if the preliminary application complies with the standards and regulations set forth in this chapter.
- (5) Notification of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to the last-known address not later than 15 days following the decision. If the decision is disapproval, the written notification shall specify all

defects in the application and shall cite with section numbers the provisions of this chapter or the Code that have not been satisfied.

- (6) Effect of Approval. If the plan receives preliminary approval by the Board of Supervisors, the action of the Board of Supervisors shall be noted, together with the date of action and signature of the Chairman, Secretary and Township Engineer, on two copies of the plan. One copy of the plan shall be given to the applicant, while the other copy shall be retained in the Township files. The preliminary plan shall be entitled to the protections afforded by §508(4) of the MPC, 53 P.S. §10508(4).

§ 22-304 Review of Final Plan.
[Ord. No. 1050, 11/18/2019]

1. A plan shall be officially submitted to the Township Department of Planning and Zoning for final Township review after all improvements, as defined by this chapter, indicated on the plan receiving preliminary approval have been installed or, in lieu of the completion of the improvements, after deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with this chapter. All plans which have received preliminary approval shall be entitled to final approval in accordance with the terms of the approved preliminary application for a period of five years from the date of the preliminary approval.
 - A. A plan shall be deemed to have been submitted for final review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:
 - (1) Seven black (or blue) on white full-size prints, one eleven-inch-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.

(2) Payment of all application and escrow fees

§ 22-306 Minor Subdivision, Minor Alteration Plan, and Minor Land Development Plan.
[Ord. No. 1050, 11/18/2019]

1. Minor Subdivision. Applicants are required to apply for and receive a minor subdivision approval from the Township in accordance with the following criteria:
 - A. Recommendations and Approvals.
 - (1) A minor subdivision plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.
 - (2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor subdivisions.
 - (3) The Township staff shall review and forward an application to the Planning Commission regarding minor subdivision. Township staff comment resulting from said review shall

accompany the application forwarded.

- (4) The Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding minor subdivision.
- (5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

B. Conferences. A preapplication conference is highly recommended with the Township prior to the submission of a final application.

C. Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

2. Minor Alteration Plan.

A. Minor alterations to a previously issued zoning permit may be made by the applicant submitting a revised application and land development plan, if applicable, to the Zoning Administrator for approval.

B. An alteration to a zoning permit and land development plan, if applicable, shall be considered minor if:

- (1) The building coverage will be increased or decreased by no more than 10%.
- (2) The impervious coverage will be increased by no more than 10%.
- (3) The change in use will not increase the parking requirements.
- (4) The stormwater management controls will not be changed.
- (5) Any motor vehicle access to the property will not be added, deleted or relocated by more than 50% of its width.
- (6) The location for the construction of proposed structures from an approved plan will not be changed by more than 10% of the ground floor area.
- (7) All landscaping alterations are permitted if in compliance with §22-515. Landscaping.
- (8) The changes to the proposed/existing sign(s), include changes in size, shape, height, location, orientation, lighting, or number of signs. A change in sign copy does not require minor alteration approval.

D. An applicant/landowner shall be permitted to file more than one minor alteration plan to a previously issued zoning permit or land development plan based on the following subsections of § 22-306.2.B. **(3), (7), and (8).**

3. Minor Land Development Plan

A. A Minor Land Development Plan may be permitted where it can be demonstrated that the initial or cumulative impact of the activity or improvement will not result in the need for plan approvals typically associated with a land development plan approval process. Applicants undertaking a Minor Land Development Plan as defined in §22-202. Definitions, may submit a preliminary/final plan in one stage following a pre-application conference with Township staff, as per §22-302 and in accordance with the following requirements.

- (1) A minor land development plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.
- (2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor land developments.
- (3) Township staff shall review and forward an application to the Planning Commission regarding minor land developments. Township staff comment resulting from said review shall accompany the application forwarded.
- (4) Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding the minor land development.
- (5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.
- (6) Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

§22-506.1. Water Supply

1. All water supply systems shall meet applicable state and/or local water authority/company standards.
 - A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is feasible and/or permitted by the appropriate water authority/company. All water mains and laterals shall meet the design and installation specifications of said water authority/company.
 - B. Fire hydrants shall be provided in accordance with this section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus.
 - C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on adjacent private properties shall not be considered available.
 - D. One-and two- family dwellings.

1. Minimum fire flow.

- a. Lots with front, side, and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute.
- b. Lots with front, side, and rear yard setback requirements of less than 15 feet or building separations of less than 30 feet shall be 1,000 gallons per minute.

2. Fire hydrant spacing.

- a. Spacing between fire hydrants shall not exceed 600 feet in developments of one- and two-family dwellings as measured from the center line of the fire apparatus access roads.
- b. One- and two-family dwellings may install a National Fire Protection Association (NFPA) 13D Residential Sprinkler System in lieu of being located within 600 feet of a fire hydrant.

E. All other types of developments.

1. Minimum fire flow.

- a. Requirements for developments of other than one- and two-family dwellings shall be determined by using the Needed Fire Flow Method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

2. Fire hydrant spacing.

- a. Spacing between fire hydrants in all other types of developments shall not exceed 400 feet as measured from the center line of the fire apparatus access roads.

H. If the needed fire flow is not provided in developments served by a community water system, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard.

- (1) Exception. The Fire Chief is authorized to accept a deficiency of up to 10% of the required fire flow where existing fire hydrants provide all or a portion of the required fire flow.

(Written notice of the deficiency and approval shall be noted on the plan.)

- (2) Exception. Subdivisions and land developments located outside of the regional growth boundary and served by a community water system may utilize water storage systems, as described in § 506, Subsection 2A, to meet the water supply requirements.

§ 22-5C01.C General Regulations.
[Ord. No. 1050, 11/18/2019]

C. **Parking Lots.** For the purposes of this chapter, parking lots are defined as facilities providing off-street parking space for five or more motor vehicles. All parking lots shall meet the design and maintenance standards specified below. All applications for a zoning permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a minor land development plan as stipulated in this chapter.

§ 22-5C02 Bicycle Parking Regulations.
[Ord. No. 1050, 11/18/2019]

1. Short-term and long-term bicycle parking spaces shall be required for all new development and major renovations.

A. **Bicycle Parking Spaces Required.**

(1) **Required Number of Bicycle Parking Spaces.** All new development and major renovations shall provide at least the number of short-term and long-term bicycle parking spaces identified in the table in this subsection; however, the number shall not fall below a minimum of two short-term and two long-term bicycle parking spaces, regardless of other provisions herein, except that multifamily dwellings that have individual private garages (or equivalent separate storage space for each unit) are not required to provide any long-term bicycle parking spaces. Where the calculation of total required spaces results in a fractional number, the next highest whole number shall be used. Up to half of the required short-term bicycle parking spaces may be replaced with long-term bicycle parking spaces.

General Use Category	Specific Use	Number of Short-Term Bicycle Parking Spaces Required	Number of Long-Term Bicycle Parking Spaces Required
Residential	Multifamily dwelling; more than 4 units:		
	(a) Without private garage or equivalent separate storage space for each unit:	0.05 spaces per bedroom	0.5 spaces per bedroom
	(b) With individual private garages or equivalent separate storage space for each unit:	0.05 per bedroom	None
Commercial	Office building	1 per each 20,000 square feet of floor area	1 to 1.5 per 10,000 square feet of floor area
	General retail	1 per each 5,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area

	Grocery	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Restaurant	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Parking garage	2 spaces	1 per 20 motor vehicle spaces
	Outdoor parking lot	1 per 20 motor vehicle spaces	2 spaces
Civic	Nonassembly cultural (e.g., library, government buildings)	1 per each 8,000 to 10,000 square feet of floor area	1 to 1.5 per each 10 to 20 employees
	Assembly (e.g., places of worship, theaters, stadiums, parks)	Spaces for 2 to 5 percent of maximum expected daily attendance	1 to 1.5 per each 20 employees
	Schools (K through 12)	1 per each 20 students of planned capacity	1 per each 10 to 20 employees and 1 per each 20 students of planned capacity for grades 6 through 12 to
	Colleges and universities	1 per each 10 students of planned capacity	1 per each 10 to 20 employees and 1 per each 10 students of planned capacity or 1 per each 20,000 square feet of floor area, whichever is greater
Industrial	Manufacturing and production, agriculture	2 spaces	1 per 20 employees

§ 22-515 Landscaping.

[Ord. No. 1049, 11/18/2019]

1. Purpose and Intent. The purpose of this section is to provide landscaping requirements which:
 - A. Enhance and promote the aesthetics of the community through seasonal diversity of plantings.
 - B. Protect the public health, safety, and welfare by:
 - (1) Screening and buffering incompatible land uses.
 - (2) Minimizing noise, air, water, dust, and visual pollution.
 - (3) Preserving property values and the character of neighborhoods.
 - (4) Reducing the heat and glare absorbed and radiated by development.

- (5) Helping control soil erosion.
- (6) Increasing traffic safety.
- (7) Mitigate stormwater runoff on site and improve the water quality through the use of vegetation.

C. Increase the variety of plant materials used in landscape plans.

D. Improve the aesthetics of the site through seasonal diversity of plantings.

9.

13. Purpose. Buffer yards are intended to aid the Township of Ferguson in protecting the community character of the Township by separating incompatible uses either within the same zoning district and/or between adjacent zoning districts. The purpose of the buffer yard requirements is to alleviate problems which could be encountered by a single standard. The requirements of this section can reasonably accommodate the characteristics of each site and the range of land uses.

A. All buffer yards shall include:

(1) A required width of 15 feet;

(2) A minimum of three canopy trees and four understory trees/evergreen trees per every 100 linear feet of distance along a site's perimeter;

(3) A minimum of six shrubs per every 100 linear feet of distance along a site's perimeter;

(i) Areas less than 100 linear feet and/or fractions thereof are to be landscaped with the corresponding ratio by 100 linear feet, rounded up to the nearest whole plant.

(4) Planting stock to be used as landscape materials for the buffer yard in question are included in the Township's Official Plant List.

(5) Village District. Within the required three-foot side yard setback, the Board of Supervisors may approve the use of a fence or wall in place of the buffer yard which would satisfy the buffer yard requirements as defined above. When landscaping is being provided to buffer against a different use group than is on the site, the required plant material must be evenly distributed within each 100-foot section of the buffer area. The even distribution of plantings is intended to screen objectionable views. When landscaping is being provided to buffer against the same use group as exists on the site, the required plant material may be grouped or unevenly distributed within each 100-foot section of the buffer area.

(6) Corridor Overlay District Flexible Buffer Yard. In addition to the requirements of §27-401, including the buffer yard options set forth in illustrations adopted as part of this chapter and codified at the end of this section, any site located within the Corridor Overlay District shall

comply with the following landscaped buffer yard requirements:

- (i.) A minimum ten-foot-wide landscaped strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 1).
- (ii) A berm/earth mound, the top of which is at least two feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 25% (4:1) for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed 50% (2:1). Berms shall be graded to appear as naturalistic forms not causing any soil erosion problems and planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 2).
- (iii) A six-foot-wide landscaped embankment strip and a minimum three feet grade drop from the required yard area into any adjacent parking lot pavement. The resulting embankment shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings). At least 50% of the required shrubs shall be planted in the top half of the grade drop area (Figure 3).
- (iv) A minimum of a five-foot-wide landscaped strip with a minimum three feet high brick, stone or finished concrete material wall to screen any parking lot. The wall shall be located adjacent to, but entirely outside, the minimum five-foot-wide landscaping strip. The strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 4).
- (v) A minimum twenty-five-foot-wide strip of existing woodlands or tree growth of sufficient trunk diameter or caliper of six inches if preserved between any parking lot or buildings and the corridor street (Figure 5).
- (vi) For display areas consisting of a parking lot that will be used to display products for sale or rent such as cars, trucks, boats and recreational vehicles, the following buffer yard may be used:
 - (a) A landscaped planting strip shall be planted with a minimum of one canopy tree for every 50 feet of frontage along the display parking area. Each tree shall have a landscaped planting bed around its base. In addition, each end of the display area shall include a planting bed/mound which includes one canopy tree and 10 shrubs (Figure 6). As required but this chapter, a certain number of plants shall be planted per 35 linear feet. Within the specified length, the plantings may be staggered and do not have to be planted in a linear fashion.

(b) The placement/configuration of mulch shall reflect best practices in horticultural and landscape maintenance standards. Materials must be at a minimum, two inches of mulch and not create a formation indicative of a mulch volcano.

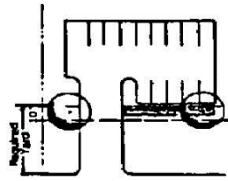


Figure 1

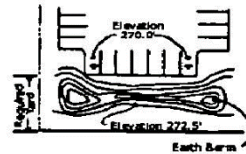


Figure 2

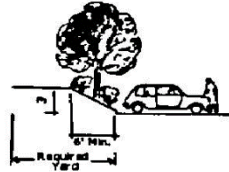


Figure 3

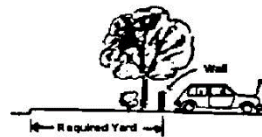


Figure 4

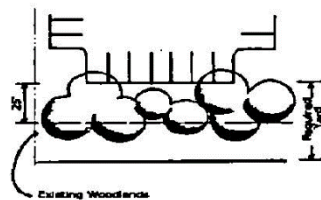


Figure 5

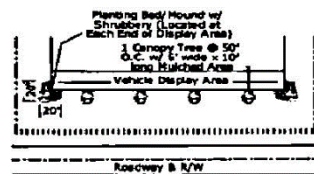


Figure 6

Corridor Overlay District Flexible Buffer Yard

D. Placement of Buffer Yard Width. The landscaped buffer yard area shall be established along the length of, and contiguous to, any lot line or demarcation of land use, such as a leasable area. The width of the area determined from buffer yard of this section shall be measured at right angles to the lot line of the applicant's land development.

§ 27-302 Planned Residential Development (PRD) District.
[Ord. No. 1049, 11/18/2019]

7. Post Final.

A. In the event that a development plan, or a section thereof, is given final approval and the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors, in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development within such five years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Pennsylvania

Municipalities Planning Code.

B. No changes may be made in the approved final development plan during the construction of the planned residential development plan except upon application to the appropriate agency under the procedure provided below.

(1) Changes in the landscaping, rearrangement of common open space that does not result in total amount of open space being increased or decreased, signage, relocating of lighting and rearrangement of bicycle parking may be approved by the Township after authorization by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(2) All other changes in use, any rearrangement of lots, blocks, building tracts, locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the approved final development plan and all other changes must be made by the Board of Supervisors, under the procedures authorized for final plan approval. No amendments may be made to the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township. § 27-303 Traditional Town Development (TTD). [Ord. No. 1049, 11/18/2019]

3. Site Plans.

A. Land Use Standards.

(1) Composition of Uses. A variety of uses are required to be provided within a traditional town development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of § 27-303.3.B.:

D. Density and Setbacks.

(1) Standards.

(e) Fence Heights. Fence heights at the front of residential units and along the side to the front facade of the structure shall not exceed 3.5 feet and, for the balance of the lot, shall not exceed six feet. Piers, fence posts and gateways in the front yard may have a maximum height of five feet, and trellises and similar features may have a maximum height of nine feet. Fence height restrictions on corner lots shall be subject to the preservation of adequate clear sight per § 22-502.G.

**§ 27-304 Terraced Streetscape (TS) District.
[Ord. No. 1049, 11/18/2019]**

2. Use Regulations

E. Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total one acre or larger upon approval by the Board of Supervisors:

(4) Uses accessory to permitted principal uses, subject to the following criteria:

(a) The proposed accessory use is associated with a use specifically permitted in the district.

1) The proposed accessory use is complementary to the specific intent of the TS Zoning District and the West College Avenue streetscape.

2) Sufficient parking exists or can be established to support the proposed accessory use under the parking standards specified in this district.

3) Conformance with the criteria found in § 27-205.

3. G. **Parking Requirements.** Parking regulations shall be in accordance with the provisions of §22-502.

~~1. The required parking may be met through the use of on-site, off-site, and remote or structured parking, or any combination thereof.~~

~~2. When an on-site surface parking area is proposed, it shall be located underneath or to the side or rear of the structure(s) it is intended to serve and shall have vehicular access from the side or rear of the lot. On-site parking in the front yard is specifically prohibited.~~

~~3. When surface parking is located to the side of a structure, it must be set back from the sidewalk edges a minimum of 10 feet. This additional setback shall be used to accommodate screening composed of a low architectural wall, masonry piers, fencing, or a combination thereof, and a continuous four-foot high (at time of planting) shrub hedge that screens the parking and defines the sidewalk edge. Additional deciduous and evergreen trees may be used to supplement the required plantings.~~

~~4. Surface parking located to the side of a structure may not extend to a side street. The corner lots are subject to the use and yard requirements as stipulated above.~~

~~5. The maximum number of permitted spaces in an on-site surface parking lot is 30. However, if acceptable pervious paving is used for the entire parking area, this number may be increased to 45.~~

~~6. Parking areas shall be designed so as to optimize the potential to serve more than one building or more than one use on a site or adjoining sites as long as the location and design remain consistent with the other criteria of this section.~~

~~7. To be counted toward the minimum number of required spaces, off-site parking must be located within two blocks or 1/4 mile of the main entrance to the use that requires the spaces. If the off-site spaces are not in a publicly owned and operated parking structure, documentation of the reservation of such spaces for each use must be provided in the form of a shared parking agreement.~~

~~8. Residential parking within the TS District shall be provided at the rate of 1.0 space for each studio or one-bedroom unit and 1.5 spaces for each unit that is two bedrooms or larger, subject to the following criteria:~~

~~a. To utilize this parking standard, all surface parking on the site shall be priced separately from the cost of the unit. Such fee structure would not be applicable to the use of driveways, attached garages, or underground and understructure parking spaces on site but would be applicable to the use of off-site parking spaces in a structured parking facility.~~

~~b. The use of incentives cannot reduce this required parking ratio.~~

~~9. Parking for nonresidential uses within the TS District shall be provided at the rate of 1/500 square feet, subject to the following criteria:~~

~~(a) Where shared parking can be arranged, the amount of required parking shall be dictated in accordance with the provisions of the ULI Shared Parking Handbook, Second Edition (2005).~~

~~(b) Where either on or off-site shared parking is utilized, an agreement establishing the rights to use of the spaces shall be prepared, submitted and, upon approval by the Township, recorded.~~

~~(c) Additional reductions may be considered through the use of incentives as listed elsewhere in this section.~~

~~10. Every nonresidential use with a floor area of 10,000 square feet or more must provide a loading/unloading area. Curbside deliveries are permitted so long as they do not block travel lanes.~~

~~11. All uses shall provide bicycle parking accommodations on site. See § 22-502, Subsection 3.~~

~~12. All egress from a parking area shall be designed so that motor vehicles leaving the parking area will enter the public street traveling in a forward direction.~~

~~13. All surface parking lots must be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as enhance the environment and ecology of the site and surrounding area. At a minimum, all surface parking areas shall be landscaped in accordance with the provisions of § 27-707, Subsection 14B and C and shall demonstrate that a minimum of 5% of the internal surface parking area has been devoted to landscaping area.~~

~~14. Surface parking space dimensions shall be in accordance with the provisions of § 27-601.~~

§ 27-401 Corridor Overlay District Requirements.
[Ord. No. 1049, 11/18/2019]

E. Landscaping Requirements to Apply. Any site located within the Corridor Overlay District shall comply with the landscaped buffer yard requirements set forth in Chapter 22. Subdivision and Land Development.

H. Signage. Ground signage in the Corridor Overlay District shall be installed in accordance with Chapter 19 of the Sign Ordinance and applied to all uses. The ground pole shall not exceed 10 feet above grade except that the sign height is permitted to be an additional three feet higher with a landscaped base elevated with each mounding up to three feet tall. The placement of building-mounted signs is permissible in accordance with the applicable sections of the Sign Ordinance (Chapter 19) for the relevant use.

§ 27-502 Standards for Specific Uses.
[Ord. No. 1049, 11/18/2019]

33. Water Production Facilities. Water production facilities in the vicinity of their potable water wells shall be permitted as a conditional use if the following standards and criteria are met:
- A. An ambient sound-level study is provided and the ambient sound level at all points along the boundary line of the property upon which the water production facility is located shall be no more than 55 decibels (dBA).
 - B. A land development plan shall be prepared in accordance with § 22-403. Subdivision and Land Development. An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.

§ 27-702 Slope Controls.
[Ord. No. 1049, 11/18/2019]

1. All land defined herein as having steep slopes shall be subject to the following regulations:
- A. Intent. It is the intent of this section to control the following purposes: 1) to limit erosion and sedimentation, 2) to prevent an increase in the possibilities of landslides and soil subsidence, 3) to maintain adequate foliage cover on hillsides and 4) to protect streams from increases in sediment and pollution.
 - B. Permitted Uses. Steep slopes may be used as permitted by the district regulations within which they are located, subject to the additional requirements below.
 - C. Principles of Development. Where it is necessary to use steep slopes (25% or greater) to permit development of a lot, all such proposals shall, in addition to other applicable regulations of this chapter, be in accordance with the following principles of development. All development on steep slopes shall:
 - (1) Be oriented so that grading and other site preparations are kept to an absolute minimum.
 - (2) Where grading is essential, shape such grading to complement the natural land form.
 - (3) Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
 - (4) Accomplish all paving as rapidly as possible after grading.
 - (5) Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soils, geology and hydrology investigations.

(6) Landscape areas around structures to blend them with the natural landscape.

(7) Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related regulations of the Township and the Commonwealth of Pennsylvania.

D. Land Development Plan Review. All applications for zoning permits for lot, uses and structures located, in whole or in part, on land with steep slopes shall submit, along with the application, a land development plan as required in the Township Subdivision and Land Development Ordinance. A land development plan is not required for residential dwellings when a zoning permit is issued for lot, uses and structures that are not located directly on the steep sloped portions of the lot and are not within 50 feet of the steep slopes on the lot.

§27-701.8.B. Solar Collectors and Solar-Related Equipment.

B. Building-mounted systems mounted on a flat roof shall not be raised to a height greater than three (3) feet from the roof surface.

§ 27-719 Short-Term Rentals. [Ord. No. 1049, 11/18/2019]

1. The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six months of the calendar year and provide certification that the property is the principal place of residence by providing a driver's license, voter registration or other documentation to prove residency.
5. Prior to use of a residence as a short-term rental, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee for a permit. The owner shall include a copy of their rental permit from the Centre Region Code Office at the time of application or a completed Rental Permit Application from the Centre Region Code Office. Within 14 days of said application, the Zoning Administrator shall notify the applicant, in writing, of the approval or denial of the permit, and shall state the provisions of this Part 7 with which the application does not comply. Failure of the Zoning Administrator to properly grant or deny a permit in the manner and time period stipulated above shall constitute an approval of the application for the permit, and the residence may be used as a home occupation so long as the use complies with this Part 7.

A. Upon issuance of the short term rental permit, the permit number shall be displayed in the window of the home being rented and the rental permit number shall be included in the advertisements of the short term rental. Failure to properly display the short term rental permit number in either medium will result in a violation of this Part 7.

§ 27-723 Mobile Retail Food Facilities. [Ord. No. 1049, 11/18/2019]

1. General. Mobile retail food facility shall be a permitted use in every zoning district in Ferguson

Township under the following conditions:

A. Time Limits.

- (1) This permitted use is for the sale of food and nonalcoholic beverages between the hours of 6:00 a.m. to 2:00 a.m. in the General Commercial (C), General Industrial (I), and Industrial, Research and Development (IRD) Zoning Districts.
- (2) This permitted use is for the sale of food and nonalcoholic beverages between the hours of 7:00 a.m. to 11:00 p.m. in the Village (V), Terraced Streetscape (TS), and Traditional Town Development (TTD) Zoning Districts.
- (3) In all other zoning districts, food trucks are permitted between the hours of 7:00 a.m. and 7:00 p.m.
- (4) Parks and Places of Assembly located in residential zoning districts may operate between the hours of 7:00 a.m. and 9:00 p.m. (5) Mobile retail food facilities can be located on a premises for no more than 13 weeks per calendar year.

B. Location.

- (1) The mobile food vendor shall first obtain permission from Ferguson Township's Zoning Administrator prior to selling its products within a Township public right-of-way. Township staff shall be permitted to establish conditions restricting specific streets, location, or time of day as to which products may be sold.
 - (a) The vending of food from a mobile food facility shall be prohibited from the street side of the facility or in a way where customers will be positioned to impede vehicle traffic in a parking lot.
 - (b) Approval of operating in a Township public right-of-way is site specific. If a new location to operate a mobile food facility is proposed, a new permit shall be issued.
- (2) The mobile food vendor may be permitted to sell its products on public property, such as parks, under the following conditions:
 - (a) The mobile food vendor shall first obtain permission from Township Staff;
 - (b) The mobile food vendor has received a background check and clearances to serve food in parks from Centre Region Parks and Recreation; and
 - (c) The mobile food vendor shall follow all regulations contained herein.
- (3) The mobile retail food facility must be located at least 15 feet from fire hydrants or any other fire department connection.

(6) Mobile retail food facilities shall be prohibited from utilizing or blocking handicapped-accessible parking.

C. Noise. No audio amplification, including, but not limited to, megaphones or speaker systems, shall be permitted as part of the mobile retail food facility operation.

D. Sanitation and Safety.

(1) The mobile food vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendors shall remove trash from their approved locations at the end of each day as needed to maintain the health and safety of the public. No liquid waste or grease is to be disposed of in landscape areas, storm drains, onto sidewalks or streets or other public spaces. Specific plans for disposal of liquids shall be included in the permit application.

(2) The mobile food vendor shall obtain a mobile retail food facility operation zoning permit and applicable health permit; both shall be displayed on the mobile retail food facility. Each person obtaining a zoning permit shall pay all applicable fees set forth in the Township fee schedule. The permit required will be for a period of one year and shall be renewed on an annual basis. Prior to the issuance of a zoning permit, the vendor shall provide evidence of a Pennsylvania Department of Agriculture Bureau of Food and Laboratory Services retail food facility permanent license, or a division of health and neighborhood services permit with facilities plan review and the following:

(a) A plan for refuse and recycling containers.

(b) Proposed seating (if applicable).

(c) The mobile retail food facility shall be subject to all code requirements in Chapter 10 (Health and Safety) of the Township Code of Ordinances.

(3) The mobile food vendor or his/her designees must be present during operating hours, except in the case of emergencies.

(4) Vehicle registration for all vehicles being used shall be provided as part of the zoning permit application.

(5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be located within five feet of the mobile retail food facility. No off-site signs shall be permitted.

E. If the office for the mobile retail food facility business is located within the owner's home in Ferguson Township, a No-Impact Home-Based Business permit shall be required.

F. The requirements of this subsection are not subject to the provisions of temporary uses.

§ 27-1102 **Definitions.**

[Ord. No. 1049, 11/18/2019]

Unless a contrary intention clearly appears, the following words and phrases shall have a meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage as defined in Merriam Webster's Collegiate Dictionary, Eleventh Edition. Definitions found in the Subdivision and Land Development Ordinance (Chapter 22) shall be applicable to this chapter.

FOOD VENDOR, MOBILE

Any person, firm, corporation, vendor, or operator within the Township engaging in the peddling, selling, or taking orders, either by sample or otherwise, of food items to be used or sold for immediate human consumption, in serving size packages using a mobile unit either in a stationary position on private or public property or in a moving position on public streets. This definition shall apply to any mobile unit who dispenses food items to the public which are prepackaged, or are cooked, prepared and/or assembled and served from within the mobile unit.

RETAIL FOOD FACILITY, MOBILE

Mobile units including food trucks, trailers, stick stands, carts, and other similar structures that are mobile/transitory by design from which food is stored, prepared, processed, distributed, or sold. A Mobile Food Facility is synonymous with the term Retail Food Facility as defined in PA State Regulation, Title 7, Chapter 46, PA Food Code. Ice cream trucks are exempted from this chapter.

PLACE OF ASSEMBLY

An institution, other than recreation and/or school-related, that people regularly attend to participate in or hold religious worship services, community wide activities and/or related meetings.

1. COMMUNITY PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is designed to serve those within the surrounding community and maximum seating capacity of the largest assembly space (present or proposed) is less than or equal to 750.

2. NEIGHBORHOOD PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is design to serve those within one or more adjacent neighborhoods and maximum seating capacity of the largest assembly space (present or proposed) is less than or equal to 250.

3. REGIONAL PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is designed to serve those in multiple communities and maximum seating capacity of the largest assembly space (present or proposed) is equal to or greater than 750.

§ 22-202 Definitions.
[Ord. No. 1050, 11/18/2019]

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LAND DEVELOPMENT

Any of the following activities: 1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; 2) a subdivision of land; or 3) development in accordance with § 503(1.1) of the Municipalities Planning Code, as amended.

1. Land Development, Major—A land development which does not qualify or classify as a minor land development;

2. Land Development, Minor—A development or a parcel of land which contains:

A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township's Zoning Ordinance for the zoning district the structures are located in;

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B. The construction or alteration of a nonresidential building (not to exceed 1,000 square feet, cumulatively) or building addition with a footprint of not more than 1,000 square feet, whether initially or cumulatively; provided that the construction does not result in the following:

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(1). Installation of new vehicular access to or from a public right-of way;

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(2). Activities that would require the submission of a stormwater management site plan;

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(3). Development within a floodplain or Nolin Soils;

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(4). Changes to utility services including new service laterals to increase capacity or provide fire protection;

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(5). Vertical expansions of more than two stories above existing structures; and

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(6). A requirement of additional parking.

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C. Conversion of an accessory structure to a residential unit.*

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D. The sole construction of a parking lot, as defined in this chapter.

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling,

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shall be exempted.

1. Subdivision, Major—Any subdivision which does not qualify or classify as a minor subdivision.

2. Subdivision, Minor—A subdivision of a parcel of land into not more than three lots, including the existing lot of record, where in each lot has direct access to and fronts upon any public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements. This includes:

A. Adjustment of lot line between lots where no new lots are created;

B. Consolidation of lot lines; and

C. Survey corrections of property lines for townhouses and other attached dwellings after construction when in conformance with the previously recorded plan.

**§ 22-301 General.
[Ord. No. 1050, 11/18/2019]**

Proposed subdivision and land development plans shall be reviewed by the Township Planning Commission and the Centre County Planning Commission, or its designated agent, and shall be approved or not approved by the Board of Supervisors in accordance with the procedures specified in this chapter. Following the recommended preapplication conference for sketch plan review, plans may be presented in two stages, preliminary and final, or simultaneously as a preliminary/final plan. If a plan is presented in one stage as a preliminary/final plan, then the plan must meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

1. Fees for Review.

The Supervisors shall establish, by resolution, a schedule of fees for applications for development, for the Township’s review of the materials in connection therewith which are to be provided to the Township under the provisions of this chapter including, but not limited to, the payment of fees charged by the Township’s professional consultants for their review. Such fee schedule shall be reproduced and made available upon request at the Township Building. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the Supervisors. Any approval for the issuance of any permits under this chapter shall be contingent upon payment of the proper fees as established by the Township’s Fee Schedule.

A. Disputed Review Fees. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant’s request over disputed fees.

B. Review Fee Dispute Resolution. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in the Municipalities Planning Code (MPC) §510(g), 53 P.s. §10510(g).

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§ 22-303 **Review of Preliminary Plan.**
[Ord. No. 1050, 11/18/2019]

1. All applications for approval of subdivision and land development plans shall commence with the official submission of a plan and all required supplementary data to the Township Department of Planning and Zoning. All applications for preliminary review of a plan shall be acted upon by the Township within such time limits as established by the Pennsylvania Municipalities Planning Code. At any time during the review process the applicant may substitute an amended plan for that originally submitted solely for the purpose of correcting the original plan to the extent necessary to meet the requirements of this chapter. In the event that the applicant submits an amended plan to the Township, the owner or agent of the subject lot(s) must provide the Township with a written ninety-day time extension in a form to be supplied by the Township to review the plan. The 90 days will be measured from the date the revised plan is submitted to the Township. See § 22-303, Subsection 6D.
2. A plan shall be deemed to have been submitted for preliminary review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:
 - A. One copy of a completed application for subdivision or land development, plus payment of all application and escrow fees.
 - B. ~~Seven-Ten~~ black (or blue) on white full-size prints, ~~one-14~~ eleven-inch-by-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.
 - C. One digital copy of all submitted documents.

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§22-303.6.C.(1) Review of Preliminary Plan.

C. Authority. The Board of Supervisors shall act on all preliminary applications.

- (1) Decision Deadline. Not later than 90 days after the official filing date, the Board of Supervisors shall render a decision on the preliminary application. All decision shall be made at a public meeting.
- (2) Extension of Deadline. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.
- (3) Actions. The Board of Supervisors shall take on of the following actions:
 - a. Approve the preliminary application.
 - b. Approve the preliminary application with conditions.
 - c. Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Code.
- (4) General Standards for Review of Preliminary Applications. The Board of Supervisors shall approve the preliminary application if the preliminary application complies with the standards and regulations set forth in this chapter.

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(5) Notification of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to ~~him at his~~ the last-known address not later than 15 days following the decision. If the decision is disapproval, the written notification shall specify all defects in the application and shall cite with section numbers the provisions of this chapter or the Code that have not been satisfied.

(6) Effect of Approval. If the plan receives preliminary approval by the Board of Supervisors ~~and all fees are paid,~~ the action of the Board of Supervisors shall be noted, together with the date of action and signature of the Chairman, ~~and Secretary~~ and Township Engineer, on two copies of the plan. One copy of the plan shall be given to the applicant, while the other copy shall be retained in the Township files. The preliminary plan shall be entitled to the protections afforded by §508(4) of the MPC, 53 P.S. §10508(4). After the signatures are obtained, the applicant may immediately begin to lay out all lots, parcels, blocks, easements, and rights of way, and construct all streets, sanitary sewage disposal systems, water supply systems, storm drainage facilities, and monuments in accordance with the approved plan, but no parcel or lot may be conveyed or recorded until after final approval of the plan. Any privately owned, off site easements that shall be approved by others shall be secured by the applicant prior to the filing for final plan approval.

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§ 22-304 Review of Final Plan.
[Ord. No. 1050, 11/18/2019]

1. 1.—A plan shall be officially submitted to the Township Department of Planning and Zoning for final Township review after all improvements, as defined by this chapter, indicated on the plan receiving preliminary approval have been installed or, in lieu of the completion of the improvements, after deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with this chapter. All plans which have received preliminary approval shall be entitled to final approval in accordance with the terms of the approved preliminary application for a period of five years from the date of the preliminary approval.

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A. A plan shall be deemed to have been submitted for final review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:

(1) Seven black (or blue) on white full-size prints, one eleven-inch-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.

(2) Payment of all application and escrow fees

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§ 22-306 Minor Subdivision, ~~and~~ Minor Alteration Plan, and Minor Land Development Plan.
[Ord. No. 1050, 11/18/2019]

1. Minor Subdivision. Applicants are required to apply for and receive a minor subdivision approval from the Township in accordance with the following criteria:

A. Recommendations and Approvals.

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- (1) A minor subdivision plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.
- (2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor subdivisions.
- (3) The Township staff shall review and forward an application to the Planning Commission regarding minor subdivision. Township staff comment resulting from said review shall accompany the application forwarded.
- (4) The Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding minor subdivision.
- (5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

B. Conferences. A preapplication conference is highly recommended with the Township prior to the submission of a final application.

C. Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

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2. Minor Alteration Plan.

A. Minor alterations to a previously issued zoning permit may be made by the applicant submitting a revised application and land development plan, if applicable, to the Zoning Administrator for approval.

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B. An alteration to a zoning permit and land development plan, if applicable, shall be considered minor if:

- (1) The building coverage will be increased or decreased by no more than 10%.
- (2) The impervious coverage will be increased by no more than 10%.
- (3) The change in use will not increase the parking requirements.
- (4) The stormwater management controls will not be changed.
- (5) Any motor vehicle access to the property will not be added, deleted or relocated by more than 50% of its width.
- (6) The location for the construction of proposed structures from an approved plan will not be changed by more than 10% of the ground floor area.
- (7) ~~The landscaping plan will not be changed in more than 10% of the total pervious coverage.~~

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~~area.~~ All landscaping alterations are permitted if in compliance with §22-515. Landscaping.

- (8) The changes to the proposed/existing sign(s), include changes in size, shape, height, location, orientation, lighting, or number of signs. A change in sign copy does not require minor alteration approval.

D. ~~An~~ applicant/landowner shall be permitted to file more than one minor alteration plan to a previously issued zoning permit or land development plan based on any of the following subsections of Subsection 2B of § 22-306.2.B, (3), (7), and (8). ~~More than one minor alteration plan may be filed for a site, but only one for each of the subsections listed.~~

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3. Minor Land Development Plan

A. A Minor Land Development Plan may be permitted where it can be demonstrated that the initial or cumulative impact of the activity or improvement will not result in the need for plan approvals typically associated with a land development plan approval process. Applicants undertaking a Minor Land Development Plan as defined in §22-202. Definitions, may submit a preliminary/final plan in one stage following a pre-application conference with Township staff, as per §22-302 and in accordance with the following requirements.

(1) A minor land development plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

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(2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor land developments.

(3) Township staff shall review and forward an application to the Planning Commission regarding minor land developments. Township staff comment resulting from said review shall accompany the application forwarded.

(4) Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding the minor land development.

(5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

(6) Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

§22-506.1. Water Supply

1. All water supply systems shall meet applicable state and/or local water authority/company standards.

A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is feasible and/or permitted by the appropriate water authority/company. All water mains and laterals

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shall meet the design and installation specifications of said water authority/company.

- B. Fire hydrants shall be provided in accordance with this section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus.
- C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on adjacent private properties shall not be considered available.

D. One- and two- family dwellings.

1. The minimum fire flow requirements~~Minimum fire flow.~~

a. Lots with front, side, and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute.~~for developments of one- and two- family dwellings with front, side and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute.~~

b. Lots with front, side, and rear yard setback requirements of less than 15 feet or building separations of less than 30 feet shall be 1,000 gallons per minute.

2. Fire hydrant spacing.

a. Spacing between fire hydrants shall not exceed ~~600~~ feet in developments of one- and two-family dwellings as measured from the center line of the fire apparatus access roads.

b. One- and two-family dwellings may install a National Fire Protection Association (NFPA) ~~13D Residential Sprinkler System in lieu of being located within 400~~ feet of a fire hydrant.

- E. ~~The minimum fire flow requirements for developments of one- and two- family dwellings with any setback requirement of less than 15 feet or building separations less than 30 feet shall be 1,000 gallons per minute.~~ All other types of developments.

1. Minimum fire flow.

a. Requirements for developments of other than one- and two-family dwellings shall be determined by using the Needed Fire Flow Method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

2. Fire hydrant spacing.

a. Spacing between fire hydrants in all other types of developments shall not exceed ~~4600~~ feet as measured from the center line of the fire apparatus access roads.

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Commented [BK1]: Added per Steve Bair's recommendation to align with the adopted PA fire code.

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~~F. The minimum fire flow requirements for developments of other than one and two family dwellings shall be determined using the Needed Fire Flow Method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).~~

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~~G. The spacing between fire hydrants shall not exceed 1,000 feet in developments of one and two family dwellings and shall not exceed 600 feet in developments of other development types as measured along the center line of fire apparatus access roads. With the exception of one and two family dwellings, the distance to any building or structure shall not exceed 300 feet.~~

H. If the needed fire flow is not provided in developments served by a community water system, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard.

(1) Exception. The Fire Chief is authorized to accept a deficiency of up to 10% of the required fire flow where existing fire hydrants provide all or a portion of the required fire flow. (Written notice of the deficiency and approval shall be noted on the plan.)

(2) Exception. Subdivisions and land developments located outside of the regional growth boundary and served by a community water system may utilize water storage systems, as described in § 506, Subsection 2A, to meet the water supply requirements.

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§ 22-5C01.C General Regulations.
[Ord. No. 1050, 11/18/2019]

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C. Parking Lots. For the purposes of this chapter, parking lots are defined as facilities providing off-street parking space for five or more motor vehicles. All parking lots shall meet the design and maintenance standards specified below. All applications for a zoning permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a minor land development plan as stipulated in this chapter.

§ 22-5C02 Bicycle Parking Regulations.
[Ord. No. 1050, 11/18/2019]

1. Short-term and long-term bicycle parking spaces shall be required for all new development and major renovations.

A. Bicycle Parking Spaces Required.

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(1) Required Number of Bicycle Parking Spaces. All new development and major renovations shall provide at least the number of short-term and long-term bicycle parking spaces identified in the table in this subsection; however, the number shall not fall below a minimum of two short-term and two long-term bicycle parking spaces, regardless of other provisions herein, except that

multifamily dwellings that have **individual** private garages (or equivalent separate storage space for each unit) are not required to provide any long-term bicycle parking spaces. Where the calculation of total required spaces results in a fractional number, the next highest whole number shall be used. Up to half of the required short-term bicycle parking spaces may be replaced with long-term bicycle parking spaces.

General Use Category	Specific Use	Number of Short-Term Bicycle Parking Spaces Required	Number of Long-Term Bicycle Parking Spaces Required
Residential	Multifamily dwelling; more than 4 units:		
	(a) Without private garage or equivalent separate storage space for each unit:	0.05 spaces per bedroom or 1 per 20 units	0.5 spaces per bedroom or 1 to 4 per 4 units
	(b) With individual private garages or equivalent separate storage space for each unit:	0.05 per bedroom or 1 per 20 units	None
Commercial	Office building	1 per each 20,000 square feet of floor area	1 to 1.5 per 10,000 square feet of floor area
	General retail	1 per each 5,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Grocery	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Restaurant	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Parking garage	2 spaces	1 per 20 motor vehicle spaces
	Outdoor parking lot	1 per 20 motor vehicle spaces	2 spaces
Civic	Nonassembly cultural (e.g., library, government buildings)	1 per each 8,000 to 10,000 square feet of floor area	1 to 1.5 per each 10 to 20 employees
	Assembly (e.g., places of worship, theaters, stadiums, parks)	Spaces for 2 to 5 percent of maximum expected daily attendance	1 to 1.5 per each 20 employees
	Schools (K through 12)	1 per each 20 students of planned capacity	1 per each 10 to 20 employees and 1 per each 20 students of planned capacity for grades 6 through 12 to
	Colleges and universities	1 per each 10 students of planned capacity	1 per each 10 to 20 employees and 1 per each 10 students of planned

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			capacity or 1 per each 20,000 square feet of floor area, whichever is greater
Industrial	Manufacturing and production, agriculture	2 spaces	1 per 20 employees

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§ ~~27-707-22-515~~ **Landscaping.**
[Ord. No. 1049, 11/18/2019]

1. Purpose and Intent. The purpose of this section is to provide landscaping requirements which:
 - A. Enhance and promote the ~~image-aesthetics~~ of the community ~~through seasonal diversity of plantings~~.
 - B. Protect the public health, ~~safetysafety~~, and welfare by:
 - (1) Screening and buffering incompatible land uses.
 - (2) Minimizing noise, air, water, ~~dustdust~~, and visual pollution.
 - (3) Preserving property values and the character of neighborhoods.
 - (4) Reducing the heat and glare absorbed and radiated by development.
 - (5) Helping control soil erosion.
 - (6) Increasing traffic safety.
 - (7) Mitigate stormwater runoff on site and improv~~ing~~ the water quality ~~of this water~~ through the use of vegetation.
 - C. Increase the variety of plant materials used in landscape plans.
 - D. Improve the aesthetics of the site through seasonal diversity of plantings.

~~9. Preservation of Existing Vegetation. Existing site vegetative tree growth of four inches trunk diameter or larger is encouraged.~~

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~~13. Purpose. Flexible-b~~Buffer yards are intended to aid the Township of Ferguson in protecting the community character of the Township by separating incompatible uses either within the same zoning district and/or between adjacent zoning districts. The purpose of the ~~flexible~~ buffer yard requirements is to alleviate problems which could be encountered by a single standard. The requirements of this section can reasonably accommodate the characteristics of each site and the range of land uses.

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~~(2) Procedure. The following procedure shall be used to determine the type of buffer yard required between~~

two uses located on separate but abutting parcels:

(a) Step One. Identify the land use classification of the proposed use and of all existing uses located on separate adjoining lots by referring to the land use intensity classification chart as follows:

Land Use Intensity Classification Chart
Group I
Agricultural
Single family detached residential use(s)
Nonagricultural residential lot
Stormwater detention basin
Group II
Townhouses, multifamily housing, duplexes, quadplexes
Neighborhood civic, business or faith-based place of assembly
Community civic, business or faith-based place of assembly
Group III
All uses not identified in Group I or II

(b) Step Two. Determine the buffer yard required between uses by referring to the following:

A. All ~~B~~ buffer yards shall include:

(1) ~~A~~ required width of 15 feet;

(2) ~~and A~~ minimum of three canopy trees and four understory trees/evergreen trees per every 100 linear feet of distance along a site's perimeter;

(3) A minimum of six shrubs per every 100 linear feet of distance along a site's perimeter;

(i) Areas less than 100 linear feet and/or fractions thereof are to be landscaped with the corresponding ratio by 100 linear feet, rounded up to the nearest whole plant.

(4) Planting stock to be used as landscape materials for the buffer yard in question are included in the Township's Official Plant List.

(5) Village District. Within the required three-foot side yard setback ~~of the Village District only~~, the Board of Supervisors may approve the use of a fence or wall in place of the buffer yard which would satisfy the buffer yard requirements as defined above. When landscaping is being provided to buffer against a different use group than is on the site, the required plant material must be evenly distributed within each 100-foot section of the buffer area. The even distribution of plantings is intended to screen objectionable views. When landscaping is being provided to buffer against the same use group as exists on the site, the required plant material may be grouped or unevenly distributed within each 100-foot section of the buffer area.

(6) Corridor Overlay District Flexible Buffer Yard. In addition to the requirements of §27-401, including the buffer yard options set forth in illustrations adopted as part of this chapter and codified at the end of this section, any site located within the Corridor Overlay District shall

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comply with the following landscaped buffer yard requirements:

- (i) A minimum ten-foot-wide landscaped strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 1).
- (ii) A berm/earth mound, the top of which is at least two feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 25% (4:1) for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed 50% (2:1). Berms shall be graded to appear as naturalistic forms not causing any soil erosion problems and planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 2).
- (iii) A six-foot-wide landscaped embankment strip and a minimum three feet grade drop from the required yard area into any adjacent parking lot pavement. The resulting embankment shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings). At least 50% of the required shrubs shall be planted in the top half of the grade drop area (Figure 3).
- (iv) A minimum of a five-foot-wide landscaped strip with a minimum three feet high brick, stone or finished concrete material wall to screen any parking lot. The wall shall be located adjacent to, but entirely outside, the minimum five-foot-wide landscaping strip. The strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 4).
- (v) A minimum twenty-five-foot-wide strip of existing woodlands or tree growth of sufficient trunk diameter or caliper of six inches if preserved between any parking lot or buildings and the corridor street (Figure 5).
- (vi) For display areas consisting of a parking lot that will be used to display products for sale or rent such as cars, trucks, boats and recreational vehicles, the following buffer yard may be used:
 - (a) A landscaped planting strip shall be planted with a minimum of one canopy tree for every 50 feet of frontage along the display parking area. Each tree shall have a landscaped planting bed around its base. In addition, each end of the display area shall include a planting bed/mound which includes one canopy tree and 10 shrubs (Figure 6). As required but this chapter, a certain number of plants shall be planted per 35 linear feet. Within the specified length, the plantings may be staggered and do not have to be planted in a linear fashion.

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(b) The placement/configuration of mulch shall reflect best practices in horticultural and landscape maintenance standards. Materials must be at a minimum, two inches of mulch and not create a formation indicative of a mulch volcano.

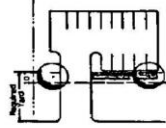


Figure 1

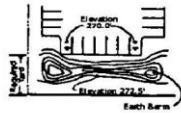


Figure 2

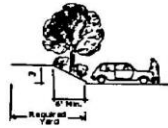


Figure 3

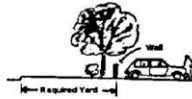


Figure 4

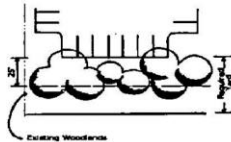


Figure 5

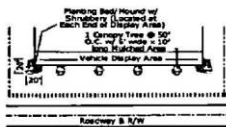


Figure 6

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Corridor Overlay District Flexible Buffer Yard

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(c) ~~Step Three. Determine the planting stock to be used as landscape materials for the buffer yard in question by referring to the Township's official plant list.~~

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D. Placement of Buffer Yard Width. The landscaped buffer yard area shall be established along the length of, and contiguous to, any lot line or demarcation of land use, such as a leasable area. The width of the area determined from buffer yard of this section shall be measured at right angles to the lot line of the applicant's land development.

§ 27-302 Planned Residential Development (PRD) District.
[Ord. No. 1049, 11/18/2019]

7. Post Final.

A. In the event that a development plan, or a section thereof, is given final approval and the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors, in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development within such five years after final approval has been granted, no

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development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Pennsylvania Municipalities Planning Code.

B. No changes may be made in the approved final development plan during the construction of the planned residential development plan except upon application to the appropriate agency under the procedure provided below.

- (1) ~~Minor~~ Changes in the landscaping, rearrangement of common open space that does not result in total amount of open space being increased or decreased, signage, relocating of lighting and rearrangement of bicycle parking ~~locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the finally approved plan to follow the Township's lot consolidation procedure~~ may be approved by the Township after authorization by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- (2) All other changes in use, any rearrangement of lots, blocks, ~~and~~ building tracts, locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the approved final development plan, ~~any changes in the provision of common open spaces~~, and all other changes ~~in the approved final development plan~~ must be made by the Board of Supervisors, under the procedures authorized for final plan approval. No amendments may be made to the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township.

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**§ 27-303 Traditional Town Development (TTD).
[Ord. No. 1049, 11/18/2019]**

3. Site Plans.

A. Land Use Standards.

(1) Composition of Uses. A variety of uses are required to be provided within a traditional town development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of § ~~27-303, Subsection 1C(2);~~ 27-303.3.B.:

D. Density and Setbacks.

(1) Standards.

(e) Fence Heights. Fence heights at the front of residential units and along the side to the front facade of the structure shall not exceed 3.5 feet and, for the balance of the lot, shall not exceed six feet. Piers, fence posts and gateways in the front yard may have a maximum height of five feet, and trellises and similar features may have a maximum height of nine feet. Fence height restrictions on corner lots shall be

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subject to the preservation of adequate clear sight per § ~~27-206, Subsection 1E, 22-502.G.~~

§ 27-304 Terraced Streetscape (TS) District.
[Ord. No. 1049, 11/18/2019]

2. Use Regulations

E. Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total one acre or larger upon approval by the Board of Supervisors:

(4) Uses accessory to permitted principal uses, subject to the following criteria:

(a) The proposed accessory use is associated with a use specifically permitted in the district.

1) The proposed accessory use is complementary to the specific intent of the TS Zoning District and the West College Avenue streetscape.

2) Sufficient parking exists or can be established to support the proposed accessory use under the parking standards specified in this district.

3) Conformance with the criteria found in § ~~27-205.~~

3. G. ~~Parking Requirements. The parking regulations set forth herein are intended to apply within the TS shall be in accordance with the provisions of §22-502.~~

~~1. The required parking may be met through the use of on site, off site, and remote or structured parking, or any combination thereof.~~

~~2. When an on-site surface parking area is proposed, it shall be located underneath or to the side or rear of the structure(s) it is intended to serve and shall have vehicular access from the side or rear of the lot. On-site parking in the front yard is specifically prohibited.~~

~~3. When surface parking is located to the side of a structure, it must be set back from the sidewalk edges a minimum of 10 feet. This additional setback shall be used to accommodate screening composed of a low architectural wall, masonry piers, fencing, or a combination thereof, and a continuous four-foot high (at time of planting) shrub hedge that screens the parking and defines the sidewalk edge. Additional deciduous and evergreen trees may be used to supplement the required plantings.~~

~~4. Surface parking located to the side of a structure may not extend to a side street. The corner lots are subject to the use and yard requirements as stipulated above.~~

~~5. The maximum number of permitted spaces in an on-site surface parking lot is 30. However, if acceptable pervious paving is used for the entire parking area, this number may be increased to 45.~~

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~~6. Parking areas shall be designed so as to optimize the potential to serve more than one building or more than one use on a site or adjoining sites as long as the location and design remain consistent with the other criteria of this section.~~

~~7. To be counted toward the minimum number of required spaces, off site parking must be located within two blocks or 1/4 mile of the main entrance to the use that requires the spaces. If the off site spaces are not in a publicly owned and operated parking structure, documentation of the reservation of such spaces for each use must be provided in the form of a shared parking agreement.~~

~~8. Residential parking within the TS District shall be provided at the rate of 1.0 space for each studio or one bedroom unit and 1.5 spaces for each unit that is two bedrooms or larger, subject to the following criteria:~~

~~a. To utilize this parking standard, all surface parking on the site shall be priced separately from the cost of the unit. Such fee structure would not be applicable to the use of driveways, attached garages, or underground and understructure parking spaces on-site but would be applicable to the use of off site parking spaces in a structured parking facility.~~

~~b. The use of incentives cannot reduce this required parking ratio.~~

~~9. Parking for nonresidential uses within the TS District shall be provided at the rate of 1/500 square feet, subject to the following criteria:~~

~~(a) Where shared parking can be arranged, the amount of required parking shall be dictated in accordance with the provisions of the ULI Shared Parking Handbook, Second Edition (2005).~~

~~(b) Where either on or off site shared parking is utilized, an agreement establishing the rights to use of the spaces shall be prepared, submitted and, upon approval by the Township, recorded.~~

~~(c) Additional reductions may be considered through the use of incentives as listed elsewhere in this section.~~

~~10. Every nonresidential use with a floor area of 10,000 square feet or more must provide a loading/unloading area. Curbside deliveries are permitted so long as they do not block travel lanes.~~

~~11. All uses shall provide bicycle parking accommodations on site. See § 22-502, Subsection 3.~~

~~12. All egress from a parking area shall be designed so that motor vehicles leaving the parking area will enter the public street traveling in a forward direction.~~

~~13. All surface parking lots must be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as enhance the environment and ecology of the site and surrounding area. At a minimum, all surface parking areas shall be landscaped in accordance with the provisions of § 27-707, Subsection 14B and C and shall demonstrate that a minimum of 5% of the internal surface parking area has been devoted to landscaping area.~~

~~14. Surface parking space dimensions shall be in accordance with the provisions of § 27-601, District and may differ from the provisions of Chapter 22.~~

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~~(14) Surface parking space dimensions shall be in accordance with the provisions of §22-502.~~

§ 27-401 Corridor Overlay District Requirements.
[Ord. No. 1049, 11/18/2019]

- E. Landscaping Requirements to Apply. Any site located within the Corridor Overlay District shall comply with the landscaped buffer yard requirements set forth in ~~this e~~Chapter 22. Subdivision and Land Development.
- H. Signage. Ground signage in the Corridor Overlay District shall be installed in accordance with Chapter 19§19-111.2. of the Sign Ordinance and applied to all uses. The ground pole shall not exceed 10 feet above grade except that the sign height is permitted to be an additional three feet higher with a landscaped base elevated with each mounding up to three feet tall. The placement of building-mounted signs is permissible in accordance with the applicable sections of the Sign Ordinance (Chapter 19) for the relevant use.

§ 27-502 Standards for Specific Uses.
[Ord. No. 1049, 11/18/2019]

- 33. Water Production Facilities. Water production facilities in the vicinity of their potable water wells shall be permitted as a conditional use if the following standards and criteria are met:
 - A. An ambient sound-level study is provided and the ambient sound level at all points along the boundary line of the property upon which the water production facility is located shall be no more than 55 decibels (dBA).
 - B. A land development plan shall be prepared in accordance with § 22-403. Subdivision and Land Development~~27-1003 of this chapter.~~ An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.

§ 27-702 Slope Controls.
[Ord. No. 1049, 11/18/2019]

- 1. All land defined herein as having steep slopes shall be subject to the following regulations:
 - A. Intent. It is the intent of this section to control the following purposes: 1) to limit erosion and sedimentation, 2) to prevent an increase in the possibilities of landslides and soil subsidence, 3) to maintain adequate foliage cover on hillsides and 4) to protect streams from increases in sediment and pollution.
 - B. Permitted Uses. Steep slopes may be used as permitted by the district regulations within which they are located, subject to the additional requirements below.
 - C. Principles of Development. Where it is necessary to use steep slopes (25% or greater) to permit development of a lot, all such proposals shall, in addition to other applicable regulations of this

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chapter, be in accordance with the following principles of development. All development on steep slopes shall:

- (1) Be oriented so that grading and other site preparations are kept to an absolute minimum.
- (2) Where grading is essential, shape such grading to complement the natural land form.
- (3) Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
- (4) Accomplish all paving as rapidly as possible after grading.
- (5) Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soils, geology and hydrology investigations.
- (6) Landscape areas around structures to blend them with the natural landscape.
- (7) Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related regulations of the Township and the Commonwealth of Pennsylvania.

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D. Land Development Plan Review. All applications for zoning permits for lot, uses and structures located, in whole or in part, on land with steep slopes shall submit, along with the application, a land development plan as required in the Township Subdivision and Land Development Ordinance. A land development plan is not required for residential dwellings when a zoning permit is issued for lot, uses and structures that are not located directly on the steep sloped portions of the lot and are not within 50 feet of the steep slopes on the lot.

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§27-701.8.B. Solar Collectors and Solar-Related Equipment.

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~~B. Building-mounted systems mounted on a flat roof shall not be raised to a height greater than three (3) feet from the roof surface, visible from the public right of way within a fifty foot radius of the lot, exclusive of an alley as defined by this section, at a level of five feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right of way within a fifty foot radius when measured at a distance of five feet from the ground.~~

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§ 27-719 Short-Term Rentals.
[Ord. No. 1049, 11/18/2019]

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- 1. The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six months of the calendar year and provide certification that the property is the principal place of residence by providing a driver's license, voter registration or other documentation to prove residency.

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5. Prior to use of a residence as a short-term rental, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee for a permit. The owner shall include a copy of their rental permit from the Centre Region Code Office at the time of application or a completed Rental Permit Application from the Centre Region Code Office. Within 14 days of said application, the Zoning Administrator shall notify the applicant, in writing, of the approval or denial of the permit, and shall state the provisions of this Part 7 with which the application does not comply. Failure of the Zoning Administrator to properly grant or deny a permit in the manner and time period stipulated above shall constitute an approval of the application for the permit, and the residence may be used as a home occupation so long as the use complies with this Part 7.

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A. Upon issuance of the short term rental permit, the permit number shall be displayed in the window of the home being rented and the rental permit number shall be included in the advertisements of the short term rental. Failure to properly display the short term rental permit number in either medium will result in a violation of this Part 7.

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§ 27-723 ~~Food Trucks~~ **Mobile Retail Food Facilities.**
[Ord. No. 1049, 11/18/2019]

1. ~~Food trucks~~ **General. Mobile retail food facility** shall be a permitted use in every zoning district in Ferguson Township under the following conditions:

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A. Time Limits.

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(1) This permitted use is for the sale of food and nonalcoholic beverages between the hours of 6:00 a.m. to 2:00 a.m. in the General Commercial (C), General Industrial (I), and Industrial, Research and Development (IRD) Zoning Districts.

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(2) This permitted use is for the sale of food and nonalcoholic beverages between the hours of 7:00 a.m. to 11:00 p.m. in the Village (V), Terraced Streetscape (TS), and Traditional Town Development (TTD) Zoning Districts.

(3) In all other zoning districts, food trucks are permitted between the hours of 7:00 a.m. and 7:00 p.m.

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(4) Parks and Places of Assembly located in residential zoning districts may operate between the hours of 7:00 a.m. and 9:00 p.m.

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(5) Mobile retail food facilities cannot be located on a premises permanently for no more than 13 weeks and must be moved off site daily per calendar year. All food trucks are required to conform to the following criteria:

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B. Location.

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~~Food trucks shall only be located on a lot containing a principal building(s).~~

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~~(12) Food trucks shall not be parked in the public right-of-way or on the road itself. The mobile food vendor shall first obtain permission from Ferguson Township's Zoning Administrator prior to selling its products within a Township public right-of-way. Township staff shall be permitted to establish conditions restricting specific streets, location, or time of day as to which products may be sold.~~

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~~(a) The vending of food from a mobile food facility shall be prohibited from the street side of the facility or in a way where customers will be positioned to impede vehicle traffic in a parking lot.~~

~~(b) Approval of operating in a Township public right-of-way is site specific. If a new location to operate a mobile food facility is proposed, a new permit shall be issued.~~

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~~(2) The Centre Region Parks and Recreation Authority is solely responsible for the permitting and regulation of food trucks in public parks. The mobile food vendor may be permitted to sell its products on public property, such as parks, under the following conditions:~~

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~~(a) The mobile food vendor shall first obtain permission from Township Staff.~~

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~~(b) The mobile food vendor has received a background check and clearances to serve food in parks from Centre Region Parks and Recreation; and~~

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~~(c) The mobile food vendor shall follow all regulations contained herein.~~

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~~(3) The mobile retail food facility must be located at least 15 feet from fire hydrants or any other fire department connection.~~

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~~(6) Mobile retail food facilities shall be prohibited from utilizing or blocking handicapped-accessible parking.~~

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C. Noise. No audio amplification, including, but not limited to, megaphones or speaker systems, shall be permitted as part of the mobile retail food truck-facility vending operation.

D. Sanitation and Safety.

(1) The ~~food truck~~mobile food vendor-vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendors shall remove trash from their approved locations at the end of each day as needed to maintain the health and safety of the public. No liquid waste or grease is to be disposed of in landscape areas, storm drains, onto sidewalks or streets or other public spaces. Specific plans for disposal of liquids shall be included in the permit application. ~~Food trucks shall utilize recyclable products for portable food storage to minimize packaging to the best of their ability.~~

(2) The ~~food truck operator~~mobile food vendor shall obtain a ~~food truck~~mobile retail food facility operation zoning permit and applicable health permit; both shall be displayed ~~on the food-truck~~mobile retail food facility. Each person obtaining a zoning permit shall pay all applicable fees set forth in the Township fee schedule. The permit required will be for a period of one year and shall

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be renewed on an annual basis. Prior to the issuance of a zoning permit, the vendor shall provide evidence of a Pennsylvania Department of Agriculture Bureau of Food and Laboratory Services retail food facility permanent license, or a division of health and neighborhood services permit with facilities plan review and the following:

- (a) A plan for refuse and recycling containers.
- (b) Proposed seating (if applicable).
- (c) The ~~food truck~~ mobile retail food facility shall be subject to all code requirements in Chapter 10 (Health and Safety) of the Township Code of Ordinances.

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(3) The mobile food vendor or his/her designees must be present during operating hours, except in the case of emergencies.

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(4) Vehicle registration for all vehicles being used shall be provided as part of the zoning permit application.

(5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be ~~contained~~ located within five feet of the ~~food truck~~ mobile retail food facility. No off-site signs shall be permitted.

E. If the office for the ~~food truck~~ mobile retail food facility business is located within the owner's home in Ferguson Township, a ~~No-Impact Home-Based Business occupation~~ permit shall be required.

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F. The requirements of this subsection are not subject to the provisions of temporary uses.

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§ 27-1102 **Definitions.**
[Ord. No. 1049, 11/18/2019]

Unless a contrary intention clearly appears, the following words and phrases shall have a meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage as defined in Merriam Webster's Collegiate Dictionary, Eleventh Edition. Definitions found in the Subdivision and Land Development Ordinance (Chapter 22) shall be applicable to this chapter.

FOOD VENDOR, MOBILE

Any person, firm, corporation, vendor, or operator within the Township engaging in the peddling, selling, or taking orders, either by sample or otherwise, of food items to be used or sold for immediate human consumption, in serving size packages using a mobile unit either in a stationary position on private or public property or in a moving position on public streets. This definition shall apply to any mobile unit who dispenses food items to the public which are prepackaged, or are cooked, prepared and/or assembled and served from within the mobile unit.

FOOD TRUCK-RETAIL FOOD FACILITY, MOBILE

~~A licensed, self-contained, motorized vehicle or mobile food unit (unit that does not travel under its own power) which is temporarily permitted to park in a designated area of an established use in permitted~~

~~zoning district within Ferguson Township in a location approved by the property owner. Ice cream trucks are exempted from this chapter. Mobile units including food trucks, trailers, stick stands, carts, and other similar structures that are mobile/transitory by design from which food is stored, prepared, processed, distributed, or sold. A Mobile Food Facility is synonymous with the term Retail Food Facility as defined in PA State Regulation, Title 7, Chapter 46, PA Food Code. Ice cream trucks are exempted from this chapter.~~

PLACE OF ASSEMBLY

An institution, other than recreation and/or school-related, that people regularly attend to participate in or hold religious worship services, community wide activities and/or related meetings.

1. COMMUNITY PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is designed to serve those within the surrounding community and maximum seating capacity of the largest assembly space (present or proposed) is less than or equal to 750.

2. NEIGHBORHOOD PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is design to serve those within one or more adjacent neighborhoods and maximum seating capacity of the largest assembly space (present or proposed) is less than or equal to 250.

3. REGIONAL PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is designed to serve those in multiple communities and maximum seating capacity of the largest assembly space (present or proposed) is equal to or greater than 750.



APPLICATION AND CERTIFICATE FOR PAYMENT

TO : Ferguson Township
(OWNER) 3147 Research Drive
State College, PA 16801

PROJECT NAME : 2021-C11 SIDEWALK REPAIRS CONTRACT

APPLICATION NO : 1

PERIOD FROM : 10/01/21
TO : 10/26/21

FROM : Ameron Construction Company Inc.
2501 N. Atherton Street
State College, PA 16803
Contractor Reg# PA52

PROJECT NO.: 21-814

CLIENT NUMBER: 3200

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY

Change Orders approved previously		ADDITIONS	DEDUCTIONS
PREVIOUS TOTAL		\$0.00	\$0.00
Approved this Month			
Number	Date Approved		
THIS MONTH'S TOTAL		\$0.00	\$0.00
NET CHANGE by Change Orders		\$0.00	\$0.00

Application is made for payment, as shown below in connection with the Contract. Continuation sheet is attached.

1. ORIGINAL CONTRACT AMOUNT.....	\$6,418.60
2. DEDUCT.....	\$0.00
3. CONTRACT AMOUNT TO DATE (Line 1 + Line 2).....	\$6,418.60
4. TOTAL COMPLETED AND STORED TO DATE.....	\$5,139.70
5. RETAINAGE	
a. % of Completed Work	\$0.00
b. % of Stored Material	\$0.00
Total Retainage (Line 5a + Line 5b).....	\$0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5).....	\$5,139.70
7. LESS PREVIOUS APPLICATIONS FOR PAYMENTS.....	\$0.00
8. CURRENT PAYMENT DUE.....	\$5,139.70

Pay
RTS

The undersigned Contractor certifies to the best of her knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that the current payment shown herein is now due.

CONTRACTOR: Ameron Construction Company Inc.

BY: Alison Kurtz
Alison Kurtz
President

Date: 10/26/21

2021-C11 Sidewalk Repairs
Pay App #1 (FINAL)
Acct Breakdown
01.128.000 (Billable) = \$4,591.00
35.439.610 = \$548.70
TOTAL \$5,139.70

2021-C11 Sidewalk Inspection Field Quantities

Date: 10/21/2021

	R/R+coating	\$1,100.00			
	+10% Fee	\$1,210.00			
Ameron's Fee	Protective coating (SF)	R/R (SF)	Grind (LF)	Patch (EA)	Cleanout Repair (EA)
	\$4.50	\$39.50	\$8.80	\$168.00	\$285.00

					Initial Quantities			
Location	Hazard Location (Address)	Width Of Walk (FT)	Type of Surface	Type of Deficiency	R/R (SF)	Grind (LF)	Patch (EA)	Cleanout Repair (EA)
1	FTPW. 1700 Old Gatesburg	10	concrete	Raised 1" or more		11		
3	815 Science Park	5	concrete	Raised 1" or more		5		
4	2014 Sandy Drive (SE corner)	5	concrete	Raised 1" or more	25			
6	650 Sandy Drive	5	concrete	Raised 1" or more	25			
7	2171 Sandy Drive	5	concrete	Raised 1" or more		5		
9	800 Science Park (S&A Homes)	5	concrete	Raised 1" or more		5		
10	776 Tanager	5	concrete	Raised 1" or more		5		
11	764 Tanager	5	concrete	Chipped/Broken 1" or more			1	
13	730 Tanager	5	concrete	Spalling 1/2" or more			1	
14	738 Partridge	5	concrete	Raised 1" or more		5		
15	712 Tanager	5	concrete	Crack/Joint Separation 1" or more			1	
16	706 Tanager	5	concrete	Crack/Joint Separation 1" or more			3	
17	704 Tanager	5	concrete	Crack/Joint Separation 1" or more			2	
18	698 Tanager	5	concrete	Raised 1" or more		3		
20	367 Farmstead	5	concrete	Raised 1" or more		5		
21	369 Farmstead	5	concrete	Raised 1" or more		5		
22	375 Farmstead	5	concrete	Raised 1" or more		5		
24	FTPW. 1466 N. Foxpointe	8	concrete	Spalling 1/2" or more			2	
28	FTPW. 1316 N. Foxpointe	8	concrete	Raised 1" or more		8		
31	1292 Barnstable	5	concrete	Raised 1" or more		10		
36	FTPW. 2457 Pine Hurst	5	concrete	Raised 1" or more		5		
38	2261 Red Oak	5	concrete	Raised 1" or more		3		
39	2343 Sleepy Hollow	5	concrete	Raised 1" or more		5		
40	2379 Sleepy Hollow	5	concrete	Raised 1" or more		4		
	780 Teaberry Lane	5	Concrete	Cracked/Joint Separation			1	
	801 Teaberry Lane	5	Concrete	Repair Cleanout				1
TOTALS					50	89	11	1

Actual Field Measured Quantities					Ameron's Costs			
Protective Coating (SF)	R/R (SF)	Grind (LF)	Patch (EA)	Cleanout Repair (EA)	R/R + Protective Coating (\$)	Grind (\$)	Patch (\$)	Cleanout Repair (EA)
0	0	11.17	0	0	\$0.00	\$98.30	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
25	25	0	0	0	\$1,100.00	\$0.00	\$0.00	\$0.00
25	25	2	0	0	\$1,100.00	\$17.60	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	0	1	0	\$0.00	\$0.00	\$168.00	\$0.00
0	0	0	1	0	\$0.00	\$0.00	\$168.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	0	1	0	\$0.00	\$0.00	\$168.00	\$0.00
0	0	0	3	0	\$0.00	\$0.00	\$504.00	\$0.00
0	0	0	2	0	\$0.00	\$0.00	\$336.00	\$0.00
0	0	3	0	0	\$0.00	\$26.40	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	0	2	0	\$0.00	\$0.00	\$336.00	\$0.00
0	0	8	0	0	\$0.00	\$70.40	\$0.00	\$0.00
0	0	10	0	0	\$0.00	\$88.00	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	3.5	0	0	\$0.00	\$30.80	\$0.00	\$0.00
0	0	5	0	0	\$0.00	\$44.00	\$0.00	\$0.00
0	0	4	0	0	\$0.00	\$35.20	\$0.00	\$0.00
0	0	0	1	0	\$0.00	\$0.00	\$168.00	\$0.00
0	0	0	0	1	\$0.00	\$0.00	\$0.00	\$285.00
50.0	50.0	91.7	11.0	1.0	\$2,200.00	\$806.70	\$1,848.00	\$285.00
TOTAL PROJECT					\$5,139.70			

From: [Strickland,Lisa](#)
To: [Pribulka,David](#)
Cc: [Dininni,Laura](#)
Subject: Consent Agenda Item
Date: Monday, October 25, 2021 3:54:54 PM

Please add the following to the consent agenda:

An update on the processing of Stormwater Fee credits and exemptions. That could include the types that have come in, a sense of how many are going to be approved and not approved, and problems or successes that can be noted so far. This update and discussion will allow the Board to become aware of potential 'pain points.'

Thanks,
Lisa

RESOLUTION NO. _____

A RESOLUTION OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, COMMITTING THE BOARD OF SUPERVISORS TO ADOPTING REGULATIONS OF SINGLE USE PLASTIC BAGS IN FERGUSON TOWNSHIP.

WHEREAS, the Home Rule Code, Township Code and the Pennsylvania Municipalities Planning Code authorizes municipalities' governing bodies, including the Borough Council of State College, the Board of Supervisors of Ferguson Township and the Board of Supervisors of Patton Township to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and protection of these municipalities and the maintenance of peace, good government, health and welfare of said municipalities' citizens; and

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the "Amendment"), provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As a Trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people; and

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as State College Borough, Ferguson Township, and Patton Township - one is to prohibit the degradation, diminution, and depletion of the public natural resources and the second is to act affirmatively via legislative action to protect the environment, as per *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017); and

WHEREAS, State College Borough Council and Ferguson and Patton Townships' Board of Supervisors intend to preserve, maintain, and enhance the health of their residents and visitors, as well as the public natural resources and common property within the municipalities by regulating the distribution of single-use plastic bags and single-use plastic straws within State College Borough, Ferguson Township and Patton Township; and

WHEREAS, a regional approach to the regulation of the distribution of single-use plastic bags and straws is the most effective approach to decreasing the amount of waste from single-use plastics from filling up landfills and contributing to the plastic waste that despoils landscapes, waterways and eventually our oceans; and

WHEREAS, recycling efforts for single-use plastics, originally promoted by the petrochemical and plastics industries, are an abject failure in that less than 9% of all collected items are actually recycled worldwide; and

WHEREAS, the plastic pollution that already overwhelms our oceans can negatively impact living organisms; that there is also a growing, significant threat to Earth's climate in that greenhouse gas emissions from the lifecycle of plastic threaten to prevent keeping global temperature rise below 1.5 degrees Celsius.

NOW THEREFORE, be it resolved that the Ferguson Township Board of Supervisors will work to create an ordinance to regulate single-use plastic bags and single-use plastic straws with a fee to eventually prohibit their use in businesses in the Township.

RESOLVED this 1st day of November 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

David G. Pribulka, Secretary



Township of

Planning & Zoning Department

Pennsylvania

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$300.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$500.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$300.00 and the Appeal fee of \$500.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email ron.ferris @ bobby rahal . com

ENTRY OF APPEARANCE

Name RON FERRIS TEAM RAHAL OF STATE COLLEGE, INC.
TEAM RAHAL OF LEWISTOWN, LLC

Address 2796 WEST COLLEGE AVENUE STATE COLLEGE PA 16801

I am appearing on my own behalf (Check if this is true.)

I am representing _____

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature _____

Date _____

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant BOB FERDIS / TEAM RANAL OF STATE COLLEGE, INC.
TEAM RANAL OF LEWISTOWN, LLC

Address 2796 WEST COLLEGE AVENUE STATE COLLEGE PA 16801

Phone FAX (717) 439-2266

Owner SAME AS APPLICANT

Address " " "

Phone FAX " " "

1. Location of premises SEE ATTACHED SHEET

2. Centre County Tax Map Parcel Number _____

3. Present zoning _____

4. How long has the applicant held an interest in the property? _____

5. Present use of the premises _____

6. Proposed use of the premises _____

7. Explain extent of proposed alteration(s), if any: PROPOSED CONSTRUCTION OF A

NEW CAR DEALERSHIP WITH ASSOCIATED INFRASTRUCTURE ON

LOTS -79A & -80. PROPOSED USE OF LOTS -81 & -82 (REAL)

FOR STORMWATER MANAGEMENT FACILITIES.

1. Location of Premises	3610 W. College Ave.	3650 W. College Ave.	3660 W. College Ave.	3670 W. College Ave.
2. Centre County Tax Parcel Number	24-004-79A	24-004-80	24-004-81	24-004-82
3. Present Zoning	General Commercial	General Commercial	Rural Agriculture	Rural Agriculture
4. Years applicant held interest in property	5 years	5 years	14 years	14 years
5. Present use of premises	Overflow parking and meadow	Single-family residence	Single-family residence	Agriculture
6. Proposed use of premises	Car Dealership with associated infrastructure		Single-family residence and SWM	Agriculture and SWM

8. Describe all existing structures, including type size and height: _____

TP 24-004-80: 1-STORY SINGLE-FAMILY RESIDENCE (2,200 SF)
TP 24-004-81: 1-STORY SINGLE-FAMILY RESIDENCE (2,200 SF), SHED (800 SF)

9. Has the property been involved in previous zoning hearing(s)? YES If so, describe date of hearing, nature of hearing and outcome of hearing:

REZONING OF TP 24-004-80 FROM RURAL AGRICULTURE TO
GENERAL COMMERCIAL IN 2016.

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? No
- b) Has he/she reviewed, approved, and signed the plans? No
- c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

SEE ATTACHED

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

SEE ATTACHED

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria: SEE ATTACHED

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

11. Section 27-201.3.A.(2) – *Natural Drainage Swales subject to periodic inundation by runoff rather than floodwaters are also subject to the floodplain conservation regulations. Such Drainage swales are identified as Nolin silt loam soils, soil symbol “No” on the aforementioned soil survey maps.*

12. The ordinance prohibits new development and construction in all areas underlain by Nolin soils in the interest of protecting floodways / floodplains. However the proposed development area, while underlain by Nolin soils, is not a floodway or floodplain, or even subject to periodic inundation.

13. The hardship meets the following criteria:
 - a. The unique topography of the lot creates a low area on the property that historically collected Nolin soils.
 - b. Per the ordinance, the presence of Nolin soils automatically prohibits development as a commercial lot, which allows 80% impervious coverage.
 - c. The topography of the site has not been changed in any known history.
 - d. The property is zoned commercial, with the intention of using it for a new car dealership. There are 4 other car dealerships along the same corridor. The proposed development aligns with the character of the neighborhood that includes those 4 car dealerships, along with an auto body shop, 2 convenience stores w/ car washes and drive-thru facilities, a large vehicle storage facility, and future multi-tenant retail space.
 - e. The variance is the minimum relief needed to allow the proponent use of the property as designated by the commercial zoning. The restriction on development is to protect floodplains and floodways as environmentally sensitive areas. The location that is the subject of the variance request is not recognized by either DEP as a watercourse or FEMA as a floodplain. A site investigation by a licensed soil scientist indicates the Nolin soils are historical, with no evidence of surface or water flow or flooding, and no seasonal high ground water table (another indicator of base water flow).

The inability of the proponent to develop as allowed by zoning would be relieved by recognizing the Nolin soils in this area are not indicators of periodic inundation, and remove the requirement to adhere to floodplain conservation regulations.

Describe hardship, as listed above, which will be relieved by granting this variance:

SFE ATTACHED

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

T.P. 24-004-79L GARY E. MYERS 650 W. CHEERY LAKE STATE COLLEGE PA 16803

T.P. 24-004-90 JOSEPH C. & DELORES G. NOMAN 3490 SHINGLE TOWN RD. STATE COLLEGE PA 16801

T.P. 24-004-83 LAWRENCE C. & MYRON S. PAVO

3670 WEST COLLEGE AVE. STATE COLLEGE PA 16801

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid



ZONING MAP

Zoning Districts

Agricultural Research (AR)	Suburban Single Family Residential (R1B)
General Commercial (C)	Two Family Residential (R2)
Forest/Gamelands (FG)	Townhouse Residential (R3)
General Industrial (I)	Multi-Family Residential (R4)
Light Industry, Research & Development (IRD)	Rural Agricultural (RA)
Mobile Home Park (MHP)	Rural Residential (RR)
Office Commercial (OC)	Terraced Streetscape District (TSD)
Planned Residential Development (PRD)	Traditional Town Development (TTD)
Single Family Residential (R1)	Village (V)

Legend

Overlay Districts

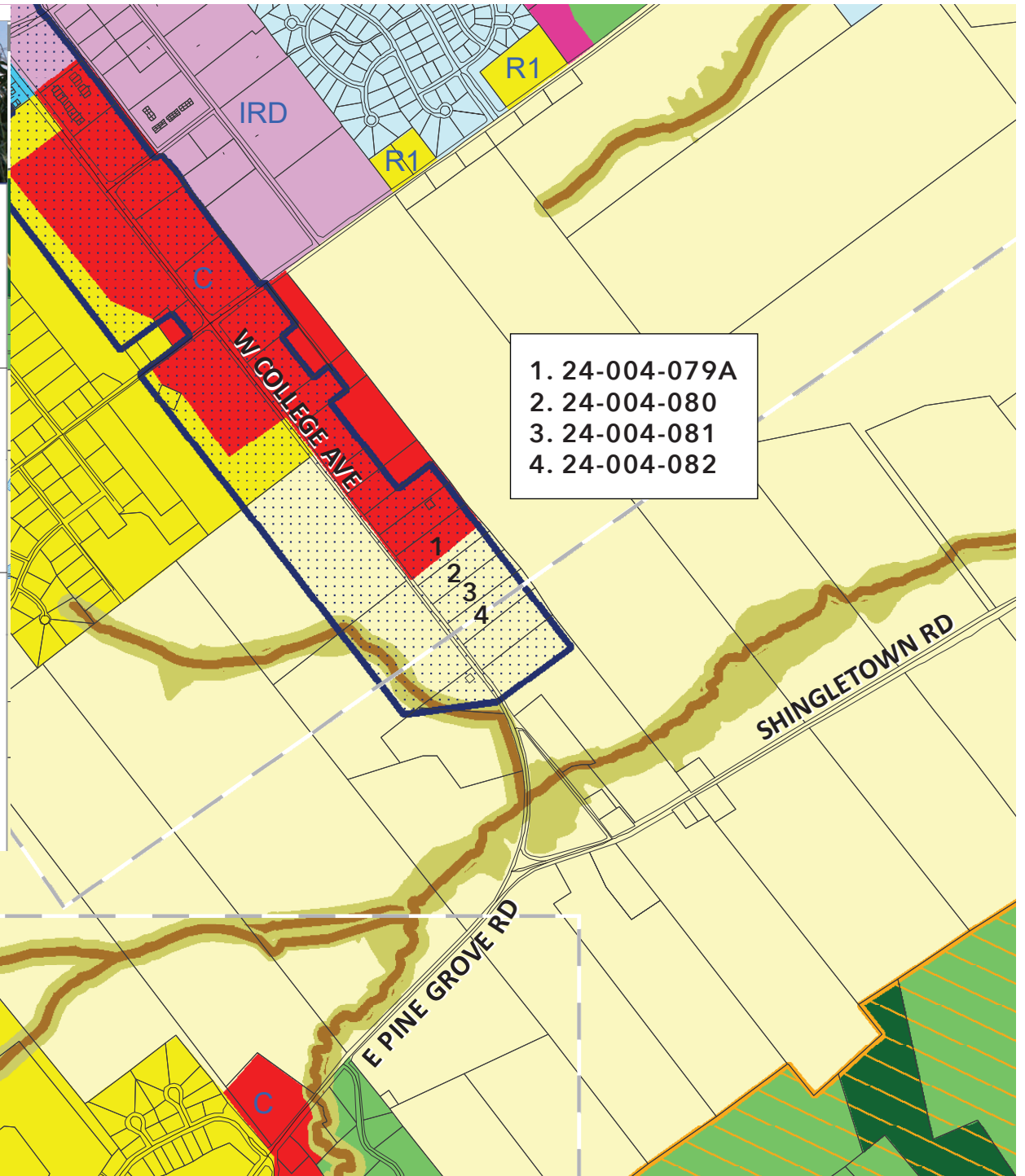
Airport Overlay District (AOD)
Corridor Overlay District (COD)
Ridge Overlay District (ROD)
Riparian Buffer Overlay Districts (RBOD)
35' Buffer
65' Buffer or Extent of Floodplain
50' Wetland Buffer

Municipal Features

Streets
Parcel Boundaries
Municipal Boundaries

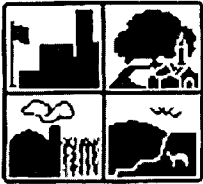
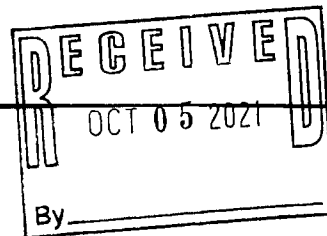
Source Water Protection Areas

Source Water Protection Zone II



1. 24-004-079A
 2. 24-004-080
 3. 24-004-081
 4. 24-004-082

Inset 2



APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

Submittal Date: 10/5/2021

A fee of \$50.00 is required at the time of submitting this application.

The undersigned hereby applies for approval of a modification/waiver, submitted herewith and described below:

Applicant Information

Limitless PCS Inc (DBA Metro by T-Mobile)

Name

237 Northland Center State College 16803

Street Address

City

Zip

8149545342

Phone Number

*Anson Hayashi
7385 N State Rt. 3 PMB 200
Westerville, OH. 43082
(614) 783-2372*

Property/Plan Information

Northland Center

Plan Name

Plan Number

Plan Date

237 Northland Center

Project Location

Parcel Number

Name of Property Owner(s)

Street Address

City

Zip

Application Type:

Subdivision

Terraced Streetscape District (TSD)

Land Development

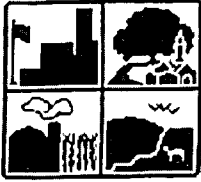
Traditional Town Development (TSD) District

Modification/Waiver Request Information

Specific Section(s) of the Subdivision and Land Development Ordinance or Design Standards for which a Modification/Waiver is requested:

Chapter 22-306.2 to be permitted to permit the use by minor

alteration approval to Retail



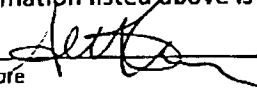
APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

State any proposed alternative(s) to the requirement:

Please state in full, the grounds and facts of the unreasonableness or hardship the Ferguson Township Subdivision and Land Development Ordinance has placed on the property. We already have a lease signed with the landlord and have a everything in motion to put a retail location in this space. We would really appreciate a modification/waiver to Chapter 22-306.2 to be permitted to change the use from business office to retail by minor alteration approval. Thank you for your time

*If necessary, please continue with your hardship specification on another page.

The undersigned hereby represents that, to the best of their knowledge and belief, all information listed above is true, correct, and complete.

Signature 

10/5/2021
Date

-For Office Use Only-

Date Received: _____ By: _____

Date Paid: _____ Check No.: _____ Amount: _____

Advertisement Dates: _____ Planning Commission Review Date: _____

Board of Supervisors Meeting Date: _____

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

000000

Receipt No. 00019221

10/05/2021 04:41 PM

Anson Hayashi

01 Zoning Permit
-Modification wa
vier,237 Northla
nd Ctr.TMobile

50.00

Check #

Receipt Total

50.00

Payment Total

50.00

Thank you!

Part 1

TURF GRASS, WEEDS AND OTHER VEGETATION

§ 10-101 Turf Grass, Weeds and Certain Other Vegetation Not Permitted Under Certain Conditions.
[Ord. 99, 4/13/1976, § 1; as amended by Ord. 575, 1/17/1993, § 1; and by Ord. 1014, 4/18/2016]

1. No person, partnership, association, corporation or other legal entity owning or occupying any property within the Township of Ferguson shall permit any turf grass, weeds or other vegetation which is not edible or planted for some useful or ornamental purpose to grow or remain upon such premises, if:
 - A. Such managed turf grass, weeds or vegetation exceeds a height of ~~eight (8)~~ six (6) inches.
 - B. Emits any unpleasant or noxious odor.
 - C. Conceals any filthy deposit.

§ 10-102 Turf Grass, Weeds and Certain Other Vegetation a Nuisance Under Certain Conditions.
[Ord. 99, 4/13/1976, § 2; as amended by Ord. 1014, 4/18/2016]

Any turf grass, weeds or other vegetation growing upon any premises in the Township in violation of the provisions of § **10-101** of this Part is hereby declared to be detrimental to the health, safety and welfare of the inhabitants of the Township and is accordingly declared to be a nuisance.

§ 10-103 Green Infrastructure.
[Added by Ord. 1014, 4/18/2016]

1. Intent. Green infrastructure in public and private spaces enhances the environment and ecology of Ferguson Township, as well as adds to the aesthetic quality of life. This Section intends to permit the establishment of green infrastructure on privately owned properties in the Township, while still protecting adjacent properties from the nuisances and hazards that may accompany them. Furthermore, it is the intent of this Section is to establish a minimal regulatory framework to provide for the private installation and maintenance of green infrastructure on privately owned property in the Township.
 - A. It is not the intent of this section to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety, or pose a threat to agricultural activity. It is the express intent of this Township to allow for the preservation, restoration, and management of native plant communities; including, but not limited to, ferns, grasses, forbs, aquatic plants, trees, and shrubs in a landscape when these plants were obtained not in violation of local, state, or federal laws.
2. Any landowner wishing to maintain green infrastructure on their property may register his/her property with the Township must register the property with the Township and specify the type of green infrastructure installation as described below. The Township shall establish a registration application, which shall be reviewed by the Township Arborist or designee. The registration with the Township shall include, at minimum:
 - A. The names, addresses, and phone numbers of the landowner and landscape designer (if someone other

than the landowner);

- B. The parcel number and address of the proposed property;
 - C. A brief description of the maintenance plan including an intended maintenance plan. The maintenance plan will be tailored to the type of green infrastructure proposed to be installed and shall be subject to review and approval by the Township Arborist. The maintenance plan shall reflect a perimeter of two (2) feet around any green infrastructure installation that will be mowed and maintained to a height no greater than permitted in § 10-101.
3. Permit Required. The Arborist shall issue a permit to the applicant within thirty (30) days of receipt of the registration, or describe in writing the reason a permit request is being denied. The applicant may appeal the decision of the Township Arborist to the Township Manager within thirty (30) days of receipt of a denial of a permit by notifying the Manager in writing and describing the reason for appeal. The Township Manager shall decide within seven (7) days of receipt of an appeal whether to issue or deny a permit request. The decision of the Township Manager shall be binding on the applicant.

§ 10-104 **Definitions.**

[Added by Ord. 1014, 4/18/2016]

As used in this Part, the following terms shall have the meanings indicated:

DCNR

The Pennsylvania Department of Conservation and Natural Resources.

DESTRUCTION or DESTROY

The complete killing of plants, or effectually preventing such plants from maturing to the bloom or flower stage.

FORB

A herbaceous flowering plant that does not include grasses, sedges and rushes. Such plants include herbs and may be annual, biennial, or perennial.

INVASIVE SPECIES

Those species that grow aggressively, and spread and displace native vegetation. Invasive plants are generally undesirable because they are difficult and costly to control and can dominate whole habitats, making them environmentally destructive in certain situations. The list that shall be used by this Part is the PA Department of Conservation and Natural Resources Invasive Plants list.

LANDOWNER

One who owns or controls land within the Township, including the Township itself.

MAINTENANCE PLAN

A description of the maintenance of green infrastructure installed in accordance with this Ordinance.

GREEN INFRASTRUCTURE

A planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings. All Green Infrastructure defined in this Ordinance shall conform to at least one of the following categories:

A. Planted meadow. Designated area purposefully planted with native grass, forbe, and wildflower seed to provide food sources and habitat for wildlife and pollinators. Low-mow and planted meadows are examples.

B. Meadow. Designated area where existing site vegetation is evaluated to control invasive species with a continued maintenance plan to prevent the spread of invasive species from area to area. Low-mow and no-mow meadows are examples.

~~B.C.~~ Grow Zone. Refers to all types of meadows, with native seed mix plantings or natural vegetation growth.

~~C.D.~~ Pollinator gardens and plots. Designated area that is planted with specific plant types beneficial to pollinators in a designated garden. Pollinator plots and gardens may also be for demonstration and educational purposes. These types of green infrastructure typically require ongoing maintenance including routing weeding, mulching, trimming, and other plant care.

NATIVE PLANT

Species of plants occurring within the Commonwealth of Pennsylvania prior to European contact, according to best scientific and historical documentation. More specifically, it includes those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape. Lists of Pennsylvania native plants are available from the PA Department of Conservation and Natural Resources (DCNR) and Penn State Cooperative Extension, Master Gardeners of Centre County.

NOXIOUS WEED

A generally invasive plant that once declared noxious becomes illegal to sell, transport, plant or otherwise propagate within the commonwealth. The list of Pennsylvania Noxious Weeds is periodically updated and is available from the U.S. Department of Agriculture, Natural Resources Conservation Service.

PRESERVATION OR RESTORATION AREA

Any lands managed to preserve or restore native Pennsylvania grasses and forbs, native trees, shrubs, wildflowers, and aquatic plants; succession of native and non-native plants; or a combination of these.

TURF GRASS

Grass commonly used in regularly cut lawns or play areas.

§ 10-105 Landowners' rights and responsibilities.

[Added by Ord. 1014, 4/18/2016]

1. Compliance with the provisions of this Ordinance shall be the responsibility of the landowner.

2. Noxious weeds shall be destroyed by the landowners on whose land they grow.

**§ 10-106 Turf Grass, Weeds and Certain Other Vegetation to Be Removed, Trimmed or Cut.
[Ord. 99, 4/13/1976, § 3; as amended by Ord. 1014, 4/18/2016]**

The owner of any premises, either as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all turf grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of § **10-101** of this Part.

§ 10-107 Provisions Inapplicable to Certain Land.

[Ord. 99, 4/13/1976, § 4; as amended by Ord. 575, 1/17/1993, § 2; by Ord. 734, 8/16/1999, § 1; and by Ord. 1014, 4/18/2016]

1. Notwithstanding any of the other terms of this Part to the contrary, the provisions of this Part shall not apply to:
 - A. Land which is in agricultural use or any property located within the Rural Agricultural (RA), Rural Residential (RR), and Agricultural Research (AR) Zoning Districts.
 - B. Vegetation growing within the right-of-way of roadway maintained by local, state or federal authorities. Unless described as not applying above, the terms of this Part apply to vacant lots in residential, commercial and industrial subdivisions.

§ 10-108 Notice to Remove, Trim or Cut; Authority for Township to Do So at Expense of Defaulting Owner or Occupant.

[Ord. 99, 4/13/1976, § 5; as amended by Ord. 575, 1/17/1993, § 3; and by Ord. 1014, 4/18/2016]

The Township Manager, or any officer or employee of the Township designated thereby for the purpose, is authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon turf grass, weeds or other vegetation is growing or remaining in violation of the provisions of § **10-101**, directing and requiring such occupant to remove, trim or cut such turf grass, weeds or vegetation, so as to conform to the requirements of § **10-101** within five days after issuance of such notice. In case any person, partnership, association, corporation or other legal entity shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township authorities may remove, trim or cut such turf grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Township as a municipal lien or in any other manner provided by law.

§ 10-109 Notice of Ordinance Violation; Payment.

[Ord. 99, 4/13/1976; as added by Ord. 575, 1/17/1993, § 4; as amended by Ord. 1014, 4/18/2016]

1. Upon the discovery of the initial violation on a premises during a growing season (April through October), the authorized agent of the Township shall give a written notice of warning to the owner and/or occupant of such violation. The owner and/or occupant shall then have five days to abate such violation.
2. After a period of no less than five days after the issuance of the warning notice, the Township's

authorized agent may inspect the premises for compliance with this Part. If after the five days' warning time and within the same growing season, the Township's authorized agent observes the premises to again be in violation, an ordinance violation notice shall be issued to the owner and/or occupant either by personal delivery, by United States mail directed to the last known address, or by posting the violation notice upon the premises where such violation occurs. Each twenty-four-hour period shall constitute a separate violation and an ordinance violation notice may be issued every 24 hours. If such owner and/or occupant notified shall, within seven days after the delivery, mailing or leaving of such violation notice, pay to the Treasurer of the Township a penalty for the violation as set forth by resolution of the Board of Supervisors, the same will constitute full satisfaction for violation noted in said notice. The failure of such person to make payment, as aforesaid, within seven days shall render such owner and/or occupant subject to the penalties as provided for in § **10-110** of this Part.

3. Notice of any observed violations of § **10-103** shall be provided in writing, and the property owner shall have thirty (30) days from receipt to correct any violations. Failure to do so will result in a revocation of the green infrastructure permit issued under § **10-103**.

§ 10-110 Penalty for Violation.

[Ord. 99, 4/13/1976, § 6; as amended by Ord. 820, 12/8/2003; and by Ord. 1014, 4/18/2016]

Any person, partnership, association, corporation or other legal entity who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this Part, upon conviction thereof, in a proceeding commenced before a district justice pursuant to the Pennsylvania Rules of Criminal Procedures, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days; provided, each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

DRAFT

Plastic Bag and Plastic Straw Regulations

[HISTORY: Adopted by the Board of Supervisors of the Township of Ferguson on _____ by Ord. No. _____. Amendments noted where applicable.]

SECTION 1. PROVISIONS

_____ -1 Purpose; findings.

- A. The purpose of this chapter is to reduce the use of single-use plastic carry-out bags and single-use plastic straws by commercial establishments within the Township of Ferguson, curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within the Township, and to preserve the natural, scenic, historic, and esthetic values of the Township of Ferguson.
- B. Findings.
- (1) The use of single-use plastic carry-out bags and single-use plastic straws have severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, water consumption and solid waste generation.
 - (2) There are numerous commercial establishments within the Township of Ferguson which provide single-use plastic carry-out bags and single-use plastic straws to their customers.
 - (3) Most of single-use plastic carry-out bags and single-use plastic straws are made from plastic or other material that does not readily decompose.
 - (4) Approximately one hundred billion single-use plastic carry-out bags are discarded by United States consumers each year and hundreds of millions of single-use plastic straws are discarded by United States consumers everyday. Within the Township of Ferguson such items are not readily recyclable.
 - (5) Numerous studies have documented the prevalence of single-use plastic carry-out bags and/or single-use plastic straws littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.
 - (6) The taxpayers of the Township of Ferguson pay the costs related to the cleanup of single-use plastic carry-out bags and single-use plastic straws from the roadways, trees, sewers, waters, and parks within the Township.

- (7) From an overall environmental and economic perspective, the best alternative to single-use plastic carry-out bags is a shift to reusable, cloth or compostable or recyclable paper bags, and the best alternative to single-use plastic straws are reusable straws or straws made from paper or other natural products, if a straw is required.
- (8) There are several alternatives to single-use plastic carry-out bags and single-use plastic straws readily available in and around the Township of Ferguson.
- (9) As required by the Environmental Rights Amendment to the Pennsylvania Constitution, and by Ferguson Township's Environmental Community Bill of Rights, the Township seeks to preserve the natural, scenic, historic, and esthetic values of the Township and guarantees the right to clean air, pure water and a healthy, flourishing environment for all residents of the Township, both now and for future generations.
- (10) It is the Board of Supervisors' desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter and water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.

-2 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly requires otherwise:

Township

The Township of Ferguson.

COMMERCIAL ESTABLISHMENT

Any store or retail establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the Township of Ferguson. Commercial establishments include: a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods; a public eating establishment (i.e., a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, shoes, hardware, or any other nonperishable goods including, but not limited to, jewelry, books, art, toys and gift items.

COMPLIANT BAG

Certain paper carry-out bags and reusable bags.

- A. A paper bag that meets all the following minimum requirements:

- (1) It is considered a recyclable material based on the Township Code, as the same may be amended from time to time, contains a minimum of 40% postconsumer recycled material and displays the words recyclable and/or reusable in a visible manner on the outside of the bag; or
 - (2) It can be composted, using currently available composting techniques.
- B. A reusable bag is a bag made of canvas cloth (preferable is 100% organic cotton or hemp, or a combination of the two), other fabric or other material that is specifically designed and manufactured for multiple reuse (preferably not polyester as this is in essence plastic, but acceptable, currently). If the bag is made of plastic, it must be a minimum of 4.0 mils thick - this is least preferred.

CUSTOMER

Any person purchasing goods or services from a commercial establishment.

OPERATOR

The person in control of, or having responsibility for, the operation of a commercial establishment, which may include, but is not limited to, the owner of the commercial establishment.

POST-CONSUMER RECYCLED MATERIAL

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from and commonly reused within an original manufacturing and fabrication process.

PRODUCT BAG

A very thin bag without handles used exclusively to carry meats or other uncooked food items to the point of sale inside a commercial establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

RECYCLABLE

Material that can be sorted, cleansed and reconstituted using available recycling collection programs for the purpose of reusing the altered, converted or otherwise thermally changed solid waste generated therefrom.

SINGLE-USE PLASTIC CARRY-OUT BAG

Any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, as are currently available, that is provided by an operator of a commercial establishment to a customer at the point-of-sale. The term does not

include bags intentionally designed for reuse or product packaging. This definition specifically exempts the following from the category of single-use plastic carry-out bags:

- A. Product bags, as defined above;
- B. Newspaper bags, only when necessary, such as inclement weather days (paper sleeves or bags of 40% recycled material are acceptable);
- C. Dry Cleaner bags on specialty items or when necessary, such as inclement weather days (paper sleeves of 40% recycled content are acceptable);
- C. Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, or pet waste bags.

SINGLE-USE PLASTIC STRAW

A straw provided by a commercial establishment that is primarily made of plastic. A "single-use plastic straw" shall not include straws provided under the following circumstances:

- A. When packaged with beverages prepared and packaged outside of the Township, provided such beverages are not altered, packaged or repackaged within the Township; and
- B. When provided as an assistance device to reasonably accommodate a disability, but only if a proper paper straw cannot be provided.

STRAW

A tube designed or intended for transferring a beverage from its container to the mouth of the drinker by suction or for the stirring of a beverage. This includes the smaller tubes or solid plastic sticks used for stirring a beverage.

_____ -3 Single-use Plastic Carry-Out bags Prohibited following a Ninety Day period of Education and Six Months of a Fee per bag.

Within 10 days after passage of this ordinance, all Commercial Establishments will be required to educate staff and customers regarding this ordinance with signage posted at all registers and entryways. Ninety days after passage, on _____, a fee of 15 cents will be charged, for a period of six months, at point-of-sale of all Commercial Establishments for each Single-Use Plastic Carry-Out Bag provided, as defined above. This charge will be made clear to the Customer and will appear on the sales receipt. Each business will be required to use these monies to provide appropriate canvas cloth bags to Customers in need, such as SNAP recipients or to local Food Banks, and/or additional costs incurred due to this ordinance, and/or environmental protection educational materials provided to the public.

Six months after passage of this ordinance, effective _____, no Commercial Establishment shall provide to any Customer a Single-Use Plastic Carry-Out bag, as defined in _____-2 above.

This prohibition applies to bags provided for the purpose of carrying goods away from the point-of-sale. This prohibition applies to Single-Use Plastic Carry-Out Bags used for takeout deliveries from Commercial Establishments within the Township of Ferguson. The point-of-sale in such transactions is deemed to be at the Commercial Establishment, regardless of where payment for the transaction physically occurs.

_____ -4 Single-Use Plastic Straws Prohibited following Signage and Fee.

Effective _____, no Commercial Establishment shall provide to any Customer a Single-Use Plastic Straw, as defined in _____ -2 above. Educative Signage and Fee shall follow the same timetable as listed above for Single-Use Plastic Carry-Out Bags. Signage within 10 days of passage of ordinance for a period of 90 days from passage, followed by a Fee of 15 cents for 6 months.

_____ -5 Compliant bags.

- A. If the commercial establishment provides a compliant bag, as defined in _____ -2 above, for the purpose of carrying goods or other materials away from the point of sale, they shall charge a fee in the amount of \$0.05 per compliant bag. This charge shall be reflected in the sales receipt.
- B. Customers may use bags of any type that they bring to the commercial establishment themselves, without incurring a fee for a compliant bag.

_____ -6 Exemptions.

The Township may, upon written request of a commercial establishment, exempt a commercial establishment from the requirements of this chapter for a period of one year from the effective date of this chapter upon a finding by the Township that the requirements of this chapter would cause undue hardship to the commercial establishment. An undue hardship shall be found only if the commercial establishment demonstrates that it has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic bags or straws.

_____ -7 Enforcement.

- A. The Township Manager, or his designee, has the responsibility for enforcement of this chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- B. Any commercial establishment that violates or fails to comply with any of the requirements of this chapter, after an initial written warning notice has been issued for that violation, shall be liable for a violation within 15 days from receipt of said notice..
- C. Any commercial establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in _____ -6 above within 15 days from receipt.
- D. If a commercial establishment has subsequent violations of this chapter after the issuance of an initial written warning notice of violation, the following penalties shall be imposed and shall be payable by the operator of the commercial establishment:

- (1) A fine not exceeding \$100 for the first violation;
 - (2) A fine not exceeding \$200 for the second violation in the same year dating from the first violation;
 - (3) A fine not exceeding \$500 for the third and each subsequent violation in the same year dating from the first violation.
- E. In addition to the penalties set forth in this chapter, the Township may seek legal, injunctive, or other equitable relief to enforce this chapter.

SECTION 2. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof.

SECTION 3. REPEALER

All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS ____ DAY OF _____, 20__.

ATTEST:

COUNCIL FOR THE TOWNSHIP OF FERGUSON:

APPROVED THIS ____ DAY OF _____, 20__.

From: [Dininni, Laura](#)
To: [Pribulka, David](#)
Cc: [Steckler, Pam](#)
Subject: Consent Agenda Item: Single-use plastics Resolution and Ordinance Model
Date: Thursday, October 14, 2021 10:57:26 AM

This request aligns with our Strategic Plan, under Environmental Stewardship, and the Climate Action Plan.

The intent of this agenda item request is twofold-

First, for the Ferguson Township Board to consider and pass the attached Resolution so we can begin a public, regionally-focused dialogue on the issue and second to request the Board discuss the West Chester ordinance as a model for Ferguson Township and consider a possible action to direct Staff to utilize the ordinance as a basis for a single-use plastic ordinance in Ferguson Township.

Attachments:

Single-Use Plastic Resolution for Regional Consideration,

West Chester Ordinance on Single-Use Plastics, and

the Plastic and Climate document found here: <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-Executive-Summary-2019.pdf>

IMPORTANT WARNING: The information in this message (and the documents attached to it, if any) is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken, or omitted to be taken, in reliance on it is prohibited and may be unlawful. If you have received this message in error, please delete all electronic copies of this message (and the documents attached to it, if any), destroy any hard copies you may have created and notify me immediately by replying to this email. Thank you.

ORDINANCE NO. 09 – 2019

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, TO ADD A NEW CHAPTER 81 TITLED, “PLASTIC BAG AND PLASTIC STRAW REGULATIONS” TO REGULATE THE DISTRIBUTION AND USE OF SINGLE-USE PLASTIC CARRY-OUT BAGS AND SINGLE-USE PLASTIC STRAWS; TO ADD FINDINGS, DEFINITIONS, REQUIREMENTS, ENFORCEMENT, PENALTIES, AND EXEMPTIONS RELATING TO THE DISTRIBUTION AND USE OF SINGLE-USE PLASTIC CARRY-OUT BAGS AND SINGLE-USE PLASTIC STRAWS.

WHEREAS, as a Home Rule Municipality, the Borough of West Chester may exercise any power and function not denied it by the Constitution of the United States of America, by the Constitution of the Commonwealth of Pennsylvania, by the General Assembly of the Commonwealth, or by this Charter; and

WHEREAS, the powers and functions of the Borough under the Borough’s Home Rule Charter are broadly construed in favor of the Borough; and

WHEREAS, pursuant to the Borough’s Home Rule Charter, the Borough Council may adopt such ordinances and such other codes as may be required from time to time to protect the safety and welfare of the citizens; and

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment, (the “Amendment”) provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people; and

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as the Borough- one is to prohibit the degradation, diminution and depletion of the public natural resources and the second is to act affirmatively via legislative action to protect the environment, *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017); and

WHEREAS, this Ordinance is enacted to achieve the Borough's duties under the Amendment by minimizing the degradation, diminution and depletion of the public natural resources and to affirmatively enact legislation designed to protect the environment; and

WHEREAS, single-use plastic carry-out bags and single-use plastic straws degrade at a slower rate than recyclable paper carry out bags and paper straws and release toxic materials during degradation that pollute waterways; and

WHEREAS, for the reasons set forth in more detail below, Borough Council intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within the Borough, by prohibiting the distribution of single-use, carry-out plastic bags and single-use, plastic straws within the Borough; and

WHEREAS, this Ordinance advances the goals of the Community Bill of Rights that was adopted by referendum on November 3, 2015 and is contained in Section 904 of the Borough's Home Rule Charter; and

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of the Borough will be served by this Ordinance which regulates the distribution of single-use, carry-out plastic bags and single-use, plastic straws within the Borough;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of West Chester, Chester County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

SECTION 1. The West Chester Borough Code shall be amended by adding a new Chapter 81 entitled "Plastic Bag and Plastic Straw Regulations", to provide as follows:

**"CHAPTER 81
PLASTIC BAG AND PLASTIC STRAW REGULATIONS**

§ 81-1. Purpose and Findings.

- A. The purpose of this Chapter is to reduce the use of single-use, plastic carry-out bags and single-use, plastic straws by commercial establishments within the Borough of West Chester, curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within the Borough of West Chester, and to preserve the natural, scenic, historic, and esthetic values of the Borough of West Chester.

B. Findings.

1. The use of single-use, plastic carry-out bags and single use, plastic straws have severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, water consumption and solid waste generation.

2. There are numerous commercial establishments within the Borough of West Chester which provide single-use, plastic carry-out bags and single-use, plastic straws to their customers.

3. Most of single-use, plastic carry-out bags and single-use, plastic straws are made from plastic or other material that does not readily decompose.

4. Approximately one hundred billion single-use, plastic carry-out bags are discarded by United States consumers each year. In the Borough of West Chester such bags are not readily recyclable.

5. Hundreds of millions of single-use, plastic straws are discarded by United States consumers every day. In the Borough of West Chester, such straws are not readily recyclable.

6. Numerous studies have documented the prevalence of single-use, plastic carry-out bags and/or single-use plastic straws littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.

7. The taxpayers of the Borough of West Chester pay the costs related to the cleanup of single-use, plastic carry-out bags and single-use plastic straws from the roadways, trees, sewers, waters, and parks within the Borough.

8. From an overall environmental and economic perspective, the best alternative to single-use, plastic carry-out bags is a shift to reusable, compostable or recyclable paper bags, and the best alternative to single-use, plastic straws are reusable straws or straws made from other natural products, if a straw is required.

9. There are several alternatives to single-use, plastic carry-out bags and single use plastic straws readily available in and around the Borough of West Chester.

10. As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Borough seeks to preserve the natural, scenic, historic, and esthetic values of the Borough.

11. It is the Borough Council's desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Borough's residents and visitors.

§ 81-2. Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly requires otherwise:

BOROUGH - the Borough of West Chester.

COMMERCIAL ESTABLISHMENT - any store or retail establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the Borough of West Chester. Commercial establishments include: a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.

COMPLIANT BAG - Certain paper carry-out bags and reusable bags.

A. A paper bag that meets all the following minimum requirements:

- (1) It is considered a recyclable material based on the Borough Code, as the same may be amended from time to time, contains a minimum of 40% postconsumer recycled material and displays the words recyclable and/or reusable in a highly visible manner on the outside of the bag; or
- (2) It can be composted.

B. A reusable bag is a bag made of cloth, fabric or other material that is specifically designed and manufactured for multiple reuse. If the bag is made of plastic, it must be a minimum of 4.0 mils thick.

CUSTOMER - any person purchasing goods or services from a Commercial Establishment.

OPERATOR - the person in control of, or having responsibility for, the operation of a Commercial Establishment, which may include, but is not limited to, the owner of the Commercial Establishment.

POST-CONSUMER RECYCLED MATERIAL - a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from and commonly reused within an original

manufacturing and fabrication process.

PRODUCT BAG - a very thin bag without handles used exclusively to carry meats or other uncooked food items to the point of sale inside a Commercial Establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

RECYCLABLE - material that can be sorted, cleansed and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted or otherwise thermally destroyed solid waste generated therefrom.

SINGLE-USE PLASTIC CARRY-OUT BAG - any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an Operator of a Commercial Establishment to a Customer at the point-of-sale. The term does not include bags intentionally designed for reuse or product packaging. This definition specifically exempts the following from the category of single-use plastic carry-out bags:

- A. Product Bags;
- B. Newspaper bags; or
- C. Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, or pet waste bags.

SINGLE-USE PLASTIC STRAW - a Straw provided by a Commercial Establishment that is primarily made of plastic. A "Single-Use Plastic Straw" shall not include Straws provided under the following circumstances:

- A. When packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered, packaged or repackaged within the Borough; and
- B. When provided as an assistance device to reasonably accommodate a disability.

STRAW-a tube designed or intended for transferring a beverage from its container to the mouth of the drinker by suction or for the stirring of a beverage.

§ 81-3. Single-Use Plastic Carry Out Bags Prohibited.

Effective July 2, 2020, no Commercial Establishment shall provide to any Customer a Single- Use Plastic Carry-Out Bag, as defined in §81-2 above. This prohibition applies to bags provided for the purpose of carrying goods away from the point-of-sale. This prohibition applies to Single-Use Plastic Carry-Out Bags used for takeout deliveries from Commercial Establishments within the Borough of

West Chester. The point-of-sale in such transactions is deemed to be at the Commercial Establishment, regardless of where payment for the transaction physically occurs.

§ 81-4. Single-Use Plastic Straws Prohibited.

Effective July 2, 2020, no Commercial Establishment shall provide to any Customer a Single-Use Plastic Straw, as defined in §81-2 above.

§ 81-5. Compliant bags.

- A. If the Commercial Establishment provides a Compliant Bag, as defined in §81-2 above, for the purpose of carrying goods or other materials away from the point-of-sale, they shall charge a fee in the amount of \$0.10 per Compliant Bag. This charge shall be reflected in the sales receipt.
- B. Customers may use bags of any type that they bring to the Commercial Establishment themselves, without incurring a fee for a Compliant Bag.

§81-6. Exemptions.

The Borough Sustainability Advisory Committee may, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Chapter for a period of one (1) year from the effective date of this Ordinance upon a finding by the Sustainability Advisory Committee that the requirements of this Chapter would cause undue hardship to the Commercial Establishment. An "undue hardship" shall be found only if the Commercial Establishment demonstrates that it has a unique circumstance or situation such that there are no reasonable alternatives to the use of Single-Use Plastic Carry-Out Bags or Single-Use Plastic Straws.

§81-7. Enforcement.

- A. The Borough Manager, or his designee, has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- B. Any Commercial Establishment that violates or fails to comply with any of the requirements of this Chapter, after an initial written warning notice has been issued for that violation, shall be liable for a violation.
- C. Any Commercial Establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in §81-6 above.
- D. If a Commercial Establishment has subsequent violations of this Chapter after the issuance of an initial written warning notice of violation, the

following penalties shall be imposed and shall be payable by the Operator of the Commercial Establishment:

- (1) A fine not exceeding \$100.00 for the first violation;
- (2) A fine not exceeding \$200.00 for the second violation in the same year dating from the first violation;
- (3) A fine not exceeding \$500.00 for the third and each subsequent violation in the same year dating from the first violation.

E. In addition to the penalties set forth in this Chapter, the Borough may seek legal, injunctive, or other equitable relief to enforce this Chapter.”


SECTION 2. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 17th DAY OF JULY, 2019.

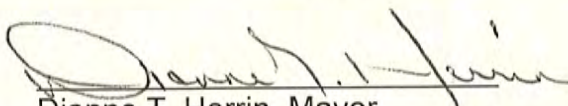
ATTEST:


Michael A. Perrone, Secretary

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: 
Diane C. LeBold, President

APPROVED THIS 17th DAY OF JULY, 2019.


Dianne T. Herrin, Mayor

Plastic & Climate

THE HIDDEN COSTS OF A PLASTIC PLANET



Plastic Proliferation Threatens the Climate on a Global Scale

The plastic pollution crisis that overwhelms our oceans is also a significant and growing threat to the Earth's climate. At current levels, greenhouse gas emissions from the plastic lifecycle threaten the ability of the global community to keep global temperature rise below 1.5°C. With the petrochemical and plastic industries planning a massive expansion in production, the problem is on track to get much worse.

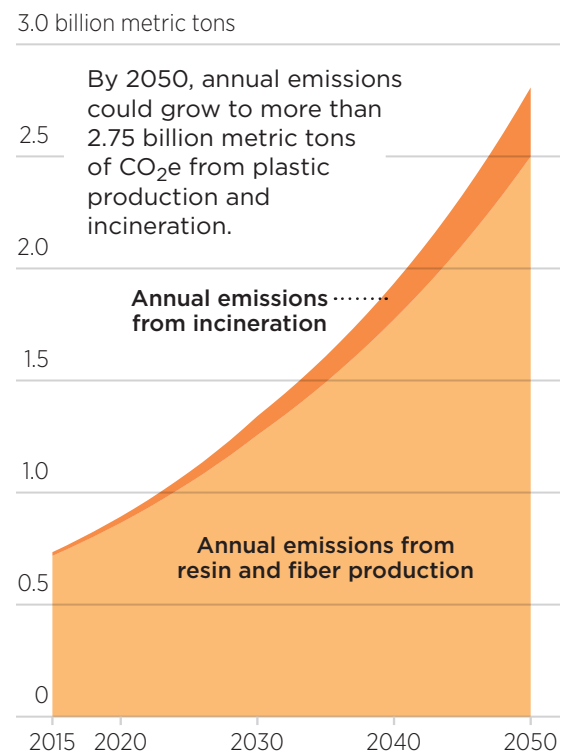
Greenhouse gas emissions from the plastic lifecycle threaten the ability of the global community to keep global temperature rise below 1.5°C. By 2050, the greenhouse gas emissions from plastic could reach over 56 gigatons—10-13 percent of the entire remaining carbon budget.

If plastic production and use grow as currently planned, by 2030, these emissions could reach 1.34 gigatons per year—equivalent to the emissions released by more than 295 new 500-megawatt coal-fired power plants. By 2050, the cumulation of these greenhouse gas emissions from plastic could reach over 56 gigatons—10-13 percent of the entire remaining carbon budget.

Nearly every piece of plastic begins as a fossil fuel, and greenhouse gases are emitted at each of each stage of the plastic lifecycle: 1) fossil fuel extraction and transport, 2) plastic refining and manufacture, 3) managing plastic waste, and 4) plastic's ongoing impact once it reaches our oceans, waterways, and landscape.

This report examines each of these stages of the plastic lifecycle to identify the major sources of greenhouse gas emissions, sources of uncounted

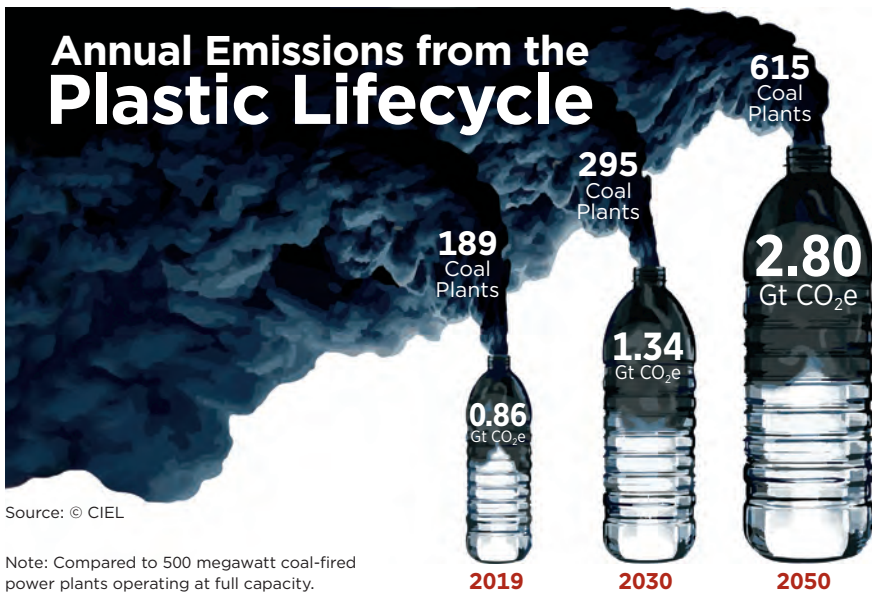
FIGURE 1
Annual Plastic Emissions to 2050



Source: CIEL

FIGURE 2

Emissions from the Plastic Lifecycle



Source: © CIEL

Note: Compared to 500 megawatt coal-fired power plants operating at full capacity.

In 2019, the production and incineration of plastic will produce more than 850 million metric tons of greenhouse gases—equal to the emissions from 189 five-hundred-megawatt coal power plants.

emissions, and uncertainties that likely lead to underestimation of plastic’s climate impacts. The report compares greenhouse gas emissions estimates against global carbon budgets and emissions commitments, and it considers how current trends and projections will impact our ability to reach agreed emissions targets. This report compiles data, such as downstream emissions and future growth rates, that have not previously been accounted for in widely used climate models. This accounting paints a grim picture: plastic proliferation threatens our planet and the climate at a global scale.

Due to limitations in the availability and accuracy of certain data, estimates in this report should be considered conservative; the greenhouse gas emissions from the plastic

lifecycle are almost certainly higher than those calculated here. Despite these uncertainties, the data reveal that the climate impacts of plastic are real and significant, and they require urgent attention and action to maintain a survivable climate.

The report includes recommendations for policymakers, governments, nonprofits, funders, and other stakeholders to help stop the expanding carbon emissions of plastic. The most effective recommendation is simple: immediately reduce the production and use of plastic. Stopping the expansion of petrochemical and plastic production and keeping fossil fuels in the ground are a critical element to address the climate crisis.

© iStockphoto/HHakim



KEY FINDINGS

Current Greenhouse Gas Emissions from the Plastic Lifecycle Threaten Our Ability to Meet Global Climate Targets

In 2019, the production and incineration of plastic will add more than 850 million metric tons of greenhouse gases to the atmosphere—equal to the emissions from 189 five-hundred-megawatt coal power plants. At present rates, these greenhouse gas emissions from the plastic lifecycle threaten the ability of the global community to meet carbon emissions targets.



Extraction and Transport

The extraction and transport of fossil fuels to create plastic produces significant greenhouse gases. Sources include direct emissions, like methane leakage and flaring, emissions from fuel combustion and energy consumption in the process of drilling for oil or gas, and emissions caused by land disturbance when forests and fields are cleared for wellpads and pipelines.

In the United States alone in 2015, emissions from fossil fuel (largely fracked gas) extraction and transport attributed to plastic production were at least 9.5–10.5 million metric tons of CO₂ equivalents (CO₂e) per year. Outside the US, where oil is the primary feedstock for plastic production, approximately 108 million metric tons of CO₂e per year are attributable to plastic production, mainly from extraction and refining.



Refining and Manufacture

Plastic refining is among the most greenhouse-gas-intensive industries in the manufacturing sector—and the fastest growing. The manufacture of plastic is both energy intense and emissions intensive in its own right, producing significant emissions through the cracking of alkanes into olefins, the polymerization and plasticization of olefins into plastic resins, and other chemical refining processes. In 2015, 24 ethylene facilities in the US produced 17.5 million metric tons of CO₂e, emitting as much CO₂ as 3.8 million passenger vehicles. Globally in 2015, emissions from cracking to produce ethylene were 184.3–213.0 million metric tons of CO₂e, as much as 45 million passenger vehicles driven for one year. These emissions are rising rapidly: a new Shell ethane cracker being constructed in Pennsylvania could emit up to 2.25 million tons of CO₂e each year; a new ethylene plant at ExxonMobil's Baytown, Texas, refinery could release up to 1.4 million tons. Annual emissions from just these two new facilities would be equal to adding almost 800,000 new cars to the road. Yet they are only two among more than 300 new and expanded petrochemical projects being built in the US alone—primarily for the production of plastic and plastic feedstocks.



Waste Management

Plastic is primarily landfilled, recycled, or incinerated—each of which produces greenhouse gas emissions. Landfilling emits the least greenhouse gases on an absolute level, although it presents significant other risks. Recycling has a moderate emissions profile but displaces new virgin plastic on the market, making it advantageous from an emissions perspective. Incineration leads to extremely high emissions and is the primary driver of emissions from plastic waste management. Globally, the use of incineration in plastic waste management is poised to grow dramatically in the coming decades.

US emissions from plastic incineration in 2015 are estimated at 5.9 million metric tons of CO₂e. For plastic packaging, which represents 40 percent of plastic demand, global emissions from incineration of this particular type of plastic waste totaled 16 million metric tons of CO₂e in 2015. This estimate does not account for 32 percent of plastic packaging waste that is known to remain unmanaged, open burning of plastic, incineration that occurs without any energy recovery, or other practices that are widespread and difficult to quantify.



Plastic in the Environment

Plastic that is unmanaged ends up in the environment, where it continues to have climate impacts as it degrades. Efforts to quantify those emissions are still in the early stages, but a first-of-its-kind study demonstrated that plastic at the ocean's surface continually releases methane and other greenhouse gases, and that these emissions increase as plastic breaks down further. Current estimates address only the one percent of plastic at the ocean's surface. Emissions from the 99 percent of plastic that lies below the ocean's surface cannot yet be estimated with precision. Significantly, this research showed that plastic on the coastlines, riverbanks, and landscapes releases greenhouse gases at an even higher rate.

Microplastic in the oceans may also interfere with the ocean's capacity to absorb and sequester carbon dioxide. Earth's oceans have absorbed 20–40 percent of all anthropogenic carbon emitted since the dawn of the industrial era. Microscopic plants (phytoplankton) and animals (zooplankton) play a critical role in the biological carbon pump that captures carbon at the ocean's surface and transports it into the deep oceans, preventing it from reentering the atmosphere. Around the world, these plankton are being contaminated with microplastic. Laboratory experiments suggest this plastic pollution can reduce the ability of phytoplankton to fix carbon through photosynthesis. They also suggest that plastic pollution can reduce the metabolic rates, reproductive success, and survival of zooplankton that transfer the carbon to the deep ocean. Research into these impacts is still in its infancy, but early indications that plastic pollution may interfere with the largest natural carbon sink on the planet should be cause for immediate attention and serious concern.

Plastic Production Expansion and Emissions Growth Will Exacerbate the Climate Crisis

The plastic and petrochemical industries' plans to expand plastic production threaten to exacerbate plastic's climate impacts and could make limiting global temperature rise to 1.5°C impossible. If the production, disposal, and incineration of plastic continue on their present growth trajectory, by 2030, these global emissions could reach 1.34 gigatons per year—equivalent to more than 295 five-hundred-megawatt coal plants. By 2050, plastic production and incineration could emit 2.8 gigatons of CO₂ per year, releasing as much emissions as 615 five-hundred-megawatt coal plants.

Critically, these annual emissions will accumulate in the atmosphere over time. To avoid overshooting the 1.5°C target, aggregate global greenhouse emissions must stay within a remaining (and quickly declining) carbon budget of 420–570 gigatons of carbon.

If growth in plastic production and incineration continue as predicted, their cumulative greenhouse gas emissions by 2050 will be over 56 gigatons CO₂e, or between 10–13 percent of the total remaining carbon budget. As this report was going to press, new research in *Nature Climate Change* reinforced these findings, reaching similar conclusions while applying less conservative assumptions that suggest the impact could be as high as 15 percent by 2050. By 2100, exceedingly conservative assumptions would result in cumulative carbon emissions from plastic of nearly 260 gigatons, or well over half of the carbon budget.

Urgent, Ambitious Action is Necessary to Stop the Climate Impacts of Plastic

This report considers a number of responses to the plastic pollution crisis and evaluates their effectiveness in mitigating the climate, environmental, and health impacts of plastic. There are high-priority actions that would meaningfully reduce greenhouse gas emissions from the plastic lifecycle and also have positive benefits for social or environmental goals. These include:

- ending the production and use of single-use, disposable plastic;
- stopping development of new oil, gas, and petrochemical infrastructure;
- fostering the transition to zero-waste communities;
- implementing extended producer responsibility as a critical component of circular economies; and
- adopting and enforcing ambitious targets to reduce greenhouse gas emissions from all sectors, including plastic production.

This report was made possible through the generous financial support of the Plastic Solutions Fund, with additional support from the 11th Hour Project, Heinrich Böll Stiftung, Leonardo DiCaprio Foundation, Marisla Foundation, Threshold Foundation, and Wallace Global Fund.



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Complementary interventions may reduce plastic-related greenhouse gas emissions and reduce environmental and/or health-related impacts from plastic, but fall short of the emissions reductions needed to meet climate targets. For example, using renewable energy sources can reduce the energy emissions associated with plastic but will not address the significant process emissions from plastic production, nor will it stop the emissions from plastic waste and pollution. Worse, low-ambition strategies and false solutions (such as bio-based and biodegradable plastic) fail to address, or potentially worsen, the lifecycle greenhouse gas impacts of plastic and may exacerbate other environmental and health impacts.

Ultimately, any solution that reduces plastic production and use is a strong strategy for addressing the climate impacts of the plastic lifecycle. These solutions require urgent support by policymakers and philanthropic funders and action by global grassroots movements. Nothing short of stopping the expansion of petrochemical and plastic production and keeping fossil fuels in the ground will create the surest and most effective reductions in the climate impacts from the plastic lifecycle.

Available online at www.ciel.org/plasticandclimate



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

TO: David Pribulka, Township Manager
Ferguson Township Board of Supervisors
FROM: David Modricker P.E., Public Works Director

DATE: October 26, 2021
SUBJECT: **Award of Contract 2021-C15 Street Tree Pruning**

Bids were opened publicly for the street tree pruning contract via ZOOM at 2:00pm on Tuesday, October 26, 2021, and read aloud. Summer Brown and David Modricker of Ferguson Township were present. The contract was advertised in CDT and was distributed to interested bidders. There were 5 contractors that requested the plans and specifications.

2 bids were received from the following bidders in the following amounts:

Cutting Edge Tree Professionals	\$162,000.00
Dincher and Dincher Tree Surgeons, Inc.	\$ 58,480.00

Work includes trimming 974 street trees in Saybrook, Chestnut Ridge Manor, Foxpointe, the Landings, Shamrock Estates, and a section of Blue Course Drive.

The budget for this work is \$48,000 with funding code 01.455.450. The fund balance exceeds \$58,480.00, meaning sufficient funds exist to award the contract as bid.

I recommend that the Board of Supervisors award Contract 2021-C15 Street Tree Pruning to Dincher and Dincher Tree Surgeons, Inc. in the amount of \$58,480.00.

File: Contract 2021-C15 Street Tree Pruning

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

EXECUTIVE COMMITTEE

Hybrid Meeting

October 19, 2021

12:15 PM

GENERAL MEETING INFORMATION	
<u>RSVP</u>	To ensure an overall quorum of members, please let us know how you intend to participate: https://us02web.zoom.us/meeting/register/tZwtcO-srTltGdeEqrq36EDaMJAcMmNDSdji
Remote Participants	To attend via Zoom: https://us02web.zoom.us/meeting/register/tZwtcO-srTltGdeEqrq36EDaMJAcMmNDSdji To attend this meeting by phone: +1 929 205 6099 Meeting ID: 880 7643 9733
In-Person Participants	COG Building – Forum Room 2643 Gateway Drive, State College, PA 16801
Meeting Contact: Scott Binkley email: sbinkley@crcog.net 814-235-7818	
<p style="text-align: center;">Click HERE to locate the AGENDA and ATTACHMENTS <i>Should you desire to annotate any attachments you must download them first.</i></p>	

- The chat feature for this meeting will be limited to remote participants being able to communicate with meeting hosts. A recording of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants that are attending remotely remain muted with their video turned off unless recognized to speak. To reduce audio interference, please remain off of speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. For additional information on COG Voting Procedures, click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
- To access agendas and minutes of previously held meetings, and to learn more about the COG Executive Committee on our website, please click [HERE](#).

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EXECUTIVE COMMITTEE

Hybrid Meeting

October 19, 2021

12:15 PM

Written public comment or requests to speak to the Executive Committee for items not on the agenda, and requests to comment on specific agenda items listed below, may be submitted in advance by emailing sbinkley@crcog.net.

AGENDA

1. CALL TO ORDER AND ROLL CALL

Mr. Hameister will convene the meeting. Mr. Binkley will take a roll call of members.

2. PUBLIC COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. NEW AGENDA ITEMS

Members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be placed on the agenda at the discretion of the Chair.

4. CONSENT AGENDA

The following items listed on the Consent Agenda portion of the Executive Committee agenda may be approved with a single motion by the Executive Committee unless a Committee member or member of the public requests that an item is removed from the Consent Agenda for a question or further discussion.

CA-1 APPROVAL OF MINUTES

A copy of the minutes of the September 21, 2021, Executive Committee meeting are **enclosed**.

CA-2 MUSSER GAP TO VALLEYLANDS PROJECT UPDATE

Ms. Young has requested that Penn State University staff be provided with an opportunity to provide a brief MG2V (Musser Gap to Valleylands) project update to the General Forum during the October 25 meeting. It is expected that this would be about a 10-minute presentation.

Approval of this item on the Consent Agenda will add the presentation to the October 25, 2021, General Forum agenda.

CA-3 UPDATE ON THE WRRP DEVELOPMENT PROCESS

Ms. Salokangas and Mr. Brungard have requested time at the October 25 meeting of the General Forum to provide members with a brief update on the Whitehall Road Regional Park development process.

Approval of this item on the Consent Agenda will add the presentation to the October 25, 2021, General Forum agenda.

Consent Agenda Approval Motion:

“That the Executive Committee approves items CA-1 – CA3 as listed on the October 19, 2021, Executive Committee Consent Agenda.”

All municipalities should vote on this motion.

5. MOUNT NITTANY MEDICAL CENTER REPORT – Introduced by Mr. Kauffman and presented by Tom Charles

During the September meeting of the Public Safety Committee, members asked the Emergency Management Coordinator about the patient capacity and employee vaccination status at Mount Nittany Medical Center. Not knowing the answers, Mr. Kauffman agreed to reach out to MNMC and request the information. Executive Vice President System Development, Chief Strategy Officer Tom Charles agreed to provide the Committee with an update. Due to a lack of other agenda items, the Public Safety Committee canceled its October meeting in which Mr. Charles was scheduled to speak. Subsequently, Mr. Charles agreed to provide the aforementioned update to the Executive Committee.

Mr. Tom Charles will provide the Executive Committee with a brief update about patient capacity at MNMC as well as the vaccination status of employees.

6. COMMUNICATIONS PROCEDURE TO OUTSIDE ENTITIES – Presented by Eric Norenberg

At its July 20, 2021, meeting the Executive Committee approved a living document, a procedure that provides a framework and guidance for COG committees proposing to send advocacy letters to other governments or agencies, to submit feedback or opinions as a result of

requests from other local, state, or national organizations, to release surveys to the public, or submit opinion columns to publications or other media.

A recent request originated from the Executive Committee to consider sending a letter to Penn State University on behalf of the COG and its member municipalities to express a consensus position and support for Penn State students being required to receive the COVID-19 vaccination before returning to campus. Since unanimous agreement did not initially exist between Executive Committee members to move a letter directly from the Executive Committee to Penn State University, the Committee agreed that the communications procedure should be updated to guide the Executive Committee on position statements and public policy issues that are originated by the Executive Committee.

Items that were identified as needing additional consideration:

- Identify items that are Routine vs. Non-Routine
- Identify items that are Urgent vs. Non-Urgent
- Identify items that require a Unanimous vote vs. Non-Unanimous Vote
- Identify items that are initiated by the Executive Committee members that are not urgent and require either a unanimous vote or non-unanimous vote should go to the General Forum for consideration.
- The COG Chair and Executive director should take the lead on deciding if the item is routine vs. non-routine and if the item is identified as urgent or non-urgent.
- Items that are not a role for the COG Executive Committee or General Forum should be decided before it appears on the matrix.

It was agreed that the Chair and Vice-Chair would meet with the Executive Director to review possible revisions to the procedures. The latest version of the document is **enclosed** for review. Key changes include:

- Identification of items in the last section that are “Calls to Action”
- Clarification regarding exemptions from the procedures

Members are asked to review, discuss, and consider approving the updated External Communication Procedure document.

If members agree with the updated document, this procedure will be updated and included for reference with other COG governance documents for review by elected officials, COG staff, and others in the COG governance SharePoint site.

7. PARKS MAINTENANCE FACILITY LEASE – Presented by Lou Brungard

Staff has worked with the current landlord to develop the **enclosed** 5-year draft renewal lease agreement for the current Parks Maintenance Facility located at Stewart Drive. The current lease expires on October 31, 2021. The draft five-year lease includes a two-year option to vacate upon appropriate notification from COG to the Lessor.

The only changes are the dates and the amount of the rent payment. A 2% annual inflationary term continues to be used by the lessor.

The COG Facilities and Finance Committees reviewed and endorsed the lease at their September meetings.

Members should provide any additional feedback to staff before considering the following potential motion:

“That the Executive Committee as recommended by the Facilities and Finance Committees recommend that the General Forum accept the proposed 5-year lease agreement, including a 2-year option to vacate with appropriate notification.”

All municipalities except for Halfmoon Township should vote on this motion.

Should the above motion be passed, it will require a unanimous Unit Vote of the participating parks members at the October 25, 2021, General Forum meeting. Per Resolution 2021-7 an overall quorum of members of each unit is met by those attending jointly, both in-person and remotely, by way of electronic device or technology. In-person attendance is not required for this vote, simply an overall quorum of each participating unit.

**This process requires that elected officials and municipal managers have access to a telephone during the meeting so that they may call into their respective municipal conference call number.*

8. REFERRAL OF THE 2022 COG SUMMARY BUDGET TO THE GENERAL FORUM
- Presented by Eric Norenberg and Joe Viglione

This agenda item asks the Executive Committee to review a recommendation from the Finance Committee to refer the 2022 COG Summary Budget to the General Forum for distribution to the participating municipalities for review and comment.

On Thursday, October 14, 2021, the Finance Committee completed its review of the 2022 COG Detailed Budget and authorized the preparation and distribution of the 2022 Summary Budget. This meeting served as a “wrap-up” session of outstanding budget questions/discussion items that had been deferred until all programs had been reviewed. These items are contained in the enclosed 2022 Detailed Budget Review Comments from the Budget Review Sessions that occurred on September 23rd, September 30th, and October 7th, 2021. The Committee moved the Budget process forward by voting on a motion that recommends that the General Forum receive the draft 2022 Summary Budget for the Centre Region Council of Governments and refer it to the municipalities for consideration.

Staff is working to incorporate the information from the October 14, 2021, Finance Committee meeting into the 2022 Detailed Budget and 2022 Summary Budget

documents. Additional information should become available in advance of or at the October 19, 2021, Executive Committee meeting.

The Executive Committee should consider advancing the recommendation made by the Finance Committee at its October 14th meeting by way of the following motion:

“That the Executive Committee, as recommended by the Finance Committee, recommends that the General Forum receive the draft 2022 Summary Budget for the Centre Region Council of Governments and refer it to the municipalities for consideration; and further, that comments be referred to the COG Executive Director by 8:00 AM on November 18, 2021, for distribution to the Finance Committee at its November meeting.”

All municipalities should vote on this motion.

9. NEW AGENDA ITEMS DISCUSSION - Presented by Eric Norenberg

At its September 21 meeting, the Executive Committee members discussed and adopted a procedure by which to add new agenda items at the beginning of COG Committee and General Forum meetings.

For Committee agendas, the item shall be listed on the agenda after the time set aside for Public Comment and as follows:

NEW AGENDA ITEMS

Members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be placed on the agenda at the discretion of the Chair.

For General Forum agendas, the item shall be also listed on the agenda after the time set aside for Public Comment but with slightly modified wording:

NEW AGENDA ITEMS

General Forum members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be placed on the agenda at the discretion of the Chair. Ideally, items for future agendas should be proposed to the Executive Committee through your municipal representative.

Some questions arose regarding the use of this procedure during the September 27, 2021, General Forum meeting. Staff has contacted the Office of Open Records who have provided the following response to the question listed below:

COG Question: “...If a properly advertised agenda item generates a discussion that results in a motion that is not directly related to the published agenda item, how should this be handled?”

Should the motion be ruled out of order? Should the agenda be amended? Should the chair have prevented the conversation from deviating so far from the advertised agenda item?...

George Spiess, Office of Open Records, Chief of Outreach and Training Response: "I believe that the chair would have the discretion to address the matter in a number of ways, which could include calling for a vote to amend the agenda or ceasing the discussion. If there is a motion that falls outside of the posted agenda, I would recommend amending the agenda by majority vote so it is recorded in the minutes and procedurally sound."

Additionally, staff consulted with the COG solicitor who recommends that the chair needs to manage such situations and decide if the new topic/motion should be dealt with separately with a new agenda item, and if so, should it be deferred for a future agenda. The solicitor's particular concern related to the Sunshine Act and the recent bill. He noted that it is the goal of the Act is to ensure that the public (and other elected officials) have knowledge of the items that will be discussed during the meeting and have an opportunity to provide input and for elected officials, to participate in the discussion and voting on the item. He further recommended that there should be limited discussion of items not on the agenda, let alone votes on such items.

It is recommended that chairs use their best judgment to determine how to run the meetings in a way that meets the spirit of the Sunshine Act.

Adding Agenda Items – Voting Procedure:

There was procedural discussion during the September 27, 2021, General Forum meeting about the calling of a "no objection" vote for these items, or to add them "by general consent" vote. Although Robert's Rules of Order generally allows this, assuming proper protocols are followed, Section 603 of the Second Class Township Code provides that the vote by supervisors/councils be an "affirmative vote":

"...An affirmative vote of a majority of the entire board of supervisors at a public meeting is necessary to transact any business..."

An "affirmative vote" is viewed as one that takes an action, affirmative meaning a positive answer; an example of an affirmative statement is answering a question with the word "yes."

Since the majority of the COG members are Second Class Townships, and since the addition of new items to the agenda is not considered routine or housekeeping in nature, it is recommended that the COG follow its historical practice and take affirmative votes on all action items.

Executive Committee members should provide any additional feedback on this item.

If members agree, this procedure will be updated and included for reference with other COG governance documents for review by elected officials, COG staff, and others in the COG Governance SharePoint site.

10. LIBRARY DIRECTOR HIRING PROCESS – Presented by Eric Norenberg

At its June 22, 2021, meeting, the Executive Committee, discussed the process that was used during the recent hiring of the Library Director with the COG Executive Director. Mr. Norenberg and Ms. Pettitt have received feedback on the process and recommendations from the Schlow Library Board of Trustees Governance Committee. The Executive Committee provided direction to the Executive Director, and he later met with the Governance Committee again to discuss options based on the Executive Committee feedback **enclosed**. This topic was on the July 21, 2021, Library Board of Trustees agenda. There was an extensive discussion with Mr. Norenberg primarily focused on the number of representatives that would make up the next Search Committee. The Board accepted the suggestion for members of the Board of Trustees to attend the September Executive Committee meeting for a dialog on the topic.

Katherine Genovese, Vice President, Harris Township attended the September 21, 2021, Executive Committee meeting to represent the Library Board and provide their perspective on the matter.

At the September 21, 2021, Executive Committee meeting the following motion was passed:

That the Executive Committee endorses the COG Executive Director's recommendation for the Library Director Search Committee to be represented by:

- *Three Library Board of Trustee members*
- *Three COG elected officials*
- *The Centre County Library Federation Co-director (or designee of their Board)*
- *The COG Executive Director (non-voting)*
- *A professional public librarian (non-voting)*

The Library Board of Trustees met on October 13 and this item was discussed. Ms. Genovese provided a report to the Board. The Executive Director was in attendance as well. Ms. Genovese noted that there is agreement regarding all aspects of the updated process, except for the composition of the Search Committee. However, she recommended that the Board compromise and accept the proposal as endorsed by the COG Executive Committee with the understanding that recruitment for the Library Director is likely to be many years from now and when that time comes, both the COG and the Library Board should assess the current conditions and needs to see if aspects of the recruitment and selection process need to be updated and whether the composition of the Search Committee needs to be revised. The remainder of the discussion on this item focused on the beneficial relationship between the Schlow Board of Trustees and the COG (as evidenced by recent COG budget hearings and support from COG on the budget, facilities projects, and staff recruitments). The Board concurred with the recommendation.

As this represents a positive conclusion to this discussion, it is planned that the agreed-upon process and Search Committee composition be filed for future reference so that they are readily available when needed for future recruitment.

11. PROCEDURE TO MOVE ITEMS OFF OF THE CONSENT AGENDA – Presented by Eric Norenberg

Beginning in April of this year the Executive Committee began to utilize consent agendas during its meetings. The use of consent agendas was also recommended as a way for COG to run its meetings more efficiently.

Additionally, the utilization of consent agendas was also part of a larger list of committee structure recommendations approved by the General Forum during its September 29, 2020, meeting. Although items placed on the consent agenda are generally seen as routine and non-controversial, the Executive Committee should formalize the process and procedure by which members are able to move an item off the agenda for further discussion.

Procedure

- During the meeting, the chair should first ask members if they wish to move any consent agenda items to the regular agenda for further discussion. This is essential as members should be able to make such a request for any reason.
- If requested, the chair would remove the agenda item from the consent agenda and either place it on the regular agenda at a placement of their discretion for further discussion or decide that the item should be moved to a future meeting agenda for debate.

Ideally, members should ask for such a move before the meeting so it can be placed on the regular agenda before the meeting starts.

- After any items have been moved and the consent agenda is set, the meeting chair recites the items on the consent agenda and calls for a motion to adopt it.

COG recognizes that transparency and accountability are the foundations of successfully employing consent agendas. Even though they are routine and non-controversial items, all supporting documents will be provided to members when they are available so that members can review them in advance.

Staff hopes that the effective continued use of consent agendas will allow for meetings to be more productive, keep members more engaged, and allow for more time on those items that require more debate and deliberation.

If members agree, this procedure will be included for reference with other COG governance documents for review by elected officials, COG staff, and others on the COG Governance SharePoint site.

12. PARKS AND RECREATION GOVERNANCE STRUCTURE TASK FORCE DISCUSSION
- Presented by Eric Norenberg and Rich Francke

This item requests that the Committee continue to discuss an item brought forward by Mr. Francke at the July 20, 2021, meeting of the Executive Committee. Mr. Francke brought forward a concept for discussion that would establish an Executive Committee organized Task Force, to work in concert with the Centre Region Parks and Recreation Authority and the municipalities, to determine:

- The best mission and/or purpose for the Authority for the future
- The best governance structure to achieve that mission/purpose
- The best governing documents to achieve that mission/purpose - Bylaws, MOU's, AoA's, etc.
- Additional supporting tasks assigned by the Executive Committee

At its August 19, 2021, meeting the Executive Committee was in consensus that this was an appropriate initial scope for the Task Force or Committee. At this meeting Executive Committee members developed the following next steps and questions during the discussion:

- Ask staff to identify what individuals and entities should be involved.
- Identify the staffing resources for the potential new committee.
- Should this be developed as an Ad Hoc COG Committee?
- Should a consultant be considered to assist in this process?

During its September 21, 2021, meeting the Executive Committee was updated on recommendations regarding the comments and questions noted above. Additional thoughts and suggestions made during the Executive Committee at its September 21 meeting include:

- The Committee should have at least one representative from each participating municipality, as selected by each municipality.
- There should be a balance of elected officials and CRPR Authority members.
- Municipal and COG staff would be non-voting members of the Committee.
- Request for the COG Facilities, Finance, and Parks Capital Committees to review the recommendations of the Parks and Recreation Governance Special Committee.
- The Special Committee should report to the General Forum by way of the Executive Committee.
- Allow Parks staff to work on emergency work tasks.
- The decision points for the work of the Special Committee would dictate how frequently the Executive Committee and General Forum would need to be updated and consulted.
- Items of concern in utilizing a facilitator vs. consultant should be addressed in the procurement process.
- Recommendations provided for in the Centre Region Comprehensive Parks, Recreation, and Open Space Study on Governance should be included in documents moving forward for the Special Committee.

An update to members will be provided and discussion continued on this item based upon the enclosed document.

If members agree they could forward this item to the General Forum by way of the following motion:

“That the Executive Committee recommends that the General Forum endorse the creation of a Parks and Recreation Governance Special Committee to determine:

- *The best mission and/or purpose for the Authority for the future*
- *The best governance structure to achieve that mission/purpose*
- *The best governing documents to achieve that mission/purpose – Bylaws, MOU’s, Articles of Agreement, etc.*
- *The associated COG committee structure/relationship to support/supplement the work of the Authority, so that CRPR can provide cost-effective, consistent, and high-quality parks and recreation services to have a positive impact on the quality of life of those living, working, and playing in the Centre Region,*

Furthermore, that the Special Committee be represented by elected officials and non-elected stakeholders, including two members of the Centre Region Parks and Recreation Authority, with each participating municipality being represented on the Committee,

And, that each participating parks and recreation municipality are requested to nominate one elected official and one non-elected official to be considered for appointment to the Special Committee during their January 2022 organizational meetings,

And, further, that the Centre Region Parks Authority be requested to provide its two Committee representatives at its earliest opportunity.”

All municipalities except for Halfmoon Township should vote on this motion.

13. EXECUTIVE DIRECTOR’S REPORT

The Executive Director will update the Executive Committee on other items of current interest.

- COG Solicitor Update - At its April 20, 2021, Executive Committee meeting, members requested the COG Executive Director to begin developing a process and procedure regarding the selection process for retaining the COG solicitor. Since the April 20, 2021, meeting, samples have been gathered from several sources, and more information is expected to be presented to the Committee in November.

14. OTHER BUSINESS

- A. Matter of Record - The next meeting of the Executive Committee is scheduled to be a hybrid meeting on Thursday, November 18 at 12:15 PM.
- B. Matter of Record - Enclosed is the Indoor Air Quality Report given by Mr. Lou Brungard to the Facilities Committee at their October 5, 2021, meeting.

C. Matter of Record - During the August 23, 2021, General Forum meeting, a motion was passed to strongly encourage the COG Executive Director to require that COG employees become vaccinated or present proof of vaccination against the virus that is caused by COVID-19 except for those with medical or religious exemptions. After reviewing with Agency Directors, the Executive Director concluded that the current combination of vaccines (estimated approximately 80% of COG staff are vaccinated), required masking, and social distancing is succeeding in keeping staff safe and COVID-19 out of the workplace and a requirement for vaccination was not needed at the time. On September 1, 2021, the Executive Director and Human Resources Officer met with the Human Resources Committee to discuss this subject. As a result of the discussion, the Committee requested staff to further investigate options to increase vaccination levels, including incentives and disincentives, and to bring findings to a special meeting of the Human Resources Committee held on September 15, 2021. During the time between meetings, President Biden's six-point plan to increase vaccinations was announced. As a result, after reviewing various options, the staff recommendation was to stay the course and await the final federal rulemaking that would outline details of vaccination requirements and testing protocols for unvaccinated employees. While generally accepting of this recommendation, the Committee felt additional action could be taken while awaiting federal rules. The Committee is interested in possibly implementing the following:

- Two days paid time off as an incentive for getting or already being vaccinated
- Collecting data regarding current vaccination status
- Requiring for new hires be vaccinated
- Requiring weekly testing of unvaccinated COG staff

The Human Resources Committee requested that the Executive Director and Human Resources Officer evaluate costs and develop plans to implement these measures for consideration during the October 6 meeting of the Committee.

During the October 6, Human Resources Committee meeting, staff presented the enclosed survey results and made the following recommendations:

- Stay the course, remain flexible, supportive, and focused on safety, and continue to monitor CDC, Federal, and State guidance, determine what applies and what is best practice
- Continue research steps to potentially implement a vaccine requirement for new COG hires to help maintain our high vaccination rate
- Continue COVID leave time for staff who choose to get the vaccine, the booster, or experience side effects/illness from either
- Continue the negative leave accrual program

The survey shows that mandates and disincentives are not desirable amongst most COG staff, even those who already chose to be vaccinated. The estimated cost associated with the two days of paid leave time incentive is \$50,042.11. The survey shows this incentive will not be fruitful as most unvaccinated staff indicated that no

incentive would persuade them to get the COVID-19 vaccination. Finally, the survey showed that over 90% of COG employees participated in the survey, 83.17% of participants are vaccinated, and 92.59% of participants feel comfortable and safe coming to work with the current level of safety protocols in place. Based on the results of the employee survey, the Committee concurred with the staff recommendations.

D. Matter of Record – The Fall Bulk Waste collection, originally scheduled for October 18 – 22, has been postponed to later in the year at the request of the local and district managers for Waste Management. The COG Executive Director approved the postponement based on the following considerations:

- The request to postpone was time-sensitive and required quick action to inform residents of the change.
- Bulk Waste collection involves importing drivers from other service areas for the week, and placing two refuse workers on each collection route and additional special collection trucks. Currently, vaccination rates among these employees are low.
- Waste Management is working on an incentive program for vaccination; postponement allows time for this and/or for mandates to be put in place.
- At the time the decision was made, virus cases continued to rise here and in areas from which the extra drivers come. There were, and continue to be, concerns regarding overwhelming the local health care system, and COG is mindful of this concern.
- Local and district managers were very concerned for the health of employees and their families if they were forced to carry out the bulk waste collection as planned. We have a greater understanding of the impact of the virus – particularly the Delta variant – on all populations, including long-term effects, than we did during previous collection events.
- There is a risk that positive test results from more than one or two local drivers could necessitate quarantining so many drivers that local weekly collection could be jeopardized.
- Postponing collection allows the local and district managers time to change some procedures and protocols to be able to staff this event fully and safely.

During its October meeting, the Climate Action and Sustainability Committee discussed how the decision to postpone bulk collection was made and how the process could be improved in the future. The Committee determined that the Executive Director or the Refuse and Recycling Program Administrator should inform the committee chair about changes regarding refuse collection as soon as possible after a decision is made.

Waste Management will reschedule this collection for the 2021 calendar year and will assist in informing all residents of the dates and any changes in procedures.

15. CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#).

16. HELPFUL REFERENCE LINKS

Repositories of helpful COG information have been assembled for use by the elected officials and COG staff:

- Governance policies, procedures, and other related documents and can be viewed on SharePoint by clicking [here](#) or going to <https://www.crcog.net/governance>.
- The Whitehall Road Regional Park project site facilitates easy access to documents, resources, and current information about the project. Staff continues to develop and update the site which can be found at <https://www.crcog.net/wrrpinfoguide>.
- COG Facilities Reference information can be found at: <https://bit.ly/3qnEbMA>. The Facilities Committee uses this information as a collection point and serves as a resource for new members of the Committee as well as others.

Please contact Eric Norenberg with feedback and suggestions.

17. ADJOURNMENT

ENCLOSURES

<u>Item #</u>	<u>Description</u>
CA-1	September 21, 2021 – Executive Committee Meeting Minutes
06	Communications Procedure to Outside Entities
07	Parks Maintenance Facility Lease
08	2022 Detailed Budget – Finance Committee Comments
10	Library Director Recruitment Process Recommendations
12	Parks and Recreation Governance Document
14A	Indoor Air Quality Report
14C	COG Staff COVID-19 Vaccination Survey Results



**Manager's Report
November 1, 2021**

1. The DRAFT 2022 Ferguson Township Annual Operating Budget is being prepared for distribution to the Board by November 8th. The document will also be made available on the Township's webpage for review. Board members and the public are reminded that two Special Meetings have been scheduled on November 16th and 18th at 7:00 p.m. via Zoom to review the draft budget. C-NET will be recording both Special Meetings. Tentative adoption of the 2022 Operating Budget is scheduled for Monday, December 6th and final adoption is scheduled for Monday, December 13th during the Regular Meeting of the Board of Supervisors.
2. The Pine Grove Mills Small Area Plan Advisory Board met on Thursday, October 28th. Agenda items included a debrief from the Pine Grove Mills Transportation Mobility Study Virtual Public Meeting that took place on October 14th. The Committee also discussed the development of Cecil Irvin Park and the implementation of the Small Area Plan.
3. Staff has been working with Peter Melan of Polity, Inc. to plan the public and stakeholder engagement sessions for the Strategic Plan Update. Tentatively, a public meeting has been scheduled for Wednesday, November 17th from 6:00 to 8:00 p.m. at Discovery Space on North Atherton Street. The Township is partnering with Discovery Space to offer supervised activities for children at Discovery Space while the public meeting takes place. Other meetings including a business community luncheon and a Board and staff retreat are being scheduled, as well. More details will be forthcoming.
4. The Non-Uniformed Pension Advisory Committee met with Pat Geary of Cornerstone Wealth Advisors on October 21st for its quarterly meeting. The performance of the Township's 457 Deferred Compensation Plan and the 401(a) Plan have exceeded benchmarks across nearly all available funds and the portfolios continue to outperform the market. Mr. Geary will be changing brokerage firms in the coming months to remain authorized to work with Voya, which will require Board action to retain his services with the new agency.



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3147 Research Drive • State College, Pennsylvania 16801

Telephone: 814-238-4651 • Fax: 814-238-3454

Public Works Director's Report to the Board of Supervisors (BOS) for the regular meeting on October 18, 2021

- 1. Public Works Operating Budget – Complete, pending review.**
- 2. Public Works Road Crew Activities – Road crew work for the week of November 1st includes ongoing leaf collection, a round of brush collection, mowing storm basins and pollinator areas in parks. Work planned for the week of November 8th includes berm grading and ditch cleaning, ongoing leaf collection, preparing trucks for winter operations.**
- 3. Arborist and Tree Commission Activities-** The Tree Commission meets next on November 15th. The arborist position remains vacant.
- 4. Stormwater Fee –**The deadline for applications for credits and exemptions was September 30th. Appeals for exemptions that were denied can be submitted until November 30th. Staff will be reviewing and processing credit applications that were submitted by the deadline through November.
- 5. Contract 2016-C11 Traffic Signal Performance Metrics –** Contract awarded to Wyoming Electric and Signal Inc. Expect construction to start spring of 2022.
- 6. Contract 2018-PWGGG Rooftop Photovoltaic on FTPW Building 6 –** Work by Envinity started on October 25th.
- 7. Contract 2018-C20 Park Hills Drainageway –**Design work continues. Completion of design, permitting, easement acquisition, utility relocation this year are needed to progress the project toward construction in 2022. Recent work on the project has centered on improvement options for the steepest reach of the channel and development of a tree protection plan. Plans are underway with UAJA to best accommodate the relocation of a section of sanitary sewer line in the drainageway. Work continues on the utility relocation and coordination with West Penn, Comcast, and homeowners. Staff continues work on a tree preservation plan.
- 8. Contract 2019-C21 Pine Grove Mills Street Light Conversion:** Design work continues. The next step in the process is submitting design information to PennDOT for a highway occupancy permit and finalizing design plans.
- 9. Contract 2020-C18 Science Park and Sandy Drive Signal Design –** Design of the traffic signal will be completed in-house. Signal design is progressing with the next step being utility coordination and subsurface utility engineering.

10. **Contract 2020-C20 Pine Grove Mills Mobility Study** –Ped and bike safety audits were completed on October 13th. The first public meeting was held the evening of October 14th. [A committee meeting is planned in November.](#)
11. **Pine Grove Mills Bike and Pedestrian Improvements Project (Transportation Alternatives Set-Aside Program Grant Application)** – Staff submitted the pre-application to PennDOT on August 13th. A pre-application meeting with staff, CRPA, and PennDOT District 2-0 was held on September 9th. The final application was submitted on October 15th. The project includes: 1). Installing approximately 890 linear feet of concrete sidewalk on the west side of SR6 Water Street from the flashing traffic light (SR26/SR45 intersection) south to Chestnut Street. 2). Performing shoulder widening to accommodate bike lanes on SR45 for approximately 4,125 linear feet both sides from a point 350 feet west of the St. Paul Lutheran Church to Ross Street. Painting bike legends on the shoulders. 3). Installing rectangular rapid flashing beacon at existing bike crossing on Nixon Road between Sunday Drive and Chester Drive. 4). Installing signs and legends for sharrows from St Paul Lutheran Church on SR45 to the RRFB on Nixon Road to provide connectivity of bikepaths.
12. **Contract 2020-C21 Pine Grove Road & Water Street/Nixon Road Signal Warrant Study** – The study showed the intersection does not meet traffic signal warrants. The final report is yet to be prepared for the record.
13. **Contract 2021-C5 Storm Sewer Cleaning and Video Assessment** – [This contract was not awarded. The project included cleaning existing storm pipes and televising the system to document the condition of pipes. Bids for this project were opened on September 14th. All bids were significantly over budget. Staff determined the reason that unit prices were almost double past project unit prices was due to the requirement to treat the collected water from pipe cleaning. The requirement was place in the contract based on verbal conversation between the Township Engineer and a PaDEP representative. The topic has been discussed with other neighboring MS4 municipal engineers and the subject will again be discussed with PaDEP. It is believed that upon further review and preparation of a pollutant reduction plan for pipe cleaning operations, we may be able to revise the contract requirement and not require transportation and off site disposal of the cleaning water. Unfortunately, there is not time to rebid the project this year. A contract will be prepared for work to be done next year.](#)
14. **Contract 2021-C12 Traffic Signal Cabinet Installation** – Work includes upgrading the cabinet at the intersection of Science Park Road and West College Avenue. Foundation complete, cabinet will be reset this fall. Waiting for material delivery for the pole under separate contract to finish this contract.
15. **Contract 2021-C15 Street Tree Pruning** – [Each year a certain number of street trees are pruned to include shaping, clearance, deadwood removal, and hazard mitigation. Bids for this contract were opened on October 26th. Refer to separate memorandum recommending award of the contract. Work includes pruning 974 street trees located on various streets in Saybrook, Chestnut Ridge Manor, Foxpointe, the Landings, Shamrock Estates, and a section of Blue Course Drive](#)

16. **Contract 2021-C16 Chesapeake Bay Pollutant Reduction Plan (CBPRP) Design and Permitting** – In compliance with our MS4 permit and CBPRP, certain projects will be advanced through the design and permitting phase. Sent notice of intent to enter to property owners in project area. NTM is preparing a scope and price proposal to do the design and permitting.
17. **Contract 2021-C18 Homestead Park Play Equipment Installation** – FTPW will procure equipment through COSTARS and separately have the equipment installed through COSTARS.
18. **Contract 2021-C19 Louise E. Silvi Fence Installation** – Issued a contract to Nastase Supply and Construction to install the fence.
19. **Contract 2021-C20 Songbird Sanctuary Plan Implementation** – An estimate for the installation of both an ADA accessible path and a natural path and ADA parking is in progress. Plans and specs are in design, then the project will be let to bid.
20. **Contract 2021-C21 Signal Luminaire Conversion to LED** – This project includes converting select overhead lighting at traffic signal intersections from high pressure sodium to LED. A purchase order was processed to buy materials, and a contract was signed for installation. [Work is planned for the week of October 25th by Strouse Electric.](#)
21. **Contract 2021-C23 Traffic Signal Pole Replacement** – Work includes replacement of a traffic signal pole at the intersection of West College Avenue and Science Park Road. The pole was damaged in a vehicle accident. The contract was awarded. Work is in progress. Awaiting pole delivery.
22. **Contract 2021-C24 Winter Road Maintenance-** [Bids are being accepted for contract snow plowing on 1.86 miles of streets in the Traditional Town Development \(TTD\). Bids are due November 2nd.](#)
23. **Asset Management and Work Order Software** – [The Public Works Director is working with consultant staff with TRAISR \(an asset management and work order software solution company\) to migrate our work order system from Microsoft Access to an ESRI Survey 123 and ArcGIS Online platform. All data will then be integrated into the TRAISR platform next year when COG signs a contract with TRAISR.](#)
24. **Traffic Study at the Intersection of Cherry Lane and Martin Street** – The crosswalk study is complete. The cross walk is striped. A work order is submitted to trim branches obstructing signs and install new signage. The Township Engineer recommends overhead lighting. Traffic data collection is complete and must be reviewed. Once the data is analyzed along with a review of the intersection stop controls, the Township Engineer will provide any recommendations on stop conditions at this intersection.



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3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

PLANNING & ZONING DIRECTOR'S REPORT

Monday, November 1, 2021

PLANNING COMMISSION

The Planning Commission met October 25, 2021 to review the modification/waiver application submitted by Limitless PCS, Inc.

LAND DEVELOPMENT PLANS AND OTHER PROJECTS

1. Active Plans are listed below for the Board of Supervisors (10/26/2021).
 - **Rogan/Sycamore Drive Subdivision**
(24-009A-254)
 - **The Peace Center/Cemetery—Islamic Society Land Development Plan**
(24-004-078C-0000)
 - **Nittany Dental Land Development Plan**
(24-004-079E-0000)
 - **JL Cidery Land Development Plan**
(24-004-092B-000)
 - **Farmstead View Subdivision**
(24-022-306-0000)
 - **Orchard Square Land Development Plan**
(24-004-067F-0000)
 - **Tussey Tracks (Centre Animal Hospital) Land Development Plan**
(24-019-0074-0000)
2. Community Planner attended the American Planning Association-Pennsylvania Chapter Annual meeting in Pittsburgh.
3. Zoning Administrator conducted playground inspections.
4. Zoning Administrator attended the Pennsylvania Safety Conference in Hershey.
5. PZ Director attended the Township Leadership Team Meeting.
6. Community Planner and PZ Director attended the CRPA/Municipal Staff Meeting, Pine Grove Mills Advisory Committee Meeting and with a representative from ESRI to discuss potential PZ projects.
7. PZ Director met to review Planning & Zoning Department's 2022 Budget requests.
8. PZ Staff and Township Engineer met with representation from Pine Hall to discuss SIP submissions.

ZONING HEARING BOARD

Zoning Hearing Board met October 26, 2021 to review the following variance request:

Circleville Road Partners—North side of Havershire Blvd., West of the intersection with Blue Course Drive (24-004-200B-0000). The property is zoned Traditional Town Development (TTD) and the applicant is requesting a variance from §27-303.A.D. which prohibits telecommunication facilities within this zoning district. The applicant would like to install a telecommunication facility with a 165' monopole tower and support equipment. The applicant is requesting a variance from §27-710.3.A., to permit a setback of 60' from Blue Course Drive and 110' from Havershire Blvd. The required setback for a tower is 500' from the nearest property boundary. The applicant is also requesting a variance from §27-710.H.2. to permit buffer landscaping around three sides of the fenced compound as opposed to the entire perimeter. The Zoning Hearing Board **denied** the variance request.

Zoning Hearing Board will be meeting November 16, 2021 to review the following variance request:

Team Rahal of State College, Inc.—3610, 3650, 3660 and 3670 West College Avenue (24-004-79A; 24-004-80; 24-004-81 and 24-004-82). One property (24-004-79A) is partially zoned General Commercial (C) and the remaining lots are zoned Rural Agriculture (RA). The applicant is requesting a variance from §27-701.3.A.(2) which requires that these properties be subject to the floodplain conservation regulations and §27-701.3.C.(1) which prohibits new development and construction in all areas that contain Nolin soils. The proposed development area contains Nolin soils, it is not a floodway or floodplain and isn't subject to inundation.