

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting Agenda**  
**Monday, November 16, 2020, 7:00 PM**

*Join Zoom Meeting:*

<https://us02web.zoom.us/j/84462653402>

**Meeting ID: 844 6265 3402**

[Zoom Access Instructions](#)

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

1. November 2, 2020, Board of Supervisors Regular Meeting Minutes

**IV. SPECIAL REPORTS**

- a. COVID-19 (Coronavirus) Response Report
- b. University Area Joint Authority Report
- c. Tree Canopy Survey Results Report

**V. UNFINISHED BUSINESS**

1. Public Hearing - Ordinance amending the Ferguson Township Zoning Map
2. Public Hearing - Ordinance amending Chapter 27, Section 716, Workforce Housing
3. Public Hearing - Ordinance amending Chapter 27, Section 205, Family Child-Care Homes
4. Public Hearing - Resolution amending Resolution 2019-30, Schedule of Fees
5. Continued Discussion – DRAFT Credit Policy Manual for the Proposed Stormwater Fee

**VI. NEW BUSINESS**

1. Consent Agenda
2. Request for Variance – 370 Airport Road
3. Public Hearing – Resolution Authorizing a Grant Application for Suburban Park Phase I
4. Public Hearing – Resolution Adopting New Articles of Agreement for the Centre Region Building and Housing Code Board of Appeals
5. Discussion - Review of Draft Tree Preservation Ordinance

**VII. REPORTS**

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

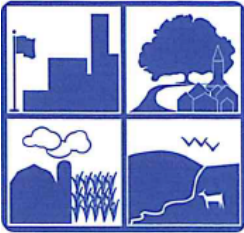
**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – NOVEMBER/DECEMBER**

**X. ADJOURNMENT**



Visit the Township's Web Site [www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us) and sign up for *Notify Me!* to receive email notices about Township Information.



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# TOWNSHIP OF FERGUSON

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**Board of Supervisors  
Regular Meeting Agenda  
Monday, November 16, 2020  
7:00 P.M.**

**I. CALL TO ORDER**

**II. CITIZEN'S INPUT**

**III. APPROVAL OF MINUTES**

1. November 2, 2020, Board of Supervisors Regular Meeting Minutes

**IV. SPECIAL REPORTS**

30 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. University Area Joint Authority – Jonathan Dietz
3. Tree Canopy Survey Results Report - SavATree

**V. UNFINISHED BUSINESS**

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING ORDINANCE AND ZONING MAP AS DESCRIBED IN EXHIBITS "A" THROUGH "E" AND MADE PART OF THIS ORDINANCE.**

30 minutes

**Narrative**

In 2016, staff and the Board, along with Environmental Planning and Design as a consultant, undertook the task of comprehensively updating the Zoning Ordinance and the Subdivision and Land Development Ordinance. Zoning Map amendments were deferred until after the other modifications were completed. The areas that are proposed to be rezoned were identified during the comprehensive rewrite, requested by residents, and an attempt to bring additional lots into conformity. These areas were evaluated by staff and reviewed by the Ferguson Township Planning Commission.

On September 28, 2020, the Ferguson Planning Commission made a motion to the Board of Supervisors to approve the proposed map amendments. Comments were received by the Centre Regional Planning Agency and the Centre Regional Planning Commission heard the proposal at the November 5, 2020, meeting and recommended approval. The Board of Supervisors authorized a public hearing for November 16, 2020. The properties have been posted and property owners have been notified of the public hearing this evening.

*Recommended Motion: That the Board of Supervisors adopt the ordinance amending the Ferguson Township Zoning Ordinance and Zoning Map as described in Exhibits "A" through "E".*

**Staff Recommendation**

That the Board of Supervisors **adopt** the ordinance amending the Ferguson Township Zoning Ordinance and Zoning Map.

- 2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART 3, RESIDENTIAL PLANNED DEVELOPMENT AND MIXED USE; SECTION 304, TERRACED STREETScape (TS) DISTRICT BY AMENDING §27-304.C.2. BUILDING HEIGHT INCENTIVES AND AMENDING CHAPTER 27, ZONING; PART 7, SUPPLEMENTAL REGULATIONS; SECTION 716, WORKFORCE HOUSING BY REPEALING IT AND REPLACING IT IN ITS ENTIRETY. 30 minutes**

**Narrative**

In response to the Workforce Housing Ordinance amendments, Planning Staff reviewed the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District and is recommending that Chapter 27, Zoning; Part 3, Residential Planned Development and Mixed Use; Section 204, Terraced Streetscape (TS) District be amended by adding the following to §27-304.3.B.3. Building Height Incentives to read:

*3. If a building is complying with §27-716. Workforce Housing, the by right maximum height of 55 feet may be increased to accommodate bonus market rate units, not to exceed 75 feet.*

The Workforce Housing Ordinance is codified under Supplemental Regulations in Chapter 27, Zoning and applies to zoning districts where the provisions of workforce housing units are required or incentivized. Currently, the Township requires a contingency of workforce housing to be built in the Traditional Town Development (TTD) Zoning District and is incentivized in the Terraced Streetscape (TS) Zoning District.

Provided with the agenda is the draft amendment to the Workforce Housing Ordinance. This ordinance would be applicable to the following developments within the TTD and TS Zoning Districts:

- Ten or more residential dwelling units;
- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
- Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

It expands upon the legacy workforce program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, built off-site, and/or paid through fee-in-lieu. The Ferguson Township Planning Commission reviewed this draft at the September 28, 2020, regular meeting and recommended that the draft Workforce Housing Ordinance not be approved. Staff has drafted a memorandum summarizing discussions of the Ferguson Township Planning Commission to provide additional clarity on the recommendation. Comments were received by the Centre Regional Planning Agency and Centre Regional Planning Commission heard the proposal at the November 5, 2020, meeting and recommended approval.

*Recommended motion: That the Board of Supervisors adopt the ordinance amending Chapter 27, Zoning, Part 3, Residential Planned Development and Mixed Use, Section 304, Terraced Streetscape District by amending §27-304.3.B.3. and amending Chapter 27, Zoning, Part 7, Supplemental Regulations; Section 716, Workforce Housing by repealing it and replacing it in its entirety.*

**Staff Recommendation**

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

- 3. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART 2, DISTRICT REGULATIONS; SECTION 205.5—SINGLE FAMILY RESIDENTIAL (R1), SECTION 205.6—SUBURBAN SINGLE FAMILY RESIDENTIAL (R1B), SECTION 205.7—TWO FAMILY RESIDENTIAL (R2), SECTION 205.8—TOWNHOUSE RESIDENTIAL (R3), SECTION 205.9—MULTI-FAMILY RESIDENTIAL (R4) AND SECTION 205.11—VILLAGE (V).** 10 minutes

**Narrative**

As a result of the current pandemic, Ferguson Township Staff conducted a business needs survey. A key concern was childcare facilities within the Township. Staff reviewed the requirements and process in establishing a Family Child-Care Facility in the Township. Currently, the use is considered an Accessory Use and requires a conditional-use approval from the Board of Supervisors. Staff is recommending to amend Chapter 27, Zoning; Part 2, District Regulations; Section 205.5—Single Family Residential (R1); Section 205.6—Suburban Single Family Residential (R1B); Section 205.7—Two Family Residential (R2); Section 205.8—Townhouse Residential (R3); Section 205.9—Multi-Family Residential (R4) and Section 205.11—Village (V) to amend the conditional-use for Family Child-Care Homes to a permitted use for Single-family Detached Dwellings in these zoning districts.

On September 28, 2020, the Ferguson Planning Commission made a motion to the Board of Supervisors to approve the proposed amendments. Comments were received by the Centre Regional Planning Agency and Centre Regional Planning Commission heard the proposal at the November 5, 2020, meeting and recommended approval.

*Recommended motion: That the Board of Supervisors adopt the ordinance amending Chapter 27, Zoning, Part 2, District Regulations; Section 205.5—Single Family Residential, Section 205.6—Suburban Single Family Residential, Section 205.7—Two Family Residential, Section 205.8—Townhouse Residential, Section 205.9—Multi-Family Residential, and Section 205.11—Village.*

**Staff Recommendation**

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

- 4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING RESOLUTION 2019-30 BY ESTABLISHING FEES FOR WORKFORCE HOUSING FEE-IN-LIEU.** 20 minutes

**Narrative**

Provided with the agenda is a copy of the resolution amending Resolution 2019-30 by establishing fees for Workforce Housing Fee-In-Lieu as well as calculations provided by staff and Ferguson Township's Workforce Housing designee that include updated vacant land cost and ICC Cost of Construction based on data as of November 2020. Staff is recommending the Workforce Fee-in-Lieu be established at \$86,250 for a Single-Family Attached/Detached Dwelling Unit and \$52,500 for a Multifamily Dwelling Unit. These fees represent 75% of the land acquisition and construction cost of a similar market-rate unit.

*Recommended motion: That the Board of Supervisors adopt the resolution amending Resolution 2019-30 by establishing fees of Workforce Housing Fee-In-Lieu.*

**Staff Recommendation**

That the Board of Supervisors *adopt* the resolution.

**5. CONTINUED DISCUSSION – REVIEW OF DRAFT CREDIT POLICY MANUAL FOR THE PROPOSED STORMWATER MANAGEMENT UTILITY FEE** 20 minutes

**Narrative**

A credit program allows the Township to provide “credits” to property owners who have implemented practices that reduce the impact of stormwater on the publicly managed stormwater system. This can be accomplished by removing impervious area or operating and maintaining a qualifying stormwater management feature. Provided with the agenda is a draft credit policy manual that outlines various credits available and the amount of credit proposed.

**Staff Recommendation**

That the Board of Supervisors *review and discuss* the DRAFT Credit Policy Manual.

**VI. NEW BUSINESS**

**1. CONSENT AGENDA** 5 minutes

- a. Contract 2018-PWGG HVAC, App. #2: \$29,188.75
- b. Contract 2018-PWGG General, App. #7: \$366,685.75
- c. Contract 2019-C32e Plumbing, App. #4: \$1,921.32
- d. Contract 2020-C1, Street Improvements-North, App. #3: \$1,303.64
- e. Contract 2020-C4, Suburban Park permits, App. #5: \$6,082.06
- f. Contract 2020-C19 ARLE Detection Upgrade #0261: \$89,173.00
- g. Contract 2020-C19 ARLE Detection Upgrade #0262: \$99,975.00
- h. Voucher Report for September
- i. Voucher Report for October
- j. Board Member Request – Financial Advisory Committee
- k. Board Member Request – General Tax Increase
- l. Board Member Request – Park Maintenance Agreement and Participation

**2. REQUESTS FOR VARIANCES AND APPEALS**

- a. Zoning Variance Request - 370 Airport Road 5 minutes

**Narrative**

Grace Presbyterian Church of 370 Airport Road (24-001B-016-0000) is requesting a variance from §19-115.2 Nonconforming Signs. The applicant received a notice from the Township Public Works Department to inform the applicant that the sign presents a sight obstruction. The sign is a nonconforming, off-premise sign that is located in the Township right-of-way (General Commercial (C) and Corridor Overlay) and the Sign Ordinance would require that any removal, enlargement or dimensional change would require that the sign must comply with the current ordinance. The applicant proposes to decrease the sign area to 30” x 30”, mounted on a single traffic-style post and increase the height of the sign to an 8’ clearance above the ground.

*Recommended Motion: That the Board of Supervisors provide a letter to the Zoning Hearing Board, granting permission to the applicant to apply for a variance on Township property and support the variance request for 370 Airport Road.*

**Staff Recommendation**

That the Board of Supervisors **support** the request for variance.

- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE FILING OF THE GRANT APPLICATION TO THE LAND AND WATER CONSERVATION PROGRAM FOR FEDERAL FUNDING ADMINISTERED BY THE NATIONAL PARK SERVICE FOR SUBURBAN PARK – PHASE I IMPROVEMENTS.** 10 minutes

**Narrative**

The Township received a notice-of-selection for a grant award in the amount up to \$250,000 for Suburban Park - Phase 1. Recommended by Pennsylvania Department of Conservation and Natural Resources (PA DCNR) this park project is being considered for federal funding through the Land and Water Conservation Program (LWCP) which is administered by National Park Service. If approved, grant funding would be confirmed in the amount of \$250,000. Suburban Park – Phase 1 consists of constructing the newly designed stormwater drainage channel, the BMP's, and the installation of bridge/boardwalk crossings; install a perimeter walking path to include an ADA accessible route from parking stall to amenities and the regional trails; as well as constructing an accessible picnic facility and horseshoe pits, and other associated site improvements. Funding has been allocated for this year and next year to complete the design of the drainageway improvements and conduct a floodplain study and associated Letter of Map Revision revising the floodplain boundaries established by the Federal Emergency Management Agency (FEMA). Provided with the agenda is a copy of the rendering of the master plan as adopted in 2019, a copy of Suburban Park – Phase 1 and the resolution required by DCNR for submission with the grant application.

*Recommended Motion: That the Board of Supervisors adopt the resolution authorizing the filing of the grant application to the Land and Water Conservation Program for federal funding administered by the National Park Service for Suburban Park – Phase I improvements.*

**Staff Recommendation**

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

- 4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING THE NEW JOINT ARTICLES OF AGREEMENT OF THE CENTRE REGION BUILDING AND HOUSING CODE BOARD OF APPEALS, WHICH INCLUDES REPEALING AND REPLACING THE JOINT ARTICLES OF AGREEMENT FOR THE ESTABLISHMENT OF A CENTRE REGION BUILDING AND HOUSING CODE BOARD OF APPEALS DATED SEPTEMBER 27, 2004.** 10 minutes

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing adopting the revised Articles of Agreement for the Centre Region Building and Housing Code Board of Appeals. The revised

Articles of Agreement were forwarded to the Centre Region municipalities by the COG General Forum at the September 29<sup>th</sup> meeting.

*Recommended Motion: That the Board of Supervisors adopt the resolution adopting the new Joint Articles of Agreement of the Centre Region Building and Housing Code Board of Appeals, which includes repealing and replacing the Joint Articles of Agreement for the establishment of a Centre Region Building and Housing Code Board of Appeals dated September 27, 2004.*

**Staff Recommendation**

That the Board of Supervisors **adopt** the resolution adopting new joint Articles of Agreement for the Centre Region Housing

**5. REVIEW OF THE DRAFT TREE PRESERVATION ORDINANCE**

5 minutes

**Narrative**

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

The Board authorized staff and the Ferguson Township Tree Commission in September 2018 to draft a Tree Preservation Ordinance. Since that time, the Tree Commission has met to review this ordinance several times. Staff is prepared to provide an overview to the draft ordinance and answer any questions the Board may have. Provided with the agenda is a copy of the draft ordinance.

*Recommend Motion: That the Board of Supervisors refer the DRAFT Tree Preservation Ordinance to the Planning Commission for review and a recommendation.*

**Staff Recommendation**

That the Board of Supervisors **refer** the DRAFT Tree Preservation Ordinance to the Planning Commission.

**VII. STAFF AND COMMITTEE REPORTS**

**1. COG COMMITTEE REPORTS**

20 minutes

- a. Ad Hoc Facilities Committee
- b. Human Resources Committee
- c. Public Services & Environmental Committee
- d. Joint PSE and Public Safety Committees

**2. OTHER COMMITTEE REPORTS**

5 minutes

- a. Schlow Library Executive Director Recruitment Committee

**3. STAFF REPORTS**

20 minutes

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

**VIII. COMMUNICATIONS TO THE BOARD**

- a. 2021 Budget Special Meeting – November 17<sup>th</sup> at 6:00 p.m. via Zoom.
- b. Authorities, Boards & Commissions Vacancy Interviews – November 19<sup>th</sup>, 6:00 p.m. via Zoom.

**IX. CALENDAR ITEMS – NOVEMBER/DECEMBER**

**X. ADJOURNMENT**