

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING
TUESDAY, AUGUST 28, 2018
7:00 PM**

I. ATTENDANCE

The Zoning Hearing Board held its regular meeting on Tuesday, August 28, 2018 at the Ferguson Township Municipal Building. In attendance were:

Board:

Michael Twomley—Chairperson
Michael MacNeely—Secretary
Swamy Anantheswaran
Susan Buda
Irene Miller, absent
Marc Friedenberga—Alternate, absent

Staff:

Jeffery Ressler, Zoning Administrator
Jeff Stover, ZHB Solicitor

Others in attendance included: Marcella Bell, Recording Secretary; Ray Stolinis, Planning & Zoning Director; Troy Knecht, HFL Variance request; Anna Childe, HFL Variance Request; John Sepp, HFL Variance Request (PennTerra Engineering); Patricia Best, HFL Variance Request; and Will Riehl, citizen

II. CITIZENS' INPUT

There was no citizens' input.

III. HFL CORPORATION—VARIANCE REQUEST CONTINUANCE

Mr. Ressler stated that the property that is the subject of this hearing is located at 1224 North Atherton Street, State College, tax parcel 24-014-005-0000. The property owner is HFL Corporation. The property is located in C-General Commercial Zoning District. There is an area of FEMA Mapped flood plain that crosses the property. The applicants are requesting a variance to the flood plain conservation regulations of Chapter 27-801.(1) and Chapter 27-801.C(1) to permit grading and the construction of parking in the flood plain. The applicants are requesting variances to the off-street parking regulations, Chapter 27-809.A(5) and Chapter 27-809.B(1) to not be required to pave the parking spaces and to not be required to meet the dimensional requirements for the parking spaces. The applicants are requesting variances to the following:

- Chapter 27-809.1B(1) Parking Space Dimensions
- Chapter 27-809.1.C(1) Parking Lot Dimensions
- Chapter 27-809.C(2) Parking Lot Obstructions
- Chapter 27-807.3A Encroachment into buffer yard

There have not been any other zoning hearings for the property. Mr. Ressler noted that the Board of Supervisors expressed their thanks to the Zoning Hearing Board for giving them a second chance to review the variance application, however, the Board declined to review the revised application and remained opposed to the variance request.

Mr. Sepp introduced himself and stated that at the last hearing, the meeting concluded with the discussion of coming back with a definitive plan that would show the minimal impact to the flood plain and still achieve the goal of obtaining additional parking for

certain periods of time when it is needed. At the last hearing, the applicant proposed 5,000 square feet or less of additional gravel parking to be in the flood plain. Additionally, the encroachment into the flood plain and the buffer yard was not identified on the plan. Mr. Sepp explained he has spent a great deal of time with the representatives from Discovery Space to come up with a parking scenario that minimizes the impact to the flood plain but also gives them sufficient additional parking. Mr. Sepp explained that the applicants are proposing 16.5 feet stalls along the upper property line, totaling 1,000 square feet of additional parking in the flood plain. Most of the proposed parking area is paved, however, there is about a foot of vehicle that overhang into the grass. The applicant is proposing to use grass pavers so that there is no additional impervious pavement. Mr. Sepp provided the Board with exhibit number 1, an example of grass pavers. He explained that Discovery Space staff feels comfortable with this plan and feels that it can be used in a proper manner with coordination between staff and visitors. Staff would be the only ones to use these additional parking spaces. Mr. Sepp stated that the encroachment into the buffer yard is seven feet, which is one and a half of the last two parking stalls. He explained that there is already encroachment into the buffer yard with the existing parking lot. Mr. Sepp and the applicants believe that the impact to the flood plain is very minimal and will still achieve the parking goal at times when it is necessary.

Ms. Buda thanked the applicants for being creative and coming up with alternative proposals that did not include gravel for the parking lot. She explained that she has done her own research on permeable pavers and there are concerns about them getting clogged and then not being permeable. Many places do not allow permeable pavers in flood plains. She went on to say that it is critical that the surrounding area be stable regarding drainage. In response to a question from Ms. Buda, Mr. Sepp explained that he and the applicants did look at parallel parking, however, it was not feasible for the parking lot. There is a utility pole and a guy wire in the parking lot, which makes it hard for parallel parking to be efficient. He went on to explain that dimensions for parallel parking stalls are 8x24 feet, which would reduce the number of allowable stalls in the parking lot.

There was a lengthy discussion regarding the pervious pavers and the flood plain. Many of the Zoning Hearing Board members expressed their concern about potential flooding and the impact the pervious pavers would have on the flood plain. The Zoning Hearing Board adjourned for an executive session at 7:33 PM and returned at 7:54 PM.

Mr. Towmley stated that the bottom line is that the applicant must prove they have a hardship. He explained that he did not see a hardship for what the applicants are requesting—that it was more of a convenience.

There was a brief discussion regarding whether or not the variance request could go with the use and not the property. It was of Attorney Stover's opinion that since it is a dimensional variance, it could not be attached to the use of the property, and it would be difficult to tell the next owner of the property they could not use the additional space. After a lengthy discussion on other items that could be done to mitigate the effect on the flood plain, the applicants formally withdrew their variance application.

Mr. Sepp stated that he and the applicants would like to think more about the logistics of the parking and come back with a new variance request if necessary.

IV. APPROVAL OF THE MEETING MINUTES FROM THE JULY 17, 2018 REGULAR MEETING

A motion was made by Mr. Anantheswaran and seconded by Ms. Buda to approve the July 17, 2018 regular meeting minutes. The motion carried 4-0.

V. ADJOURNMENT

With no further business to come before the Zoning Hearing Board the August 28, 2018 meeting adjourned at 8:15 PM.

RESPECTFULLY SUBMITTED,


Michael MacNeely, Secretary
For the Zoning Hearing Board

Date approved by the Board: 9/25/18

