

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, MARCH 23, 2021
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, March 23, 2021, via ZOOM. In attendance were:

Board:

Michael Twomley- Chair
Susan Buda – Vice Chair
Swamy Anantheswaran- Secretary
Mike MacNeeley-Absent
Irene Wetzel
Stefanie Rocco, Alternate
Jeff Stover, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator
Summer Brown, Recording Secretary
Jenna Wargo, Planning Director

Others in attendance were: Heather Boring, stenography; Sean Burke; Kevin Miller, Todd Smith, ELA Group; Renee Air, Ferguson Township Resident.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order on Tuesday, March 23, 2021 at 7:00 pm.

III. CHAIRPERSON OF THE ZONING HEARING BOARD EXPLAINS PROCEDURE FOR VIRTUAL MEETING

IV. PLEDGE OF ALLEGIANCE

V. CITIZENS INPUT

VI. INTRODUCTION OF BOARD MEMBERS

VII. SWEARING IN OF THOSE THAT WISH TO TESTIFY

Mr. Jeffrey Ressler, Ms. Jenna Wargo, Mr. Todd Smith, Mr. Kevin Miller, and Mr. Sean Burke.

VIII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE/APPEAL

Mr. Jeff Stover, Zoning Hearing Board solicitor went over the criteria for a variance.

IX. ZONING OFFICER EXPLAINS THE BASIS OF VARIANCE/APPEAL REQUEST

X. TUSSEY TRACKS LLC – VARIANCE REQUEST

Mr. Jeff Ressler stated that the variance request is for the Tussey Tracks LLC. The property is located at 1518 W College Ave, State College, PA. The property is zoned Terraced Streetscape, tax parcel 24-019-074-0000 and 24-019-072-0000. The property is owned by Tussey Tracks LLC and is a total of .94 acres. The applicants are proposing to consolidate 2 lots and expand the

existing one story veterinary clinic and parking area. The applicants are requesting 5 variances in order to complete the project. The requested variances are as follows: Chapter 27-304.2.E.2, 27-803.1.B.1, 27-304.3.A(2)(A), 27-304.3.D.(1)(A), AND 27-304.3.G.5. Mr. Ressler explained the variances they are asking for and why.

Mr. Todd Smith representing ELA Group, gave the Board some back ground on the property and location and what the applicant plans on doing with the property. The upgrades will include building expansion, two lots will consolidated to one lot, parking lot renovation, and a canine relief area for surgery patients. Mr. Smith stated that the existing building will remain as the main core of the building and additions will occur around it. Mr. Smith explained the improvements in detail. Mr. Smith noted that himself and other consultants have worked feverishly to meet the zoning guidelines for this district.

Project architect Mr. Kevin Miller is present to answer any questions the Board may have. Mr. Miller explained the design of the building is to assist with low stress/anxiety for patients. The building will also feature separate cat/dog areas and will have space state of the art veterinary practices. Ms. Wargo, Township Planning Director is also present on behalf of the Board of Supervisors. Ms. Wargo stated that this request has been reviewed by the BOS and they have voted to support the request for variances. Mr. Michael Twomley opened up for Board comment. Ms. Buda made note for the record that her pet is a patient of Centre Animal Hospital.

The Board decided to discuss and make motions on the variances separately. Mr. Twomley stated that the Board needs to consider a variance for the BOS to grant a new conditional use on the .94 acres. Ms. Buda asked if this can be looked at as deminimis. Mr. Jeff Stover reiterated the criteria for a deminimis ruling. The Board discussed this option further. **Ms. Buda moved to grant a variance to Tussey Tracks LLC regarding their property 1518 W College Ave State College PA 16801, tax parcels 24-019-074-000 and 24-019-072-0000, be granted a variance to Chapter 27 304.2.E.2 allowing the lot to be considered a one acre parcel and be given a variance of .06 acres under the condition that these lots will be consolidated, Ms. Rocco seconded the motion, and the motion passed unanimously.**

The Board discussed the 55 foot height zoning requirement and the ordinance for this zoning district. Mr. Twomley asked if a variance can be contingent upon the BOS's decision. Mr. Stover noted that the variance would go with the property for the future. Mr. Miller stated that this height is

not normal in today's veterinary practices. Mr. Smith noted that this lot can go up and still have the same amount of coverage, going up isn't changing total coverage. Mr. Smith also noted that they will be rehabilitating the existing property not demolishing like other developers. The architect noted that a 5 story building is not feasible for this use or area. Ms. Wetzel stated that she likes the plan and feels it honors the property and district. **Mrs. Wetzel moved to grant Tussey Tracks LLC located at 1518 W College Ave State College PA, tax parcel 24-019-074-000 and 24-019-072-0000 a variance to Chapter 27.304.3.a(2)(A) for non-conforming structure that will not be 55 feet in height with the condition it's use remains a veterinary clinic. Ms. Buda seconded the motion and the motion passed unanimously.**

Mr. Twomley explained that the applicant is asking for this variance because they will be exceeding the 50%. Ms. Buda stated that she sees this allowable expansion of a non-conforming structure de minimis, the Board all agreed. **Mrs. Wetzel moved to grant Tussey Tracks LLC located at 1518 W College Ave State College PA, tax parcel 24-019-074-000 and 24-019-072-0000 the variance to Chapter 27-803.1.B.1, Ms. Rocco seconded the motion and the motion passed unanimously.**

Mr. Twomley stated that the next variance is in regards to the sidewalks, this zoning district requires this building be built out to the sidewalk. The Board discussed this variance. Mr. Swamy Anatheswaren suggested allowing this as long as it's a veterinary clinic they should be granted the variance. **Mrs. Wetzel moved to grant Tussey Tracks LLC at 1518 W College Ave, State College PA, tax parcel 24-019-074-000 and 24-019-072-0000 the variance to Chapter 27-304-3D(1)(A) as nonconforming to said chapter. Ms. Rocco seconded the motion, and the motion passed unanimously.**

Mr. Twomley stated that the next variances is in regards to parking and the 4 additional spaces. Mr. Ressler stated that the requirement is 18 parking spaces, the applicant currently has 30 spaces which is the maximum. Ms. Buda stated that they can have more than 30 spaces if they use impervious pavers. Mr. Miller explained how they came to the parking space count. Mr. Miller stated that the current practice has 36 parking spaces and clients still park in the street and bank by using the additional spaces they are trying to make things safer. Mr. Miller stated that he has never had to an entire parking area with pervious pavers, the maintenance is very involved and it is expensive. Impervious pavers also have longevity and durability issues. Ms. Stephanie Rocco suggested granting the 30 spaces with the condition of the additional 4 being impervious paving.

Ms. Rocco moved to grant Tussey Tracks LLC located at 1518 W College Ave State College PA, tax parcel 24-019-074-000 and 24-019-072-0000 the variance to chapter 27-304.3.G.5 max number of permitted spaces to allow them to have up to 30 spaces and anything above in an acceptable impervious paving up to 34. Ms. Buda Seconded the motion and the motion passed 3 to 1 with Mr. Swamy Anantheswaren abstaining.

XI. APPROVAL OF MEETING MINUTES FROM FEBRUARY 23, 2021 ORGANIZATION AND REGULAR MEETING

Mr. Twomley entertained a motion to approve the meeting minutes for February 23, 2021. Mrs. Rocco made a motion to approve, Ms. Buda seconded the motion, and the motion passed unanimously.

XII. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 9:05 pm.

Swamy Anantheswaran

Swamy Anantheswaren, Secretary
For the Zoning Hearing Board