

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, JANUARY 28, 2020
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, January 28, 2020, at the Ferguson Township Municipal Building. In attendance were:

Board:

Michael Twomley
Michael MacNeely
Swamy Anantheswaran-Absent
Susan Buda
Irene Wetzel
Stefanie Rocco, Alternate
Jeff Stover, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator
David Pribulka, Township Manager

Others in attendance were: Summer Krape, Recording Secretary; Jennifer & Robert McCauley Ferguson Township Residents; Jeff Bowman, Uni-Tec Engineering.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order by on Tuesday January 28, 2020 at 7:00 pm.

III. PLEDGE OF ALLEGIANCE

IV. CITIZENS INPUT

Mr. Pribulka wanted to update the Board that the Young Scholars variance that the Board previously tabled indefinitely are moving forward with the traffic impact study.

V. INTRODUCTION OF BOARD MEMBERS

VI. SWEARING IN OF THOSE THAT WISH TO TESTIFY

Mr. Ressler, Mr. David Pribulka, and Mr. Jeff Bowman were sworn in to testify.

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

Mr. Jeff Stover the Zoning Hearing Board Solicitor explained the criteria for a variance to the audience.

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

IX. ISLAMIC SOCIETY OF CENTRAL PA – VARIANCE REQUEST

Mr. Ressler stated that the property that is subject to this hearing is located at 3765 West College Ave, State College, PA 16801, tax parcel 24-004-078C. The property is owned by the Islamic Society of Central PA and is located in the RA zoning district. There is an area of Zone A FEMA mapped floodplain along the street frontage of the property. The Zone A floodplain is only an

approximation of the floodplain boundary. The present use of the property is agricultural, the proposed use of the property is a place of assembly with an associated cemetery. The applicants would need to construct a driveway across the flood plain.

The applicants are requesting several variances to the floodplain conservation regulations of the zoning ordinance. The applicants are requesting a variance to Chapter 27-701 to not be required to complete a detailed hydraulic and hydrologic study to determine the boundary of the flood plain. Chapter 701.C which prohibits all new construction or development in the floodplain. Chapter 701.i to permit construction of a driveway in the fifty foot use buffer. Chapter 27.701.H to permit construction for the driveway in the through the floodway. Mr. Ressler stated that the applicants engineering firm have submitted a study and report to show compliance with Chapter 27-701J. The study and report has been reviewed by Scott Brown, PE of NTM Engineering and he found that the analysis was incomplete.

Mr. Twomley gave the stand to Mr. Pribulka, Township Manager who is present tonight representing the Board of Supervisors who are in opposition to the variance requests. Mr. Pribulka stated that Mr. Brown did a review of the analysis and found that it was insufficient which is why the BOS took action on January 20th to oppose the variance. If the applicant is in agreement to complete Mr. Brown's comments and the stormwater engineer reviews and is okay the BOS will then change their decision and remain neutral.

Mr. Jeff Bowman, from Uni-Tec Engineering explained to the Board the hardships the Islamic Society faces. Mr. Bowman stated that they plan on meeting all requirements and satisfying all of Mr. Brown's comments and they plan on asking for a continuance tonight. The big hardship for this site is the only access is off of route 26 and this is preventing any use of the property. The only way to have public access is to build a driveway across the floodplain and that is why they are here today. This is really preventing any use of the property. They feel this driveway will not impact any surrounding properties. Ms. Buda asked if the building they plan on building will be in the floodplain, Mr. Bowman stated that they will stay away from the floodplain area they only need the driveway access to the property.

Ms. Buda asked why the applicant is asking for a variance for the hydrologic testing. Mr. Bowman stated that the study they would like to do will only be focus on the driveway area and not the whole lot. They want to focus the study only on the area that will be effected. Mr. Stover asked Mr.


Bowman if his testimony is that the driveway will not increase the flood plain. Mr. Bowman stated that yes that is his testimony. Jennifer McCauley is an adjoining property owner. She stated that she is currently going through planning with PennDot so they are familiar with the study tests. She is concerned with this variance, she feels they will open a precedence for other properties. She feels this would significantly impact the community. Mr. Twomley stated the applicant requested a continuance so they will not make a decision. Mrs. Wetzel made a motion to approve the continuance, Ms. Buda seconded the motion, and the motion passed unanimously.

X. APPROVAL OF MEETING MINUTES FROM DECEMBER 17, 2019

Ms. Rocco made a motion to approve the December 17, 2019 minutes, Mr. MacNeeley seconded the motion, and the motion passed unanimously.

XI. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 7:33 pm.



Susan Buda, Secretary
For the Zoning Hearing Board