

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, January 5, 2015

7:00pm

I. CALL TO ORDER

CITIZEN'S INPUT

CONSENT AGENDA ITEMS – Payment Authorization

II. PUBLIC HEARINGS – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES: APPENDIX H, STREETS AND SIDEWALKS BY ACCEPTING: (1) A DEED OF EASEMENT FROM RICHARD J. AND MARTHA F. SHOWALTER FOR A PUBLIC ROAD; (2) A DEED OF EASEMENT FROM GUY A. AND VIRGINIA B. KOCHER FOR A PUBLIC ROAD; (3) A DEED OF EASEMENT FROM DAVID L. AND JOYCE H. BURNS FOR A PUBLIC ROAD; (4) A DEED OF EASEMENT FROM RICHARD L. FYE ESTATE, RAY FYE AND JOSEPH FYE, CO-EXECUTORS FOR A PUBLIC ROAD; (5) AN EASEMENT AGREEMENT FROM CHRISTOPHER J. FAGAN AND REBECCA KAY MOORE.**

- 2. A CONTINUANCE OF A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 27 ZONING, PART 2 DISTRICT REGULATIONS, SECTION 209 COMMUNICATIONS FACILITIES AND TOWERS IN ITS ENTIRETY AND ADOPTING A NEW SECTION 209 WIRELESS COMMUNICATIONS FACILITIES.**

III. PUBLIC HEARINGS – RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION 2014-03 AND RESOLUTION 2014-05 ESTABLISHING A NEW SCHEDULE OF FEES.**

IV. PUBLIC HEARINGS – OTHER

- 1. A CONTINUATION OF A PUBLIC HEARING ON THE COTTAGES AT STATE COLLEGE PLANNED RESIDENTIAL DEVELOPMENT.**

V. COMMUNICATIONS TO THE BOARD

VI. ACTION ITEMS

1. Application for Rezoning Tax Parcel 24-4-10, 1900 Circleville Road
2. Application for Use of Township Roads for Detour Route
3. Variances
 - a. Thistlewood Associates, Lot 12 Thistlewood Subdivision
4. Permission to File Variance Application for Louis E. Silvi Baseball Complex Improvements
5. Discussion of Centre County Ag Preservation Board Memorandum of Understanding
6. Consent Agenda

VII. REPORTS

1. Manager – No Report
2. Public Works Director – No Report
3. Planning & Zoning Director
4. COG Committee Reports
5. Other Non-COG Regional Committees

VIII. CALENDAR ITEMS – JANUARY

IX. MINUTES

1. December 8, 2014 Board of Supervisors Meeting

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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NARRATIVE

Provided with the agenda is a copy of the ordinance along with the descriptions of the public right-of-way being accepted along Deibler Road and Marengo Road as well as an easement agreement along Science Park Road. The deeds of easement along Marengo Road and Deibler Road are the result of subdivision plans which provided offers of dedication to grant additional right-of-way to bring the right-of-way of those roads into current standards requiring 50 foot street right-of-ways. The easement agreement along Science Park Road will allow for the relocation of a short portion of the bikeway to facilitate the relocation of a West Penn Power line upgrade which will service the Turnberry development.

STAFF RECOMMENDATION

That the Board of Supervisors **adopt** the ordinance accepting certain deeds of easement along Marengo Road and Deibler Road and an easement along Science Park Road.

- 2. A CONTINUANCE OF A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 27 ZONING, PART 2 DISTRICT REGULATIONS, SECTION 209 COMMUNICATIONS FACILITIES AND TOWERS IN ITS ENTIRETY AND ADOPTING A NEW SECTION 209 WIRELESS COMMUNICATIONS FACILITIES.**

NARRATIVE

The Board of Supervisors opened the public hearing on the ordinance to amend the Township's Wireless Communication Facilities Regulations under its zoning ordinance on December 8th and continued that public hearing until January 5, 2015. The proposed ordinance has been reviewed by the law firm of Cohen Law Group for compliance with current federal and state law and related court cases. The regulations deal with both tower based wireless communication facilities inside and outside of the right-of-way and non-tower based wireless communication facilities inside and outside of the right-of-way. The Board received its initial presentation on the proposed ordinance amendment on Monday, June 16, 2014. The Township's ability to provide regulation of wireless communication facilities is

preserved through its authority under its zoning police power. Based on the experience of other municipalities throughout the United States staff has identified a concern that would allow for the construction of wireless communication facilities structures within areas of the Township that have all utilities served by underground infrastructure. Staff has developed mapping to identify service coverage of wireless communication facilities are constructed at intersections of collector/collector and collector/arterial roadways. An exhibit showing the coverage that wireless communication facilities would be able to achieve utilizing these locations is attached to and made a part of the ordinance. Township staff has provided for review a copy of the ordinance to the Centre Regional Planning Agency for review and comment as required under the COG Planning Articles of Agreement. On December 22, 2014 the Township received a letter from CRPA Senior Planner, Eric Vorwald (a copy provided with the agenda) indicating that the CRPA staff had reviewed the proposed ordinance and had no substantive comments.

STAFF RECOMMENDATION

That the Board of Supervisors **adopt** the ordinance amending the Code of Ordinances by repealing Chapter 27 Zoning, Part 2 District Regulations, Section 209 Communications Facilities and Towers in its entirety and adopting a new Section 209 Wireless Communications Facilities.

III. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION 2014-03 AND RESOLUTION 2014-05 ESTABLISHING A NEW SCHEDULE OF FEES.

NARRATIVE

Provided with the agenda is a copy of the proposed resolution establishing fees for the Township for the year 2015. Annually staff completes an analysis of the fees charged for services and recommends changes as necessary to the Township fee schedule. This year the Township staff completed a very thorough analysis utilizing a tool developed by West Bradford Township in Chester County to assist in refining the fee schedule. In addition some fees have changed due to regional program recommendations. Provided with the agenda is both a final copy of the resolution as well as a redlined copy of the fee schedule which indicates the changes proposed from 2014 to 2015.

STAFF RECOMMENDATION

That the Board of Supervisors **adopt** the resolution establishing the 2015 Township Fee Schedule.

IV. PUBLIC HEARINGS – OTHER

1. A CONTINUATION OF A PUBLIC HEARING ON THE COTTAGES AT STATE COLLEGE PLANNED RESIDENTIAL DEVELOPMENT.

NARRATIVE

****Note a stenographer has been retained for this public hearing. All individuals will be required to be sworn in prior to providing any testimony on this matter.**

On Monday, December 1, 2014 the Board of Supervisors opened a public hearing on The Cottages at Sate College as planned residential development (PRD). Project representatives provided a presentation on the proposed PRD project. Adjacent property owners and other citizens were provided notice and offered the opportunity to provide comments, questions and concerns with regard to the project. The public hearing was continued until January 5, 2015. In summary this development is proposed to be located on 38 acres of land currently zoned R4 and owned by the Penn State University. The project proposes 268 residential units consisting of a total of 1,093 beds. The residential units consist of 141 cottage style buildings comprised of 68 single detached units, 53 buildings containing two attached units, 13 buildings containing four attached units and 7 buildings containing six attached units. There will be no stacked units. It is designed primarily as a student housing project and will include certain community amenities such as a club house and other recreational areas. Staff has been working closely with the project developers to complete and refine plan reviews and provide substantive comments. It is anticipated that between January 5th and February 2nd draft Terms and Conditions will

be prepared and provided to the Board of Supervisors and project applicants. On January 26th the Township Planning Commission will be requested to make a formal recommendation to the Board of Supervisors for their February 2nd meeting. If general agreement on the Terms and Conditions can be achieved then staff will be requesting that the Board of Supervisors tentatively approve the Cottages PRD Master Plan along with Findings of Fact and Terms and Conditions for the Board's consideration on February 2nd.

STAFF RECOMMENDATION

That the Board of Supervisors **close** the public hearing on The Cottages at State College Planned Residential Development plan following all public comment.

V. COMMUNICATIONS TO THE BOARD

VI. ACTION ITEMS

1. APPLICATION FOR REZONING TAX PARCEL 24-4-10 – 1900 CIRCLEVILLE ROAD

NARRATIVE

Provided with the agenda is a copy of an application for rezoning of tax parcel 24-4-10. This parcel is located along Circleville Road and is currently zoned RR. The 0.5 acre parcel is the remaining portion of a tract previously owned by Irene and Harry Corl which is now the Greenleaf Manor PRD. This parcel was the Corl's homestead on their farm prior to the area being rezoned PRD. The one half acre lot remained zoned RR and has a single family brick home located thereon. The applicant requests that the property be rezoned from Rural Residential (RR) to R3 (Multi-family Residential). Applications for rezoning are first brought to the Board to determine if the Board of Supervisors would consider rezoning the property. If the Board determines that it would consider rezoning, the application is then forwarded to the Planning Commission for review and recommendation back to the Board of Supervisors. Staff will need to complete a review and report as well as obtain any input from the Centre Regional Planning Agency.

STAFF RECOMMENDATION

That the Board of Supervisors **consider** rezoning of tax parcel 24-4-10 and forward the application of William J. and Marcelina B. Rockwell to rezone tax parcel 24-4-10 to the Ferguson Township Planning Commission for review and recommendation.

2. APPLICATION FOR USE OF TOWNSHIP ROADS FOR DETOUR ROUTE

NARRATIVE

Provided with the agenda is an application of Stickler Construction, a prime contractor for the Metropolitan project at the corner of Atherton Street and College Avenue, for road closures that will result in detour routes utilizing Township roads and streets. The road closure is to allow for placement of cranes. The detour route would occur on two separate time periods during the month of January. The first would occur beginning January 7th thru January 9th and the second would begin on January 24th thru January 26th. The closure will result in West College Avenue from Atherton Street one block west to be closed. Two detour routes are proposed, one for passenger vehicles and one for trucks. Passenger vehicles will be directed to Westerly Parkway and continue to Blue Course Drive and then to West College Avenue. Truck traffic will be detoured to University Drive, to Whitehall Road continuing out to West College Avenue. All cost for signage and traffic control will be absorbed by the applicant. Staff has completed a review of the traffic impact study and detour route signage and has communicated review comments to the applicants consulting engineer. In addition, the Police Department has evaluated the potential need for officers being available during peak hours at the intersection of Westerly Parkway and Blue Course Drive and Blue Course Drive and West College Avenue. Should patrol officers be required to assist with directing traffic at these two intersections, the applicant will be required to absorb up to \$3,500 in overtime costs associated with this service. Public Works Director, David Modricker, will have

an update on this detour request at the January 5th Board meeting. Subject to addressing staffs concerns and the applicant accepting any terms and conditions for the detour the Board of Supervisors will be asked to authorize the use of Township streets to accomplish this detour.

STAFF RECOMMENDATION

That the Board of Supervisors **authorize** the detour and the use of Westerly Parkway and Blue Course Drive in Ferguson Township on January 7th thru January 9, 2015 and January 24th – January 26, 2015 subject to the applicant accepting staff recommended signage changes and associated costs for traffic control services.

3. VARIANCES

a. THISTLEWOOD ASSOCIATES, LOT 12 THISTLEWOOD SUBDIVISION

NARRATIVE

Provided with the agenda is a copy of a variance application for Lot 12, Thistlewood, tax parcel 24-736-12. The applicant is seeking a variance to permit the access driveway to cross a very small area of the riparian buffer. Modifications to the original plan have been made to minimize the impacts of the desired site development. The application for the variance is from Chapter Sections 213.4.D, 213.3.A.2.a, 213.6.A(i), 27.801.G.3, and 801.I.

STAFF RECOMMENDATION

That the Board of Supervisors **remain neutral** on the variance for Lot 12 Thistlewood Subdivision as it relates to section 213.4.D and 801.I but **oppose** a variance to sections 213.3.A.2.a and 213.6.A(i) as they are not applicable to the drawing submitted and the existing driveway already crosses the delineated wetland.

4. PERMISSION TO FILE VARIANCE APPLICATION FOR LOUIS E. SILVI BASEBALL COMPLEX IMPROVEMENTS

NARRATIVE

Plans to complete improvements at the Louis E. Silvi Baseball Complex to relocate the outfield fence and construct field lighting improvements required the completion of a grading plan. The field is located in an area designated as floodplain Zone A. Zone A floodplain is typically mapped based upon soil type and not by a study defining the floodplain and its elevations. The grading plan resulted in approximately 2,100 cubic yards of material being removed from the floodplain. In order to make any modifications to a mapped floodplain the applicant must demonstrate that the improvements being proposed will not affect the upstream or downstream floodplain elevations or impact existing structures. The Township Engineer has completed a report dated December 23rd regarding the impact of removing approximately 2,100 cubic yards of material and has concluded that a majority of the material to be removed appears to have been placed in the floodplain to create an earth and buffer mound. Removal of the material will restore the area to conditions similar to what existed prior to the fill being placed and secondly the removal of this material will have an insignificant net effect on lowering of the floodplain water surface elevation and that the amount of lowering cannot be quantified without detailed study and would likely not even be distinguishable (i.e.: so small it could not be measured). In order to comply with the Township's floodplain regulations staff is requesting permission to submit an application to the Zoning Hearing Board for a variance allowing for removal of the material and the placement of the lighting structures and relocation of the outfield fence for the S&A field at the Louis E. Silvi Baseball Complex.

STAFF RECOMMENDATION

That the Board of Supervisors **grant permission** for staff to submit an application to the Zoning Hearing Board for a variance allowing for removal of the material and the placement of the lighting structures and relocation of the outfield fence for the S&A field at the Louis E. Silvi Baseball Complex.

5. DISCUSSION OF CENTRE COUNTY AG PRESERVATION BOARD MEMORANDUM OF UNDERSTANDING

NARRATIVE

During the 2015 Budget discussions, staff presented the Board with a partnership program for farmland preservation proposed by the Centre County Ag Land Preservation Board. The purpose of this Memorandum of Understanding is to leverage municipal dollars to preserve more acres faster. Provided with the agenda is an information sheet on this new program as well as a draft of the Memorandum of Understanding which the Ag Land Preservation Board has requested municipal funding partners to enter into. The Board should review the program and the Memorandum of Understanding to determine the Township's interest in entering into a Memorandum of Understanding for the farmland preservation program.

6. CONSENT AGENDA

- a. Payment Authorization - Kuharchik Construction \$21,000

VII. REPORTS

1. Manager – No report
2. Public Works Director – No report
3. Planning & Zoning Director
4. COG Committee Reports
5. Other Non-COG Regional Committees

VIII. CALENDAR ITEMS – JANUARY

IX. MINUTES

1. December 8, 2014 Board of Supervisors Meeting

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