

TOWNSHIP OF

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FERGUSON TOWNSHIP PLANNING COMMISSION

MEETING AGENDA

Monday, November 12, 2018

6:00 PM

I. CALL TO ORDER

II. CITIZEN INPUT

III. PINE HALL TRADITIONAL TOWN DEVELOPMENT – GENERAL MASTER PLAN SUBMISSION

On February 21, 2018, Residential Housing Development, LLC initially submitted a General Master Plan for the Pine Hall TTD. The General Master Plan includes a retail core containing a town center with commercial retail, live/work units, a central public plaza, and on the commercial fringe, hotel, supermarket, drug store and parking structure. The residential areas provide a wide variety of options including single-family, multi-family, townhomes and a planned eco-village, including required workforce housing units. On June 5, 2018, the Board of Supervisors and Planning Commission conducted a public Work Session with Residential Housing Development, LLC and their design team to gain further input related to the Transportation Network, Bike and pedestrian connections, access, and public transit, Recreational and Open Space Components of the Plan, Housing Distribution, Commercial Component and the Town Center. Residential Housing Development, LLC submitted a third draft of the General Master Plan on October 30, 2018 as staff distributed to Ferguson Township Planning Commission, Centre County Planning & Community Development, CRPA/CRPC, SCBWA, UAJA, Board of Supervisors, Centre Region Fire, NTM Engineering and Tree Commission. Staff has requested that review and comments be sent back no later than November 14, 2018.

[Pine Hall Traditional Town Development General Master Plan Link](#)

Staff Recommendation: The Planning Commission review and make a recommendation to the Ferguson Township Board of Supervisors to authorize advertising for a public hearing and approve the Pine Hall General Master Plan.

IV. FERGUSON TOWNSHIP ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVISIONS

Environmental Planning & Design submitted a fourth draft of the Zoning and SALDO documents as staff distributed copies to the Board of Supervisors, Planning Commission and Tree Commission for further review and comment. Staff is currently performing a technical review of both documents and will provide EPD with further comments. Staff anticipates that EPD will perform final edits and provide final ordinance submission in December.

Staff Recommendation: The Planning Commission provide further comment on the proposed ordinance revisions and make a recommendation to the Board of Supervisors for the adoption of the Zoning and Subdivision and Land Development Ordinances.

[Fourth Zoning Ordinance Draft Link - October 18, 2018](#)

[Fourth Subdivision and Land Development Ordinance Draft - October 18, 2018](#)

V. CONSENT AGENDA

- a. FERGUSON TOWNSHIP JOINT BOARD OF SUPERVISORS AND SOURCE WATER PROTECTION AD HOC ADVISORY BOARD WORK SESSION MINUTES**

VI. PLANNING DIRECTOR REPORT

VII. ACTIVE PLANS UPDATE

VIII. CENTRE REGION PLANNING COMMISSION REPORT

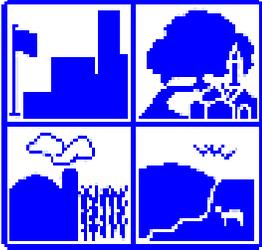
IX. SOURCE WATER PROTECTION AD HOC COMMITTEE UPDATE

X. ZONING/SALDO UPDATE

XI. PINE GROVE MILLS – SMALL AREA PLAN

XII. APPROVAL OF THE REGULAR MEETING MINUTES ▪ OCTOBER 8, 2018

XIII. ADJOURNMENT



TOWNSHIP OF FERGUSON

3147 Research Drive, State College, Pennsylvania 16801

Telephone: 814-238-4651 Fax: 814-238-3454

TO: Ferguson Township Planning Commission

FROM: Lindsay K. Schoch, Community Planner
Raymond J. Stolinas, AICP, Planning & Zoning Director

DATE: November 8, 2018

SUBJECT: Pine Hall Traditional Town Development – General Master Plan

The Proposed Pine Hall Traditional Town Development General Master Plan was first submitted to staff for an initial review in February of 2018. Since then, the Plan has been resubmitted twice and carefully reviewed by Township staff and others as per the requirements of the Traditional Town Development section of the Zoning Ordinance.

The most recent submission made at the end of October is currently under review with comments due back to staff by November 14, 2018. Staff has received most comments and the following is an overview of what remains to be completed prior to the approval of the Master Plan.

The major component of the General Master Plan is the Traffic Impact Study. This is the largest development proposed in Ferguson Township and at full build-out, will have a major impact on traffic in the Township and entire region. The Traffic Impact Study continues to be reviewed by McCormick Taylor, the Township's consulting traffic engineer. The Township Engineer is also reviewing the plan and shares concerns raised regarding street classification, average daily traffic volumes and the road network internal to the development. The final determination of traffic impacts has not yet been completed.

The Centre Regional Fire Director has also had the opportunity to review the plan and offered comments regarding fire safety and building sprinkler systems. The developer has responded to his comments and he is satisfied and appreciates the developer's actions to address his concerns and comments.

Planning and Zoning staff has reviewed the comments made over the past few months and feel the developer has responded accordingly to our concerns. Some will be addressed during the Specific Implementation Plan process, which will allow staff and the Planning Commission to review, in much more detail each phase of development and have the opportunity to comment. Staff feels that once the traffic concerns are addressed, the Plan will be ready to move forward to public hearing and offer the following recommendation:

Staff Recommendation: The Planning Commission review and make a recommendation to the Ferguson Township Board of Supervisors to authorize advertising for a public hearing and approve the Pine Hall General Master Plan.

**FERGUSON TOWNSHIP JOINT BOARD OF SUPERVISORS AND
SOURCEWATER PROTECTION AD HOC ADVISORY BOARD
DRAFT SOURCEWATER PROTECTION ORDINANCE RECOMMENDATIONS
WORK SESSION MINUTES
TUESDAY, OCTOBER 9, 2018
6:00 PM**

I. ATTENDANCE

Board of Supervisors:	Sourcewater Protection Ad Hoc Advisory Board	Township Staff:
Peter Buckland	Ron Connolly	David Pribulka
Steve Miller	Larry Harpster	Ray Stolinias
Laura Dininni	James Hynes	Jeff Ressler
Sara Carlson	Barbara Christ	
Tony Ricciardi,	Gary Petersen	
	Erik Scott	
	Charles Driscoll	
	Todd Giddings	

Others in attendance were: Bill Keough, resident; Randy Hudson, resident; Wes Glebe, resident; Ted Graef, resident

II. CALL TO ORDER

Mr. Buckland called the Joint Board of Supervisors and Sourcewater Protection Ad Hoc Advisory Board work session to order at 6:06 PM

III. CITIZENS' INPUT

Mr. Randy Hudson, Nittany Valley Environmental Coalition, stated that it is important to be mindful of our own properties as we consider a Sourcewater Protection overlay district including the Whitehall Road Regional Park and the runoff that may be generated as part of that development.

Mr. Wes Glebe, Nittany Valley Environmental Coalition, stated that the Township should consider protection from privatization of water resources as time progresses.

Mr. Ted Graef stated that he is a Ferguson Township business owner and property owner and he supports the goals of the proposed ordinance. He went on to say that he supports the elimination of Section 7, which is the requirement of providing the facility profile sheet.

IV. INTRODUCTIONS

Mr. Buckland started out by thanking the Advisory Board for their time spent on the proposed ordinance and specially thanked the agricultural community for their comments and recommendations on the ordinance. Mr. Buckland stated that the recommendations for each section will be reviewed and questions by the Board are permissible. Any follow-up questions or questions that require more detailed answers will be given to staff to follow up on at a later time.

The Ad Hoc Advisory Board, the Board of Supervisors, and staff introduced themselves.

Mr. Stolinias provided a brief summary of the discussions that the Sourcewater Protection Ad Hoc Advisory Board had over four meetings earlier this year. Included in the agenda for tonight's

worksession are the meeting minutes from each of the Advisory Board's discussions as well as the recommendations that came out of each of those meetings. Mr. Stolinas explained that he compiled the recommendations by section.

V. ORDINANCE TEXT RECCOMENDATIONS

1. **Section 1. Purpose and Intent:** The Ad Hoc Advisory Board recommends that bullet #6 remain "that is scientifically plausible but uncertain". Penn State Physical Plant commented that this phrase is overly broad and ambiguous. Ad Hoc Advisory Board member Todd Giddings offered to provide educational language to consider including in the ordinance related to the last bullet.

In response to a question from Ms. Dininni regarding bullet number five and six under Purpose and Intent, Mr. Giddings explained that the Bellfonte Borough's water source is Big Spring and its headwaters extend into northwestern Ferguson Township. Mr. Buckland spoke to the sixth bullet. He explained that it was not intended to cite practices that would be viewed as being preventative of harm—rather those that could cause harm as a precautionary statement.

Ms. Dininni stated that when the Board receives the draft ordinance for review, it would be beneficial to discuss making this ordinance proactive rather than reactive, using regulations that might include statements of positive land use impacts such as low-impact development.

2. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the "*Alteration*" definition **does not include** "*plowing and tilling*".

Mr. Buckland clarified that the Advisory Board is asking the Board to consider calling out the definition of alteration explicitly to not include plowing and tilling.

3. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the "*Best Management Practices (BMPs)*" definition **be enhanced** by including language that agriculture practices are intended to be consistent with the state's nutrient management chapter.
4. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the term "*Advanced Agriculture Research*" be **deleted** because it is not used in the ordinance at all.
5. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the term "*Agriculture Activities*" and **encompass the activities** under "*Agriculture Operations*".

In response to a question from Mr. Buckland, Ms. Christ explained that breweries have not been associated with agriculture like cideries and wineries have been. Cideries and wineries, by state law, are a part of agriculture operations.

6. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that staff confirm the words listed are not used in the ordinance, and if they are not, remove the definitions. The terms include: **Abandoned Water Supply Well, Advanced Agricultural Research, Agriculture, Alteration, Carbonate, Limestone, Closed or Undrained Depression, Community On-Lot Sewage Disposal System, Groundwater Recharge, Junked Materials, Storage Tank Facility.**
7. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the term “Multi-Family Residential Dwellings” should be defined in the Section.
8. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends **removing** the term “*Abandoned Water Supply Wells*” from the draft ordinance because this is already regulated in the Property Maintenance Code. In the “*Source Water Protection Area*” definition, the Ad Hoc Advisory Board recommends **leaving** the word “public.”
9. **Section 4. Applicability:** The Ad Hoc Advisory Board recommends “*that use or store hazardous materials in quantities meeting or exceeding established quantity thresholds, except those uses noted below under C., D., and E.*” be **deleted**. The Ad Hoc Advisory Board also recommends that **language be inserted** in Section 11 that indicates the Land Development Plan should contain notes acknowledging project’s location in relation to the Source Water Protection Zone and that the applicants are compliant with state and federal laws regarding chemical storage and chemical use.
10. **Section 5.A. Establishment and Delineation of Source Water Protection Overlay District and Wellhead Protection Zones:** The Ad Hoc Advisory Board recommends that language be **added** to this section, recognizing that “*if a particular well is decommissioned or abandoned, that the protective radius be removed and no longer in effect upon notice of the water purveyor*”.

In response to a question from Mr. Miller, Mr. Stolinas stated that there is not a definition of decommissioned within the ordinance. Mr. Giddings explained that in the groundwater industry, the term decommissioned has a very specific definition that would render the well impervious. Well abandonment is slang or common language that implies that the well has been walked away from and not necessarily deemed impervious. Mr. Giddings stated that he is in support of defining the word decommissioned because it is a deliberate process that involves sealing the well.

There was a brief discussion regarding whether the recommendation is to remove the abandoned well definition and add decommissioned or to keep both. There was a consensus to remove the abandoned well definition and add the definition of decommissioned. There was also a consensus from the Advisory Board to add a note that refers to the water well and geothermal borehole provisions of the Property Maintenance Code, Chapter 10, regarding abandoned wells.

11. **Section 5.A.6. Establishment and Delineation of Source Water Protection Overlay District and Wellhead Protection Zones:** The Ad Hoc Advisory Board recommends that this section acknowledge that there are there are two University-owned wells that are on the

Township boundary or very close to it—the Zone I radii extends into the Township boundaries. This issue can be addressed when staff receives the well map from Penn State University.

Mr. Stolinas went on to explain that staff received an email from Steve Watson, Penn State University Director of Campus Planning and Design, stating that well 28A is a drinking water well and is included in the University's Sourcewater Protection Plan and also has a 400 foot radius as a Zone I protection area. Well 37 is an irrigation well and does not have a Zone I protection area designated in the University's Sourcewater Protection Plan. He also stated that utility mapping showing the well head location could be shared with Township staff for review, however, details on well head locations are not for public distribution for security reasons.

12. **Section 7. Reporting Requirements A. 1. Through 4., Section 10.B.5., Appendix B. and Appendix D.:** The Ad Hoc Advisory Board recommends that the requirement for submission of Facility Profile Sheets to Ferguson Township be **deleted** from the draft ordinance. Advisory Board members discussed this potential ordinance requirement, at length, requiring all regulated land uses submit a list of regulated substances to Ferguson Township. Advisory Board members were concerned that this requirement only created a data collection burden to Township staff, in addition to duplicating efforts with other agencies, such as the PA Department of Agriculture, that already require farmers to provide Safety Data Sheets (SDS). Members added that properties storing hazardous chemicals already provide the SDS on-site in the event of an emergency. There was an overall concern that once the Facility Profile Sheets become public domain, they can be obtained through Right-to-Know.
13. **Section 8.A.1.a. Public Water Supplier Review:** The Ad Hoc Advisory Board recommends that "*The subdivision and land development, or New Regulated Land Uses and Activities is permitted in the underlying zoning district*" be **deleted** from this section.
14. **Section 8.A.1.a. Public Water Supplier Review:** The Ad Hoc Advisory Board recommends that the language that addresses the public water supplier's role in the review process for land development and new regulated land uses and activities **remain** in this section and not be deleted.
15. **Section 8.A.2. Public Water Supplier Review:** The Ad Hoc Advisory Board recommends that the term "*Extraordinary Development Proposals*" should be defined and the time frame for these proposals should be clarified. The intent of the term relates back to the normal review timeframe of 90-days for any subdivision or land development as specified within the PA Municipalities Planning Code.

Mr. Buckland wondered who would come up with the definition of Extraordinary Development Proposals. There was a consensus for staff to provide some clarification on what this definition should be and what it would mean in terms of enforcement. There was a brief discussion regarding the time frame for these proposals related to the MPC.

16. **Section 9. Table 1.:** The Ad Hoc Advisory Board recommends that the restriction of not permitting a majority of the 45 regulated Land Uses within the designated Zone I radii remain as stated within the current draft ordinance. Table 1 currently Advisory Board members learned that water suppliers own approximately 76.34 acres of property within Zone I as

opposed to 33.92 acres of privately owned property within the Zone I. Further, staff explained that any existing uses within the Zone I may continue as nonconforming uses under the Source Water Protection Ordinance. Nixon, Kocher, and Rock Springs wells are located within the Rural Agricultural (RA) Zoning District, DeArmit well within the Rural Residential (RR) Zoning District and Chestnut Ridge wells within the Single-Family (R1) Residential Zoning District, limiting the allowance of high-risk land uses on or near prescribed radii.

17. **Section 9., Table 1, Land Use and Activities #36:** The Ad Hoc Advisory Board recommends leaving in the language that addresses “Geothermal Exchange Systems”.
18. **Section 9., Table 1, Land Use and Activities #46:** The Ad Hoc Advisory Board recommends that Land Use #46 “General Agriculture on field, forage, forestry, insects...” be **deleted** from the draft ordinance. Scientists and researchers managing these farms using best management practices and following certain controls and requirements in addition to the Ordinance exemption for Agricultural Operations and/or Service Businesses along with Silvicultural and Timber Harvesting under Section 4. Applicability, D. and F.

In response to a question from Mr. Miller, Mr. Stolinas explained that there are a certain level of best management practices that are already being performed and that inclusion in this ordinance would not provide any additional protection. There was consensus from the Advisory Board that they agreed with Mr. Stolinas.

Mr. Buckland referred to number 21 in Section 9, Table 1—incinerators. He asked if the Advisory Board would support including a definition of incinerators in Section 3, Definitions. The Advisory Board agreed.

Mr. Buckland referred to Liquid Petroleum Transmission Lines in Table 1 and asked for a recommendation from the Advisory Board. Mr. Giddings explained that the Advisory Board did discuss this—a natural gas pipeline, when not in liquid form does not impact the water resources when a leak is present. Whereas liquid petroleum products may make it into the subsurface when a leak is present. Mr. Giddings stated that the Advisory Board did not include natural gas because it would not have an impact on the ground water or subsurface.

In response to a question from Ms. Dininni regarding the removal of Section 7 from the proposed ordinance altogether Mr. Ressler stated that the applicant would have to still show the Township where the hazardous materials would be on a plan, however, a Facility Profile Sheet would not be required if Section 7 is in fact, removed.

19. **Section 11.A.2.a.:** The Ad Hoc Advisory Board recommends that the term “*surface drainage patterns*” be **deleted** from the draft ordinance. This recommendation is consistent with comments received from the Township Engineer prior to the December 11, 2017 Public Hearing.
20. **Section 11.A.2.e.:** The Ad Hoc Advisory Board recommends the **removal** of “*Non-Intermittent*” from letter e., and leave “*Bodies of water or streams*”.

In response to a question from Mr. Buckland, Mr. Giddings explained that there are three categories of streams—perennial, ephemeral, and intermittent. He went on to say that a non-intermittent stream is automatically a perennial stream. Non-intermittent is not necessary because it is redundant.

21. **Section 11.A.5.:** The Ad Hoc Advisory Board recommends the **removal** of “*Backfilled Daily*”.

In response to a few questions from the Board of Supervisors, Mr. Stolinas stated that the Advisory Board recommended the removal of the requirement to backfill daily because the task would be onerous on the property owner. Mr. Stolinas went on to state that he would have to do some research on the definition of excavation. Mr. Pribulka added that there are provisions in place through to protect topsoil mounds from erosion.

22. **Section 11.A.7.:** The Ad Hoc Advisory Board recommends language be **revised** In Section 11.A.7, there was a consensus to recommend that the paragraph only refer to Section 11.A.2 b., Open Sinkholes.

Ms. Dininni and Mr. Buckland asked for clarification for the recommendation of this section. After a brief discussion, staff will provide more context on this recommendation in terms of the Stormwater Management Ordinance.

In response to a question from Ms. Dininni regarding the 50-foot setback from sinkholes and possibly fracture traces, Mr. Giddings explained that a fracture trace creates a closed depression with a thicker membrane that would be an appropriate place to direct stormwater because of its filtration characteristics.

23. **Section 11.A.8.:** The Ad Hoc Advisory Board recommends language be **revised** to address commercial, industrial, and non-residential entities only. In addition, Section 11.A.8 should only apply to Section 11.A.2 b., open sinkholes and e., non-intermittent bodies of water or streams.

24. **Section 11.A.9.:** The Ad Hoc Advisory Board recommends the **rewording** of this Section to refer to the Stormwater Ordinance design standards—“*Detention, retention, and infiltration facilities shall be in compliance with Chapter 26, Part 1 Stormwater Management.*”

25. **Section 11.A.11.:** The Ad Hoc Advisory Board recommends language be **revised** to impart that “Stormwater shall not be directed into sinkholes”. A majority of the Ad Hoc Advisory Board members did not agree with the statement in this section, however, the Stormwater Management Ordinance stipulates discharge into sinkholes or closed depressions under certain conditions and stipulations. At the June 6, 2018 meeting, the Ad Hoc Advisory Board further made a recommendation to delete this section altogether.

26. **Section 11.A.12.:** The Ad Hoc Advisory Board recommends language be revised to exclaim that “Blasting activity permitting is required by the PA DEP Bureau of Mining Programs in accordance with provisions of the Administrative Code of 1929, Section 1917-A and 25 PA Code Chapter 211. For the purpose of the Source Water Protection Overlay District and Map, blasting activity shall be permitted by Special Exception within any Zone I radius.” The recommendation also removes the sentence “Within the Zone II and Township-wide Source

Water Protection Overlay, blasting activity shall not be permitted within 50' from geologic features identified under Section 11.A.2., a. through i." from Section 11.A.12". Blasting must be done per DEP's standards and regulations. PA DEP limits the number and size of blasts that can go off in a sequence to limit ground motion.

27. **Section 12:** The Ad Hoc Advisory Board recommends that the language change from "It is the intent of this Ordinance to require..." to "It is the intent of this Ordinance to encourage...". The Ad Hoc Advisory Board discussed the intent of this Section and recommended that language be added to clarify that the Source Water Protection Ordinance is only a reference document and does not supersede any state or federal regulations.

Mr. Stolinas clarified that this section is referencing the Environmental Emergency Response Plans.

In response to a question from Mr. Buckland, Mr. Pribulka stated that no, emergency response plans do not go to the Centre Region Emergency Management Program. Mr. Giddings added that this is a function of the PA Department of Environmental Protection and the intent of these plans are to ensure that within the facility, there are proper containers, double containment, or necessary plugs hanging nearby should someone need to plug a drain in the event of a spill. These plans also contain emergency contact phone numbers. The PA DEP is more focused on the prevention of an incident rather than the response during an emergency incident.

In response to a question from Ms. Dininni, Mr. Giddings suggested revising Section 12 to note that Section 12 is a reference document, not the entire ordinance.

VI. OTHER RECOMMENDATIONS

1. The Ad Hoc Advisory Board discussed the need for an educational component related to the proposed Ordinance upon adoption. Ideas such as an open house to conduct an overview of the Source Water Protection requirements and map would further educate residents, businesses, industries, farmers and the University, use social media such as Twitter and Facebook to distribute educational materials. Ad Hoc Advisory Board members compared the Source Water educational program to the MS4 process conducted by Township Engineer, Ron Seybert. It was also suggested that a portion of the Township Website provide educational materials related to Source Water Protection.
2. The Ad Hoc Advisory Board recommends that the Board of Supervisors notify the property owners within the proposed Zone I radii of the pending change to their property, 30-days prior to the public hearing upon adoption of the Source Water Protection Ordinance and Overlay Map.
3. The Ad Hoc Advisory Board recommends that the Board of Supervisors hold a work session before the public hearing between the Board of Supervisors and the Ad Hoc Advisory Board on the proposed revisions of the Source Water Protection Ordinance so that there can be a discussion on the pending issues.

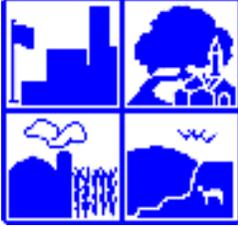
Mr. Pribulka reviewed the proposed next steps for the draft ordinance and how revisions will be presented to the Board of Supervisors, the Advisory Board, the Planning Commission and the Centre Regional Planning Commission. Mr. Stolinas presented the Overlay Map and reviewed the components of it.

In response to a question from Mr. Ricciardi, Mr. Pribulka stated that he sees the educational component of this ordinance proceeding similarly to the MS4 requirement for public outreach and education. Mr. Pribulka explained that it would be a staff function to collect those materials and then assemble those through the Township's media and social media outlets. Mr. Keough suggested that the Township provide some educational information to the western end of the Township at venues such as the Baileyville Community Hall. Mr. Scott suggested that the Township involve the local schools in the education of Sourcewater Protection.

VI. ADJOURNMENT

With there being no further discussion, the work session adjourned at 7:35 p.m.

Respectfully Submitted,



TOWNSHIP OF FERGUSON

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Planning & Zoning Director's Report November 12, 2018

1. On October 14th through the 16th, the Planning & Zoning Director, Community Planner and GIS Technician attended the APA PA Annual Conference in Erie, PA, at the Bayfront Convention Center. Sessions attended included Ethics: You Want Me to do What?, Revitalizing Urban Neighborhoods, The Affordable Housing Toolkit, Creating Safe Environments, Achieving your community goals and Planning for a Changing Rural Economy. The Conference also provided an opening keynote "Intentionality: Competing in the 21st Century", the Plenary Lecture "The Neighborhood Playbook: Community Engagement" and the Pitkin Lecture "Infrastructure Crisis: It's time to Rethink our Approach to Growth".
2. October 17th and November 5th, 2018, the Community Planner attended the Suburban Park Master Plan Committee Kick-Off meeting with consultants YSM and attended the first public meeting.
3. On October 22, 2018, the Planning & Zoning, Community Planner and Township Manager met with Missy Schoonover, Executive Director of the Centre County Housing & Land Trust to discuss the draft Workforce Housing Agreement for the Pine Hall Traditional Town Development General Master Plan.
4. On October 23, 2018, the Planning & Zoning Director and Zoning Administrator attended the Ferguson Township Zoning Hearing Board Meeting for the Zachary Maser Variance Request at 301 Marengo Lane for relief from providing a detailed floodplain analysis for a home addition.
5. On October 25, 2018, the Planning & Zoning Director, Zoning Administrator, Community Planner and Township Manager met with Justin Mandel, Aspen Hill Partners and John Sepp of PennTerra Engineering to discuss the proposed first phase of development at Harner Farm.
6. On October 25, 2018, the Planning & Zoning Director met with the Centre County Housing & Land Trust Strategic Plan Committee.
7. On October 29, 2018, the Planning & Zoning Director met with the Centre County Housing & Land Trust Fee-in-Lieu Committee.
8. On October 29, 2018, the Community Planner attended the Northland Area Mobility Study – Working Group Meeting #2.
9. On November 1, 2018, the Planning & Zoning attended the Centre Regional Planning Commission meeting.
10. On November 5, 2018, the Planning & Zoning Director attended the COG TLU Committee meeting.
11. On November 6, 2018, the Planning & Zoning Director and Zoning Administrator met with Greg and Linda Mussi regarding existing uses at 3020 Research Drive.
12. On November 6, 2018, the Planning & Zoning Director, Township Engineer and Township Manager met with Todd Erdley pertaining to Sandy Drive and future traffic signalization.
13. On November 7, 2018, the Community Planner attended the Centre Regional Planning Agency staff meeting.

14. On November 7, 2018, the Community Planner conducted a bike tour with the Public Works Director within the Mobility Study area during peak hour.
15. On November 7, 2018, the Planning & Zoning Director attended the Pine Grove Mills Small Area Plan Steering Committee meeting in preparation of the scheduled Town Hall meeting slated for November 14, 2018, 6:00 p.m. at St. Paul's Lutheran Church.

Upcoming Board of Supervisors Agenda Items (11/19/18):

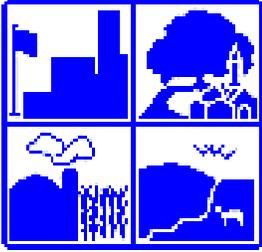
- Not Available at this time

Recent BOS Actions Summary (11/5/18 Regular Meeting):

- Public Hearing on the Conditional Use Application for a Skatepark on property located at 1316 West College Avenue in the Terraced Streetscape District.
- Pine Hall Traditional Town Development Workforce Housing Development Agreement.
- Source Water Protection Overlay District Ordinance Discussion.
- Continued Discussion of Draft Discrimination Ordinance.
- Continued Discussion of Composting Toilets at Local and Regional Parks (Continued).
- 2019 Centre Region COG Budget Summary.
- Authorization of appropriation to the Chamber of Business and Industry of Centre County for a Business and Retention and Expansion Project – KCF Technologies.
- Scheduling of Interviews for ABC Vacancies

Upcoming Zoning Hearing Board Agenda (11/20/18):

- No Hearing Scheduled



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Telephone: 814-238-4651 Fax: 814-238-3454

TO: Ferguson Township Planning Commission

FROM: Lindsay K. Schoch, Community Planner
Raymond J. Stolinas, AICP, Planning & Zoning Director

DATE: November 8, 2018

SUBJECT: Active Plans in the Township

In an effort to keep the Planning Commission and Board of Supervisors up-to-date on current developments, staff is providing a list of Active Plans and other Projects in the Township.

Currently, the Township has three (3) Active Plans, one (1) has been *conditionally approved* and two (2) are under review. They are as follows:

King Wealth Strategies Land Development Plan: This Plan, submitted on June 26, 2018 by Penn Terra Engineering, Inc. on behalf of the owners/applicants, Laura and Thomas King, is proposing a conversion of the existing residential rental property located at 222 Blue Course Drive to their financial planning business office. Tax Parcel 24-12-12 contains .369 acres and is zoned General Commercial and lies within the Corridor Overlay. The existing building is 2,800 square feet with 1,400 on both the first floor and the basement. Prior to the submission of the plan, five (5) variances were approved by the Zoning Hearing Board. They are as follows: Reduction of the required parking spaces by 2 spaces; Reduction of the 50' front parking setback by 34'; Reduction of the 15' flexible buffer yard by 7.5'; Reduction of the 75' required minimum distance between driveway entrances by 15'; and Reduction of the 18' required parking stall length by 2'. The Planning Commission made its initial review and comment on the Plan at its July 9 meeting. The applicant is requesting a variance and two appeals. The Variance (granted) for relief from Section 27-206, Yard Requirements and the Appeals (tabled) for the interpretation of Section 27-206 and Chapter 26, Stormwater. ***The agent plans to resubmit the land development plan, including the required stormwater plan, but has submitted a time extension since the infiltration testing needed as part of the stormwater plan is taking longer than expected because of the wet weather in the area. Expiration is now February 23, 2018.***

Step by Step for School for Early Learning: *Plan has been signed and is waiting to be recorded.*

Pine Hall Traditional Town Development General Master Plan: On February 21, Residential Housing Development, LLC submitted a General Master Plan for the Pine Hall TTD. A Master Plan currently exists for Pine Hall, but Residential Housing Development, LLC has a different vision, therefore is proposing a new General Master Plan. The Plan was at a stay until decisions were made from both the Zoning Hearing Board concerning the validity challenge and the Court of Common Pleas concerning the procedural challenge—both decisions have been denied and since, appealed by Circleville Partners. Staff submitted initial plan comments to the developer on Friday, March 30. The Board of Supervisors reviewed the Plan and made initial comments at its April 16, 2018 meeting and the Planning Commission reviewed and made initial comments at its April 23 meeting. Staff met the Pine Hall Development Team to discuss initial comments. A Joint Public Work Session with the Board of Supervisors and Planning Commission was held on June 5, 2018.

The Pine Hall Design Team submitted a summary of the meeting to staff. Trans Associates submitted the Traffic Impact Study to staff on Monday, July 30 for review. The General Master Plan was formally submitted to staff for review on August 1, 2018, which started the 90-day review period for the Board of Supervisors to consider approval of the Plan. The Planning Commission reviewed the proposed plan on Monday, August 27, 2018 and had minimal comments and some public comment. Staff has prepared a schedule to move the Plan forward. The traffic study is under review, terms and conditions and agreements are being prepared in preparation for a Public Hearing later in the year. Circleville Partners appealed the decision of the Zoning Hearing Board (to the Court of Common Pleas) and the Court of Common Pleas decision (to the Commonwealth Court). Plan review comments were submitted to the developer on September 19. Staff had a meeting with the Design Team on October 2 to discuss the various agreements, terms and conditions, and other items. ***On October 30, the plan was resubmitted to staff for review and placed on the November 12, 2018 Planning Commission agenda for review and recommendation to the Board of Supervisors to authorize advertising and approve the General Master Plan. Plan Expiration is January 3, 2019.***

The Cottages at State College Final Planned Residential Development Plan. Whitehall Road and Blue Course Drive: *Plan has been recorded.*

**FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MONDAY, OCTOBER 8, 2018
6:00 PM**

I. ATTENDANCE

The Planning Commission held its 1st regular meeting of the month on Monday, October 8, 2018 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Lisa Strickland, Chairperson
Bill Keough, Vice Chairperson
Ralph Wheland
Marc McMaster
Rob Crassweller
Eric Scott
Jeremie Thompson
Shannon Holliday, alternate

Staff:

Ray Stolinas, Director of Planning & Zoning
Lindsay Schoch, Community Planner
Jeff Ressler, Zoning Administrator

Others in attendance were: Marcella Bell, Recording Secretary; Eileen and Mark Kline, Kline Subdivision; B.K. Bastress, Kline Subdivision; Chris Summers, Conditional Use Application for a Skate park; Ben Wentz, Conditional Use Application for a Skate park; Jake Johnson, Conditional Use Application for a Skate park; and John Saxton, Conditional Use Application for a Skate park;

II. CALL TO ORDER

Ms. Strickland called the meeting to order at 6:01 p.m.

III. CITIZEN INPUT

There was no citizens' input.

IV. MARK C. & EILEEN C. KLINE SUBDIVISION/RELOT PLAN

Mr. Stolinas stated that on September 5, 2018, Hawbaker Engineering, on behalf of the applicants, Mark & Eileen Kline, submitted a subdivision/replot plan to subdivide and consolidate tax parcels 24-9A-184, 24-9A-184A, and 24-9A-185 located on the corner of Chestnut Street and S.R. 26 South Water Street in Pine Grove Mills. Tax parcel 24-9A-184 is currently 19,000 square feet (0.436 acres) and will be reduced by 7,388 square feet, making a new lot totaling 11,612 square feet (0.267 acres). Tax parcel 24-9A-184A is currently 14,518 square feet (0.333 acres) and will increase by a total of 8,837 square feet, with 7,388 square feet from tax parcel 24-9A-184A and 1,449 square feet from tax parcel 24-9A-185, which is currently 15,996 square feet (0.367 acres). All three parcels contain single-family dwellings within the R-1 (Single-Family Residential) zoning district and contain access drives along South Water Street and West Chestnut Street with public water service from State College Borough Water Authority and public sewer from the University Area Joint Authority. The applicants have completed a majority of revisions to the proposed subdivision/replot since the September 10, 2018 Planning Commission meeting. The remaining comments are administrative in nature.

Mr. Stolinas stated that this is the second time the Planning Commission has seen this proposal and then referred to his Power Point and showed the updated plan of the proposed Subdivision and Replot. Mr. Stolinas stated that there have been two changes since the Planning Commission saw it last. The first is that the updated plan shows a private drive, Dannley Drive that goes through the above mentioned parcels. There is also a recorded agreement for the maintenance of this private drive. The second change is that there was a variance granted to this property in the 1980s to not require sidewalks—this variance was added to the plan as a note.

The Planning Commission had no comments for this plan.

A motion was made by Mr. Wheland and seconded by Mr. McMaster to recommend approval of the Kline Subdivision and Replot plan to the Board of Supervisors, conditioned on the remaining comments. The motion carried unanimously.

V. CONDITIONAL USE APPLICATION FOR A SKATE PARK ON PROPERTY LOCATED AT 1316 WEST COLLEGE AVENUE IN THE TERRACED STREETScape DISTRICT.

Mr. Stolinas stated that on June 2, 2017, Planning & Zoning staff received a conditional use application request from Benjamin Wentz, Jake Johnson, and Frank Singley for tax parcel 24-002A-124-0000- (1316 West College Avenue) within the Terraced Streetscape District (TSD). The applicants request the Board of Supervisors consider a private area for skateboarding, utilizing an existing foundation at the previous Sheesely Concrete Plant. Section 27-703 2.F. identifies “(8) private recreation areas, arenas, and stadiums” as a prohibited use within the TSD. Staff offered legislative options to the applicants that include filing a conditional use application, a variance request, or an appeal. Section 27-703 2.E. provides for conditional uses for any use not specifically permitted within the TSD that is deemed to be an acceptable use due to its consistency with in stated intent of the district. At the October 1, 2018 Board of Supervisors meeting, a motion was made to refer the conditional use application to the Planning Commission and schedule a public hearing for November 5, 2018. The motion carried unanimously. Mr. Stoilinas stated that the Planning Commission should discuss and propose reasonable conditions and safeguards to recommend to the Board of Supervisors for consideration at the public hearing.

Mr. Stolinas referred to his PowerPoint and presented the renderings of the skate park that the applicant provided. He explained that staff has been waiting for a map from the land owner showing the combined lots that would be one acre or larger, which is a requirement for approval. Mr. Stolinas reviewed the items that the Planning Commission should consider in its discussion. These items included:

- Is the use consistent with the stated intent of the TSD?
- How will the Skate Park integrate seamlessly into the neighborhood?
- Is the amount of square footage ample for a skate park facility (Skate Park Adoption Model)?
- Will there be public access?

- How many potential skate park users will there be?
- Hours of Operation (closed dusk to dawn)
- Limit skate park to skateboards, rollerblades and skates?
- What type of skate park is planned? Concrete? With or without Fixtures (kick plates, screws, bolts, rails)?
- Will there be drinking fountains, restrooms, bleachers, lighting?
- Concern for noise depending on skate park surface v. spectators/attendees. (Popping and Ollieing = 65-71 dB and Grinds and Slides = 54-63 dB)
- Litter control (require trash and recycling receptacles)

The applicants introduced themselves: Benjamin Wentz, Jake Johnson, and construction manager John Saxton. Mr. Wentz explained that this skate park will be private to those who have been a part of the whole process in getting the skate park approved, which limits the number of people to 5-10. He went on to explain that the proposed skate park is a place for he and his group to go train and practice since there is no other place to go and they are not legally allowed to skate downtown or on campus. It will not be a membership park and it is not open to the public.

The majority of the discussion revolved around the definition of private recreation, the security of the site and the actual ramps, and the liability of having this type of use within the Township.

Mr. Keough and Mr. Crassweller expressed their concern about whether or not the Township would be liable for any damage or injury if the Township approved the skate facility. Mr. Keough asked the question, since the applicants are asking for a variation of the rules, would that in itself constitute the Township being a party in a lawsuit? Mr. Crassweller asked if the Township could get an opinion from the Township solicitor on what the liability would be for the Township regarding the skate facility. A few of the other Commission members felt that the Township would not be liable because it is a private skate park on private property. Mr. McMaster stated that if this skate park was open to the public, there would most likely be a lot of conditions, however, it's a private facility and the Township does not tell people how to fence in their yard. He went on to say that security is the applicant and land owner's issue, not the Township's. In regard to security, the applicants will construct a fence around the facility and will also have chains over the ramps when not in use. The applicants will also consider having monitoring equipment for the times they are not there. There was a lengthy discussion regarding how the skate facility will run—whether it would be open to the public, accessed via membership, or completely private.

Mr. Crassweller expressed concern about the number of people allowed in the skate facility. Other members of the Planning Commission felt that it was not their place to regulate the number of people allowed in the skate park. The applicants stated that their insurance will only insure a certain number of people for the skate facility, and right now the applicants have a group of 5-10 people that would use the facility. There was a concern about accessibility to restrooms. Most of the Planning Commission felt that it

was not their responsibility to regulate bathrooms and that it would be the responsibility of the Centre Region Code Administration. Mr. Keough would like the definition of private recreation to be defined so as to decide whether or not the proposed skate facility fits within the TSD intent.

A motion was made by Mr. Scott and seconded by Mr. McMaster to recommend the conditional use application to the Board of Supervisors for approval with the following conditions: No lighting—daytime use only, chains on the features to make them useless when not in use, fencing around the perimeter of the facility, applicants must adhere to the current noise ordinance, and define the term “private recreation facility”. The motion carried 5-2.

VI. PLANNING DIRECTOR’S REPORT

Mr. Stolinas reviewed his director’s report which included the following items:

On September 12, 2018, the Planning & Zoning Director attended the monthly meeting of the Centre County Housing & Land Trust.

On September 19, 2018, the Planning & Zoning staff met with Carolyn Yagle of Environmental Planning & Design to review notes from the Joint Work Session between the Board of Supervisors and Agricultural Ad Hoc Board and staff-generated comments on the third draft of both documents.

On September 25, 2018, the Planning & Zoning Director and Zoning Administrator met with Andrew Warner and Deanna Behring regarding proposed zoning ordinance revisions within the Rural Agricultural Zoning District and current zoning requirements for tax parcel 24-005-016C-0000.

On September 26, 2018, the Planning & Zoning Director attended a meeting with the Centre County Housing & Land Trust Strategic Planning Committee to discuss revisions to the 2015-2017 Strategic Plan document.

On October 1, 2018, the Planning & Zoning Director attended a meeting with representatives of Sweetland Engineering, State College Borough, Penn State Campus Planning, and Clayco regarding the Penn State University West Campus Parking Deck.

On October 2, 2018, the Planning & Zoning staff met with Derek Anderson of Residential Housing Development, LLC, to discuss the traffic study, terms and conditions document, workforce housing agreement, general project status and deadlines, specific implementation planning moving forward, along with various miscellaneous items such as playing fields commentary, concert hall, etc.

On October 3, 2018, the Planning & Zoning Director and Township Manager met with Ted Graef, President, All Traffic Solutions regarding the proposed Source Water Protection Ordinance and Overlay. On October 3, 2018, the Planning & Zoning Director and Community Planner met with Derek Anderson of Residential Housing Development, LLC and Missy Schoonover, Executive Director, Centre County Housing & Land Trust to

discuss the proposed Pine Hall Workforce housing agreement. Also on October 3, 2018, the Planning & Zoning Director and Zoning Administrator met with Pat Ward, Uni-Tec, Consulting Engineers, Inc., and Asif Khatari regarding current zoning requirements for tax parcel 24-009A-254-0000 in Pine Grove Mills. In addition, on October 3, 2018, the Planning & Zoning Community Planner attended the first Transportation Mobility Study public meeting at Radio Park Elementary School.

On October 4, 2018, the Planning & Zoning Community Planner and Zoning Administrator volunteered for the 2018 United Way Day of Caring at a Strawberry Fields property within Ferguson Township. Also on October 4, 2018, the Planning & Zoning Director and Community Planner attended the Peer-to-Peer workshop titled "Future of Comprehensive Planning in the Centre Region".

Upcoming Board of Supervisors Agenda Items (10/15/18):

- Variance Request for Zachary Maser at 310 Marengo Lane – Relief from performing a Flood Study for a home addition
- Kline Subdivision/Replot recommendation for Approval with Conditions

Upcoming Joint Work Sessions with the Board of Supervisors:

- Source Water Ad Hoc Advisory Board recommendations on the Source Water Protection Overlay Ordinance scheduled for October 9, 2018 from 6:00 p.m. to 9:00 p.m. in the Main Meeting Room

Recent BOS Actions Summary (10/1/18 Regular Meeting):

- The Board of Supervisors requested the Tree Commission draft a tree preservation ordinance.
- The Board of Supervisors referred the draft Zoning and Subdivision and Land Development Ordinances to the Tree Commission for their review, focusing on low impact development, environmental impacts, suggestions for supplemental ordinances or amendments (i.e. stormwater, riparian buffer, etc.), buffer requirements that are low maintenance and appropriate for different types of uses, how vegetation may be better incorporated into zoning and suggestions for removal of invasive or undesirable species in the plant list.
- The Board of Supervisors referred the Conditional Use Application to Planning Commission and schedule a public hearing for November 5, 2018.
- The Board of Supervisors directed Planning & Zoning staff to draft a utility scale solar ordinance to be reviewed by the agricultural community and Climate Action Committee.
- The Board of Supervisors appropriated \$45,000 toward acquisition and installation of solar photovoltaics at Whitehall Road Regional Park and withdraw funds for a community kitchen.

Upcoming Zoning Hearing Board Agenda (10/23/18):

- Stormwater Appeal for 222 Blue Course Drive (King Wealth Strategies)
- Variance Request for Zachary Maser at 310 Marengo Lane – Relief from performing a Flood Study for a home addition

Mr. Stolinas also stated that he and Mrs. Schoch will be attending the APA PA Annual Conference October 14th through the 16th in Erie, PA at the Bayfront Convention Center.

VII. ACTIVE PLANS UPDATE

Ms. Schoch provided the active plans update, which included the following active plans: Kline Subdivision/Lot Consolidation, Pine Hall Traditional Town Development General Master Plan, The Cottages at State College Final PRD, Step by Step Early Learning Land Development Plan, and King Wealth Strategies Land Development Plan.

Mrs. Schoch added that there is a mobility study for the area of Martin Street, Blue Course Drive, North Atherton, and Clinton Avenue. There was a public meeting on October 3 for public input, however, there was not a lot of attendance. She explained that on the Township's website is a link to an online survey to give input on mobility issues in the above mentioned corridor. She invited the Planning Commission members to participate in the survey by October 17 for a chance to win a \$50 gift card.

VIII. CENTRE REGIONAL PLANNING COMMISSION (CRPC) REPORT

Mr. Thompson stated that CRPC met on October 1, 2018 with the Transportation and Land Use (TLU) Committee. The Commission and Committee reviewed the Regional Growth Boundary (RGB) and Sewer Service Area (SSA) expansion request for 1,000 acres from Halfmoon Township. The proposed expansion is at the Patton Township line south of 550. Halfmoon Township is looking to keep the growth to the west central portion of the expansion. Mr. Thompson added that he attended the Peer-to-Peer training on the Future of Comprehensive Planning in the Centre Region on October 4, 2018. In response to a question from Mr. Wheland, Mr. Thompson clarified that the RGB and SSA expansion request is to develop vacant land in Halfmoon Township.

IX. SOURCEWATER PROTECTION AD HOC COMMITTEE UPDATE

Mr. Stolinas stated that there is a joint meeting tomorrow, October 9, 2018, between the Board of Supervisors and the Sourcewater Protection Ad Hoc Committee to go over the 27 recommendations from the Committee as well as the reasoning behind the recommendations. The next steps would be to see what the Board of Supervisors wants to do after the discussion.

X. ZONING/SALDO STEERING COMMITTEE UPDATE

Mr. Stolinas stated that staff will be receiving the fourth drafts of the Zoning and SALDO this week sometime. Once staff receives it, the Board of Supervisors, the Planning Commission, and the Tree Commission will have a chance to review it.

XII. PINE GROVE MILLS—SMALL AREA PLAN

Ms. Strickland stated that the steering committee will be meeting this Wednesday to review the alignment meeting and prepare for the upcoming Town Hall meeting in November.

XIII. APPROVAL OF THE REGULAR MEETING MINUTES – SEPTEMBER 10, 2018

A motion was made by Mr. McMaster and seconded by Mr. Wheland to approve the September 10, 2018 meeting minutes as presented. The motion carried unanimously.

XIII. ADJOURNMENT

There being no further business for the Planning Commission, the meeting adjourned at 8:12 p.m.

RESPECTFULLY SUBMITTED,

ROB CRASSWELLER, SECRETARY
FOR THE PLANNING COMMISSION