

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, February 5, 2018
7:00 PM

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

Centre Region Parks and Recreation Authority – Ms. Meyer

IV. APPROVAL OF MINUTES

January 16, 2018, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

1. Closing Public Hearing Sourcewater Protection Overlay District Ordinance
2. Discussion – Potential Amendments to Ferguson Township Administrative Code
3. Continued Discussion – Agricultural Community for Zoning/Subdivision and Land Development Ordinance Rewrite

VI. NEW BUSINESS

1. Public Hearing Resolution – Support Bill 251 authorizing Local Police Force Use of Radar
2. Discussion – The Plan Deadline of The Cottages Planned Residential Development
3. Request for Variances/Zoning Appeals:
 - a. 385 Science Park Road – Accuweather
 - b. 1500 West College Avenue – Edisto Partners, LP
 - c. 2542-2544 Circleville Road – C. Loesch
4. Wheland/Cooper Replot and Lot Consolidation
5. Conditional Use Hearing Application – 120 Buckout Street, St. College Area School District
6. Discussion – Ad Hoc COG Building Committee

VII. REPORTS

1. COG Committee Reports
2. Other Regional Committees
3. Staff Reports

VIII. COMMUNICATIONS TO THE BOARD

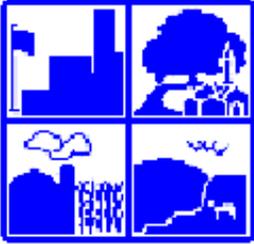
IX. CALENDAR ITEMS – FEBRUARY

- a. Stormwater Fee Feasibility Study Workession with Board of Supervisors, February 8, 5:00 p.m., Main Meeting Room

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, February 5, 2018
7:00 p.m.**

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

II. CITIZENS INPUT

III. SPECIAL REPORTS

- 1. Centre Region Parks and Recreation Authority – Denise Meyer** 10 minutes

IV. APPROVAL OF MINUTES

- 1. January 16, 2018, Board of Supervisors Regular Meeting**

V. UNFINISHED BUSINESS

- 1. CLOSING OF THE PUBLIC HEARING ON THE SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE.** 5 minutes

Narrative

On December 11, 2017, the Board of Supervisors held a public hearing on an amendment to Chapter 27, Zoning of the Ferguson Township Code of Ordinances establishing a sourcewater protection overlay district. A motion to postpone the adoption of the ordinance indefinitely was passed unanimously. Per the PA Municipalities Planning Code, the public hearing should be closed. This action may be taken by the Chairman.

- 2. A DISCUSSION OF POTENTIAL AMENDMENTS TO THE FERGUSON TOWNSHIP ADMINISTRATIVE CODE** 25 minutes

Narrative

At the January 16th Regular Meeting, Ms. Dinnini requested an agenda item be added for discussion of potential amendments to Chapter 1 of the Ferguson Township Code of Ordinances, Administration, and Government (“Administrative Code”). The purpose of the Administrative Code is to define, “the responsibilities of such municipal departments, offices, and agencies as the Board of Supervisors deems necessary for the proper and efficient conduct of municipal affairs.” A link to the Ferguson Township Administrative Code can be found below. The Board of Supervisors Policy Manual is also provided with the agenda.

Hyperlink: [Ferguson Township Administrative Code](#)

STAFF RECOMMENDATION

That the Board **discuss** amendments to the Ferguson Township Administrative Code and, if desirous, authorize staff to prepare an amended ordinance to advertise for public hearing.

3. A CONTINUED DISCUSSION OF ENGAGEMENT OF THE AGRICULTURAL COMMUNITY FOR THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REWRITE

15 minutes

Narrative

At the January 16th Regular Meeting, the Board discussed possible avenue to engage the farming community in the process to update the zoning and subdivision and land development ordinances. Staff recommends that a concerted effort to involve farmers in the rewrite is made, especially to provide input on any changes to the Rural Agricultural, Rural Residential, and Agricultural Research zoning districts. A motion is currently on the table to establish an ad hoc board to review and comment on the proposed modifications to the agricultural zoning districts of the zoning ordinance and revisions to the subdivision and land development ordinance. The Board postponed the vote on the motion and directed staff to determine whether there was interest from the farm community in participating on an ad hoc advisory board for this purpose. It is believed that there would be interest in serving on this committee. Other options the Board could consider include a series of focus groups in the western end of the Township or utilizing a survey instrument to solicit feedback from the agricultural community.

STAFF RECOMMENDATION

That the Board **discuss** an initiative to engage farmers in the rewrite of the zoning and subdivision and land development ordinances and **direct** staff to proceed based on the outcome of the discussion.

VI. NEW BUSINESS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA IN SUPPORT OF SENATE BILL 251 AUTHORIZING LOCAL POLICE FORCE USE OF RADAR.

5 minutes

Narrative

The Pennsylvania Municipal League has requested membership support of Senate Bill 251, which authorizes local police forces in the Commonwealth to use radar detection for traffic enforcement. Currently, only Pennsylvania State Police are authorized to use this technology. The Bill has cleared the Senate and is currently in the House Transportation Committee, where it must receive an affirmative vote before going to the House floor for a full vote. A copy of the Bill in its current form is provided with the agenda, as well as a copy of a resolution in support of its passage. Pennsylvania is currently the only state that does not allow local police use of radar.

Recommended motion: That the Board of Supervisors adopt the resolution supporting Senate Bill 251 authorizing local police use of radar.

STAFF RECOMMENDATION

That the Board **adopt** the resolution.

2. DISCUSSION OF THE PLAN DEADLINE OF THE COTTAGES PLANNED RESIDENTIAL DEVELOPMENT

20 minutes

Narrative

The Board received the attached communication from Ron Lucas, Esq. representing Springton Pointe, developer of The Cottages Planned Residential Development. The letter is in response to a provision

of the Township's Subdivision and Land Development Ordinance (Chapter 22, Section 304, 6.) which states the Board of Supervisors may render a decision disapproving a conditionally approved plan where the conditions are not satisfied within [90 days] of the vote on the plan by the Board. The developer's counsel has indicated they do not agree that the Township must act to extend the deadline to record the plan, citing provisions of the Pennsylvania Municipalities Planning Code (MPC), including Section 513(a) which provides for the timeline for recording of a conditionally approved plan. Also provided with the agenda are the accepted Terms and Conditions of the PRD plan. The Cottages PRD plan expiration is currently February 6, 2018. A policy was adopted in 1996, which permits the Board to grant up to three 90-day time extensions to a conditionally approved plan. It is important to note that a significant outstanding condition of the approved PRD plan is the acquisition of additional right-of-way needed for a traffic signal at the intersection of Bristol Avenue and Blue Course Drive. The Township is responsible to acquire the right-of-way needed for the developer to meet this condition, which will not be possible before the plan's current deadline. In consideration of the Township's Subdivision and Land Development Ordinance and applicable policy relative to the granting of extensions, the following motions are provided to the Board for consideration:

Alternative 1: "Move that the Board of Supervisors grant a 90-day time extension for The Cottages Planned Residential Development establishing a new plan expiration date of May 7, 2018."

Alternative 2: "Move that the Board of Supervisors disapprove The Cottages Planned Residential Development."

STAFF RECOMMENDATION

That the Board **does not** act to disapprove The Cottages Planned Residential Development based on not meeting the current deadline to record the plan of February 6, 2018. This is due to the Township's inability to meet its obligation under the approved Terms and Conditions to acquire the right-of-way for the traffic signal at Blue Course Drive and Bristol Avenue in advance of the current plan expiration.

3. VARIANCES/ZONING APPEALS

a. Request for Variance – 385 Science Park Road, Accuweather

5 minutes

Narrative

Provided with the agenda is a copy of the variance application received from Accuweather for property located at 385 Science Park Road. The applicant is seeking a variance from the buffer yard and parking island tree requirements of Chapter 27, sections 807.15 and 807.16.B., due to the unique orientation and characteristics of the existing land, buildings, and signage. The property is located within the Industrial, Research and Development (IRD) zoning district.

Recommended motion: That the Board of Supervisors remain neutral on the variance request for 385 Science Park Road as submitted by Accuweather.

STAFF RECOMMENDATION

That the Board **remain neutral** on the variance.

b. Request for Variance – 1500 West College Avenue, Edisto Partners, LP (Lovisky & Associates)

5 minutes

Narrative

Provided with the agenda is a copy of the variance application received from Albert A. Drobka, in care of Edisto Partners, LP for property located at 1500 West College Avenue. The applicant is seeking a variance from Chapter 27, Section 1003 to allow the property owner to enclose the existing covered

porch without requiring the submission of a land development plan. The property is located within the Terraced Streetscape (TS) zoning district.

Recommended motion: That the Board of Supervisors remain neutral on the variance request for 1500 West College Avenue as submitted by Edisto Partners, LP.

STAFF RECOMMENDATION

That the Board **remain neutral** on the variance.

c. Request for Variance – 2542/2544 Circleville Road, Charles Loesch

5 minutes

Narrative

Provided with the agenda is a copy of the variance application received from Charles Loesch for property located at 2542/2544 Circleville Road. The applicant is seeking a variance from Chapter 27, Sections 205.1.D., 903.A and 903.B.2. to build a second single-family dwelling and remove a 24'X44' shop. A two-story duplex remains on another portion of the property. The property is located within the Single-Family Residential (R1) zoning district.

Recommended motion: That the Board of Supervisors remain neutral on the variance request for 2542/2544 Circleville Road submitted by Charles Loesch.

STAFF RECOMMENDATION

That the Board **remain neutral** on the variance.

4. WHELAND/COOPER REPLOT AND LOT CONSOLIDATION

10 minutes

Narrative

The proposed subdivision, located on Tadpole Road, is approximately 1.8 miles west of the intersection of Tadpole Rd. and W. Gatesburg Rd. The proposal intends to consolidate tracts of Parcels 24-06-7A, 24-06-7B and 24-06-08 to create a 1.00-acre tract (Tract 1R), a 1.89-acre tract (Tract 2-BR), a 109.02-acre tract (Tract 3R), and a 233.50-acre tract (Tract 4R). The consolidations are a result of residual land from the original alignment of Tadpole Road and lands from the former Lewisburg and Tyrone Railroad. Subdivision plans have been submitted from Fred M. Henry/Mease Associates, Inc. on behalf of the applicants, Ralph F. Wheland & Janice Keough, co-executor. At the January 22, 2018, meeting of the Ferguson Township Planning Commission, members unanimously recommended that the Board of Supervisors approve the plan conditioned on completion of the remaining comments.

Recommended motion: That the Board of Supervisors approve the Wheland/Cooper replot and lot consolidation subject to the conditions outlined in the Director of Planning & Zoning memorandum dated January 26, 2018.

STAFF RECOMMENDATION

That the Board **approve** the replot and lot consolidation.

5. CONDITIONAL USE HEARING APPLICATION, 120 BUCKHOUT STREET – STATE COLLEGE AREA SCHOOL DISTRICT

10 minutes

Narrative

Provided with the agenda is a copy of the Conditional Use application received from the State College Area School District (SCASD) for property located at 120 Buckhout Street currently owned by The

Pennsylvania State University. SCASD entered into a lease agreement with the University from January 1, 2018, to August 31, 2019, to use the property for the use of storage of construction materials to be used in the Corl Street Elementary Renovation Project. Chapter 27, Section 7031.E. states that any use not specifically permitted with the TS District shall be reviewed through the Conditional Use approval process.

Recommended motion: That the Board of Supervisors refer the Conditional Use Application to the Planning Commission for a recommendation, and schedule the conditional use hearing for Tuesday, February 20, 2018.

STAFF RECOMMENDATION

That the Board **refer** the conditional use application to the Planning Commission and **schedule** the conditional use hearing for February 20th.

6. DISCUSSION OF AD HOC COG BUILDING COMMITTEE

10 minutes

Narrative

At the January 22nd meeting of the COG General Forum, a motion was unanimously approved to request that member municipalities advise the COG Executive Committee of their preferences regarding the composition of an ad hoc COG building committee. The mission of the ad hoc committee would be, “to evaluate and prepare recommendations to the General Forum on facilities that are to receive a significant portion of their funding through the COG.”

STAFF RECOMMENDATION

That the Board **discuss** their preferences for the composition of the Ad Hoc COG Building Committee and provide their comments to Mr. Miller to submit at the next meeting of the COG Executive Committee.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

20 minutes

- a. Transportation & Land Use (TLU) Committee
- b. Human Resources Committee – cancelled for February 7th – next meeting on March 7th

2. OTHER REGIONAL COMMITTEES

5 minutes

- a. Spring Creek Watershed Commission
- b. State College Borough Water Authority, November 16, 2017 (attached)

3. STAFF REPORTS

15 minutes

- a. Township Manager
- b. Planning and Zoning Director
- c. Public Works Director

VIII. COMMUNICATIONS TO THE BOARD

10 minutes

IX. CALENDAR ITEMS – FEBRUARY

- a. Stormwater Fee Feasibility Study Worksession with Board of Supervisors, February 8, 5:00 p.m., Main Meeting Room

X. ADJOURNMENT

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, January 16, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, January 16, 2018, at the Ferguson Township Municipal Building. In attendance were:

Board:	Peter Buckland	Staff:	Dave Pribulka, Township Manager
	Steve Miller		Dave Modricker, Public Works Director
	Laura Dininni		Ray Stolinas, Director of Planning & Zoning
	Sara Carlson		Chris Albright, Chief of Police
	Toni Ricciardi		

Others in attendance included: Marcella Bell, Recording Secretary; Pam Steckler; Bill Heckenger; Andy McKinnon; Wes Glebe; Todd Giddings; Sarah Walter, CCALPB; Steve Dubois; Bill Keough; Vicki Wedler; Tanya Furman; Janise Crow; Charlene Harrison; Ed Crow; Christie Bailey; Gary Myers; Peggy Schlegel; John Kucka; Bill Brosder; Ronald Connally; Steve Ford; Deborah Benedetti; Gerry Hamilton; Joseph Bernardo; Valerie Bernardo; Jon Dietz; Ford Stryker; Hazel Stryker; Dorothy Blair.

II. CALL TO ORDER

Mr. Buckland called the Tuesday, January 16, 2018, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT

Mrs. Steckler presented a petition to the Board requesting the Board hold Penn State University and Toll Brothers financially liable for any potential impacts to the Thomas and Harter Wellfields as a result of The Cottages Planned Residential Development. Mr. Pribulka clarified the petition process at the request of Mr. Buckland. Mr. Heckenger shared his thoughts on the sale and brought to attention certain aspects and suggestions.

IV. SPECIAL REPORTS

A. University Area Joint Authority (UAJA) Demonstration Project, Greenbriar Development, Mr. Edward Crow.

Mr. Pribulka provided the history of the development project and introduced Mr. Crow as a resident that has taken a leadership role in the project.

Mr. Crow reviewed the project in detail along with concerns surrounding the development of the surface recharge area. He voiced concern for water contaminants that may not be regulated, i.e., artificial sweeteners and medication disposal; and detailed the fees and landscaping. Some benefits included not having to replace a septic system when it goes bad, cleaner drinking water and real estate value/sale.

Ms. Furman, a Greenbrier resident, voiced her concern on the motivation, cost, clarity and level of success of the project and went into detail on the investment, water quality in regards to septic vs. sewer systems and UAJA nitrogen credits.

Next steps were also reviewed.

- B. Centre County Purchase of Agricultural Conservation Easements Program, Sarah Walter, AG Land Preservation Program Coordinator

Ms. Walter detailed the Farmland Preservation program in Ferguson Township and Centre County. Following the presentation, Mr. Miller clarified that there are matching funds when there is a commitment of funds from the Township. Ms. Walter noted the certification is done on January 31st of every year and that she will need commitments at least two weeks prior to that deadline for the approval process.

Mr. Miller moved that the Board of Supervisors **authorize** the Township Manager to commit the funding for 2018 match at the rate of \$150 per acre. Mr. Ricciardi seconded the motion. The motion passed unanimously.

V. MINUTES

- A. January 2, 2018, Board of Supervisors Reorganizational Meeting Minutes

Ms. Dininni made a motion to **approve** the January 2, 2018, Reorganizational meeting minutes. Mr. Miller seconded the motion.

Ms. Carlson made a motion to **amend** the minutes to include that Mr. Miller was sworn-in. Ms. Dininni seconded the motion. The motion passed unanimously.

The original motion passed unanimously.

- B. January 2, 2018, Board of Supervisors Regular Meeting Minutes

Ms. Dininni made a motion to **approve** the January 2, 2018, Regular meeting minutes. Ms. Carlson seconded the motion.

Mr. Ricciardi made a motion to **amend** the minutes to state that Mr. Buckland started the meeting. Mr. Miller seconded the motion. The motion passed unanimously.

The original motion passed unanimously.

VI. UNFINISHED BUSINESS

- A. Continued discussion on Sourcewater Protection Overlay District Ordinance

Mr. Pribulka provided an update from the January 2nd regular meeting. He noted the suggestions from that meeting was to establish an ad hoc advisory board and task it with receiving community input and response to questions along with exploring a regional taskforce on sourcewater protection.

Ms. Dininni moved that the Board of Supervisors **establish** an Ad Hoc Advisory Board that will be tasked with reviewing the current draft of the sourcewater protection overlay ordinance, suggesting specific revisions, and providing discussion points about the suggested revisions. The committee shall be comprised of one member of the Board of Supervisors, one member of the Planning Commission, one member of the sourcewater protection working group, two members from the farming community, two members from the business community, and two members to represent environmental interests. The ad hoc advisory board shall meet at least every two weeks and shall have two months from their initial meeting to complete its tasks. Ms. Carlson seconded the motion.

Discussion followed on the pros and cons of both alternative options and the makeup of the ad hoc committee. Following a lengthy discussion, Mr. Miller stated he believes the ordinance is ready as is with some few minor changes since it has been in-the-works for an extended period of time. Mr. Miller's concern is that the objections may be the same as we currently have, it will not be resolved by a committee and it may or may not cause the ordinance to be changed significantly. Ms. Dininni stated she is open to changing the ordinance in a significant manner only if there are reasonable changes, it achieves our goals and it doesn't scrap what valuable work has already been done on the ordinance. Ms. Carlson stated she prefers alternative one listed above to have a voice and to

maybe combine some options from the second alternative. Mr. Ricciardi reiterated that it is a good idea to have the ad hoc committee converse together with a voice and come to a reasonable solution or conclusion at a reasonable timeframe of the 60 days so that the ordinance can move forward.

Mr. Miller moved that the Board of Supervisors **amend** the proposed structure of Alternative 1 to add a member appointed by the State College Borough Water Authority (SCBWA) due to the discussion that will include Zone 1 designation. Mr. Ricciardi seconded the motion. The motion passed unanimously.

Next steps were discussed. The proposed appointments will be presented to the Board at the February 20th Regular Meeting.

The original motion passed unanimously.

A motion was made to recess and the Board resumed nine minutes later.

- B. Board of Supervisors Procedures Manuel – Per unanimous consent of the Board, Mr. Buckland removed this item from the agenda to discuss at a future regular meeting.

VII. NEW BUSINESS

1. Consent Agenda

a. December 2017 Voucher Report

Ms. Dininni made a motion that the Board of Supervisors **approve** the Consent Agenda. Mr. Miller seconded the motion. The motion passed unanimously.

2. Discussion of Economic Development Initiatives in Ferguson Township

Mr. Buckland recognized public comment for this topic and with Chamber of Business & Industry of Centre County.

Mr. McKinnon provided a statement condemning the location of a Nestle facility in the Centre Region, citing past environmental infractions and human rights violations.

Mr. Pribulka reviewed the recent history of the Township's relationship with the CBICC and relevant initiatives that the Board has supported with regard to economic development.

Mr. Buckland clarified that the Board has not at this time appropriated monetary support to the development initiatives. Mr. Buckland noted that the Board has little say in what the CBICC does and further detailed some of the prior and current concerns, accountability and specifically opposing organizations coming into the community that will violate a 2010 UN resolution in support of the human right to water (64/292). Other examples were discussed for economic development options. Mr. Ricciardi asked if these concerns have been addressed with COG or municipalities. Mr. Pribulka clarified that CBICC does have a concerted effort to engage some of the entrepreneurial groups in the region and incubator efforts. Ms. Carlson stated she would like to focus on economic development in Ferguson Township but in a sustainable and responsible way.

Mr. Buckland entertained a motion to continue the discussion passed the allotted time. Ms. Dininni made a motion that the Board of Supervisors **continue** discussion for five more minutes. Ms. Carlson seconded the motion. The motion passed unanimously.

Discussion followed on the funds that have not been committed. Clarification was made that a decision has not been made at this meeting; however, the topic can be proposed by a Board member on a future agenda to determine what to do with the committed economic development funds.

3. Consideration of Ad Hoc Board representing Farming Community for rewrite of Zoning and Subdivision and Land Development Ordinances

Mr. Pribulka stated this topic was introduced at a previous Board meeting as stated in the agenda and went into further detail. In summary, the purpose of this proposed ad hoc board would be to review proposed revisions to the Township's zoning/subdivision and land development ordinances with a specific focus on the agricultural community and to provide feedback and recommendations to staff and Board on how to approach potential revisions to the Townships three agricultural zoning districts. Mr. Pribulka asked that a method be identified to proceed.

Ms. Dininni asked if this proposed group will have the same function as the current committee on the zoning/SALDO rewrite. Mr. Pribulka stated the proposed group will have a more focused function as opposed to the rewrite committee that has broader interests. Following discussion, Ms. Dininni stated her concern on staff's time with the committee(s), i.e., empty barn issue, and how to acquire the information in a timely manner.

Ms. Dininni moved that the Board of Supervisors **establish** an ad hoc board to review and comment on proposed modifications to the Rural Agricultural Zoning District of the zoning ordinance and revisions to the subdivision and land development ordinance. Mr. Ricciardi seconded the motion.

Discussion followed on the proper structure for farmer engagement on the zoning ordinance rewrite.

Mr. Buckland entertained a motion to continue the discussion passed the allotted time. Mr. Miller moved that the Board of Supervisors **continue** discussion for five more minutes. Ms. Carlson seconded the motion. The motion passed unanimously.

Mr. Miller stated he was not concerned about staff time; however, concerned for farmers' time due to working the farms and not having time to serve on committees, i.e., in reference to a discussion with a local farmer.

Mr. Miller moved that the Board of Supervisors **postpone** the vote on the ad hoc board motion until the next meeting until staff has time to discuss this with the farming community and get feedback. Ms. Dininni seconded the motion. The motion passed unanimously.

4. Authorization of Axon Enterprise contract for Body Worn Cameras, Car Camera, Upgrade Equipment for Police Department

Chief Albright discussed the history as included in the agenda. He detailed the scope of work and breakdown of the first year's funding and the corresponding years' annual fee. The total cost of the contract was below the funding level requested for FY 2018.

Ms. Dininni moved that the Board of Supervisors **authorize** the contract for \$111,452.36 with Axon Enterprise, Inc., for the installation of body worn cameras, car cameras, and an upgrade to interview equipment for the Police Department. Ms. Carlson seconded the motion. The motion passed unanimously.

Mr. Miller thanked the Police Department for moving forward with this program and that it is good for the community and the department. Chief Albright stated all of the officers are in support of the program.

5. Appointment to the Centre Regional Planning Commission

Mr. Stolinas stated on January 8th the Planning Commission recommended appointments to the Centre Region Planning Commission. The recommended appointments were provided with the agenda. Appointments will be for a three-year term beginning January 1, 2018, and ending December 31, 2020.

Ms. Dininni moved that the Board of Supervisors **appoint** Cristin Mitchell to the Centre Region Planning Commission and Ralph Wheland as the Township's alternate to the Centre Region Planning Commission for a term beginning January 1, 2018, and expiring December 31, 2020. Mr. Buckland seconded the motion. The motion passed unanimously.

6. PA DEP Component 1 Sewage Facilities Planning Module – Dreibelbis, 160 Emory Lane

Mr. Miller moved that the Board of Supervisors **authorized** the Chairperson to sign Section K - Municipal Action indicating whether the Planning Model is found to be acceptable or unacceptable. Ms. Carlson seconded the motion.

Discussion followed for clarification on proposed second house to be built with a septic system. More detail was given and in regards to the Township's 537 Plan. No subdivision was listed and the parcel is under the PACE program.

The motion passed unanimously.

VIII. REPORTS

1. **COG COMMITTEE REPORTS** – Agendas provided in the agenda packet.

Mr. Buckland noted that the Executive Committee met today, January 16th and a report will be received at this meeting that was not provided in the agenda.

- a. TLU Committee. Ms. Dininni reported the committee met on January 8th. CRPA organizational chart update; map of North Atherton project of utility relocations through March 2019 that will help with getting calls due to high volume corridor; reorganizational meeting; Ms. Lafer elected as chair.
- b. Public Safety Committee. Ms. Carlson reported general organizational meeting; appointed fire marshals, assistant fire marshals and fire chiefs; update on Emergency Drinking Water Response Plan that was drafted and relayed on October 31, 2017; update on alerting and notification that is the responsibility of entities based on PA DEP regulations; report from Mr. Bair on call volume in the Centre Region that was equivalent to Allentown and went into detail on statistics - the topic may be addressed in future discussion in the coming years at the COG level.
- c. Steering Committee – Parks and Rec Comp Plan. Ms. Dininni reported the committee met on January 9th; continued review of DCNR guidelines for comprehensive plans that are available online and at the next meeting will have a draft of the whole document to review and went into further detail for RFP consideration and components for Penn State's classes; and discussion on SCASD Priority Use Agreement with parks regarding facility sharing and tiers of who gets priority-copy of agreement available.
- d. Human Resources Committee. Mr. Ricciardi reported the committee met on January 10th; Mr. Wilson continues as chairperson and Ms. Whitaker as vice-chair; report from Mr. Steff-more detail

given; update on grievance committee; update on HR policy; and the picture will be done at the next meeting.

- e. Finance Committee. Mr. Miller reported the committee met on January 11th. Mr. Graham will be chairperson; Mr. Myers was not in attendance but will be vice-chair; discussion on procedures for COG budget and how to approach it - push for upfront information from municipalities for budget content in order to find the right approach; and report on change of designation of code agency employees regarding exempt, non-exempt and overtime.
- f. Joint Parks Capital CRPRA Committee. Ms. Dininni reported on the joint committee/board met on January 11th. Mr. Lord was elected as chairperson of Parks Capital and Mr. Bernier was elected vice-chair; reviewed COG Articles of Agreement; discussion on Whitehall Road Regional Park and restated what Ms. Graef had stated about the region to consider other locations as possibilities for the amenities that are slated to go into the park-more detail followed and definition of regional parks.
- g. PSE Committee. Mr. Buckland reported the committee met on January 11th. Joined by returning members and Ms. Whitman of Patton Township; noted appointments; new meeting times proposed on first Monday of the month at 8:30 a.m.; met the fully staffed CRPA that has a new Sustainability Planner; discussed Articles of Agreement and Mr. Buckland had raised a question on possible joint meeting with TLU regarding CATA/electric buses-more detail followed; update on recycling and refuse program and existing exemptions-committee favored universal participation to keep costs lowered; PSE activities for coming year; Mr. Miller of UAJA stated a need for action on Act 537 Plan-more detail followed; invitation to UAJA's ribbon cutting ceremony on January 17th at 2:30 p.m. at UAJA for activation of a 2.3 megawatt solar array-battery storage unit will be online later in the year. Discussion followed along with noting no rate increase and percentage of usage for the solar array. Act 537 Plan discussion followed.
- h. Executive Committee. Mr. Miller reported the committee met January 16th. Reviewed the agenda for next week's COG meeting; recommendations for general committee elections; main items included appointment of Alpha fire chiefs and fire marshals; recommendation to create an ad hoc COG building committee and looking to expand the COG building - more detail followed including the possibility for the committee to become a standing facilities committee; and update on Odor Control report from Mr. Corey Miller.

IX. OTHER REGIONAL COMMITTEES - None

X. STAFF REPORTS - Reports provided with the agenda packet.

- a. Township Manager. Contacted government liaison at Penn State at the request of the Board to schedule an update of the West Campus Master Plan and is working on a date for the presentation at an upcoming Board meeting; letter of appreciation from a township resident to the Board for the commitment sponsorship toward Senior's Club expenses; EMC members received an After Action Report from CREM Coordinator for improvements noted from a follow-up from a December 6th exercise with Penn State, Office of Emergency Management – more detail provided; spoke on report received from PennDOT as listed in the agenda report regarding Alternative 2 option for intersection improvements at routes 45 and 26 – requested a follow-up presentation to the Board at a future meeting; last item noted was a request from a Board member for ABC quarterly reporting in 2018-two alternatives suggested – discussion followed. Alternative 2 was recommended.

Ms. Dininni noted a letter she had provided to the Board surrounding the discussion of the COG Articles of Agreement that are out of date and asked that the Township Manager forward it to Mr. Steff at COG for a response.

- b. Planning & Zoning Director. The Planning Commission met at their first televised meeting on January 8th. The organizational meeting voted on the officers; dates advertised; report was presented as provided with the agenda; Active Plans list and permits; and REDCAP spreadsheet update.

Ms. Dininni had a question on Active Plans regarding Science Park Plaza – Parking relief was heard and the variance was approved. Detail followed.

- c. Public Works Director. Mr. Modricker reported on a previous current event regarding a Tree Planting Project on Owens Drive with elementary school students. The newly established local environmental club plan will support a larger organization's project goal of globally planting 1 trillion trees. In cooperation with Ferguson Township, the local partners and students will plan to plant 200-300 trees behind West College Avenue, accessed from Owens Drive, on Arbor Day in April. Noted was concern from the Tree Commission for the mortality of the trees and sustainability of the effort. The Tree Commission has asked a representative from the organization to come to the next Tree Commission Meeting.

Mr. Modricker reported on the results of the Park Hills Traffic Calming Study. There will be a worksession with the Board and the Stormwater Fee Feasibility Study group on February 8th at 5:00 p.m.

- d. Chief of Police. Chief Albright reported on the month of December and for the year of 2017. The more serious Part 1 crimes are down for the year noting the biggest decrease in burglaries and packaged thefts; less serious Part 2 crimes saw an increase in the area of fraud/scams and drug violations; calls for service were up overall; collected over 315 lbs. of unwanted medication; with assistance from our Communications Coordinator, compiled an annual review of PD's activities and accomplishments that are posted on the webpage and Facebook; highlights of incidents were reviewed including the issuing of 100 parking tickets during a snow event that the PD is working on to better educate the public to cut down on ticketing; and Narcan update. Discussion followed on vehicles' locations in regards to the ticketing.

- e. Treasurer's Report as provided with the agenda.

XI. COMMUNICATIONS TO THE BOARD - None

XII. CALENDAR ITEMS

Coffee and Conversation – Saturday, January 20th, 8:00 a.m. at Baileyville Community Hall.

XIII. ADJOURNMENT

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni made a motion to adjourn the meeting. The meeting adjourned at 10:19 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

EXHIBIT "A"

Ferguson Township Board of Supervisors Procedures

Revised June 19, 2017
Adopted January 2, 2018

Introduction & Overview

The Ferguson Township Board of Supervisors establishes important and often critical governance policies for the community and is also responsible for the fiscal health, of a public corporation having an annual General Fund budget of over \$12 million.

Purpose of the Procedures Document

The Board of Supervisors of Ferguson Township adopts these procedures by Resolution at the annual organizational meeting to document accepted practices and clarify expectations. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Board members in their actions governing Ferguson Township. This procedures manual will aid the Board in taking responsible action in its conduct of Township business.

1. Ferguson Township Board of Supervisors: General Powers and Responsibilities

Board of Supervisors Generally – The powers of the Board of Supervisors of a Home Rule Municipality in Pennsylvania are fairly broad. Essentially, Home Rule Municipalities may undertake any action related to township affairs other than those forbidden or preempted by State or Federal law. Specifically, the Board shall have the power, in the name of the Township, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the U.S. and Pennsylvania Constitutions and laws of the Commonwealth of Pennsylvania and the Home Rule Charter.

Actions Taken as a Board – As established by the Home Rule Charter, the Board acts only as a body. No member has any individual powers within the Township. While the Chair has some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Board. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Township to a course of action. In turn, it is staff's responsibility to ensure the policy of the Board is upheld. Actions of staff to pursue the policy direction established by a majority of Board do not reflect any bias against Board members who held a minority opinion on an issue.

Serving on Committees – Limitations are imposed on a Board member's ability to serve on advisory boards of the Township. No member of the Board shall be appointed to or serve as a voting member of any municipal authority, board, or commission, except those positions that are normally filled by elected officials, such as Centre Region COG committees and the Spring Creek Watershed Commission. This is not construed as prohibiting members of the Board from serving on committees or subcommittees of the Board itself, or of agencies representing other levels of government. In fact, Board members are encouraged to participate and provide leadership in regional, state and national programs and meetings. Board members should respect the assigned committee roles and not duplicate representation of the Board at various

committee meetings unless requested by the assigned Board member. Board members are expected to report to the Board on matters discussed at subcommittees and other regional, state, and national board/agency/group activities in which they have been appointed. Typically, assignments to committee positions are made at the beginning of the year at the annual reorganization meeting. A vote of the Board will be taken to confirm all appointments.

In interacting with committees, Board members are to reflect the positions of the Board as a body when such positions have been established by vote or consensus of the Board. In cases where such vote or consensus does not exist, Board members should use their best judgement, keeping in mind that their votes represent the Township and not a personal position.

Activities Not Related to Municipal Government – Board members may choose to participate in community activities, committees, events, and taskforces. When a Board member participates in these types of activities, the Board member is acting as an interested party rather than acting on behalf of the Board of Supervisors.

Board Chair – As reflected in the Home Rule Charter, the Board Chair is to preside at all meetings of the Board of Supervisors and perform such other duties consistent with the office as may be imposed by the Board. As presiding officer of the Board, the Board Chair is to faithfully communicate the will of the Board majority in matters of policy. The Board Chair is also recognized as the official head of the Township for ceremonial purposes.

The Board Chair has also been assigned by the Board of Supervisors to consult and coordinate with the Township Manager in the development of agendas for meetings of the Board of Supervisors. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Board. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full Board of Supervisors.

Board Vice-Chair – Elected by the Board at its first organized meeting following election of the Board of Supervisors, the Board Vice-Chair shall perform the duties of the Board Chair during the Board Chair's absence or disability. The Vice-Chair shall serve in this capacity at the pleasure of the Board of Supervisors. In the event of a vacancy in the office of Board Chair, the Vice-Chair shall assume the office of Board Chair with all the duties and obligations of that office.

2. Communications with the Public

Correspondence from Board Members – The Board of Supervisors will occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Board Chair will be charged with transmitting the Township's position on policy matters to outside agencies on behalf of the Board of Supervisors. This duty may be delegated to the Township Manager for general correspondence on which the Board position is clear. Other communications may be delegated to the Manager with the approval of the Board. Individual members of Board must refrain from representing the Board position in an official capacity unless requested by the Board as a whole.

Communications Regarding Undetermined Issues – On occasion, members may wish to transmit correspondence on an issue upon which the Board has yet to take a position or about an issue for which the Board has no position. In these circumstances, members must clearly indicate that they are not speaking for the Board of Supervisors, but for themselves.

Communications Regarding Determined Issues – After the Board of Supervisors has taken a position on an issue, official correspondence should reflect this position. If a Board member desires to correspond a dissenting opinion, the correspondence should clearly state that the Board has taken an official position and that the member is expressing a dissenting opinion as an individual Board member.

Speaking for the Township – Similar to written correspondence, when members are requested to speak to groups or are asked the Board's position on an issue, the response should reflect the position of the Board, as a whole. Of course, a member may clarify their vote on a matter by stating, "While I voted against X, the Board of Supervisors voted in support of it." When representing the Township at meetings or other venues, it is important that those in attendance gain an understanding of the Board's position as well as that of the individual member.

3. Interactions with Staff

Overview – Board of Supervisors policy is implemented through professional staff. Therefore, it is critical that the relationship between Board and staff be well understood by all parties so policies and programs may be implemented successfully. To maintain effective relationships, it is important that roles are clearly recognized.

Township Manager – The Board appoints a Township Manager to implement policy and undertake the administration of the organization. All staff hiring, discipline and termination decisions, except for the Township Manager position itself, are the sole responsibility of the Township Manager. The Manager is required to obtain the concurrence of the Board regarding the hiring and termination of department head positions.

As per the Home Rule Charter and Administrative Code, all dealings between the Board of Supervisors and staff are carried out through Township Manager. Neither the Board as a whole, nor Board members individually, are authorized to direct staff members in performance of their duties to the Township. The Township Manager is appointed by the Board of Supervisors to enforce its laws, to direct the daily operations of the Township, to prepare and monitor the budget, and to implement the policies and programs initiated by the Board of Supervisors. The Township Manager is responsible to the entire Board of Supervisors and not to individual Board members.

Board/Manager Relationship – The employment relationship between the Board of Supervisors and Township Manager honors the fact that the Township Manager is the Chief Administrative Officer of the Township. The Board and the Township Manager are a participatory team and the Board of Supervisors must avoid situations that can result in Township staff being directed, intentionally or unintentionally, by one or more members of the Board of Supervisors. Regular communication between the Board of Supervisors and

Township Manager is important in maintaining open communications. All dealings with the Township Manager, whether in public or private, should respect the responsibilities of the Township Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Township Manager.

As in any professional relationship, it is important that the Township Manager keep the Board of Supervisors informed. The Township Manager respects and is sensitive to the political responsibility of the Board of Supervisors and acknowledges that the final responsibility for establishing the policy direction of the Township is held by the Board of Supervisors. The Township Manager communicates with Board of Supervisors in various ways. It is equally important that the Board provide ongoing feedback, information and perceptions to the Township Manager including some response to written communication requesting feedback. On occasion, the Township Manager may request the attendance of a Board member at a specific party-directed meeting. Since the Township Manager is responsible to the entire Board of Supervisors and not to individual Board members, and so that Board members are treated equally and similarly informed, the Manager will inform the entire Board of said meeting at the next Board of Supervisors Regular Meeting.

The Township Manager will make every effort to respond in a timely and professional manner to all requests made by individual Board members for information or assistance, provided that, in the opinion of the Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned through the direction of the full Board of Supervisors. At the Manager's discretion, any such request may be submitted to the full Board as an agenda item for direction from the Board concerning the commitment of staff or resources to the request. If directed by action of the Board, Township Manager will proceed to complete the work within a Board-established timeline.

Staff roles – The Board recognizes the primary functions of staff as executing Board policy and actions taken by the Board and in keeping the Board informed. The Board expects the Township Manager to not cause or allow any practice, activity, decision or circumstance which is either illegal, immoral, imprudent, or in violation of community accepted business and professional ethics. Staff is obligated to take guidance and direction only from the Board as a whole, through the Township Manager, or from the appropriate management supervisors. Staff is directed to reject any attempts by individual members of the Board to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

Board/Staff Relationship – It is the intent of staff to ensure Board members have free access to information from the Township and to ensure that such information is communicated completely and with candor to those making the request. However, Board members must avoid intrusion into those areas that are the responsibility of staff. Individual Board members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, attending staff meetings internally or externally and executing department priorities without the prior knowledge and approval of the Board of Supervisors as a whole. This is necessary to allow staff to execute priorities given by management and the Board as a whole without fear of reprisal. A Department Head or the Manager may request the attendance of a Board member at specific staff-directed meetings at their discretion. The

Township Manager should be informed of and give prior approval to any such request.

Individual members of the Board of Supervisors shall not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy to be implemented by the Township Manager.

Communications Between Staff and Board Members – In general, requests for information or opinions from staff should be submitted by email. All email communication between Board members and staff is considered to be official business. In general, communication between a Board member and staff that is routine in nature, for example, confirming meeting times, places, coordinating travel or registrations is not required to be shared with the entire Board. All Board members should be copied on all correspondence involving requests for information including, but not limited to historical, policy-related, project status, requests for items to be placed on the agenda, and other such communications.

4. Meeting Rules of Order

General Procedures – Under the Administrative Code of the Township, the guiding rules of order are defined as the latest edition of Robert's Rules of Order - Newly Revised. The administrative code also includes several special rules of order as modifications. Any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chairman of the Board, subject to appeal to the full Board, as specified in Robert's Rules of Order.

In addition, to Robert's Rules and special rules of order, the board can adopt, as part of this Resolution, standing rules of order. These are rules that generally apply to meetings but which can be suspended at any given meeting by a majority vote of the Board.

Standing Rules of Order– The Board has adopted the following Standing Rules of Order:

- On all votes that are not unanimous, the minutes shall reflect the names of Board members who voted against a motion.
- An individual Board member may vote against a motion that he or she introduces.

Public Hearings – As detailed in the Township Charter, residents of Ferguson Township have a right to bring issues of concern to the Board. In addition, public hearings include an opportunity for citizens to address the Board on the topic of the hearing. In order to facilitate public input while allowing time for the Board to address other items of business in a timely fashion, such comment will be limited to five minutes per speaker. This time can be extended at the discretion of the Chair. The Chair can limit total time allotted to public comment at any meeting, subject to appeal by the Board.

Executive Sessions and Confidential Information – Executive Session meetings are special meetings of the Board that are closed to the public. From time to time, the Board will meet in executive session to discuss particular matters as outlined in the Township Home Rule Charter

and the Pennsylvania Sunshine Act. The purpose of an executive session is to discuss matters that are not public as defined by Pennsylvania law and/or which involve sensitive matters that cannot be carried out in public. These sessions are closed to the public and are not recorded. Individual staff members, legal counsel, or others having information relevant to the topic of discussion will be included in the meeting at the invitation of the Board. Executive session discussions involve sensitive or protected information and that information must be kept confidential. Members of the Board, employees of the Township, or anyone else present shall not disclose to any person, including affected/opposing parties, the press, or any other person, the content or substance of any discussion which takes place in a closed session without the Board's direction and concurrence.

In addition, members of the Board may occasionally receive information that is not considered public under the Pennsylvania right to know laws. Such information will be marked "Confidential" and should not be disclosed to anyone other than Board members or relevant staff without the direction and concurrence of the Board, as a whole.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA IN SUPPORT OF SENATE BILL 251 AUTHORIZING LOCAL POLICE USE OF RADAR AND LIDAR.

WHEREAS, it is recognized that Pennsylvania is the only state in the United States of America where local police departments are prohibited from using RADAR technology for speed timing and traffic enforcement; and

WHEREAS, it is acknowledged that allowing local police use of RADAR technology would be a far more effective and efficient means of traffic enforcement than currently allowable speed timing devices; and

WHEREAS, Senate Bill 251 was passed in the Pennsylvania State Senate on November 13, 2017, and currently requires an affirmative vote by the Transportation Committee of the House of Representatives in order to proceed to the House floor for a full vote; and

WHEREAS, the inability of municipal police to use radar has resulted in uneven enforcement of the maximum speed laws across Pennsylvania, as well as contributed to Pennsylvania's distinction as the state with the worst record for speeding-related fatalities in the United States of America based upon statistics compiled by the National Highway Traffic Safety Administration for 2015 in which Pennsylvania had the 4th highest number of speeding-related fatalities; the 2nd highest percentage of speeding-related fatalities to total fatalities; and 2nd highest number of speeding-related fatalities on local roadways in the country.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of Ferguson Township, Centre County, Pennsylvania supports the passage and ratification of Senate Bill 251 authorizing local police use of RADAR and LIDAR; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be delivered to the state representatives of Ferguson Township and the Transportation Committee of the Pennsylvania House of Representatives.

ADOPTED THIS 5TH DAY OF FEBRUARY, 2018.

TOWNSHIP OF FERGUSON

By: _____
Peter Buckland, Chairman
Board of Supervisors

[S E A L]

ATTEST:

David G. Pribulka, Secretary

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 251 Session of 2017

INTRODUCED BY VULAKOVICH, ALLOWAY, AUMENT, BARTOLOTTA, BLAKE, BREWSTER, COSTA, FONTANA, HAYWOOD, LEACH, MARTIN, MENSCH, RAFFERTY, SCAVELLO, SCHWANK, STEFANO, WHITE, YUDICHAK, BAKER AND DINNIMAN, JANUARY 27, 2017

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 13, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for speed timing devices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3368(c) and (d) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding subsections to read:

9 § 3368. Speed timing devices.

10 * * *

11 (c) Mechanical, electrical and electronic devices
12 authorized.--

13 (1) Except as otherwise provided in this section, the
14 rate of speed of any vehicle may be timed on any highway by a
15 police officer using a mechanical or electrical speed timing
16 device.

17 (2) Except as otherwise provided in paragraph (3),

1 electronic devices such as radio-microwave devices (commonly
2 referred to as electronic speed meters or radar) or infrared
3 laser light devices (commonly referred to as LIDAR) may be
4 used [only by members of the Pennsylvania State Police.] by
5 any police officer upon completion of a training course
6 approved by the Pennsylvania State Police and the Municipal
7 Police Officers' Education and Training Commission if
8 official warning signs indicating the use of the devices are
9 erected within 500 feet of the border of the political
10 subdivision on the main arteries entering that political
11 subdivision.

12 (3) Electronic devices which calculate speed by
13 measuring elapsed time between measured road surface points
14 by using two sensors and devices which measure and calculate
15 the average speed of a vehicle between any two points may be
16 used by any police officer.

17 (4) No person may be convicted upon evidence obtained
18 through the use of devices authorized by paragraphs ~~†(2)†~~ ~~(2)~~ <--
19 ~~(i)~~ and (3) unless the speed recorded is six or more miles
20 per hour in excess of the legal speed limit. Furthermore, no
21 person may be convicted upon evidence obtained through the
22 use of devices authorized by paragraph (3) in an area where
23 the legal speed limit is less than 55 miles per hour if the
24 speed recorded is less than ten miles per hour in excess of
25 the legal speed limit. Additionally, no person may be
26 convicted upon evidence obtained through the use of devices
27 authorized by paragraph ~~(2)(ii)~~ (2) if the speed recorded is <--
28 less than ten miles per hour in excess of the legal speed
29 limit. This paragraph shall not apply to evidence obtained
30 through the use of devices authorized by paragraph (2) or (3)

1 within a school zone or an active work zone.

2 (d) Classification, approval and testing of mechanical,
3 electrical and electronic devices.--

4 (1) The department may, by regulation, classify specific
5 devices as being mechanical, electrical or electronic.

6 (2) All mechanical, electrical or electronic devices
7 shall be of a type approved by the department, which shall
8 appoint stations for calibrating and testing the devices [and
9 may prescribe regulations as to the manner in which
10 calibrations and tests shall be made].

11 (3) All devices, including LIDAR laser devices and
12 electronic speed meters or radars, must be tested for <--
13 accuracy within a period of one year prior to the alleged
14 violation in accordance with specifications prescribed by the
15 National Highway Traffic Safety Administration.

16 (4) All electronic devices, such as LIDAR laser devices,
17 and electronic speed devices, such as speed meters or radars,
18 approved for use in this Commonwealth, must appear on the
19 conforming products list, in conjunction with National
20 Highway Traffic Safety Administration standards.

21 (5) The certification and calibration of electronic
22 devices under subsection (c)(3) shall also include the
23 certification and calibration of all equipment, timing strips
24 and other devices which are actually used with the particular
25 electronic device being certified and calibrated.

26 (6) Electronic devices commonly referred to as
27 electronic speed meters or radar shall have been tested for
28 accuracy within a period of one year prior to the alleged
29 violation. Other devices shall have been tested for accuracy
30 within a period of 60 days prior to the alleged violation.

1 (7) A certificate from the station showing that the
2 calibration and test were made within the required period and
3 that the device was accurate shall be competent and prima
4 facie evidence of those facts in every proceeding in which a
5 violation of this title is charged.

6 * * *

7 (f) Local ordinance required to enforce.--

8 (1) Prior to use of radio-microwave speed timing devices
9 or infrared laser light devices used for speed timing by
10 local or regional police officers, the political subdivision
11 or political subdivisions of a regional police department
12 shall adopt an ordinance authorizing the local or regional
13 police department to employ such devices on roads within the
14 boundaries of the political subdivision or political
15 subdivisions.

16 (2) During the initial 90 days of speed enforcement by a
17 local or regional police department of a political
18 subdivision using radio-microwave speed timing devices or
19 infrared laser light devices, persons may only be sanctioned
20 for violations with a written warning.

21 (g) Excess revenues.--

22 (1) The primary use of radar or LIDAR by local or
23 regional police officers of political subdivisions authorized
24 under subsection (c) is for traffic safety purposes.

25 ~~(2) Each local or regional police department that uses~~ <--
26 ~~radar or LIDAR shall report annually to the Department of~~
27 ~~Revenue the municipal revenue generated from speed~~
28 ~~enforcement citations on forms as may be prescribed by the~~
29 ~~Department of Revenue.~~

30 ~~(3) If the municipal share of revenue generated from~~

1 speed enforcement citations by radar or LIDAR exceeds 20% of
2 the total municipal budget or 20% of the municipal budget of
3 each municipality within a regional police department, the
4 excess sum shall be remitted to the Department of Revenue ON <--
5 A FORM OR IN A MANNER PRESCRIBED BY THE DEPARTMENT OF REVENUE
6 ON OR BEFORE THE 60TH DAY FOLLOWING THE END OF THE
7 MUNICIPALITY'S FISCAL YEAR for deposit into the General Fund
8 to be appropriated by the General Assembly to be used for
9 traffic safety purposes.
10 Section 2. This act shall take effect in 120 days.

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January 11, 2018

VIA EMAIL: dpribulka@twp.ferguson.pa.us

Board of Supervisors of Ferguson Township
c/o David Pribulka, Township Manager
Ferguson Township
3147 Research Drive
State College, PA 16801

Re: The Cottages at State College Planned Residential Development-Final Plan
Timeline for Recording

Dear Board Members:

On behalf of our client Springton Pointe, we are submitting this letter to address the appropriate timing for recording of the above-Final PRD Plan following the Pennsylvania Supreme Court's order denying the objectors' request for appellate review on November 8, 2017. Specifically, a question has been raised by Township Staff as to whether this Board needs to act to "extend" the 90-day time period for recording of a final plan pursuant to Section 513(a) of the Pennsylvania Municipalities Code (the "MPC"), the Final PRD approval, or the Township's Ordinances.

For the reasons set forth below, and as previously expressed in legal memoranda provided to your Solicitor, there is no pending deadline for recording of the Final Plan, because not all of conditions of approval (the "Conditions") set forth in the Board's decision November 17, 2015 (the "Decision") that must be completed prior to Plan recording have been satisfied, and the Final Plan has not yet been presented for execution by the Township. Accordingly, there is no need for this Board to take any action at this time.

First, the Decision itself does not set a time period in which the Conditions must be met and the Plan recorded. Rather, the Decision provides at Condition XIII that:

"The recording of all documents including but not limited to The Cottages Subdivision and Lot Consolidation Plan, deeds, easements and Final PRD Plan with the Office of the Recorder of Deeds of Centre County shall occur after all

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c/o David Pribulka, Township Manager
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approvals are obtained, financial security is posted under Condition XXIII. This is pursuant to MPC 711(d) and 513(a)”

Second, neither MPC § 711(d) nor § 513(a), provide for a time period in which conditions imposed on a Final Plan approval must be met. Rather, MPC § 711(d) provides, in pertinent part:

Upon approval of a final plat, the developer shall **record the plat in accordance with the provisions of section 513(a) and post financial security in accordance with section 509.**

(emphasis added)

Moreover, the language of the Township Zoning Ordinance relating to the recording of Final PRD Plans in § 27-407.2(9)(f) is nearly identical to the MPC provision.

In turn, MPC § 513(a) provides:

Upon the approval of a final plat, the developer shall within 90 days of such final approval **or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later,** record such plat in the office of the recorder of deeds of the county in which the municipality is located.

(emphasis added)

The above-language is clear that the ninety day period for recording a plan under MPC § 513 does not begin to run until all of the conditions of approval have been met and the plan presented to the Board for signature.

Finally, while § 22-304(6) of the Township Subdivision and Land Development Ordinance (SALDO) does contain language suggesting that the Board can “render a decision disapproving a plan” where a developer does not “satisfy all of the conditions of approval” within a certain period of time, that provision does not apply to the Final Plan for several reasons:

1. The Plan is not a land development plan subject to the SALDO; rather it is a PRD subject only to Article VII of the MPC and the provisions of the Township Zoning Ordinance related to PRD’s.

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2. The Zoning Ordinance provisions related to PRD Plan approvals do not incorporate this language.
3. The Board already rendered a Decision approving the Plan with conditions, and those conditions have already been accepted by the Developer.
4. Any suggestion that the Board has the power to revoke a prior approval or that the failure to meet conditions within a certain time results in a revocation with a prior approval is not consistent with the MPC. Simply put, the MPC does not authorize a governing body to revoke a plan approval where the conditions of approval are accepted by the developer. See, Ridgeview Associates v. Board of Sup'rs of Lower Paxton Tp., 333 A.2d 249, 252 (Pa. Cmwlth. 1975) (“Nowhere in this section or anywhere else in the Municipalities Planning Code is there any authority, express or implied, for the governing body of a municipality to revoke its former approval of a preliminary development plan”).
5. There is also no legal support for the suggestion that a failure to record a plan within 90 days under MPC § 513(a) results in a revocation of the plan approval.

This analysis is further supported by the preeminent zoning law treatise, Ryan's, Pennsylvania Zoning Law and Practice, which provides:

“The [MPC] requires that a subdivision or land development plat be recorded within 90 days of ‘final approval.’ Code § 513. For this purpose, the date of ‘final approval’ should be the date when the municipality signs the subdivision plan, indicating it’s approval and permitting the plan to be recorded. The Code does not indicate whether failure to record a subdivision or land development plat results in a loss of the approval. Code § 508(4), 53 P.S. § 10508(4), which creates a vested right to complete a subdivision within five years of tis approval, speaks in terms of the date the subdivision application is approved, rather than the date of recording. This would indicate that a failure to record does not adversely affect a subdivision or land development approval unless that failure—together with other facts—indicates that the subdivision has been abandoned by the developer.

§ 11.2.19 (emphasis added).

In addition, the Commonwealth Court decision in Pine Run, Inc. v. Balutis, 2008 WL 9404938, (copy enclosed) noted the following with respect to the time periods under MPC § 513:

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“Pursuant to the statute, the developer must record the plan within ninety days of its final approval, or ninety days after the delivery date of an approved plan signed by the governing body once conditions imposed for its approval were completed, whichever is later. **Here, Appellants aver that the Board did not sign the plan even though Appellants eventually met the conditions necessary for its approval. If true, without such a signature, and delivery of the plan, the developer could not record the plan within the ninety-day time frame allotted by statute; for this reason, we agree with Appellants that the time period for recording has not yet begun.** This is true notwithstanding Appellants' incorrect averment that the Board should also be directed to record the plan.

‘A writ of mandamus is an extraordinary remedy that compels an official's performance of a ministerial act or mandatory duty where there exists a clear legal right in the plaintiff and a corresponding duty in the defendant and where there is no other adequate remedy at law.’ LVGC Partners, LP v. Jackson Twp. Bd. of Supervisors, 948 A.2d 235, 237 (Pa.Cmwlt.2008). **Accepting as true, for purposes of these pleadings, Appellant's allegations that they have met the conditions for approval of phase two of their land development plan, Appellants would have a clear legal right to signature and delivery of the plan and Appellees would have a corresponding duty to sign and return it.** Accordingly, we hold that common pleas erred inasmuch as it failed to permit Appellants to amend Count II of their complaint to request a writ of mandamus directing the Board to execute and return the plan for recording by Appellants in the event that all of the conditions for approval of phase two of the land development plan have been met.”

Id. (emphasis added).

In light of the foregoing, there is no need for the Board to take any action regarding the Plan at this time, and we request that the Board instruct Staff accordingly.

Our client is currently in the process of obtaining all of the permits and approvals needed to comply with the Conditions. It is anticipated that this process will be complete within the next several months, subject to the reasonable cooperation of outside agencies, including the Township, in meeting those Conditions. As soon as all of the pre-recording Conditions have been met, our client will submit the Final Plan for recording and immediately thereafter record the same, along with all required supporting documentation including, but not limited to, the Developer's Agreement with the Township.

STEVENS & LEE
LAWYERS & CONSULTANTS

Board of Supervisors of Ferguson Township
c/o David Pribulka, Township Manager
January 11, 2018
Page 5

We would be happy to discuss the contents of the letter and to answer any questions you may have at a Board meeting.

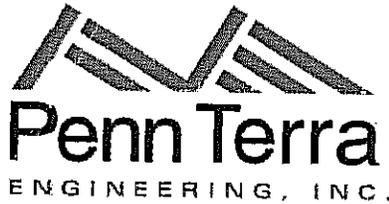
Very truly yours,

STEVENS & LEE



Ronald M. Lucas

Enclosure
cc (via email, w/enc.): Joseph P. Green, Esq.



RECEIVED DEC 02 2015

Corporate Office:
3075 Enterprise Drive
State College, PA 16801
814-231-8285
www.pennterra.com

December 2, 2015

U.S. MAIL AND HAND DELIVERY

Mr. Raymond J. Stolinas Jr., AICP
Director of Planning & Zoning
Ferguson Township
3147 Research Drive
State College, PA 16801

Re: The Cottages at State College Final PRD Plan

Dear Mr. Stolinas:

On the behalf of my Client, I accept the conditions of plan approval set forth by the Board of Supervisors on November 16, 2015. The Terms and Conditions were executed and returned today by my Client via separate correspondence.

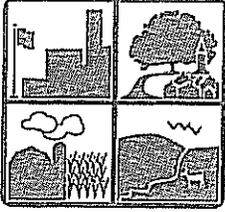
If you should have any questions, comments or require additional information, please feel free to me at 231-8285, extension 310.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Sepp".

John C. Sepp, P.E.

cc: Correspondence File 12237



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

November 17, 2015

Mr. Charles Elliott, Vice President
Springton Pointe, L.P.
250 Gibraltar Road
Horsham, PA 19044-0

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: The Cottages at State College Planned Residential Development Final PRD Plan

Dear Mr. Elliott:

I am providing to you in your capacity as the authorized representative of Springton Pointe, L.P. and pursuant to the Pennsylvania Municipalities Planning Code and the Ferguson Township Code of Ordinance the final Terms and Conditions for The Cottages at State College Final PRD Plan which was conditionally approved by the Ferguson Township Board of Supervisors on November 16, 2015.

The deadline for the Township to act on the above plan is December 31, 2015. This notice is being provided in compliance with Chapter 27, Part 4, Section 407, Subsection 2.B. (9) Application for Final Design Approval. Pursuant to this section the Township has adopted the attached Resolution 2015-32 and has provided the final terms and conditions for this plan. Please note the following:

The Pennsylvania Municipalities Planning Code Section 513, Recording Plats and Deeds, states,

- (a) Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the recorder of deeds of the county in which the municipality is located. Whenever such plat approval is required by a municipality, the recorder of deeds of the county shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the county planning agency, if one exists.

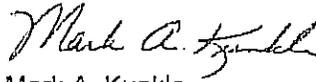
Further, the Pennsylvania Municipalities Planning Code Section 509 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval sets forth the requirements for posting of surety for public improvements.

Enclosed are two original signed copies of Resolution 2015-32 with the attached Terms and Conditions for The Cottages at State College Final PRD Plan. Please execute the Terms and Conditions and return one copy to my attention.

Should you have any questions regarding this matter please feel free to contact me.

Sincerely,

Township of Ferguson



Mark A. Kunkle
Township Manager

c: Raymond Stolinis, Director of PZ
Joe Green, Esquire
Ron Lucas, Esquire
Correspondence file

RESOLUTION NO. 2015-32

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING A PLANNED RESIDENTIAL DEVELOPMENT FOR THE COTTAGES AT STATE COLLEGE FINAL PRD PLAN

WHEREAS, The Cottages at State College Planned Residential Development Plan received tentative plan approval on March 2, 2015, and

WHEREAS, The Cottages at State College Planned Residential Development Final Plan (hereinafter referred to as Final PRD Plan) application was received on March 5, 2015, and

WHEREAS, the Ferguson Township Planning Commission has reviewed the Final PRD Plan on November 9, 2015, and

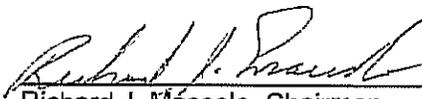
WHEREAS, the Ferguson Township Code of Ordinances, Chapter 27, Zoning, Section 407, Planned Residential Development requires the Board of Supervisors to pass a resolution to change the zoning of the land subject to the Final PRD Plan from its underlying zoning district (R-4) to Planned Residential Development (PRD) said land depicted in Exhibit "A" attached hereto , and

WHEREAS, the Final PRD Plan approval is subject to certain conditions of approval attached hereto as Exhibit "B".

NOW THEREFORE, the Ferguson Township Board of Supervisors does hereby approve The Cottages at State College Final Planned Residential Development Plan subject to the conditions attached hereto and set forth in Exhibit "B" and does hereby change the zoning of the final plan portion of the property from its underlying zoning district to planned residential development (PRD)"

RESOLVED this 16th day of November, 2015.

FERGUSON TOWNSHIP BOARD OF SUPERVISORS


Richard J. Mascolo, Chairman

[SEAL]

ATTEST:


Mark A. Kunkle, Secretary

Exhibit B

Conditions of Approval

These Conditions of Approval of the Final Plan for The Cottages at State College Planned Residential Development (The "Cottages PRD") Final PRD Plan by Toll Brothers dated March 3, 2015 and last revised November 5, 2015 (the "Final Plan").

All Conditions for Approval of The Cottages at State College Planned Residential Development (the "Cottages PRD") Final PRD Plan by Toll Brothers shall be subject to the Terms and Conditions of Approval set forth in the Tentative PRD Plan dated February 26, 2015 and accepted by Springton Pointe, L.P. a Pennsylvania Limited Partnership: By Toll PA GP Corp., a Pennsylvania Corporation as its General Partner on March 27, 2015 with additional Conditions for Approval set forth below:

These Conditions of Approval of the tentative approval of The Cottages at State College Planned Residential Development (the "Cottages PRD") Tentative PRD Plan by Toll Brothers dated October 1, 2014 and last revised December 12, 2014 (the "Tentative Plan").

I. Number of Unrelated Individuals per household

The total number of dwelling units in the development shall be 268, consisting of 1, 2, 3, 4, and 5 bedroom dwelling units. The total number of residents permitted in the entire development at any one time shall be no more than 1,093 people, and no more than 5 unrelated persons shall be permitted to reside in any dwelling unit within the development resulting in an average of 4.08 persons per dwelling unit.

II. Riparian Buffer Regulations

- The riparian area along the primary drainage way through the property shall be vegetated according to the final landscape plan prepared by Dan Jones. The final landscape plan shall be submitted during The Cottages Final PRD Planned Residential Development Plan (the "Final PRD Plan") review showing in detail the specific vegetation proposed to be used within and parallel to the Drainage Easement, which final landscape plan shall be subject to Township approval.
- All trees and other vegetation shown as part of the Final PRD Plan shall be properly maintained and remain on the property indefinitely. Any dead, diseased or dying trees or other vegetation shall be replaced by the property owner within twelve (12) months.
- The property owner shall maintain the vegetated riparian buffer area. In order to encourage recharge and infiltration, the entire riparian buffer and floodplain area shall remain in a natural state and is to be mowed at least once a year, but not more than twice a year. Only aquatic labeled herbicides or a pesticide applied by a licensed applicator is permitted.

Prior to herbicide or pesticide application a formal written request must be submitted to:

State College Borough Water Authority Executive Director

This request is to include:

November 16, 2015 The Cottages Terms and Conditions - Final

Exhibit B

- i. SDS sheets for each chemical
 - ii. The amount of each chemical to be stored on site
 - iii. SCBWA shall review the request and respond within two (2) weeks, failure to provide a response to the submission shall be deemed approval.
 - Maintenance of the buffer area shall be outlined as part of the Stormwater Management Site Plan maintenance requirements, and included in the recorded Stormwater Maintenance Agreement.
- III. Stormwater Management
 - Erosion and Sedimentation (E&S) Control
 - i. The primary infiltration Basin B and Forebay shall not be used for E&S Controls.
 - ii. Temporary sedimentation basins shall be lined to reduce the risk of sinkhole formation during construction.
 - All on-site drainage swales shall be designed, constructed, and maintained as water quality swales (Low Impact Development "LID" practices) and incorporated into the Stormwater Management Site Plan.
 - Any area designated for soil amendments or restoration shall be designed and constructed in accordance with Pa. Stormwater Best Management Practices (BMP) Manual, BMP 6.7.3 "Soils Amendment and Restoration."
 - The Point of Interest for analysis of Stormwater discharge shall:
 - i. Be at the property line near the discharge point from Basin B, or
 - ii. at a point downstream of the property on the adjoiner's land with consent from the adjoiner for the additional discharge above pre development condition, along with analysis demonstrating that any increased flows are non-erosive.
 - The primary function of rate and volume control for the site shall be in separate facilities.
 - The outfall pipe and level spreader for Basin B shall be located to discharge to the natural drainage swale and be located entirely on this property. The level spreader shall be designed in accordance with current Pa. DEP design guidance for level spreaders as documented in Appendix G of the Erosion and Sedimentation Control Program Manual. A 10 year storm shall be used for the level spreader design.
 - All BMPs used for infiltration/water quality treatment shall utilize an amended soil layer for enhanced pollutant removal.
 - The Property Owner shall be solely responsible for maintaining and ensuring the proper functioning of the Stormwater Management facilities, as required by the Ferguson Township Stormwater Management Ordinance. If a sinkhole or accelerated erosion occurs on the adjacent downstream property that is determined by the Township Engineer to be a direct result of a failure or improper maintenance of the on-site Stormwater Management facilities as approved on the Final PRD Plan, Property Owner shall repair any such sinkhole or accelerated erosion, subject to the affected downstream property owner granting permission, at no cost, to Property Owner to make such repairs.
 - The Township shall allow the Stormwater facilities associated with serving the PRD to be located on land zoned Rural Agricultural not included with the PRD subject to the approval of The Cottages at State College Subdivision and Lot Consolidation Plan dated January 7, 2015. Approval of this plan shall occur concurrently with the approval of the Final PRD Plan.
 - The developer shall be responsible to pay for the Township's cost of inspection of stormwater basin construction of Extended Detention Basin A and

Exhibit B

Infiltration Basin B or other required BMPs, as stipulated in the Ferguson Township Stormwater Management Ordinance.

- As required by the Ferguson Township Stormwater Management Ordinance, the Applicant will engage a qualified engineering firm that will have representatives present at critical stages of construction in order to provide the as-built record plan certification.

IV. Floodplain Conservation

- The Tentative PRD Plan depicts a revision to the Federal Emergency Management Agency (FEMA) designated floodplain. This revision has been submitted to FEMA as a Conditional Letter of Map Revision (CLOMR) and is currently under review. The Final PRD Plan design shall reflect the approved FEMA floodplain; whether this is the current mapped floodplain or approved revised floodplain.
- The excavation/embankment for Infiltration Basin B and Blue Course Drive improvements shall be permitted to encroach into the floodplain buffer; (labelled as the Drainage Way Protection Easement on the Tentative Plan sheet 4 of 17 and as modified by the Final PRD Plan) however no other grading shall occur within the floodplain.
- The Tentative PRD Plan depicts grading within the floodplain buffer. Grading or construction activity will be limited to that activity necessary to landscape the drainage way as shown on the landscape plan of the Final PRD Plan and to construct the proposed Blue Course Drive extension and associated improvements across the floodplain and Infiltration Basin B. The crossing of the floodplain for the construction of Blue Course Drive shall be permitted.
- The width of the drainage easement shall encompass the full designated floodplain.

V. Construction Processes

- All public improvements related to Blue Course Drive shall follow Township requirements for construction and inspection.
- Prior to construction, a temporary plastic, bright colored construction fencing will be placed parallel to the drainage way along the limits of disturbance as approved on the Final PRD Plan. This fencing will delineate the area which will not be disturbed during construction. The developer will maintain the construction fence and repair any damage in a timely fashion.
- Construction vehicles will not enter the area beyond the limits of disturbance protected by the temporary fence, except that low ground pressure equipment limited to track equipped skid steer can be used to install the landscaping as shown on the final PRD plan. Any area protected by temporary fence where this condition is violated will have soil restorative techniques performed in accordance with the Pennsylvania Stormwater BMP Manual Section 6.7.3, prior to landscaping.

VI. Multiuse Path along Blue Course Drive

- This path shall be maintained clear of snow and ice by the property owner in accordance with same requirements for sidewalks as stipulated in Chapter 21, Part 2 "Sidewalks" of the Ferguson Township Code of Ordinances. Subsequently, the Township shall have the ability to follow enforcement procedures as stipulated in that Part. The multiuse path shall be designed to comply with all requirements of American Association of State Highway and Transportation Officials (AASHTO) "Guide for the Development of Bicycle Facilities," 2012 Fourth Edition, including but not limited to grading and clear zone requirements.

Exhibit B

- The multiuse path shall be contained within the right-of-way for Blue Course Drive or additional right of way or easement shall be provided to accommodate the multiuse path.
- A capacity analysis meeting AASHTO requirements shall be provided to support the proposed path design. The path design will be modified as needed during the Final PRD Plan approval process to meet the approved capacity analysis.

VII. Parking

- The parking rate for the Tentative PRD Plan is 0.95 spaces per bed.
- Only one parking permit shall be provided to each tenant with enforcement and illegally parked vehicles being towed.
- Delineated visitor parking spaces shall be included on site with enforcement and illegally parked vehicles being towed.
- The number of designated parking spaces provided for bicycles shall be at a rate of 1 space per unit for a total of 268 spaces.
- The bicycle parking spaces shall be located throughout the development so they are conveniently accessible to residents in all units.

VIII. Fee in Lieu

The Applicant shall make a \$800,000.00 contribution to the Township, as payment of a fee in lieu of parkland or construction of recreation facilities attributable to the Cottages PRD. The total amount of the \$800,000.00 contribution shall be payable one-half (\$400,000.00) concurrently with the recording of The Cottages Final PRD Plan and the balance (\$400,000.00) shall be payable to the Township on or before the date the first zoning/building permit is issued.

IX. Transportation Improvements

- The Applicant, at its sole cost, shall provide all design, inspection and construction of transportation improvements as required to mitigate all impacts identified in the final approved Transportation Impact Study submitted for the Cottages PRD Application, or as shown on the Tentative PRD Plan, in order to provide safe and efficient access to the Cottages PRD and Whitehall Road Regional Park per its land development plan last dated February 25, 2014, including but not limited to the following:
 - i. Extend Blue Course Drive from Whitehall Road to a round a bout at the northeast corner of the future Whitehall Road Regional Park.
 - ii. Convert the signalization at the intersection of Whitehall Road and Blue Course Drive to handle the addition of the extension of Blue Course Drive connecting to the intersection thereby creating a southern leg to the intersection.
 - iii. Construct a driveway access to Whitehall Road between Tax Parcels 36-028-11C and 36-028-13.
 - iv. Construct the Blue Course Drive extension within the existing and proposed Township right-of-way.
 - v. Construction of all improvements at the intersection of Blue Course Drive and Bristol Avenue to install a traffic signal in accordance with Township and PennDOT requirements. Any additional right-of-way needed to accommodate

Exhibit B

the design to enable a safe, smooth turning movement of a bus, single unit vehicle and a combination vehicle shall be acquired by the Township at no additional cost to the Applicant.

- vi. Construction of any other improvements, re-timing, re-phasing, etc. as required at any other study intersection as determined in the final approved TIS. The Applicant agrees that Certificates of Occupancy for the Cottages PRD (the "COs") will be withheld if the installation of the transportation related improvements are not completed, or adequate financial surety posted, at the time of first dwelling unit occupancy.

- All improvements on and access to Whitehall Road shall require the issuance of, be subject to, and follow the design authorized in a highway occupancy permit (the "HOP") from PennDOT. The Township shall cooperate with Applicant and sign applications for any traffic signal or highway occupancy permits from PennDOT. The Township will not apply for a drainage permit.
- The Applicant shall secure the necessary PennDOT Highway Occupancy Permit for accesses to Whitehall Road, updated traffic signal permits, and any other necessary permits to construct all required transportation improvements. The permits shall be obtained prior to recording of the Final PRD plan.
- Applicant shall enter into a Development Agreement with the Township with respect to the above improvements.

X. Phasing

- All site work and all site amenities, excluding housing units, shall be completed in one phase. Any change in phasing shall require Township approval. Any site work and amenities not complete at time of occupancy shall have surety posted with the Township

XI. Public Transit

- Unlimited use CATA passes (for routes that service the Project and have a destination to University Park campus) shall be provided to each tenant at no additional cost.
- The property owner shall enter into agreements for service with CATA and provide reasonable amenities to meet the service demands as set forth in XI herein.
- The site shall be designed to accommodate the largest CATA buses to enter and exit the site as well as circulating through the site to provide the required service to meet the demand.
- The Applicant shall provide the following bus stop amenities: shelters, high-speed data service to support real-time bus arrival/departure sign, power supply, benches, trash and recycling receptacles, lighting, and signing.
- Maintenance of the bus shelter and related amenities shall be the property owner's responsibility unless accepted by CATA.
- The tangent section of the curb for the bus pull-off located near the southern end of Blue Course Drive shall be 60 feet long. This is the minimum length for bus pull-offs.
- Applicant shall provide a bus stop with pull-off on the western side of the access driveway to Whitehall Road in accordance with CATA requirements.

XII. Ownership and Approvals

- A recorded subdivision Plan for the Stormwater parcel shall be a condition of Final PRD Plan recording.

Exhibit B

- All areas to be offered for dedication shall be shown on the subdivision plan.
- All property on the Final PRD Plan shall be under single ownership at the time of recording of the Final PRD Plan.
- All tracts of land included in this PRD plan shall remain under common ownership. If the project comes under the ownership of more than one entity there will be formed an Association, (Condominium Association, Commercial Owners Association or Residential Owners Association), whichever is appropriate given the circumstances. The Association will be responsible for maintenance and repair of all common areas inclusive of the storm water management facilities. Such change of the approved PRD plan requires resubmission of a new PRD plan to the Township.

XIII. Recording:

The recording of all documents including but not limited to The Cottages Subdivision and Lot Consolidation Plan, deeds, easements and Final PRD Plan with the Office of the Recorder of Deeds of Centre County shall occur after all approvals are obtained, financial security is posted under Condition XXIII. This is pursuant to MPC 711 (d) and 513 (a).

XIV. Fire Protection

- All buildings shall be sprinklered. Sprinkler systems shall be designed in accordance with NFPA standards.

XV. Blue Course Drive Design.

The Final PRD plan shall depict a roadway profile through the intersecting Whitehall Road that shows based on accepted road design criteria, that the intersection can be crossed safely at a speed of 30 MPH subject to approvals of PennDOT, State College Borough and Ferguson Township. The profile shall also respect the slope requirements for cross walks and all other slope or grade requirements-

- The design of the intersection of Blue Course Drive and Whitehall Road shall accommodate all bus turning movements without encroaching into an opposing lane. Intersection radii and curb tapers will be provided as necessary.
- The travel lanes on Blue Course Drive where there is a median shall be 13 feet wide
- At the southern terminus of Blue Course Drive, a modern single lane roundabout shall be provided that meets all design criteria in accordance with AASHTO and PennDOT standards using a CATA bus as the design vehicle for the circulatory roadway and a WB-40 for the truck apron. A potential future southern extension of the street shall be evaluated as part of the design, although not constructed, to make sure the park driveway location will accommodate a future extension of the street. Additional right of way as needed shall be offered for dedication and shown on The Cottages at State College Subdivision and Lot Consolidation Plan dated January 7, 2015
- Street Lights
 - i. Street lights shall be provided along Blue Course Drive to provide at least 0.5 foot candle lighting at all driveway accesses, pedestrian crossing locations, and the bus pull-offs and passenger waiting areas.
 - ii. Light fixtures shall be Hadco, Hagerstown LEDGINE Post Top (TX03 80 B A 1 A 3 N N A N S).
 - iii. Poles for mounting light fixture shall be Hadco (P4030 12 A T G).
 - iv. A lighting control panel as manufactured by Milbank shall be provided with full

Exhibit B

control of the lighting and electrical circuits. Separate circuits shall be supplied for lighting and electrical receptacles. A central photocell shall be provided at the panel to control all of the light fixtures. A timer shall be provided at the panel for the electrical circuits. Control panel shall be powder coat painted black.

- v. Junction boxes for electrical distribution shall be Highline Composite Handhole Assembly Model CHA101518.
- vi. Lighting and electrical distribution plan shall be sealed by a qualified professional.
- vii. Lighting required at the intersection of Whitehall Road and Blue Course Drive shall be accommodated with typical fixtures installed with the signal poles. Based upon a lighting design with a minimum of 0.5 foot candle lighting, the existing light fixtures may need to be revised to accommodate the new pedestrian crossings.

Exhibit B

- The unidentified large diameter pipe that is intended to convey storm water runoff from Lot 3 to the Extended Detention Basin A shall be moved outside of the Blue Course Drive right of way and kept completely on Lot 3.
 - Bus Pull-Offs
 - i. Consistent with other bus pull-offs served by CATA, the property owner shall be responsible for all maintenance of the bus pull off areas. Maintenance to include but not limited to: clearing of snow and ice, pavement sealing, patching, curb repair/replacement and repaving.
 - ii. The adjacent concrete pads for waiting passengers shall extend the full length of the tangent section of the curb.
 - iii. A bus pull-off shall be provided for all CATA bus stops along Blue Course Drive.
- XVI. Municipal Boundary Line between Tussey View Estates and The Cottages PRD. A written agreement between Tussey View Estates and the Applicant shall acknowledge the fence and landscaping between the adjacent properties along the shared boundary line between Centre County Tax Parcel 19-019-,065-,000 and Centre County Tax Parcel 24-004-,076-,000 as shown on the Final PRD Plan and provide for the termination of the access easement, which shall be a condition of Final PRD Plan approval and recorded after the Final PRD Plan is recorded.
- A stipulation resolving Centre County Civil Action Case No. 2013-2622 shall be provided to the Township for review for submission to the Centre County Court of Common Pleas for final disposition. A final Court Order shall be provided to the Township officially establishing the municipal boundary along the common property line between Tussey View Estates and The Cottages PRD prior to Final PRD plan recording. If a Court Order establishing the municipal boundary between College Township and Ferguson Township is established at a location other than the common property line between Tussey View Estates and The Cottages PRD then the Tentative PRD Plan and Final PRD Plan shall also be approved by College Township.
- XVII. On-Site Management
- A supervisory employee of the company responsible for property management will live at The Cottages PRD.
- XVIII. Adjoining Property Owner Coordination-
- The 90-foot Blue Course Drive Right-of-Way Extension, before it is accepted by Ferguson Township as a public street, shall provide access for the regional park. If the Blue Course Drive access is not available, then Applicant will coordinate with Township for the continued use of a 20 foot wide temporary access easement to the regional park that is located on lot 4 to the benefit of lot 6 and 2RRRR noted in Plan Note No. 8 of the "Penn State University Whitehall Road Six Lot Final Subdivision Plan" (dated June 6, 2007). This access shall be maintained in a passable condition for all users until acceptance of Blue Course Drive as a public street. This access easement and use is further defined in The Declaration of Access Easement recorded at R-2005 P 0643 in the Office of the Centre County Recorder of Deeds. Alternatively, Applicant can provide alternate access on adjacent State College

Exhibit B

Borough Water Authority property with approvals of the Authority and the owners of Lot 6 (UPI 24-4-94G) and Lot 2RRRR (UPI 24-4-94).

- The sidewalk on Whitehall Road shall be installed within the Whitehall Road right-of-way along the frontage of the adjacent property (UPI 36-28-11F) at Applicant's expense. Sidewalk construction subject to property owner of UPI 36-28-11F providing any necessary temporary easements.
- Grading and utilities to accommodate the proposed development as well as Blue Course Drive improvements shall occur on the adjoining regional park property (UPI 24-4-94G). The grading shall be revised as approved by the Township. Evidence of grading approval from the Centre Region Parks and Recreation and their consultant shall be provided with Final PRD Plan.
- Although not shown, elevations as proposed on the Tentative PRD plan for the Extended Detention Basin A will result in grading on the adjoining PSU owned parcel (UPI 24-4-94). Evidence of approval from PSU needs to be provided prior to Final PRD plan approval.
- The Final PRD Plan shall show access to the adjoining property (UPI 36-28-11C) to the driveway that accesses Whitehall Road. Applicant agrees, as a condition of Final PRD Plan approval, that it will allow access to the adjoining property via this driveway.

XIX. Sanitary Force Main

- The design of the force main shall meet the requirements of Chapter 21, Streets and Sidewalks; as well as Chapter 25, Street Tree Ordinance.
- The Ferguson Township Public Works Department shall issue a highway occupancy permit for the force main installation along Stonebridge Drive upon submission of a complete application for such a permit in accordance with provisions of Chapter 21, Streets and Sidewalks. The location of the force main will be reasonably adjusted as needed to obtain the permit. The permit shall be issued upon recording of the Final PRD Plan.

XX. The Final PRD Plan shall comply with all other Township Ordinances.

XXI. The Final PRD Plan shall comply with all of the requirements of the PRD District of the Township Zoning Ordinance for the submission of a Final PRD Plan, and shall substantially conform to the Tentative Plan.

XXII. Pool Security

- The pool and hot tub located outside of the community clubhouse shall be secured by a 6 foot high fence and comply with any applicable law or regulation of the Commonwealth of Pennsylvania.

XXIII. As a condition of Final PRD Plan approval Applicant shall post financial security with Township for all public improvements not otherwise posted with outside agencies such as with PennDOT. The Cottages at State College Final PRD Plan shall be subject to all outstanding plan review comments generated during the Tentative PRD Plan review. Plan review comments on the Final PRD Plan will address plan details not already addressed on the Tentative PRD Plan.

Exhibit B

November 16, 2015 – ADDITIONAL TERMS AND CONDITIONS FOR APPROVAL OF THE COTTAGES AT STATE COLLEGE FINAL PLANNED RESIDENTIAL DEVELOPMENT PLAN

- XXIV. Any blasting that is to be done onsite shall be performed in accordance with the notes and specifications listed on Sheet 2 of the Final PRD Plan
- XXV. The location of the groundwater monitoring wells shall be installed in accordance with the approved Final PRD Plan.
- XXVI. A monitoring well must be installed as per the notes on the Final PRD Plan.
- XXVII. The Cottages at State College Final Planned Residential Development Plan approval is subject to the final plan approval and recording of the following subdivision and lot consolidation plans.
- o THE COTTAGES LOT CONSOLIDATION AND SUBDIVISION PLAN (SUBDIVISION OF TAX PARCEL 24-004-094, LOT CONSOLIDATION OF TAX PARCEL 24-004-076 AND ROW DEDICATION FROM TAX PARCELS 24-004-076 AND 24-004-076A)
 - o SUBDIVISION OF TAX PARCEL 24-004-076 AND LOT CONSOLIDATION WITH TAX PARCEL 36-028-011C
- XXVIII. A modification is granted to reduce the agricultural buffer from 50 feet to no less than 20 feet at the building setback line for those boundaries of the PRD and tracts of land adjacent to the RA Zoned land.
- XXIX. The Component 3 Sewage Facilities Planning Module shall be approved.
- XXX. The Conditions on the approved CLOMR must be met and the LOMR must be finalized and approved by FEMA.
- XXXI. Approval and Receipt of the amended NPDES Permit.
- XXXII. Approval and Receipt of the Chapter 105 Waterway Encroachment Permit.
- XXXIII. Buildings Number 57 and 58 patios may encroach into the 50' Floodplain Buffer, as well as the decorative fence and the 22' high wall.
- XXXIV. A Stormwater Maintenance Agreement shall be executed prior to Final PRD plan approval.
- XXXV. A Sidewalk Maintenance Agreement shall be executed between the developer and the Township.
- XXXVI. Provide a separate signed/sealed electrical distribution plan for the lighting proposed along Blue Course Drive Extension, including that needed for the bus shelters. Include wiring size, conduit size, pull box locations, control box location, and power source/feed. The light fixtures for Blue Course Drive Extension will be owned/operated by the Township and must be on separate circuit from the rest of the site.
- XXXVII. The building addresses must be approved and shown on the Final PRD Plan.
- XXXVIII. All signature blocks shall be signed and executed on the Final PRD Plan.

Exhibit B

Accepted by: 
Dated: 11/27/15
Name (Printed): Charles Elliott

Toll Brothers Commercial
250 Gibraltar Road 3rd Floor West
Horsham, PA 19044



Township of

FERGUSON

Planning & Zoning Department

RECEIVED JAN 22 2018

Pennsylvania 12/198

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease. The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$250.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$250.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$250.00 and the Appeal fee of \$250.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email Barry.Lee.Myers@AccuWeather.com; Matthew.Patch@AccuWeather.com

ENTRY OF APPEARANCE

Name Barry Lee Myers, CEO; R. Matthew Patch, Associate General Counsel

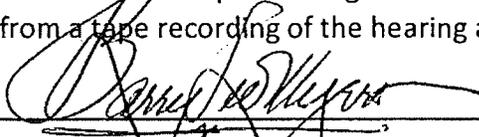
Address 385 Science Park Road, State College, PA 16803

I am appearing on my own behalf (Check if this is true.)

I am representing Science Park Road Associates, L.P. and AccuWeather, Inc. Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a ~~type~~ recording of the hearing and the recording secretary's minutes.

Applicant's Signature 

Date 1/22/18

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant Science Park Road Associates, L.P. and AccuWeather, Inc.

Address 385 Science Park Road, State College, PA 16803

Phone FAX 814-235-8712

Owner Science Park Road Associates, L.P.

Address 385 Science Park Road, State College, PA 16803

Phone FAX 814-235-8712

1. Location of premises 385 Science Park Road, Ferguson Township, PA 16803
2. Centre County Tax Map Parcel Number 24-004-21R
3. Present zoning Light Industrial/Research and Development (IRD)
4. How long has the applicant held an interest in the property? 11/20/1985
5. Present use of the premises Professional Office/Television Studio
6. Proposed use of the premises Parking Expansion Project
7. Explain extent of proposed alteration(s), if any: Parking Expansion to the North, East and West of

the Existing Building and along the main drive access

8. Describe all existing structures, including type size and height: Professional Office/Television

Studio, as described in the attached plans

9. Has the property been involved in previous zoning hearing(s)? Yes If so, describe date of hearing, nature of hearing and outcome of hearing:

Variance from area and height limitations for wall sign granted in 1999; Variance from land

development plan for construction of office space under existing alcove granted in 2010 ; Variance for replacement of wall sign and signage on Science Park Road granted 2013.

10. For new construction or alterations:

a) Have plans been submitted to the Zoning Officer? Land Development plans submitted 12/2017

b) Has he/she reviewed, approved, and signed the plans? No

c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

Chapter 27, Section 807.15 (Flexible Buffer Yard)

Chapter 27, Section 807.16.B (Minimum One Canopy Tree in each end island)

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:

a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.

b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.

- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

See attached statement.

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

North- Sound Technology, Inc./401 Science Park Road, State College, PA 16803/814-234-4377

South-Teledyne Instruments, Inc./ 4700 Superior St, Lincoln, NE 68504/814-234-7311

East- Pine Hall Development Co./ 3573 Pepperidge Circle, The Villages, FL 32163/ 814-238-7830

West- Disciple Makers, Inc./ 365 Science Park Road, State College, PA 16803/ 814-234-7975

FOR STAFF USE ONLY:

Plans submitted

Advertised

Posted Fee Paid

Revised

09/14/2017

ATTACHMENT TO VARIANCE REQUEST

ACCUWEATHER, INC.

Variance Request. AccuWeather requests a variance from the buffer yard ordinance related to requiring the planting of certain canopy trees (trees reaching a growth of 60 feet tall - (the equivalent of the height of a six story building) and lower understory trees (trees reaching a growth of 20 feet tall - the equivalent of the height of a two story building) in relation to the expansion of the existing AccuWeather parking areas. AccuWeather makes this request because of the unique characteristics of the existing land, buildings, and signage and the related specific hardship the requirement will impose upon the AccuWeather property.

Building and Lot Configuration Overview. The AccuWeather building is situated on an "L" shaped lot, with a neighboring property and building (Disciple Makers) situated directly in front of the AccuWeather building to the West (in front of the West, street facing, yard).

The neighbors to the North and South of the AccuWeather building consist of large commercial buildings and parking areas with Sound Technology to the North and Teledyne Instruments to the South.

To the East is a wooded, undeveloped area of existing trees and shrubs on the AccuWeather property and adjoining properties.

Limited Visibilities Unique to the Land and Building Already Exist. Currently, the AccuWeather building is only visible from limited sight lines along Science Park Road, between existing trees and buildings, at steep angles to the building.

When driving North on Science Park Road, the building is seen only at short interval between existing trees and buildings, as shown on the attached drawing, to the right of driver and passenger.

When proceeding South on Science Park Road, the building is only visible for a short duration at steep angles between existing trees and buildings, and any northbound traffic, as viewed to the left of the driver and passenger.

There is one other view of the building where the south side of the building may be seen off on the distance, over open space on other properties, when traversing the new Gatesburg Road extension, but the building signage, which only faces Science Park Road is not visible.

The building is located at a distance of approximately 500 feet from Science Park Road, and well over 500 feet from the angled view positions where one can actually see the building. Parts of the building are also obscured by existing landscaping and trees both on the AccuWeather Properties and adjoining properties.

The AccuWeather Building is an International Landmark. The AccuWeather building is visited by various people and groups throughout the United States and from around the World. Local, state and federal governmental leaders have visited AccuWeather location, along with numerous business leaders from both small businesses and large Fortune 500 companies. Numerous tour groups are hosted by AccuWeather year round, including scouting groups, school groups, alumni groups and others. Clear delineation of the building

visible from the street is necessary for AccuWeather's corporate recognition, corporate image, easy identification for local tour groups, school buses and others.

Safety Issues Along Science Park Road. The existing limited visibility of the building and signage from Science Park Road, the offset driveway to the south of the building that provides the main ingress and egress from the lot and for the building, coupled with the traffic volumes, numerous entrance and exit driveways for properties along Science Park Road, create a unique difficulty for drivers along Science Park Road in seeing the building and identifying the driveway entrance safely. Further obscuration of the building and its signage will increase these dangers to both those attempting to find the building and those in the traffic stream.

Past Variances Granted. For the reasons above, all of which were previously presented to the Zoning Hearing Board in 1999 and 2013 relative to the requested sign variance, the uniqueness and the specific hardships formed the bases of the two variances previously granted. These issues have not changed

Present Requirements and reasons for Variance.

- A. From the West Face: The present requirements to place large obscuring canopy trees of up to 60 feet tall (the equivalent of the height of a six story building) and lower trees up to 20 feet tall (the equivalent of the height of a two story building) will defeat the purpose for the prior two variance grants, by obscuring and enveloping the building and the sign and also creating danger to those travelling on Science Park Road, which was also a concern when the prior variances were granted. The front (West) face of the AccuWeather building is only two stories from ground level.

A portion of this buffer yard is within an existing closed depression overlying an active sink hole, which controls runoff from Science Park Road, from properties on the west side of Science Park Road, and contributing drainage areas to the north of the building on other lots. This closed depression cannot be developed given its current function and active sinkhole development, so buffering of possible future construction is not needed. Furthermore, planting of canopy and other trees in this area would also disturb the functionality of existing nearby satellite dishes and the sight lines to the building previously described. Lastly, the active sinkhole area has resulted in dangerous cave-ins over the years, and lack of visibility poses danger to individuals from the existing lot and adjoining lots who sometimes traverse that area.

- B. From the West, North and South Faces: AccuWeather also employs the use of large satellite dishes to send and receive weather information which is vital for the operation of AccuWeather's business and to the protection of the life and property of hundreds of millions of Americans and billions of people around the world. The placement of these dishes are on top of the building itself, and on the ground in the front to the north and south of the building. For the satellite dishes to operate properly, they must be unobstructed by trees, buildings or other objects. The planting of new trees along the property boundary and nearby parking islands will clearly interfere with the operation of the existing satellite dishes and prevent AccuWeather from installing new satellite dishes. The drainage and water retention

areas on the AccuWeather property already limit the space available to install any new satellite dishes.

- C. The requirement to install trees on the South property line creates two problems unique to the land. First is the fact that there is a 20 foot easement for sewer and water lines, over which the trees would need to be installed, compromising over time the integrity of these lines. More importantly is that both underground power lines and massive high-speed fiber optic communications lines essential for the operation of the business also lie in that easement. Any disruption to those facilities from tree growth, weight, and roots over time could cause catastrophic disruption to the business. This is a unique business that is built upon, and authorized to operate as such, by the Township and the Commonwealth. Best practices for such facilities as water lines, sewer lines, power lines and communication lines is to have no such disruptive factors overlying the facilities.
- D. As noted, the building is now viewable from the recent extension of Old Gatesburg Road which assists some drivers in identifying the building before they turn onto Science Park Road, at the Old Gatesburg Road/Science Park Road intersection. Planting of trees along that southern property line will leave drivers approaching Science Park Road with no visual cues as to its location before turning onto Science Park Road, further compounding the dangers for people looking for the building.
- E. From the East Face: This face of the building faces dense woods with trees and undergrowth and needs no buffering at this time. There is already an existing mature stand of canopy trees (many exceeding 40' in height) located along the eastern property line. The existing canopy trees along this yard exceed the ordinance requirement for 15' and 25' buffer yards. Additional plantings along this property line would be constrained given minimal distance between parking lot and property line of only ten feet.

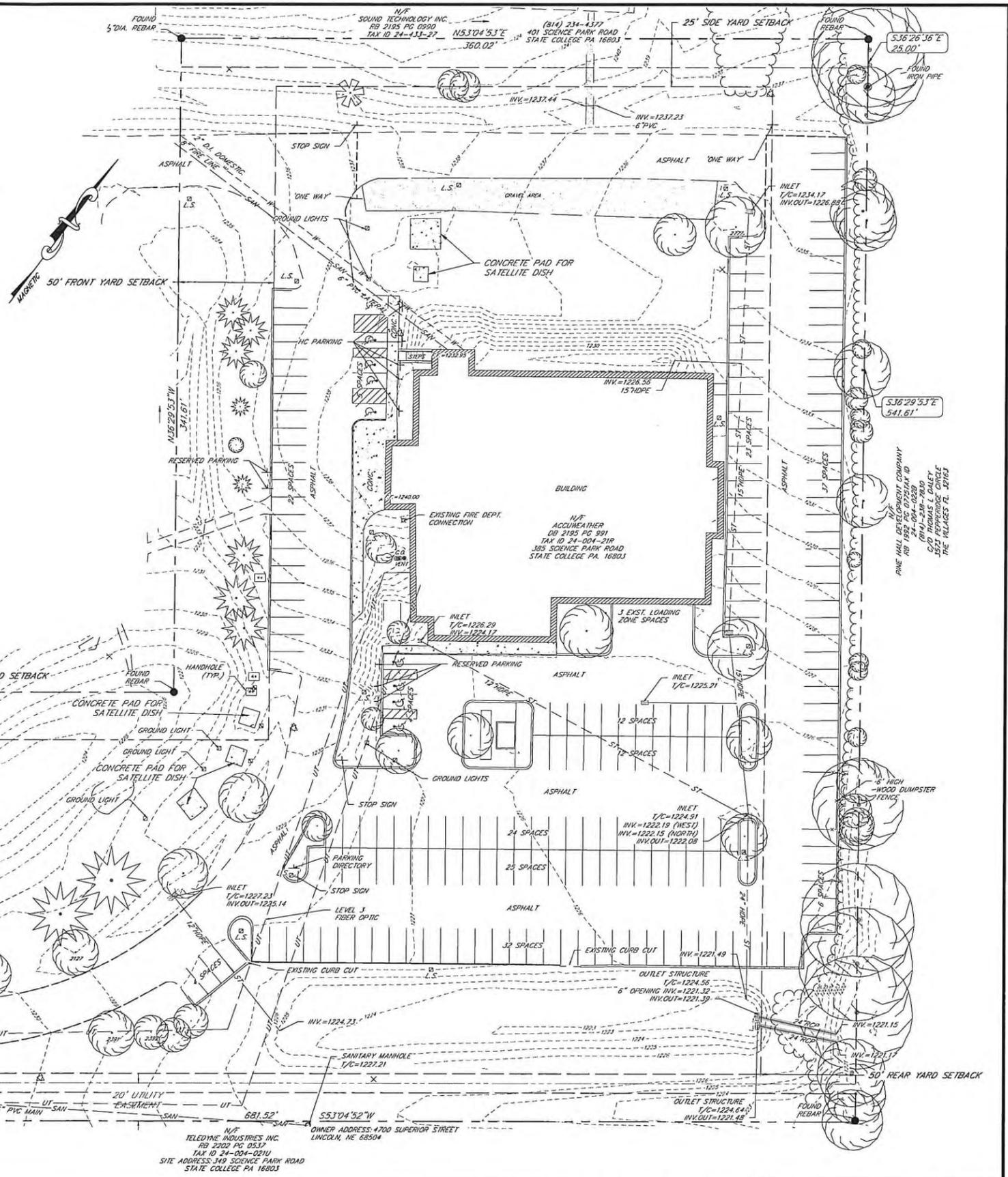
Variance Request: The plans prepared by Sweetland Engineering show the landscaping and new plantings proposed as required. The variance requested is to eliminate the buffer trees and some of the parking island trees because of the uniqueness of this property both in terms of uniqueness of shape, size, use, and safety, and the unnecessary hardship these requirement impose on the lands and uses, previously approved for the very same reasons, on two separate occasions. The request is believed to be minimal and conforms to the spirit of the yard buffer ordinance and does not burden any other property nor the public interest.

END



PROJECT SITE

- GENERAL NOTES:**
- OWNER: N/F ACCUWEATHER INC.
385 SCIENCE PARK ROAD
STATE COLLEGE, PA 16803
 - ACREAGE: 6.33 ACRES
 - TAX PARCEL: 24-004-21R
DEED BOOK/PAGE: 2195 / 991
 - IMPERVIOUS COVERAGE: MAXIMUM ALLOWABLE = 60%
EXISTING = 120,890 S.F. (43.82%)
PROPOSED = 135,366 S.F. (49.03%)
 - BUILDING COVERAGE: MAXIMUM ALLOWABLE = 30%
EXISTING = 8% (21,348 S.F.)
PROPOSED = 8% (21,348 S.F.)
 - OFF STREET PARKING: TOTAL BUILDING S.F. = 53,729
TOTAL OFFICE SPACE S.F. = 29,282
REQUIRED = 117 (29,282 S.F. / 250 S.F.)
EXISTING = 206
PROPOSED = 79
TOTAL SPACES = 285
EXISTING LOADING ZONE SPACES = 3
 - ZONING: LIGHT INDUSTRIAL/RESEARCH AND DEVELOPMENT (IRD)
 - ALLOWABLE HEIGHT: MAXIMUM = 45'
EXISTING = 45'
 - EXISTING USE: PROFESSIONAL OFFICES/TELEVISION STUDIO
PROPOSED USE: PROFESSIONAL OFFICES/TELEVISION STUDIO/
PARKING EXPANSION
 - BUILDING SETBACKS:
Bldg.
FRONT SETBACK = 50'
REAR SETBACK = 50'
SIDE SETBACK = 25'
CORRIDOR OVERLAY
FRONT SETBACK = 50'
REAR SETBACK = 50'
SIDE SETBACK = 25'

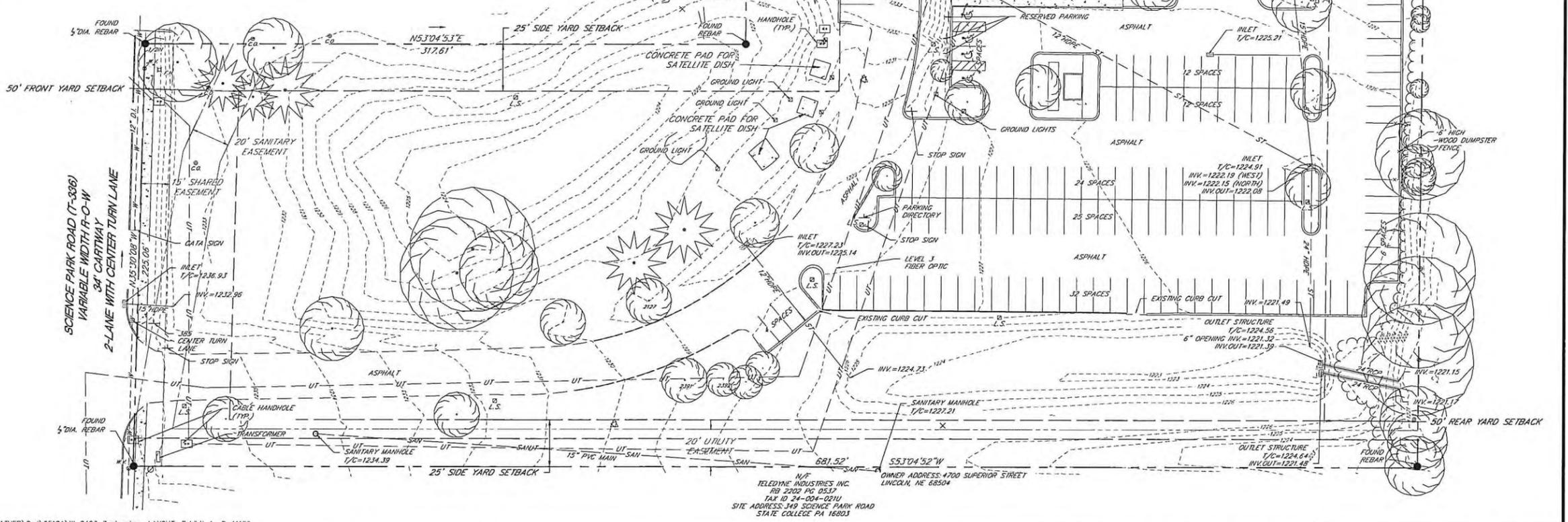


KEY MAP
SCALE: 1" = 400'

SEE EXHIBIT E FOR PHOTOS

EXISTING CONDITIONS LEGEND

- EXISTING PROPERTY LINE
- EXISTING SETBACKS
- EXISTING EDGE OF PAVEMENT
- EXISTING CURBING
- CONTOUR MAJOR
- CONTOUR MINOR
- MANHOLE
- ST- ST- STORM LINE
- STORM INLET
- WATER VALVE
- FIRE HYDRANT
- EDGE OF TREE LINE
- WATERLINE
- SAN- SANITARY SEWER
- LIGHT STANDARD
- HANDHOLE
- CLEAN OUT
- SIGN
- F.H. FIRE HYDRANT
- W.V. WATER VALVE
- DECIDUOUS TREE
- CONIFEROUS TREE
- EXISTING BUILDING FOOTPRINT
- EXISTING GRAVEL
- EXISTING CONCRETE PAVEMENT



PLOTTED: January 16, 2018 1:28pm (nstinr) FILENAME: S:\projects\6518-ACCU WEATHER\Cad\6518A\W-2493_Zoning.dwg LAYOUT: Exhibit A D-11186

Date	Description	REVISIONS	Chk. By	Rev. By

REFERENCE FILES:

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SHEET TITLE:

EXISTING CONDITIONS

PROJECT TITLE:

**ACCUWEATHER PARKING EXPANSION
ZONING VARIANCE
EXHIBIT 'A'**

SWEETLAND ENGINEERING & ASSOCIATES, INC.

Corporate Office:
600 Science Park Road
State College, PA 16803
(814)-237-8518 Phone
(814)-237-1488 FAX
www.sweetland-eng.com

CLIENT: ACCUWEATHER	SCALE: 1"=30'	DATE: 1-22-18
SITE LOCATION: FERGUSON TWP. CENTRE CO. PA.	PROJECT NO. 6518C	
DRAWN BY: NJS	DRAWING NO. D-11186	
DESIGNED BY: NJS	SHEET NO. EXHIBIT A	
CHECKED BY: DWP		

OVERALL PLANT LIST

ABREY. QUAN.	ROBOTICAL NAME	COMMON NAME	SIZE	B&B/CONT.	REMARKS	MATURE HEIGHT	SPREAD
AG 9	GLEDITSIA TRIACANTHOS VAR. INERMIS	THORNLESS HONEYLOCUST	2-2.5" CAL.	B&B	SEEDLESS	60'	60'
AC 22	AMELANCHIER CANADENSIS	SHADBLow SERVICEBERRY	1.5-1.75" CAL.	CONT	WHITE	20'	15'
AN 672	ASTER NOVAE-ANGLIAE	NEW ENGLAND ASTER			18" O.C.		
AP 672	CALTHA PALUSTRIS	MARSH MARIGOLD			18" O.C.		

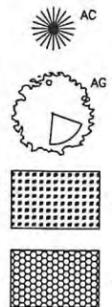
NOTE: CALIPER (CAL.) IS MEASURED 6" ABOVE NATURAL GRADE.

INSTALL MULCH RING AROUND TRUNK OF ALL NEW TREES IN TURF AREAS, MIN. DIA. 3'-0".

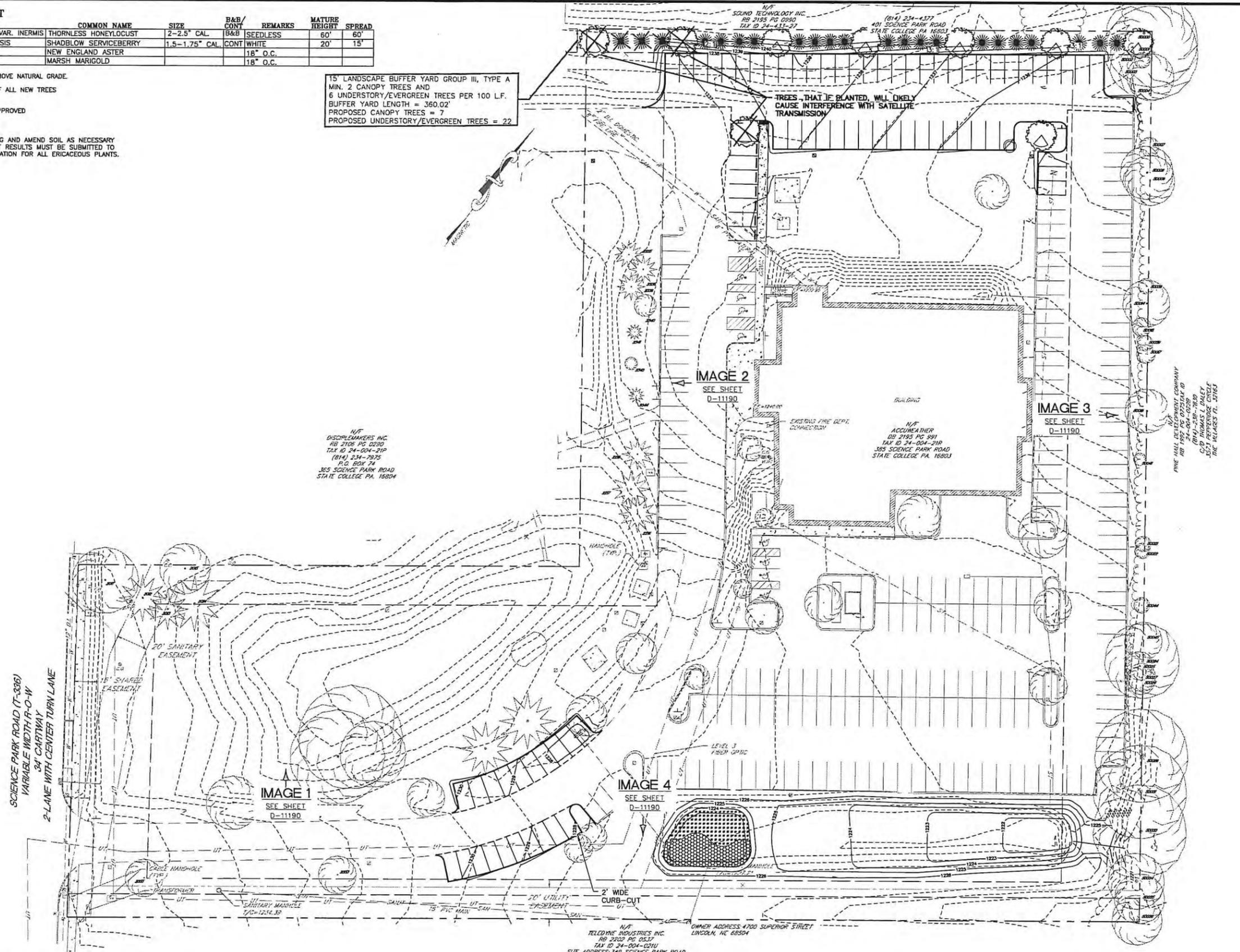
IN ALL DISTURBED AREAS, SEED WITH APPROVED SEED MIX AS SPECIFIED IN THE SOIL EROSION AND SEDIMENTATION PLAN.

PERFORM SOIL TESTS PRIOR TO PLANTING AND AMEND SOIL AS NECESSARY ACCORDING TO TEST RESULTS. SOIL TEST RESULTS MUST BE SUBMITTED TO THE ZONING ADMINISTRATOR FOR VERIFICATION FOR ALL ERICACEOUS PLANTS.

15' LANDSCAPE BUFFER YARD GROUP III, TYPE A MIN. 2 CANOPY TREES AND 6 UNDERSTORY/EVERGREEN TREES PER 100 L.F. BUFFER YARD LENGTH = 360.02' PROPOSED CANOPY TREES = 7 PROPOSED UNDERSTORY/EVERGREEN TREES = 22



POINT #	TRUNK	DRIP	HEIGHT	SPECIES
50000	25	30	40	BLACK OAK
50001	25	30	40	BLACK OAK
50002	4	5	15	BIRCH
50003	12	15	25	CHERRY
50004	18	20	50	RED OAK
50007	4	6	12	BIRCH
50008	15	17	50	RED OAK
50009	14	16	40	RED OAK
50014	13	15	30	RED OAK
50016	5	6	15	BIRCH
50017	4	6	15	RED OAK
50018	12	14	40	CHERRY
50021	4	5	12	BIRCH
50022	4	5	10	RED OAK
50024	22	24	50	CHERRY
50025	8	9	15	HICKORY
50026	8	9	15	CHERRY
50027	8	9	15	CHERRY
50028	25	30	50	WHITE OAK
50031	25	30	50	WHITE OAK
50033	25	30	45	BLACK OAK
50034	22	18	50	CHERRY
50035	16	16	35	BIRCH
50036	18	16	50	CHERRY
50038	4	4	10	RED OAK
50039	4	5	10	RED OAK
50041	4	4	10	BIRCH
50044	4	5	12	WHITE OAK
50045	10	12	20	HICKORY
2335	9	9	15	RED PINE
2336	9	9	15	RED PINE
2338	9	9	15	RED PINE
2340	4	7	10	KOUSSA DOGWOOD
2341	5	5	15	BLUE SPRUCE
2343	3	4	9	KOUSSA DOGWOOD
2344	5	5	13	BLUE SPRUCE
2218	10	10	18	RED PINE
2217	12	12	20	RED PINE
2216	12	12	15	RED PINE
2011	14	21	15	CRAB APPLE
2012	15	15	20	RED PINE
2013	13	13	25	WHITE PINE
2014	18	18	20	RED PINE
2015	12	16	30	RED MAPLE
2353	9	12	18	RED MAPLE
2355	9	12	15	RED MAPLE

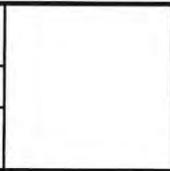


PLOTTED: January 18, 2018--1:29pm (nsliner) FILENAME: S:\projects\6518-ACCU WEATHER\Cad\6518A\W-2493_Zoning.dwg LAYOUT: Exhibit C D-11188

Date	Description	Chk. By	Rev. By

REVISIONS

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SHEET TITLE: **LANDSCAPE PLAN**

PROJECT TITLE: **ACCUWEATHER PARKING EXPANSION ZONING VARIANCE EXHIBIT 'C'**

SWEETLAND ENGINEERING & ASSOCIATES, INC.

Corporate Office:
600 Science Park Road
State College, PA 16803
(814)-237-6518 Phone
(814)-237-1488 FAX
www.sweetland-eng.com

CLIENT: ACCUWEATHER	SCALE: 1"=30'	DATE: 1-22-18
SITE LOCATION: FERGUSON TWP. CENTRE CO. PA.	PROJECT NO. 6518C	
DRAWN BY: NJS	DRAWING NO. D-11188	
DESIGNED BY: NJS	SHEET NO. EXHIBIT C	
CHECKED BY: DWP		



IMAGE 1 NORTH VIEW



IMAGE 2 WEST VIEW



IMAGE 3 EAST VIEW

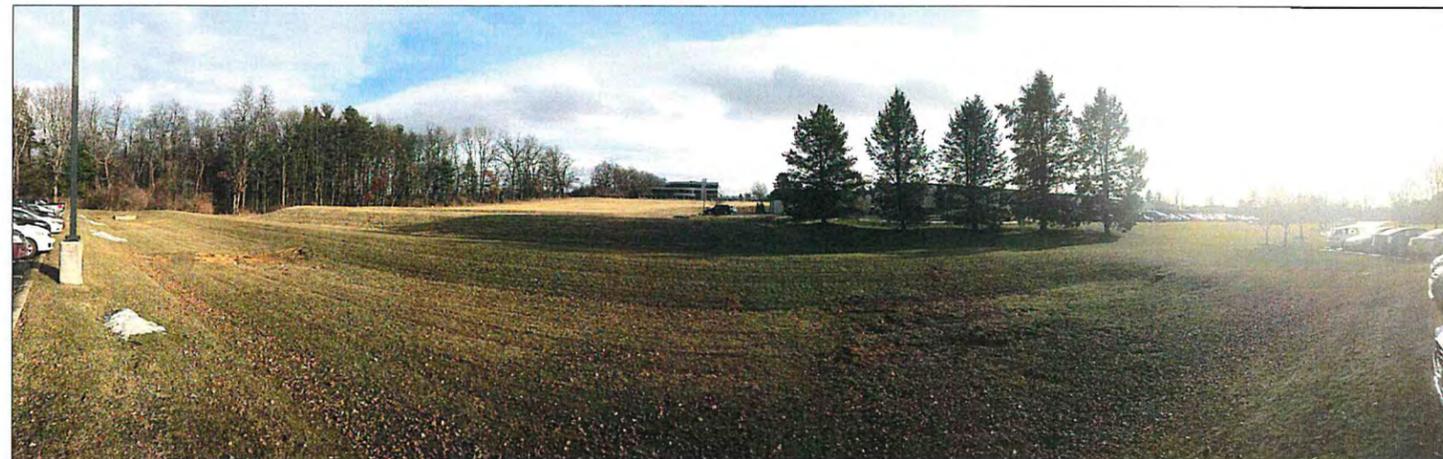


IMAGE 4 SOUTH VIEW

PLOTTED: January 18, 2018-1:29am (nstiner) FILENAME: S:\projects\6518-ACCU WEATHER\Cad\6518A\W-2493_Zoning.dwg LAYOUT: Exhibit D D-11190

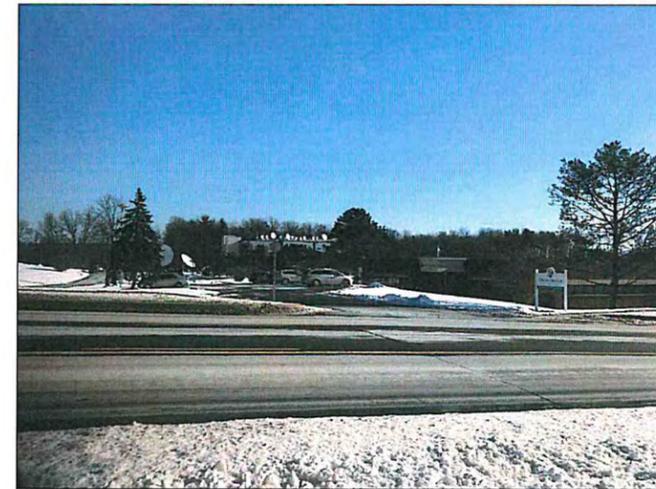
				SHEET TITLE: EXISTING ON-SITE LANDSCAPE PHOTOS PLAN		PROJECT TITLE: ACCUWEATHER PARKING EXPANSION ZONING VARIANCE EXHIBIT 'D'		SWEETLAND ENGINEERING & ASSOCIATES, INC.  Corporate Office: 600 Science Park Road State College, PA 16803 (814)-237-8518 Phone (814)-237-1488 FAX www.sweetland-eng.com		CLIENT: ACCUWEATHER		SCALE: N/A	DATE: 1-22-18
		REFERENCE FILES:						SITE LOCATION: FERGUSON TWP. CENTRE CO. PA.		PROJECT NO. 6518C		DRAWING NO. D-11190	
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Date	Description	REVISIONS	Chk. By	Rev. By					CHECKED BY: DWP				



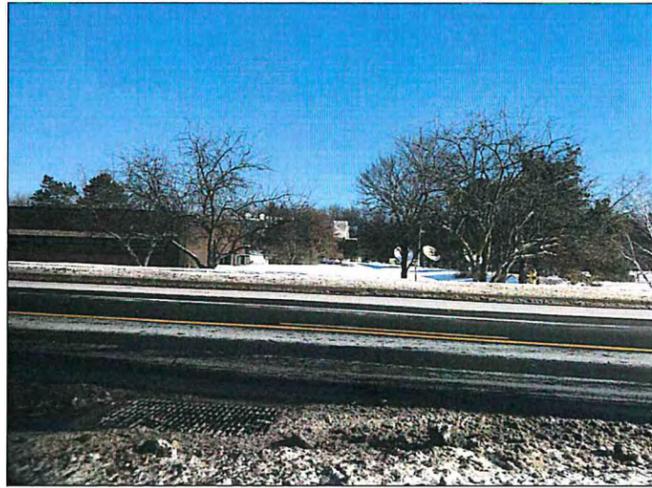
VISIBILITY PHOTO 'A'



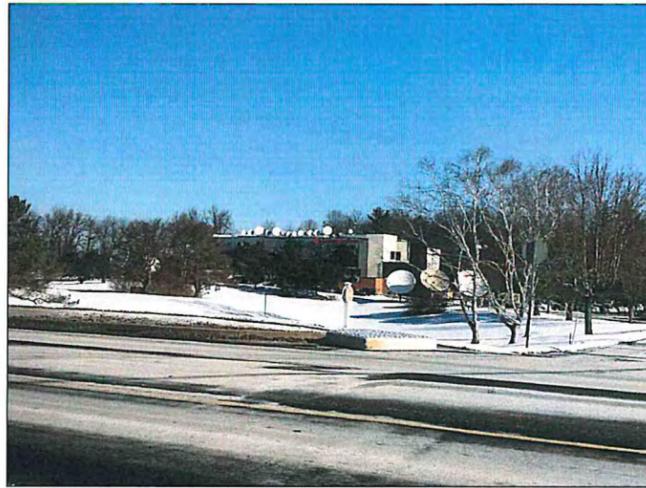
VISIBILITY PHOTO 'B'



VISIBILITY PHOTO 'C'



VISIBILITY PHOTO 'D'



VISIBILITY PHOTO 'E'



VISIBILITY PHOTO 'F'



VISIBILITY PHOTO 'G'



VISIBILITY PHOTO 'H'

PLOTTED: January 18, 2016-1:29pm (nsliner) FILENAME: S:\projects\6518-ACCU WEATHER\Cad\6518A\W-2493_Zoning.dwg LAYOUT: Exhibit E D-11223

Date	Description	REVISIONS	Chk. By	Rev. By

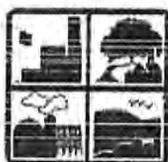
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SHEET TITLE:
**BUILDING VIEW
 FROM SCIENCE PARK ROAD**

PROJECT TITLE:
**ACCUWEATHER PARKING EXPANSION
 ZONING VARIANCE
 EXHIBIT 'E'**

**SWEETLAND ENGINEERING
 & ASSOCIATES, INC.**
 Corporate Office:
 600 Science Park Road
 State College, PA 16803
 (814)-237-6518 Phone
 (814)-237-1488 FAX
 www.sweetland-eng.com

CLIENT: ACCUWEATHER	SCALE: N/A	DATE: 1-22-18
SITE LOCATION: FERGUSON TWP. CENTRE CO. PA.	PROJECT NO. 6518C	DRAWING NO. D-
DRAWN BY: NJS	DESIGNED BY: NJS	CHECKED BY: DWP
SHEET NO. EXHIBIT E		



Township of

Planning & Zoning Department

Pennsylvania

Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing 12133

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$250.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$250.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$250.00 and the Appeal fee of \$250.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email adrobkaarch@yahoo.com

ENTRY OF APPEARANCE

Name Albert A. Drobka

Address P.O. Box 256, State College, PA 16804

I am appearing on my own behalf (Check if this is true.)

I am representing Edisto Partners LP

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature AAA ALBERT A. DROBKA, ASKED FOR OWNER

Date 12/29/17

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant Albert A. Drobka

Address P.O. Box 256, State College, PA 16804

Phone FAX (814) 238-0710

Owner Edisto Partners LP

Address 121 Sunday Dr., State College, PA 16801

Phone FAX (814) 231-1341

1. Location of premises 1500 W. College Ave.

2. Centre County Tax Map Parcel Number 24-002A-, 177-, 0000-

3. Present zoning Terraced Streetscape (TS) District

4. How long has the applicant held an interest in the property? Since 2/5/2010 (n 7 years, 11 months)

5. Present use of the premises Law Office

6. Proposed use of the premises Law Office

7. Explain extent of proposed alteration(s), if any: The existing covered porch is to be enclosed to provide additional office space. The proposed additional office space is 88 SF.

8. Describe all existing structures, including type size and height: Existing Office Building
is 2-story plus a Basement, ±2,769 SF, and ±23'-10". Existing Garage is
1-story, ±252 SF, and ±13'-6".

9. Has the property been involved in previous zoning hearing(s)? No If so, describe date of hearing, nature of hearing and outcome of hearing:

N/A

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? Yes
- b) Has he/she reviewed, approved, and signed the plans? No
- c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

We request a variance to Chapter 27 Section 1003 E (3) to allow the
property owner to enclose the existing covered porch without a Land Development Plan.

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

N/A

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

The property owner has the right to reasonably expand their building. It is our opinion the requirements for a Land Development Plan are unreasonable due to the limited nature of the proposed 88 SF of additional floor area. There are no zoning concerns that cannot be addressed by submitting a Minor Alteration Site Plan.

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

Thomas + Gina Kapostik, 110 Middle St., (814) 234-9707

Joyce + Glen Drager, 1505 Ash Ave., (814) 237-9824

Dean Blythe, 1506 W. College Ave., (814) 237-2903

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

Revised
09/14/2017



RECEIVED JAN - 2 2008

ALBERT A. DROBKA ARCHITECT
 P.O. BOX 256
 1352 S. ATHERTON ST.
 STATE COLLEGE, PA.
 (814) 238-0710

PROPOSED WORK FOR:
 1500 W. COLLEGE AVE.
 STATE COLLEGE, PA 16801

PROJECT

REVISION DATE

SHEET TITLE
 EXISTING &
 PROPOSED
 SITE PLANS

DATE
 12/28/17

SCALE
 AS NOTED

DRAWN BY:
 MTM

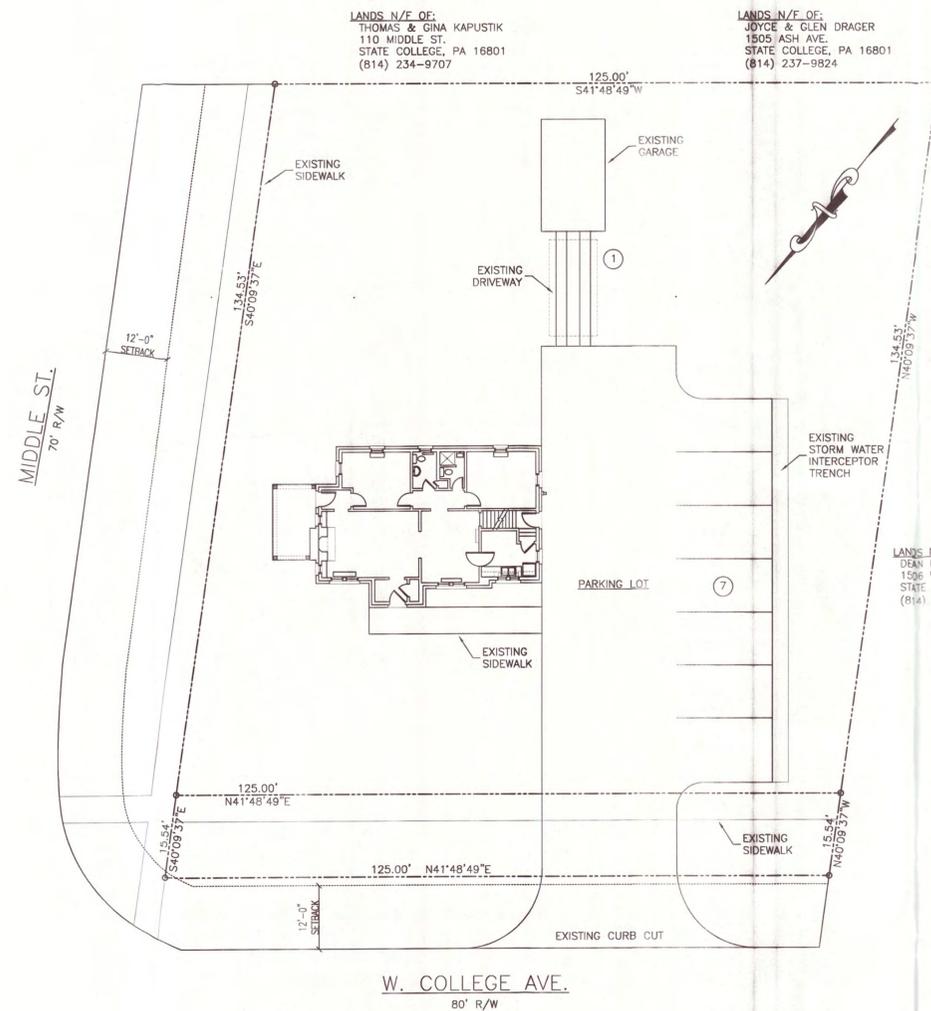
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SHEET NO.

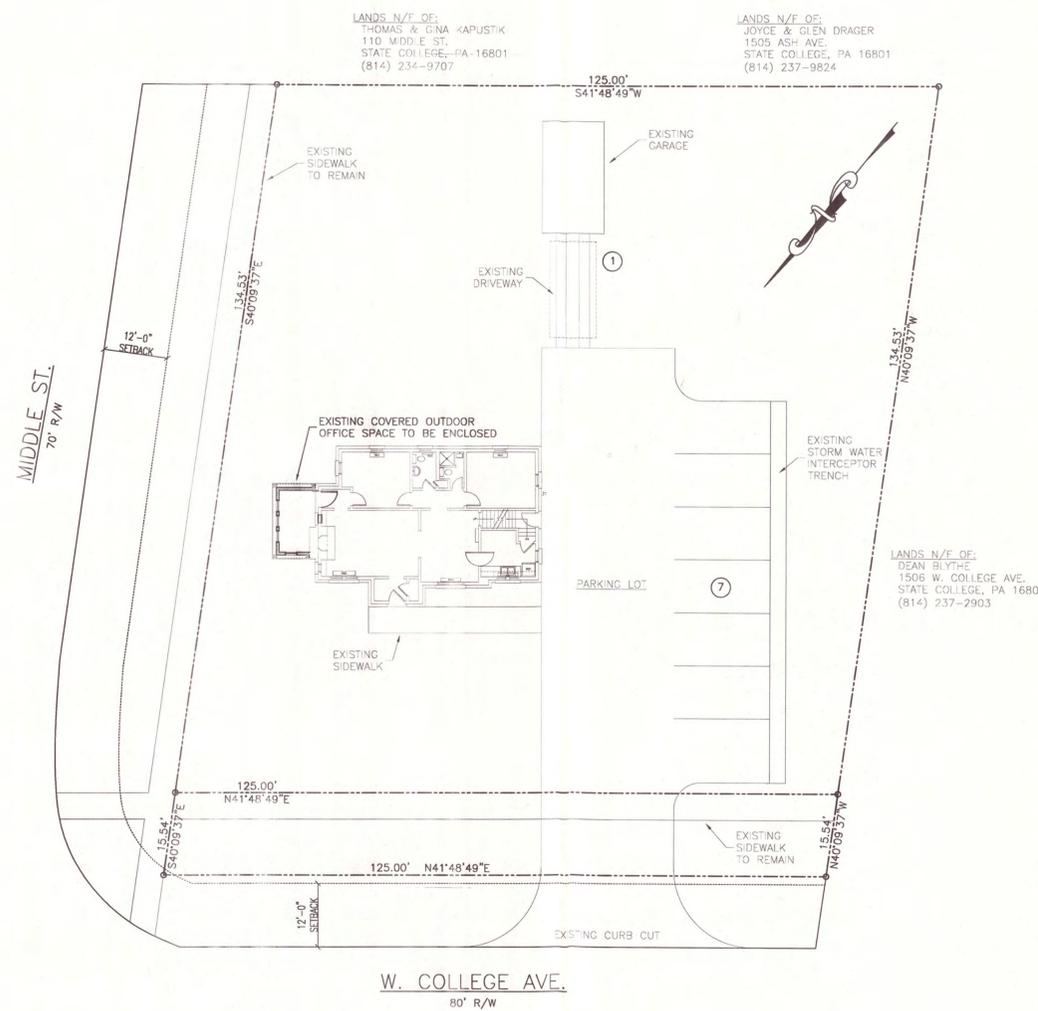
ST1

PROJECT #

016-133



PROPOSED SITE PLAN
 SCALE: 1/16" = 1'-0"



PROPOSED SITE PLAN
 SCALE: 1/16" = 1'-0"



NOTE:
 NO SITE WORK PROPOSED.

SITE DATA	
MUNICIPALITY:	FERGUSON TOWNSHIP
ZONING DISTRICT:	TSD
TAX PARCEL #:	24-002A-.177-.0000-
DEED BK/PG:	2051-0768
OWNER NAME:	EDISTO PARTNERS LP
OWNER ADDRESS:	121 SUNDAY DRIVE STATE COLLEGE, PA 16801
OWNER PHONE #:	(814) 231-1391

PARKING DATA	
<u>EXISTING PARKING REQUIRED:</u>	
EX. OFFICE SPACE:	1/250 SF
	1,870 SF/250 SF = 8 PARKING STALLS
TOTAL REQUIRED:	8 PARKING STALLS
TOTAL PROVIDED:	8 PARKING STALLS
<u>PROPOSED PARKING REQUIRED:</u>	
PROP. OFFICE SPACE:	1/250 SF
	1,958 SF/250 SF = 8 PARKING STALLS
TOTAL REQUIRED:	8 PARKING STALLS
TOTAL PROVIDED:	8 PARKING STALLS
NOTE: NO CHANGE IN PARKING REQUIRED.	



LEGEND	
[Solid line]	EXISTING WALL
[Hatched area]	PROPOSED WALL

LOT SIZE	
16,651 SF (0.38 ACRES)	
EX. LOT COVERAGE	
EX. BUILDING/PORCH	= 1,240 SF
EX. SIDEWALKS	= 163 SF
EX. GARAGE/DRIVE	= 338 SF
EX. PARKING LOT	= 3,432 SF
TOTAL	= 5,173 SF
LOT COVERAGE (5,173 SF/16,651 SF)	= 31.1%
PROP. LOT COVERAGE	
PROP. BUILDING/PORCH (NO CHANGE)	= 1,240 SF
PROP. SIDEWALKS (NO CHANGE)	= 163 SF
PROP. GARAGE/DRIVE (NO CHANGE)	= 338 SF
PROP. PARKING LOT (NO CHANGE)	= 3,432 SF
TOTAL (NO CHANGE)	= 5,173 SF
LOT COVERAGE (6,403 SF/16,651 SF)	= 31.1%



ALBERT A. DROBKA ARCHITECT
 P.O. BOX 256
 1352 S. ATHERTON ST.
 STATE COLLEGE, PA.
 (814) 238-0710

PROPOSED WORK FOR:
 1500 W. COLLEGE AVE.
 STATE COLLEGE, PA 16801

PROJECT

REVISION DATE

SHEET TITLE
 EXISTING/DEMO &
 PROPOSED
 FLOOR PLANS

DATE
 12/28/17

SCALE
 AS NOTED

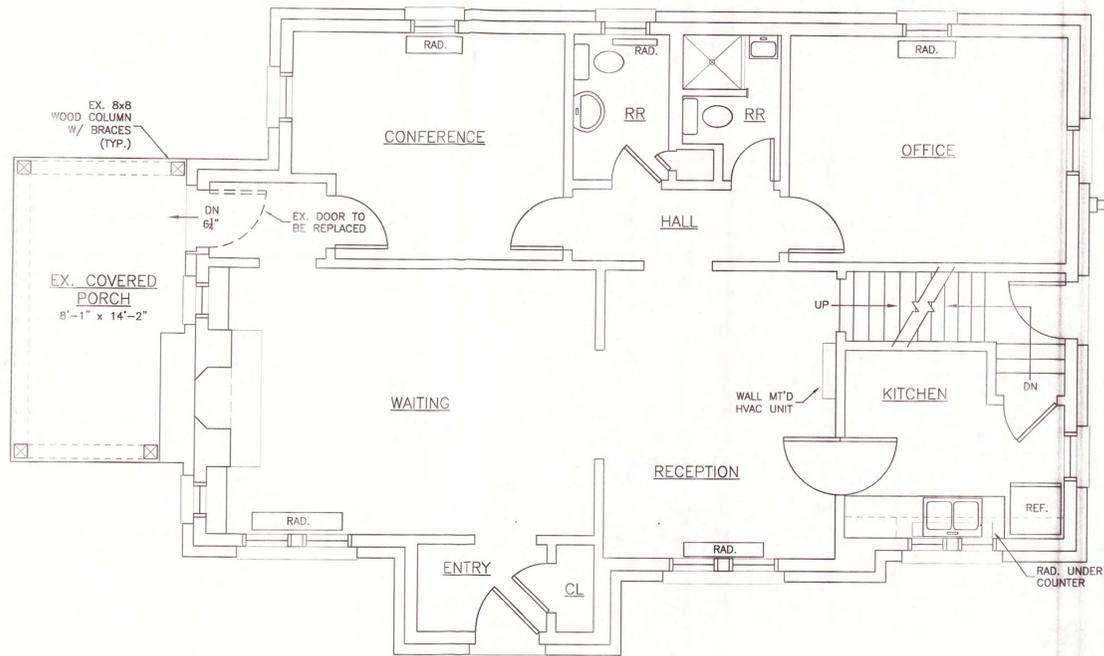
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 MTM

CHECKED BY
 AAD

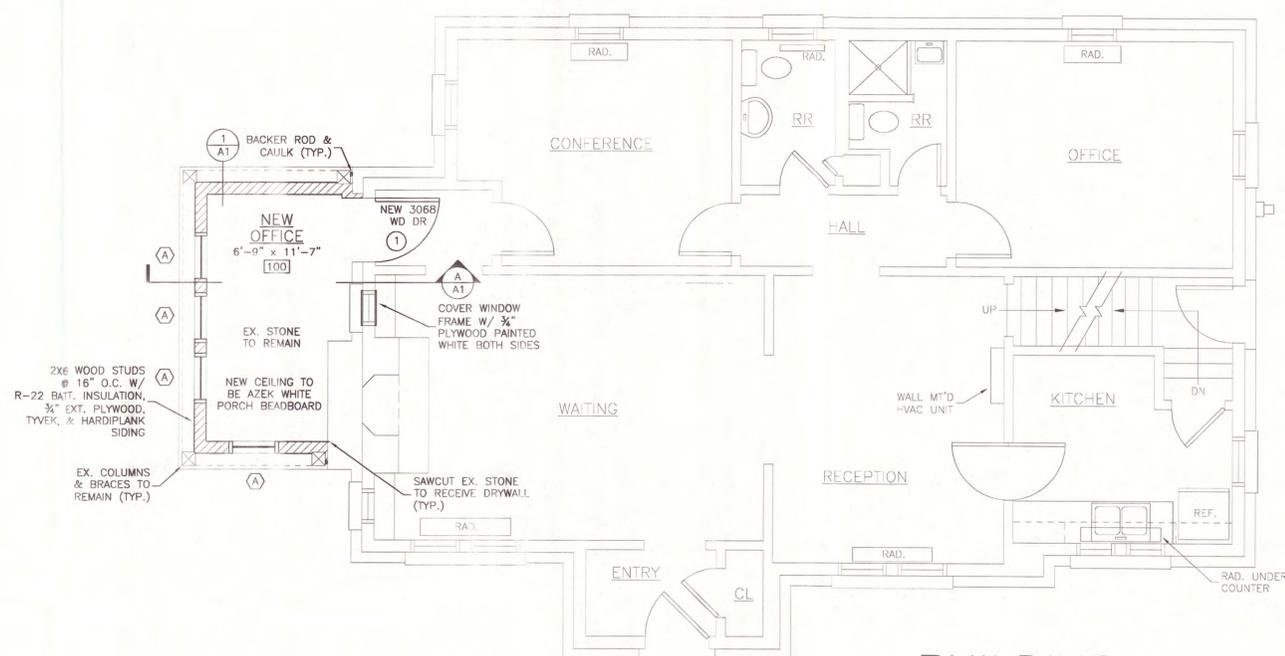
SHEET NO.
 A1

PROJECT #

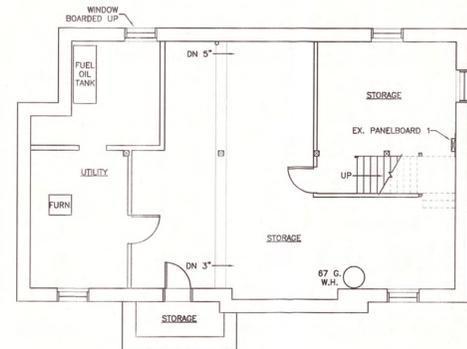
016-133



EXISTING/DEMO GROUND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

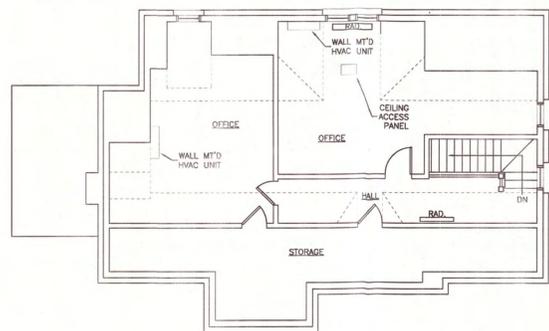


PROPOSED GROUND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

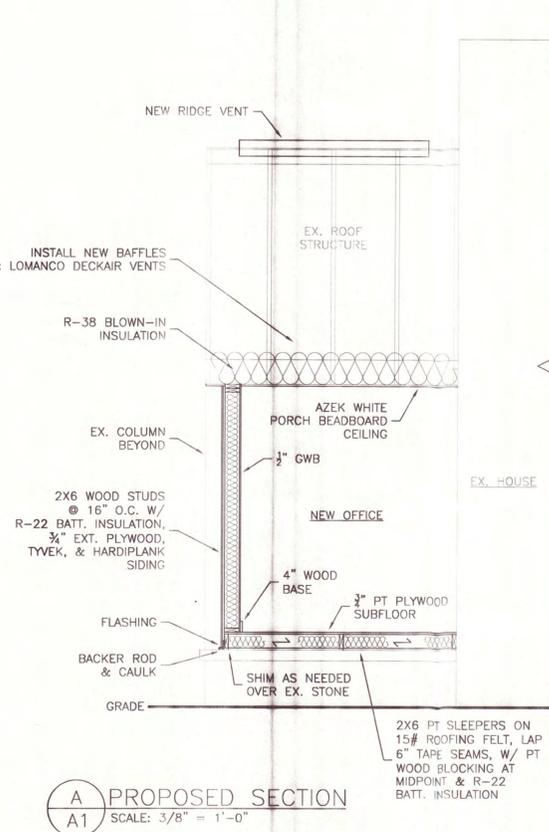


EXISTING BASEMENT FLOOR PLAN
 SCALE: 1/8" = 1'-0"

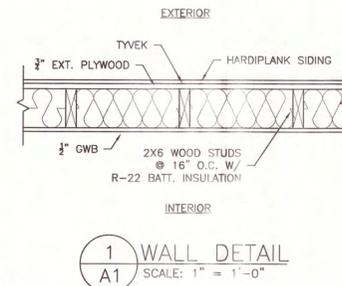
NOTE:
 NO WORK TO OCCUR IN BASEMENT OR SECOND FLOOR.
 PLANS PROVIDED FOR REFERENCE ONLY.



EXISTING SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



A-A1 PROPOSED SECTION
 SCALE: 3/8" = 1'-0"



1-A1 WALL DETAIL
 SCALE: 1" = 1'-0"

LEGEND	
[Solid line]	EXISTING WALL
[Dashed line]	DEMOLITION WALL
[Hatched area]	PROPOSED WALL

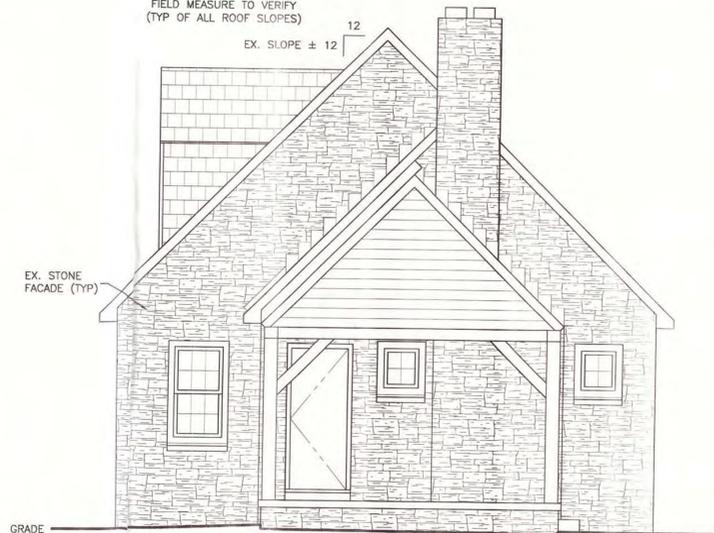
EX. CONSTRUCTION TYPE	PROP. CONSTRUCTION TYPE
IBC 2009: 5B, UNSPRINKLERED	IBC 2009: 5B, UNSPRINKLERED (NO CHANGE)
EX. OCCUPANCY TYPE	PROP. OCCUPANCY TYPE
IBC 2009: B	IBC 2009: B (NO CHANGE)
EX. SQUARE FEET	PROP. SQUARE FEET
2,769 SF	2,866 SF
EX. OCCUPANT LOAD	PROP. OCCUPANT LOAD
BASEMENT	
EX. STORAGE: 946 SF/300 = 4 PERSONS	EX. STORAGE: 946 SF/300 = 4 PERSONS
GROUND FLOOR	
EX. OFFICE SPACE: 962 SF/100 = 10 PERSONS	PROP. OFFICE SPACE: 1,059 SF/100 = 11 PERSONS
SECOND FLOOR	
EX. OFFICES: 645 SF/100 = 7 PERSONS	EX. OFFICES: 645 SF/100 = 7 PERSONS
EX. STORAGE: 216 SF/300 = 1 PERSON	EX. STORAGE: 216 SF/300 = 1 PERSON
TOTAL	TOTAL
22 PERSONS	23 PERSONS



EXISTING NORTH ELEVATION

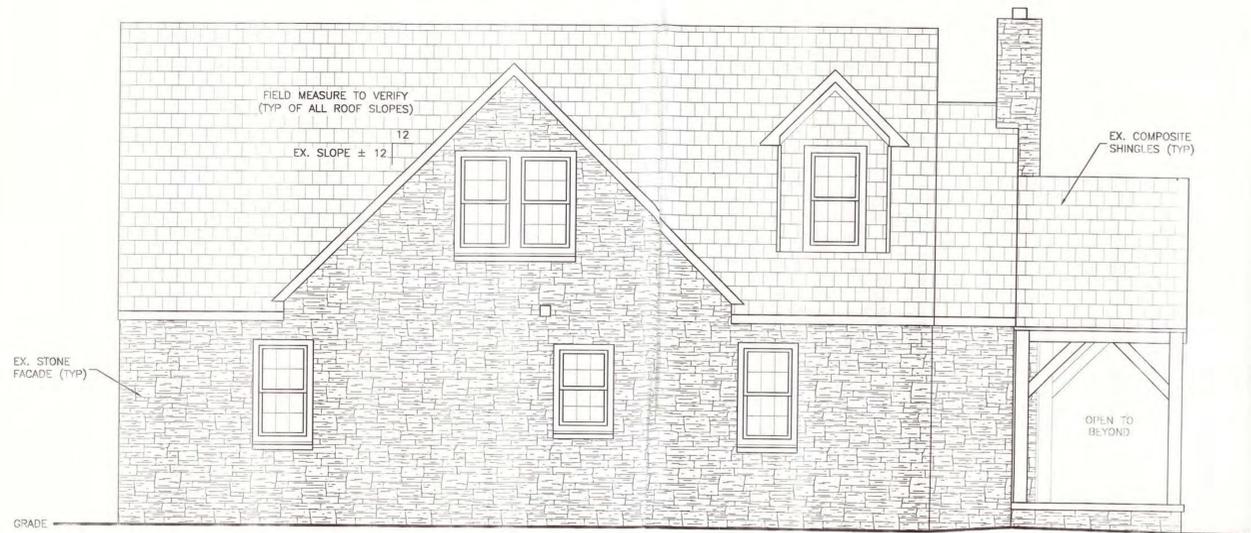
SCALE: 1/4" = 1'-0"

FIELD MEASURE TO VERIFY (TYP OF ALL ROOF SLOPES)



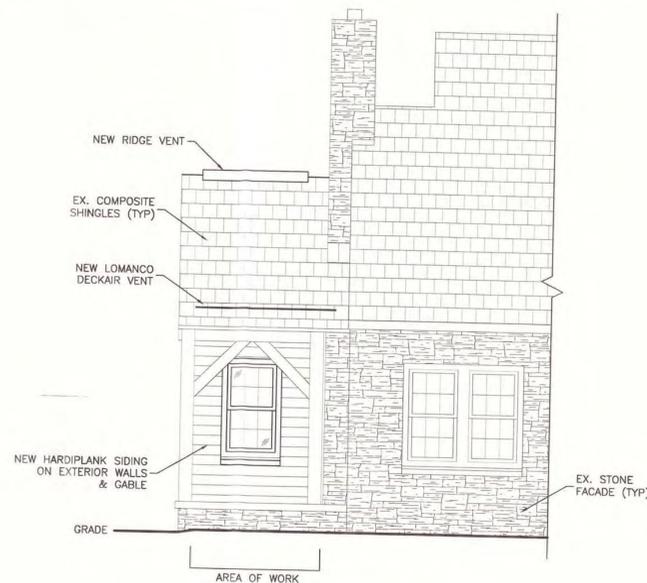
EXISTING EAST ELEVATION

SCALE: 1/4" = 1'-0"



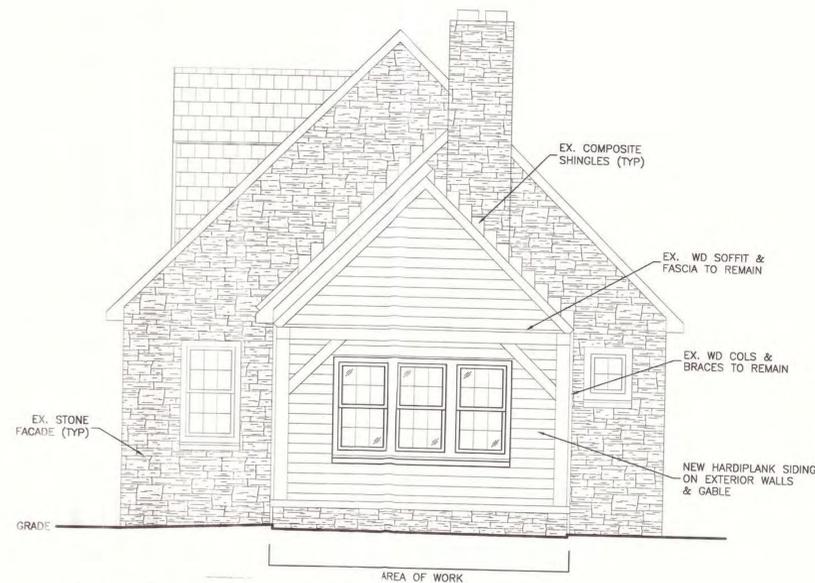
EXISTING SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



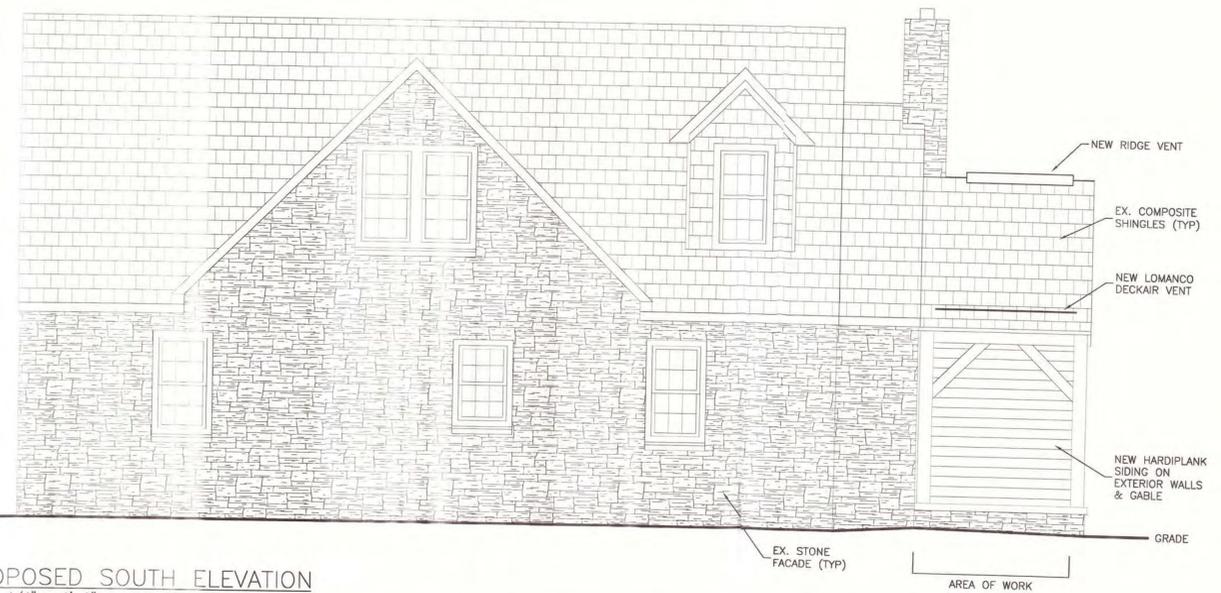
PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



ALBERT A. DROBKA ARCHITECT
 P.O. BOX 256
 1352 S. ATHERTON ST.
 STATE COLLEGE, PA.
 (814) 238-0710

PROPOSED WORK FOR:
 1500 W. COLLEGE AVE.
 STATE COLLEGE, PA 16801

PROJECT

REVISION DATE

SHEET TITLE
 EXISTING &
 PROPOSED
 ELEVATIONS

DATE
 12/28/17

SCALE
 AS NOTED

DRAWN BY:
 MTM

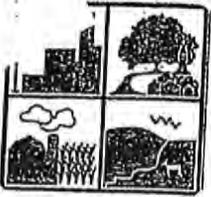
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SHEET NO.

A2

PROJECT #

016-133



APPLICATION FOR ZONING VARIANCE / APPEAL HEARING 12197
 FERGUSON TOWNSHIP
 CENTRE COUNTY, PENNSYLVANIA

Appellant:

Charles Loesch

Date of hearing:

Property Location:

2544142 Circleville RD

State College PA 16803

Phone 814 - 280 - 0476

FAX —

Email Celoesch@gmail.com

ENTRY OF APPEARANCE

Name Jules Loesch

Address 2103 Circleville Road, State College PA 16803

I am appearing on my own behalf (Check if this is true.)

I am representing Charles Loesch

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Charles Loesch

Applicant's Signature

1/22/18

Date

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant Charles Loesch

Address 2191 Upper Brush Valley Road, Centre Hall PA 16828

Phone 814-280-0476

FAX _____

Owner Charles Loesch

Address 2191 Upper Brush Valley Road, Centre Hall PA 16828

Phone 814-280-0476

FAX _____

1. Location of premises 2542-2544 Circleline Road
State College PA 16803
2. Centre County Tax Map Parcel Number 24-003A, 001-0000 -
3. Present zoning R-1
4. How long has the applicant held an interest in the property? 23 Years as
Current owner, 61 Years in the Family
5. Present use of the premises 2 Family Rental Unit with
Detached Shop/Garage
6. Proposed use of the premises Construction of a Stick Built
Single Family home
7. Explain extent of proposed alteration(s), if any Removal of Shop
and construction of a Single Family home For Sale or Rent
8. Describe all existing structures, including type size and height 2 Story
Duplex home built in 1981 2188 SQ FT. 24x44
Block Shop 969 SQ FT.

9. Has the property been involved in previous zoning hearing(s)? If so, describe date of hearing, nature of hearing and outcome of hearing. NO, UNLESS IT WAS BALK IN 1981, CURRENT OWNER HAS NO KNOWLEDGE OF THAT.
10. For new construction or alterations:
- Have plans been submitted to the Zoning Officer? NO
 - Has he/she reviewed, approved, and signed the plans? NO
 - Has he/she issued a permit? NO
11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought CONVERSION OF A R-1 LOT FOR CONSTRUCTION OF A SINGLE-FAMILY HOME
12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal _____
13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:
- The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
 - Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
 - The unnecessary hardship was not created by the applicant.
 - The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
 - The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance _____

See attached

14. Attach a diagram or site plan showing the follow:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. include full name, address, and telephone numbers _____

Mindy M. Thomas, 115 Cardinal Lane 814-360-9737

Jerry C + Marjorie A Shore 121 Cardinal Lane St. Colton

STUART A. Seiber 2602 Acacia DR St. Colton

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

This lot has been a community hardship for some time, we have received complaints over the years about the look and of the shop in recent years. We are proposing replacing the shop with a stick built single-family house that will not only make the property look better but it will also increase the property's value around it. It will provide housing for a family in the Centre Region, increase tax revenue for the township and make the property more accessible, we feel it is a win-win.

With approval of this we will add sidewalks to the property's borders, and update the existing duplex rental's siding and curb appeal, add new street trees and repair the driveway. The camper unit will also be moved to an offsite storage area.

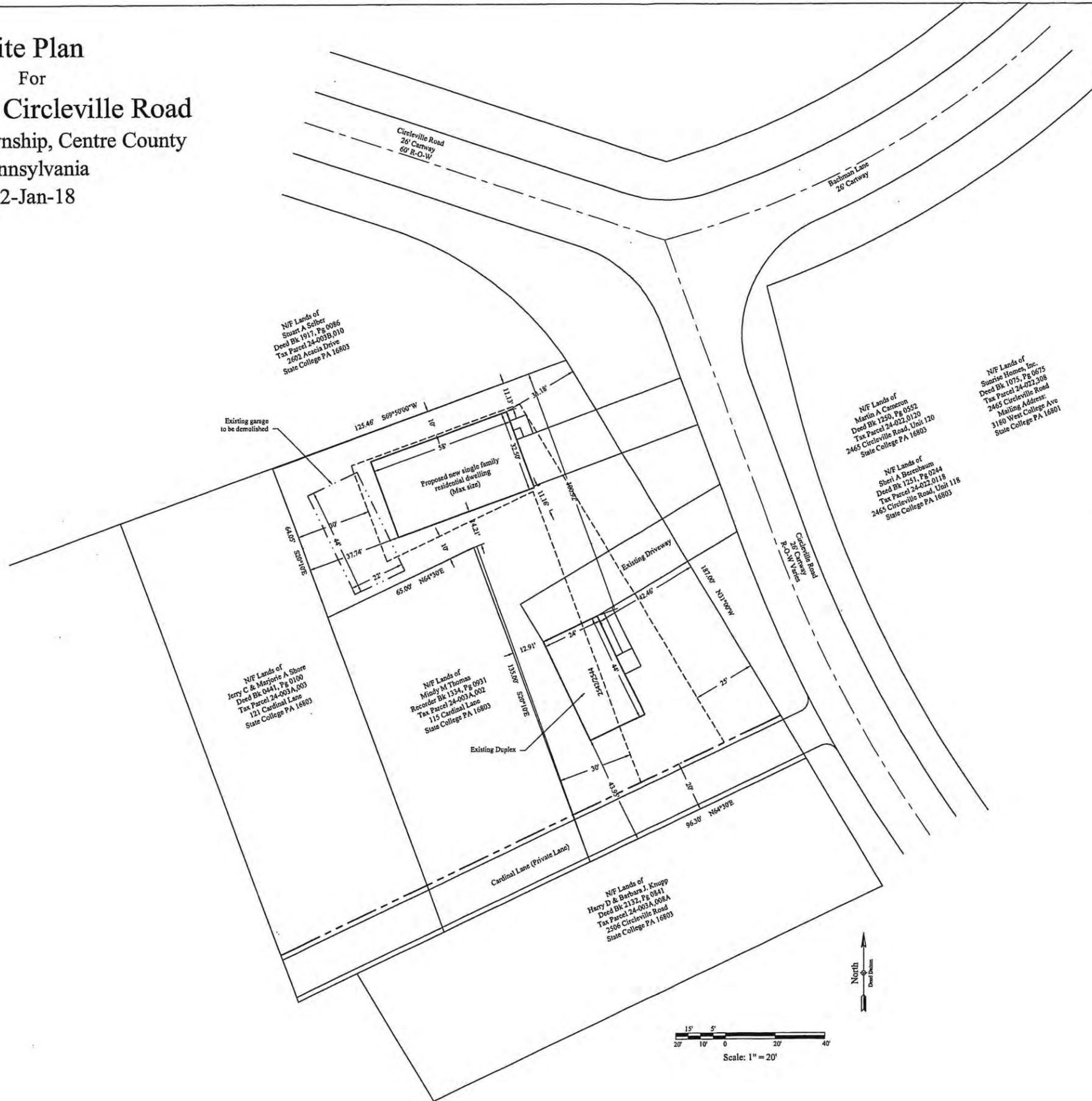
Giving us this variance will allow us to better maintain the property and increase the revenue for the township.



Site Plan
 For
2542/2544 Circleville Road
 Ferguson Township, Centre County
 Pennsylvania
 22-Jan-18



Key Map
 Scale: 1" = 400'



Site Data

Tax Parcel Number: 24-003A-001
 Street Address: 2542/2544 Circleville Road
 Acreage: 0.431 Acres (18763.38 sf)
 Zoning: R-1: Single Family Residential
 Use: Residential Dwelling

Setbacks - Existing House:

	Req'd	Actual
Front:	25 ft	42.46
Side - Left	10 ft	43.95
Side - Right	10 ft	100.92
Rear:	30 ft	24.00

Setbacks - Proposed House:

	Req'd	Actual
Front:	25 ft	31.18
Side - Left	10 ft	11.16
Side - Right	10 ft	11.13
Rear:	30 ft	37.74

Impervious Coverage, Existing: 18%

Category	Area (sf)	Unit
House, Existing	1056	sf
Garage, Existing	968	sf
Porch/Patio	60	sf
Sidewalk	110	sf
Driveway	1262	sf
HVAC	9	sf
Total	3465	sf

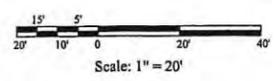
Impervious Coverage, Proposed: 29%

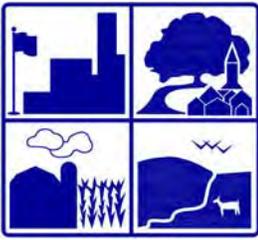
Category	Area (sf)	Unit
House, Existing	1056	sf
House, Proposed	1885	sf
Porch/Patio	180	sf
Sidewalk	260	sf
Driveway	1979	sf
HVAC	18	sf
Total	5378	sf

Owner: Charles E. Loesch
 171 Technology Drive, Suite 775
 Boalsburg PA 16827

Engineer: Evanko-Renwick Engineering
 4957 Halfmoon Valley Road
 Warriors Mark PA 16877
 (814) 280-7098
 Email: mike@evankorenwick.com

<p>EVANKO-RENEWICK ENGINEERING 4957 Halfmoon Valley Road Warriors Mark PA 16877 Telephone: (814) 280-7098 e-mail: mike@evankorenwick.com Civil, Structural and Mechanical Engineering</p>	<p>ER</p> <p>Project Title: 2542/2544 Circleville Road</p> <p>Drawing Title: Site Plan</p> <p>Drawn By: _____ Engineer: _____</p> <p>Sheet C-100</p> <p>Scale: As Noted</p> <p>Date: 01/22/18</p> <p>Project Number: 226-034</p>
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TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

TO: Ferguson Township Board of Supervisors

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

DATE: January 26, 2018

SUBJECT: Replot & Property Line Realignment of the Lands of Ralph F. Wheland and Pauline E. Cooper.

Fred M. Henry/Mease Associates, Inc. on behalf of the applicants, Ralph F. Wheland & Janice Keough, co-executor have submitted a proposal to consolidate tracts of Parcels 24-06-7A, 24-06-7B and 24-06-08 to create a 1.00 acre tract (Tract 1R); a 1.89 acre tract (Tract 2BR); a 109.02 acre tract (Tract 3R); and a 233.50 acre tract (Tract 4R). With this Plan submission, a "Request for Planning Waiver & Non-Building Declaration" application was submitted to the Township for approval.

On January 22, 2018, the Ferguson Township Planning Commission recommended the Board of Supervisors approve the Plan and Planning Waiver based upon the following remaining conditions:

1. 22-304.5: Prior to final approval of a plan by the Board of Supervisors, the applicant shall pay all review fees, including fees for consultants and engineers for review and reports which were required by the Township, either in the normal course of review or as a result of a problem or issue arising out of the normal review. The review fees and consultant's fees to be paid shall be based upon a schedule established by resolution by the Board of Supervisors. **Comment Remains**
2. 22-304.7: Prior to receiving final signature, all subdivision and land development plans must be submitted to the Township in digital format. **Comment Remains**
3. 22.305: After completion of the procedures required by this Part and after final approval of a plan by the Board of Supervisors, all endorsements shall be so indicated on the approved plan and on as many other copies of the plan as may be desired by the Township. Upon approval and signing of the plan by the Board of Supervisors, the record plan and the plan containing the approval signatures shall be recorded in the Office of the Recorder of Deeds of Centre County by the applicant within 90 days of such approval and signing. Such recording shall be otherwise in conformity with §513 of the Municipalities Planning Code, as amended. Within 10 days after the Recorder of Deeds has properly recorded the plan, a copy of such, including the endorsement of the Recorder of Deeds, shall be forwarded by the applicant to the Township Secretary. **Comment Remains**
4. 22-403.O: Completed signature blocks as required by 22-401.A.4 and 22-401.B.2. **Comment Remains**
5. 22-401.B.2.e: The plan must include the signature of a licensed surveyor certifying the accuracy of the plan. **Comment Remains**
6. Please correct the "Sewage Disposal Notation" on Sheet 1 of 3 to be consistent with the title shown on the non-building waiver, specifically the reference to Lot 4. **Comment Remains**

Staff Recommendation: *Staff and the Ferguson Township Planning Commission recommend the Board of Supervisors approve the Replot & Property Line Realignment of the Lands of Ralph F. Wheland and Pauline E. Cooper, condition upon the remaining comments set forth in the Memo dated January 26, 2018.*

ORIGINAL



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

REQUEST FOR PLANNING WAIVER & NON-BUILDING DECLARATION

Section A - To Be Completed by Subdivider

I, Ralph F. Wheland (subdivider), propose a subdivision of 3 lot(s), located in Ferguson Township/Borough, Centre County. No facility or building will be erected on the subdivided lot(s) either now or in the future that will result in the generation of sewage requiring a permit or planning under the Pennsylvania Sewage Facilities Act or the Pennsylvania Clean Streams Law. In support thereof, I have attached the following:

1. A written description of the subdivision and its intended use.
2. A copy of the plot plan and deed (if available) which contains language identical to or similar to:
 "As of the date of this deed/plot plan recording, the property/subdivision described herein is and shall be dedicated for the express purpose of Residential / Agricultural use. No portion (or lot number(s) 1R, 2-B & 4R) of this property/subdivision are approved by Ferguson Township (Municipality) or the Department of Environmental Protection (DEP) for the installation of any sewage disposal facility. No permit will be issued for the installation, construction, connection to or use of any sewage collection, conveyance, treatment or disposal system (except for repairs to existing systems) unless the municipality and DEP have both approved sewage facilities planning for the property/subdivision described herein in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. Sections 750.1 *et seq.*) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact appropriate officials of Ferguson (municipality), who are charged with administering the Sewage Facilities Act to determine the form of sewage facilities planning required and the procedure and requirements for obtaining appropriate permits or approvals."
3. Language identical to or similar to that in Section A.2 above has been recorded on the plot plan and will be recorded on the deed. A copy of the deed (if available) and plot plan is submitted with this waiver request/ non-building declaration as documentation of this fact.

I verify that the statements made in Section A of this document are true and correct to the best of my knowledge, information and belief. I understand that false statements in this document are subject to the penalties prescribed by applicable law, including, but not limited to, 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Ralph F. Wheland
Subdivider/Developer
(Print Name)

Ralph F. Wheland 10-27-17
Signature Date

Section B - To Be Completed By Buyer Or Recipient Of The Non-Building Parcel

Tract 1R & 4R-Residential Agricultural/Tract 2-BR Lot of Record
As the anticipated buyer or recipient of the non-building land parcel described in Section A, I declare that my intended use of the parcel is for the purpose of Residential/Agricultural, that it will not result in any sewage generating facility and that I cannot obtain a permit for a sewage disposal system located on this parcel except in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1 *et seq.*), the Pennsylvania Clean Streams Law (35 P.S. §§ 691.1 *et seq.*) and regulations promulgated thereunder. I understand that false statements in this document are subject to the penalties prescribed by applicable law, including, but not limited to, 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

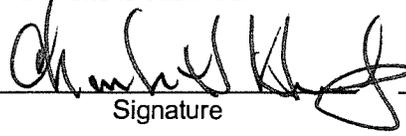
Ralph F. Wheland
Buyer/Recipient
(Print Name)

Ralph F. Wheland 10-27-17
Signature Date

Section C - Sewage Enforcement Officer (Only when there is an existing septic system on the parcel under consideration)

Tract 1R and Tract 4R
 I have inspected the lot on which the existing building and existing septic system are located and have concluded, based on soils mapping or soils evaluation, permit information or site inspection that the long-term sewage disposal needs of this site and the building currently served can be met. I further acknowledge that no violations of the Sewage Facilities Act are known to me or have become apparent as a result of my site inspection. No inferences regarding future performance of the existing septic system should be drawn from this acknowledgement. A brief description and sketch of the existing system and site is attached.

CHARLES F. HERR JR.
 Sewage Enforcement Officer
 (Print Name)


 Signature

1736
 Certification
 Number

10-17-17
 Date

Section D - Planning Agency Concurrence

The described use (agriculture, silviculture, utility placement, mining, etc.) of parcel(s) herein proposed must be consistent with the zoning, land use ordinances and comprehensive plans for the area involved in the proposed subdivision. By signature of the designated official, Ferguson Township (planning agency with Municipal Planning Code jurisdiction), has reviewed the information submitted requesting a non-building waiver and has found this request to be consistent with applicable plans and ordinances administered by this agency and that it is not part of a subdivision that proposes new sewage generating structures.

 Planning Agency Official
 (Print Name)

 Signature

 Date

Section E - Municipal Concurrence

By signature of the designated official, Ferguson Township/Borough, Centre County acknowledges acceptance of this proposal as a non-building lot subdivision. Officials of Ferguson (Municipality) accept full responsibility now and in the future to identify any violation of the non-building lot criteria described and to submit to Pennsylvania DEP a completed Sewage Facilities Planning Module for the entire subdivision should a violation occur. We understand that such planning information may require municipal officials to be responsible for soil testing and other environmental assessments for all the lots in the subdivision. This municipality will retain a copy of this waiver and all attachments. A copy of this form and all attachments are being forwarded to the appropriate office of Pennsylvania DEP and to the municipal sewage enforcement officer.

 Municipal Secretary or Chairperson
 (Print Name)

 Signature

 Date

**FINAL PLAN
REPLOT & PROPERTY LINE REALIGNMENTS
OF LANDS OF
RALPH F. WHELAND
AND LANDS OF
PAULINE E. COOPER ESTATE**

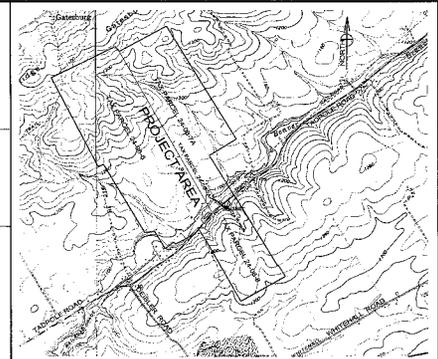
LOCATED IN
FERGUSON TOWNSHIP CENTRE COUNTY PENNSYLVANIA

RECORDERS BLOCK

Recorded on the _____ day of _____,
within Centre County Plat Book _____ at page _____.

Recorder of Deeds
The Original Plan is the property of Mease Associates, Inc.
and is to be returned to said office after recording.

ACT 172 INFORMATION: [SITE UTILITIES]
ELECTRIC: Allegheny Power, 2000 E. College Ave., State College, PA 16801
(814-237-5851)
TELEPHONE: Verizon, Pennsylvania Facility Management Centre
(814-231-6511) | 224 South Allen Street, State College, PA 16801
CABLE: Comcast | 1155 Benner Pike, State College, PA 16801
(814-238-3036)



LOCATION MAP SCALE 1" = 2000"

NOTES:

- The bearing base of this survey is NAD83 Gnd. PA North Zone (37G) which was obtained by State GPS observations. The coordinates indicated are adjusted for NAD83, PA NORTH ZONE.
- The contour lines are plotted from field information and Centre County GIS mapping.
- U.S.G.S. Map data, Sheet 1 map per FINE GROVE MLLS PA, Gettysburg.
- The 2011 Mapping on this plan is from the Centre County Soil Survey, U.S.D.A.
- Building Setback Lines:
 - RA, Zone District
 - Front: 20' on local and collector streets, 50' on arterial streets
 - Side: 30' / Rear: 30'
 - RA, Zone District
 - Front: 50' on local and collector streets, 50' on arterial streets
 - Side: 100' / Rear: 100'
- The FEMA Zone A, 100-Year Flood Area shown on this plan is plotted from FEMA Flood Insurance Rate Map No. 42027C0030F, which bears an effective date of May 4, 2009.
- The Flood Zone Boundary indicated on sheets 2 & 3, includes the area defined by Ferguson Township Zoning Ordinance as a Floodplain, this area does not have a base flood elevation.
- Previous Plans:
 - a. Subdivision of Lands of Ralph F. Wheland & Marion H. Wheland Tract Three and A Portion of Tract Four Deed Book 403, Page 985 recorded in Centre County Plat Book 87, page 183
 - b. Subdivision of Lands of Pauline E. Cooper (Tax Parcel 24-6-8) for William and Janice Keough, recorded in Centre County Plat Book 75, Page 36.
- The purpose of this plan is to correct the description within the Ralph Wheland deed and the description within Tract 1 of the Cooper Estate deed per management of Tapscott Road and to combine the railroad right of way within Tract 4R of lands of Ralph Wheland, Ralph Wheland a rappling, four tract of the Ralph Wheland property into three tract of land. See Property Area Inventory on Sheet 2. The Cooper Estate is reprinting two tract of land into one tract of land for Cooper Estate (See Subdivision Data on Sheet 1).
- Storage Planning for Tax Parcel 24-06-8 was addressed under Subdivision of Lands of Pauline E. Cooper (Tax Parcel 24-06-8) for William and Janice Keough, DEP Case # 05-636, 475 #566040, approval letter from DEP dated October 21, 2005.

SITE DATA

Tax Parcel No. : 24-06-78
Record Book 2136, Page 941 - (Tracts 1)
Title Source : 24-06-7A
Record Book 2136, Page 941 - (Tracts 2,3,4,4)

Property Owner : Ralph F. Wheland
Owner's Address : 3562 Tapscott Road
Ferryville Furnace, PA 16865
Owner's Phone No. : 814-692-8019

Present Land Use : Residential / Agricultural
Proposed Land Use : Agricultural (Tract 2-B & Tract 4R)
Proposed Land Use : Residential (Tract 1R)
Proposed Water : On Site Well Existing (Tract 1R & Tract 4R)
Proposed Water : None Proposed (Tract 2-B)
Proposed Septic : On Site Septic System Existing (Tract 1R & Tract 4R)
Proposed Septic : None Proposed (Tract 2-B)
Zoning : RA & RR

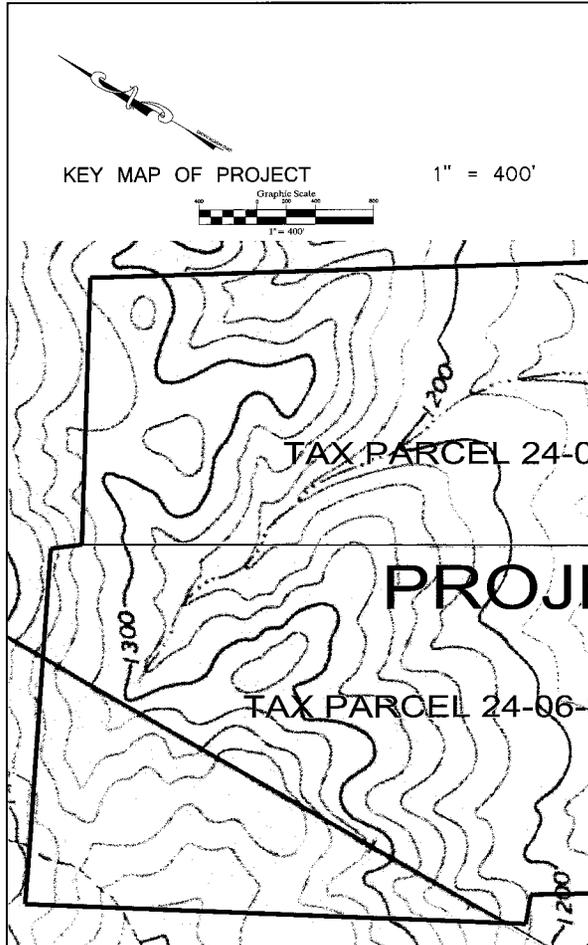
SUBDIVISION DATA

Total Number of Lots : Four (4) Tract Re-Plotted Into Three (3) Tracts
Total Area of Lots : 236.39 Acres

Mease Associates, Inc.
Surveyors

P.O. BOX 520
PORT MATILDA, PA 16870
814-692-4225
email: measeinc@mease.com

DATE	DESCRIPTION	BY	FILE NAME
11/29/2007	THE CIVIL ENGINE COMMENTS	PHL	August 7, 2017
6/11/2008	THE COMMENTS	PHL	DATE:
			COOPER-W14.dwg
			FILE NAME:



OWNERSHIP BLOCK
COMMONWEALTH OF PENNSYLVANIA) SS:
COUNTY OF CENTRE)

On this the 15th day of January 2017
before me, the undersigned officer, personally appeared
RALPH F. WHELAND
who being duly sworn according to law, deposes and says that they are the owners and/or equitable owners of the property shown hereon, and do acknowledge that their act and desire is to have the plan of said property recorded as such according to law.

Ralph F. Wheland
PROPERTY OWNER
Witness my hand and seal on the day and date written above.

Thomas H. Young
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Thomas H. Young, Notary Public
Harrisburg, Centre County
My Commission Expires Oct. 15, 2020
MEMBER PENNSYLVANIA ASSOCIATION OF NOTARIES

MY COMMISSION EXPIRES
Oct. 15, 2020

OWNERSHIP BLOCK
COMMONWEALTH OF PENNSYLVANIA) SS:
COUNTY OF CENTRE)

On this the _____ day of _____
before me, the undersigned officer, personally appeared
Pauline E. Cooper Estate
Janice Keough & Lance Cooper, Co-Executors
who being duly sworn according to law, deposes and says that they are the owners and/or equitable owners of the property shown hereon, and do acknowledge that their act and desire is to have the plan of said property recorded as such according to law.

PROPERTY OWNER
Witness my hand and seal on the day and date written above.

NOTARY PUBLIC

MY COMMISSION EXPIRES

SITE DATA

Tax Parcel No. : 24-06-8
Title Source : Deed Book 407, Page 718 (Tract 3)
Property Owner : Pauline E. Cooper Estate
Janice Keough & Lance Cooper, Co-Executors

Owner's Address : 3701 Tapscott Road
Ferryville Furnace, PA 16865
814-692-8374

Present Land Use : Residential / Agricultural
Proposed Land Use : Residential / Agricultural
Proposed Water : On Site Well Existing
Proposed Septic : On Site Septic System Existing
Zoning : RA & RR

SUBDIVISION DATA
Total Number of Lots : Two (2) Tracts Re-Plotted Into One (1) Tract
Total Area of Lots : 108.68 Acres

TRACT 3 R
100.96 Ac. - ORIGINAL TRACT 3 - (24-06-08)
- 0.04 Ac. - Addition B-2 - (Part of 24-06-08)
- 0.30 Ac. - Addition A-3 - (Part of 24-06-08)
- 0.16 Ac. - Addition D-5 - (Part of Tract #2 - 24-06-7A)
108.68 Acres - TRACT 3 R - (24-06-08)

SEWAGE DISPOSAL NOTATION - TRACT 1R (RESIDENTIAL) TRACT 2-B & TRACT 4R RESIDENTIAL/AGRICULTURAL) TRACT 3R (AGRICULTURAL)

"As of the date of this deed/plot plan recording, the property/subdivision associated herein is and shall be dedicated for the express purpose of SEE ABOVE use. No portion of this property/subdivision has been approved by Ferguson Township or the DEP for the installation of sewer disposal facilities. No Sewage Permit will be issued for the installation, construction, connection to or use of any sewage collection, conveyance, treatment or disposal system (except for repairs to existing systems) unless the municipality and the DEP have both approved sewage facilities planning for the property/subdivision described herein in accordance with the Pennsylvania Sewerage Facilities Act (26 P.S. Section 7501 et. seq.) and regulations promulgated thereunder prior to applying, accepting, implementing or recording any sales contract or subdivision plan. Any further development of the portion of this property shall conform to applicable ordinances of Ferguson Township which is changed with administering the Sewerage Facilities Act to determine what sewage planning is required and the procedure and requirements for obtaining appropriate permits or approval."

"This Record Plan conforms with the Plan receiving final approval by the Ferguson Township Board of Supervisors on _____ All improvements are or will be installed in accordance with said Plan in a manner and time so specified therein."

TOWNSHIP APPROVAL BLOCK

FERGUSON TOWNSHIP PLANNING COMMISSION APPROVAL
BY:

Chairman _____ Date _____
Secretary _____ Date _____

FERGUSON TOWNSHIP BOARD OF SUPERVISORS APPROVAL
BY:

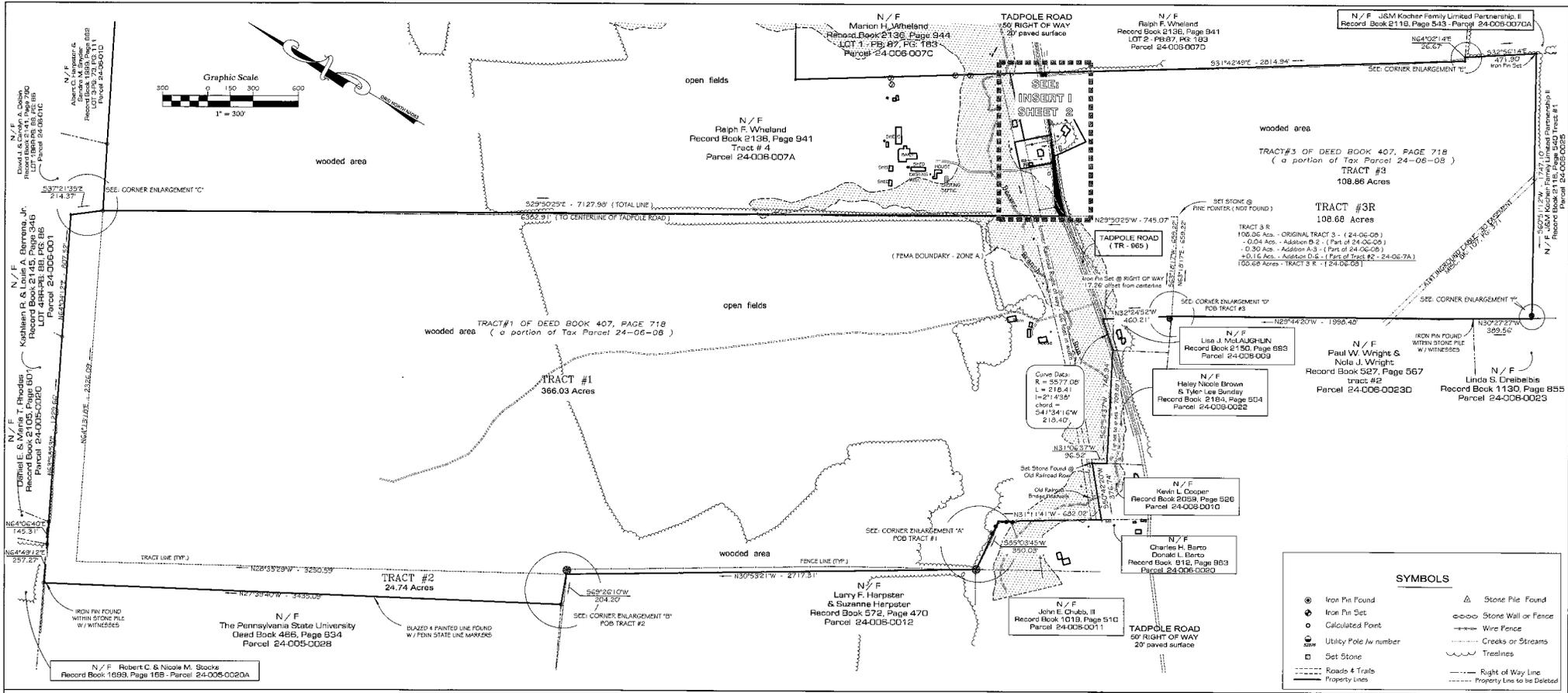
Chairman _____ Date _____
Secretary _____ Date _____

SURVEY CERTIFICATION

I, Fred M. Henry, a Professional Land Surveyor in the Commonwealth of Pennsylvania do hereby certify that the plan correctly represents this tract of land shown.

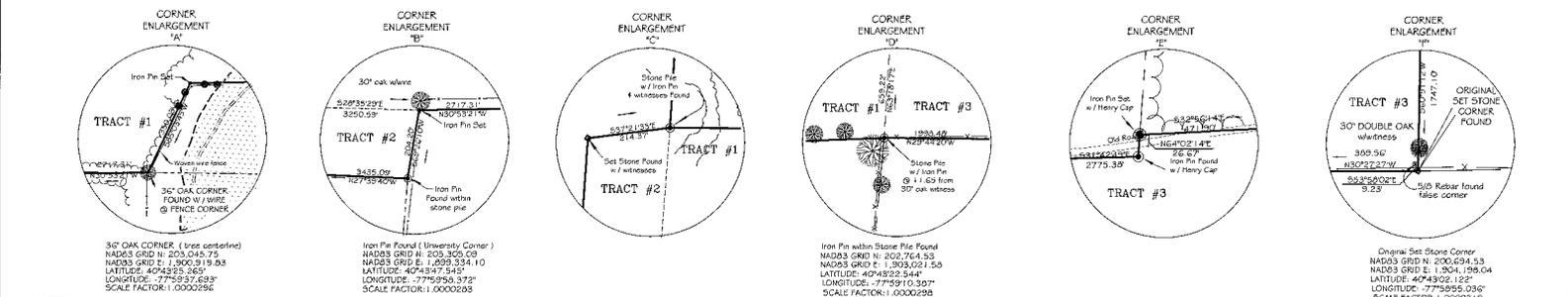
Fred M. Henry 1-11-2018
1 Fred M. Henry / Date
022205-1-E





SYMBOLS

● Iron Pin Found	△ Stone Pile Found
⊙ Iron Pin Set	⊙ Stone Wall or Fence
○ Calculated Point	⊙ Wire Fence
⊙ Utility Pole w/ number	⊙ Creeks or Streams
⊙ Set Stone	⊙ Tresslines
⊙ Roads & Trails	⊙ Right of Way Line
⊙ Property Lines	⊙ Property Line to be Deleted



NOTES:

- The bearing base of the survey on this plan is Grid North, with the coordinates indicated being adjusted to NAD83 PA North Zone (8701), obtained by State GPS Observations within the survey network on this site.
- The property being retraced is line titled to Pauline E. Cooper, Estate by Distribution Deeds of the Estate of Paul E. Sunday, dated October 20, 1972 and recorded March 16, 1985, in Deed Book 407, at page 718.
- The railroad right of way indicated passing through tract #1 of the Pauline Cooper property, was granted unto The Lehigh & Tyrone Railroad Company by the David Harpster Rice, under a deed dated April 13, 1932 recorded in Centre County Deed Book 43, page 561. The said right of way being abandoned by the Pennsylvania Railroad Company in 1927, as indicated within Centre County Deed Book 145, page 72, the Pennsylvania Railroad Company unto Bellefonte Central Railroad Company.
- The shaded area between the centerline of Tadpole Road TR 965 and the old road row closed, should be Out Claimed unto Ralph F. Wheland, et al, to adjust for the relocation of frontage along Tadpole Road that occurred more than 80 years ago.

FINAL PLAN
REPLAT & PROPERTY LINE REALIGNMENTS
OF LANDS OF
RALPH F. WHELAND
AND LANDS OF
PAULINE E. COOPER ESTATE

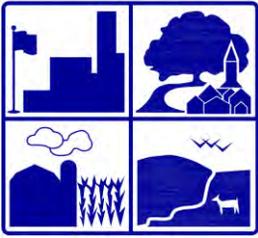
LOCATED IN
 FERGUSON TOWNSHIP CENTRE COUNTY PENNSYLVANIA

Mease Associates, Inc.
Surveyors

P.O. BOX 520
 PORT MATILDA, PA 16870
 814-692-4225
 email: fred@mease.com

11/26/2017	TWP & OPA REVIEW COMMENTS	FAH	FAH	AUGUST 7, 2017
09/11/2016	TWP COMMENTS	FAH	FAH	DATE:
				COOPER-WA.dwg
				FILE NAME:
				SHEET 3 of 3





TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

TO: Ferguson Township Board of Supervisors

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

DATE: January 30, 2018

SUBJECT: Temporary Conditional Use Permit Request – 120 Buckhout Street

On January 10, 2018, staff received a Conditional Use application from the State College Area School District (SCASD) for property located at 120 Buckhout Street currently owned by the Pennsylvania State University. SCASD entered into a lease agreement with the University from January 1, 2018 to August 31, 2019 to use the property for storage of construction materials to be used in the Corl Street Elementary Renovation Project. Chapter 27, Section 7031.E. states that any use not specifically permitted with the TS District shall be reviewed through the Conditional Use approval process.

The State College Area School District requests the consideration of the Conditional Use with similar self-imposed restrictions that were outlined in a previous Conditional Use request for the current lease period with the Penn State University. As part of the application, the SCASD provided a map of the property designating an 80' setback from the rear lot line of lots along Butz Street, a laydown area for construction material and a parking area for personal vehicles (Highlighted Yellow). A portion of the property that will also contain laydown area and parking will be located on the borough side of the municipal boundary that traverses the former O.W. Houts property (Highlighted Green).

Staff Recommendation: *The Board of Supervisors refer the Conditional Use application to the Ferguson Township Planning Commission for recommendation.*



STATE COLLEGE
Area School District

ADMINISTRATIVE OFFICES

131 West Nittany Avenue • State College, Pennsylvania • 16801
Telephone: 814-231-1011 • Fax: 814-231-4130 • Fax: 814-231-1047

RECEIVED JAN 10 2018

January 10, 2018

Mr. Raymond Stolinas Jr.
Director of Planning and Zoning
Ferguson Township
3147 Research Drive
State College, PA 16801

RE: Temporary Conditional Use Permit Request – 120 Buckhout Street

Dear Mr. Solinas:

We are submitting the following conditional use permit request to be presented at a public Board of Supervisors meeting for consideration by Council Members under the Township's Terrace Streetscape District, Section 27-702.2E ("TSD").

Statement of Facts:

The property is Tax Parcel 24-002A-009 known as 120 Buckhout Street currently owned by The Pennsylvania State University (the "property").

Petition for Conditional Use Permit Extension:

1. State College Area School District (SCASD) has a lease agreement with the Pennsylvania State University (PSU) for use of the Property which has been agreed to from January 1, 2018 through August 31, 2019. A portion of this Property is located within Ferguson Township.
2. The SCASD Lease agreement is granted for the use of storage of construction materials to be used in the Corl Street Elementary Renovation Project at 235 S. Corl Street, State College, PA 16801.
3. The Lease agreement is for use of the fenced in laydown area as depicted in the attachment as well as use of the existing parking lot for daily parking of personal vehicles.

Requested Conditional Use:

1. The TSD currently does not allow for the temporary use of the Property for SCASD's intended use of the laydown area for construction materials in the Ferguson Township's section of the Property. SCASD is requesting a conditional use Permit for the Property from January 1, 2018 through August 31, 2019.

SCASD is requesting the temporary use permit with the following self-imposed restrictions (See Exhibit A, attached)

We are the future!

- a. No trucks will be left idling without cause
- b. No signage will be posted except "No Trespassing"
- c. An 80 foot setback buffer will be honored along the western most side of the Property located along North Butz Street.
- d. No hazardous or liquid materials shall be stored at the Property.
- e. No permanent lighting will be installed during the use of the lot
- f. Screening will be in place along the entire portion of N. Butz Street.
- g. An "on-site" dumpster will be located within the fenced area to take care of any garbage which is created by the use of the lot.
- h. Use of the lot will be between 7am and 7pm and no deliveries will be made between 7pm and 7am.
- i. Access will be through the existing locked gate on the State College Borough side of the fenced in property.
- j. The area outside of the fenced in area within the bounds indicated on Exhibit A will be used for daily parking of personal vehicles. No construction materials will be stored in this area outside of the fence.
- k. A representative of SCASD will be available by cell phone for any matters concerning the use of this lot.

We respectfully ask for the Township's consideration of the temporary use of this lot to aid in our efforts of renovating the neighborhood elementary school that lies along Corl Street.

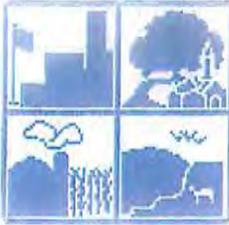
We look forward to discussing this further with your staff and the Board of Supervisor's when a meeting is scheduled.

Sincerely,

Jason Little
Assistant Director of Facilities
State College Area School District

Enclosures

We are the future!



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

CONDITIONAL USE APPLICATION REQUEST FOR FERGUSON TOWNSHIP

Submittal Date: 1/10/10

A fee of \$300.00 is required at the time of submitting this application.

Applicant Information

STATE COLLEGE AREA SCHOOL DISTRICT (C.O. JASON LITTLE)
Name

131 W. NITTANY AVE STATE COLLEGE PA 16801
Street Address City State Zip

814-231-1026
Phone Number

Property Information

24-002A-009 TERACE STREETSCAPE DIST.
Tax Parcel Number Lot Size Zoning District

120 BUCKHOUT ST. STATE COLLEGE PA 16801
Property Location (Address) City State Zip

Is this a changed use? NO

What do you propose to do on the lot? (please include details)
TEMPORARY STORAGE OF CONSTRUCTION MATERIALS w/
LIMITATIONS OUTLINED IN ATTACHED DOCUMENTS

Are there existing buildings on the lot? If so, how many?
 Yes No # of Buildings: _____

What size(s) are the existing buildings (square feet)?

N/A

If proposing a building, please state the size (square feet).

N/A

If proposing a parking lot, please state the size, how many cars can be parked in the parking lot (including handicap accessible), and how many employees you hope to employ.

USE OF EXISTING PARKING LOT FOR DAILY PARKING REQUESTED.

Please explain how the proposed project will not subsequently alter or change the character of the neighborhood.

USE WILL BE SIMILAR TO USE OF THIS SITE BY PSD ; OTHERS PREVIOUSLY.

Additional Comments (attach additional sheets if necessary)

SEE ATTACHED DOCUMENTS FOR ADDITIONAL INFO.

I hereby certify that all of the above statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief. I understand that other permits may be required and made separately from this application.

Jason Little

Owner/Applicant Name

1/10/18

Date

-For Office Use Only-

Date Received: _____ By: _____

Date Paid: _____ Check No.: _____ Amount: _____

Advertisement Dates: _____ Planning Commission Review Date: _____

Board of Supervisors Meeting Date: _____

This 80 foot setback zone will not be used.

Laydown area to be used under Borough Permit

Gate location will be utilized and remain locked to control access.

"EXHIBIT A"
Temp Use of the PSU property -
Corl Street Construction Project
January 2018 through August 2019

A portion of this area within the Ferguson Township area will be used for laydown of construction materials for the construction of the Corl Street Elementary Renovation Project.

A portion of this area will be utilized for daily parking of personal vehicles for the construction of Corl Street Elementary.

This area will be utilized for daily parking of personal vehicles under the Borough Permit



Butz St

Grass Alley

Grass Alley

W Campus Dr

CENTRE REGION COUNCIL OF GOVERNMENTS

Centre Regional Planning Agency
2643 Gateway Drive, Suite #4
State College, PA 16801
Phone: (814) 231-3050 Fax: (814) 231-3083

TRANSPORTATION & LAND USE (TLU) COMMITTEE

COG Forum Room
2643 Gateway Drive
Monday, February 5, 2018
12:15 p.m.

AGENDA

1. CALL TO ORDER AND INTRODUCTIONS - Ms. Lafer will call the meeting to order.

2. CITIZEN COMMENTS

Members of the public are invited to comment on any items not already on the agenda (**five minutes per person time limit, please**). Comments relating to specific items on the agenda should be deferred until that point in the meeting.

3. ACCEPTANCE OF MINUTES

The minutes of the January 8, 2018 TLU Committee meeting are *enclosed*.

4. OPEN DISCUSSION FOR COMMITTEE MEMBERS

This time is provided for open discussion of issues by members.

5. 2018 ROAD AND BRIDGE CONSTRUCTION PROJECTS – *presented by Tom Zilla*

The CRPA staff is proposing to provide an informational presentation at the February 26, 2018 COG General Forum meeting about road and bridge projects in the Centre Region and Centre County that will begin construction in 2018.

The presentation will focus on PennDOT and municipal construction projects that are anticipated to result in increased traffic congestion and delays for travelers. Although most of the projects to be covered are located in the Centre Region, staff will also address key projects in other areas of Centre County that will affect travel to and from the Region. In addition, staff will report about efforts to communicate information about the impacts of construction activities to the residents, visitors, employers and businesses.

Although the presentation will not be completed by the time of this meeting, staff will review the approach to be taken with the presentation, and the projects to be covered.

The TLU Committee should receive the information, and provide comments to staff to assist in completing the final presentation.

Action: Recommendation to the COG Executive Committee to include the presentation on the February 26, 2018 COG General Forum agenda.

Attachment: None

Next Steps: None

6. 2017 UPDATE - REGIONAL DEVELOPMENT CAPACITY (REDCAP) REPORT -
presented by Greg Garthe

This item presents a draft of the 2017 Regional Development Capacity (REDCAP) Report. The REDCAP Report estimates the development potential within the Regional Growth Boundary and Sewer Service Area (RGB and SSA), assesses the ability of that potential to accommodate growth, and examines the capacity of the Region's sewer system to support forecasted growth or a full buildout of the growth boundary under existing zoning regulations. The first REDCAP Report was completed in 2012, and a minor update was completed in 2014. A full update is completed every five years.

The majority of development in the Centre Region is directed inside the RGB and SSA, where public infrastructure such as water, transportation, broadband internet, natural gas, and emergency services are most efficiently provided, and where permitted development densities require public sewer infrastructure. The REDCAP Report estimates the remaining development capacity inside the RGB and SSA. Capacity for areas outside the RGB and SSA are not forecast, since there is no sewer service provided to those areas. The estimates are based on an inventory of vacant and partially developed land planned for additional development, which CRPA staff completed in coordination with municipal planners.

The major findings of the 2017 REDCAP Report include:

Adequacy of land inside the RGB and SSA to accommodate growth through 2040

- The REDCAP Report indicates that, based upon vacant land and partially developed land, there is development potential for 12,248 dwelling units. The adjusted growth forecasts for the period between 2010 and 2040 indicate another 6,871 dwelling units are forecast to satisfy growth during this timeframe. Therefore, the 6,871 dwelling units can be supported by the current development capacity inside the RGB and SSA.
- The REDCAP Report indicates that, based upon vacant land and partially developed land, there is development potential for more than 15,000,000 square

feet of non-residential development. The adjusted growth forecasts for the period between 2010 and 2014 indicate another 4,892,907 square feet of non-residential development are forecast to satisfy growth during this timeframe. Therefore, the 4,892,907 square feet can be supported by the current development capacity inside the RGB and SSA.

Adequacy of sewer service inside the RGB and SSA to accommodate growth through 2040

- The REDCAP Report indicates that the hydraulic and organic capacity at the University Area Joint Authority (UAJA) can support forecasted growth through 2040.

The limiting factor on sewage capacity at the UAJA is nitrogen. The UAJA is currently running up against the maximum load of 164,000 pounds per year. The UAJA completed a “Summation of Nutrient Management Alternatives” in May 2016. The UAJA Board has approved several projects to reduce the nutrient load, including denitrification filters. Other projects to reduce nitrogen loading include expansion of the Beneficial Reuse Water System and a demonstration project that may require homeowners with individual on-lot septic systems hook into the public sewer system.

Action: This item is for information only.

Attachment: *Draft 2017 Centre Region Regional Development Capacity Report*

Next Steps: None

7. UPDATE ON A POTENTIAL ROUNDTABLE EVENT WITH THE PENNSYLVANIA HOUSING RESEARCH CENTER AT PSU – presented by Jim May

This item provides an update regarding holding a roundtable discussion with developers, consultants, municipalities, and the Pennsylvania Housing Research Center at PSU regarding potential improvements to the land development review process in the Centre Region. This event was requested by the COG TLU Committee in 2017.

Action: This item is for information only.

Attachment: None

Next Steps: None

8. OTHER BUSINESS

- A. Matter of Record - The next TLU Committee meeting will be held on Monday, March 5, 2018 at 12:15 p.m. in the COG Building Forum Room. Potential agenda items include receiving an update regarding the use of multi-municipal agreements

to share land uses in the Centre Region, and receiving an update on projects related to the Comprehensive Plan Implementation Program (CHIP) in advance of the April 2 joint meeting with the CRPC.

- B. Matter of Record - The next meeting of the CCMPO Coordinating Committee will be held on Tuesday, February 27, 2018 at 6:00 p.m. the Patton Township Municipal Building. Agenda items will include the election of officers, approval of the Final Draft 2019-2022 Centre County TIP for public comment, and approval of the CCMPO's FY 2018-2020 Unified Planning Work Program (UPWP).

9. ADJOURNMENT

Memorandum

TO: Ferguson Township Board of Supervisors

FROM: Steven F. Jackson, Ferguson Township Liaison to the SCBWA

DATE: January 18, 2018

SUBJECT: State College Borough Water Authority meeting, November 16, 2017

CC: David Pribulka, Ferguson Township Manager

CC: John Lichman, SCBWA Executive Director

The SCBWA Board was called to order by its Chair, Albert Jarrett at 4:00pm, members Ensore, Kern, Grottini, Petersen and Brennan attending. After approval of the minutes, the board approved payments in the amount of \$708,971.38 and Board Reserve Fund payments in the amount of \$170,855.23.

In new business, thirteen new taps were approved, including three large (8") taps in Ferguson Township for the Springton Pointe LP (intervenors on behalf of the Toll Brothers) for the development on Blue Course Drive.

The Finance Committee presented the 2018 Operating and Board Reserve Budget for a vote at the December 21 meeting. The Finance Committee also indicated that the Authority's pension obligations were being met and that the current rate of \$56,000/month was adequate. No other committees had reports.

The Executive Director's report followed, mentioning continuing leak detection, hydrant replacement in Boalsburg due to rusted valves. In the matter of the new water filtration plant in Ferguson Township, the Director indicated that the Authority had met with local land owners near the Nixon-Kocher plant site, and shifted the location slightly to accommodate concerns.

In liaison reports, Ms. Hoag of the Borough indicated there had been a few concerns about abnormally high billing in the downtown area, near fraternities. There is also a likely major project on Calder Way that will involve Columbia Gas, the UAJA lines and could involve the water authority lines as well. I reported that the Pennsylvania Supreme Court declined to consider the lawsuit over the Toll Brothers development. Mr. Dempsey of the UAJA was welcomed as an official liaison to the SCBWA and reported that the UAJA is working on a number of large projects, and in working on the regulatory mass loading of nutrients, especially nitrogen levels, and their engineers are preparing a presentation on methods of nutrient removal.

In consultants' reports, Mr. Mix indicated that there was a bill introduced in the House in Harrisburg that would possibly bring all authorities such as the SCBWA under the authority of the Public Utility Commission, though he doubted it would pass. Mr. Glenn indicated that the final design was done on the Nixon-Kocher filtration plant and that test borings would be conducted. Mr. Hampton indicated that the Authority was fiscally solvent and had enough cash on hand to pay its bills.

The Board adjourned to an Executive Session at 4:49pm.



**Manager's Report
February 5, 2018**

1. A meeting of Business and Industry Partnerships Committee of the Chamber of Business and Industry of Centre County was held on Thursday, February 1st. A verbal report on the discussion items will be provided.
2. Provided with my report is a copy of a communication from Charles Farrell to Jeff Ressler, Zoning Administrator, submitting his resignation from the Zoning Hearing Board effective immediately. Mr. Farrell was an alternate on the Zoning Hearing Board, so no immediate replacement is necessary.
3. A worksession with the Township's Stormwater Advisory Committee and consultant Amec Foster Wheeler is scheduled for Thursday, February 8th at 5:00 p.m. in the Main Meeting Room.
4. The 2017 Audit was initiated by Baker Tilly. The audit must be submitted by April 1st and staff anticipates hosting a representative from Baker Tilly at a June Regular Meeting to present the conclusions.
5. The Organizational Meeting of the Ferguson Township Parks and Recreation Committee will be held on Friday, February 9th at 4:00 p.m. in Conference Room 2 of the Municipal Building.
6. It was verified that the petition received on January 16th requesting a public hearing of the Board of Supervisors to consider requests relative to The Cottages Planned Residential Development did include a over fifty signatures of registered voters. A public hearing will be scheduled at an upcoming Regular Meeting.
7. Diana Griffith, Communications Coordinator, transitioned from part-time to full-time on February 5th. She looks forward to being able to continue to advance our community engagement initiatives in her new capacity.

Pribulka,David

From: Ressler,Jeff
Sent: Monday, January 29, 2018 8:21 AM
To: Pribulka,David
Subject: FW: Zoning Hearing Board resignation

From: Charles Farrell [mailto:cafrealstate74@yahoo.com]
Sent: Sunday, January 28, 2018 6:20 PM
To: Ressler,Jeff <jressler@twp.ferguson.pa.us>
Subject: Zoning Hearing Board resignation

Hello Mr. Ressler,

I am submitting my resignation to the Zoning Hearing Board because my wife and I are moving out of Ferguson Township.

I have enjoyed knowing and working with you and the members of the Board.

Best wishes,

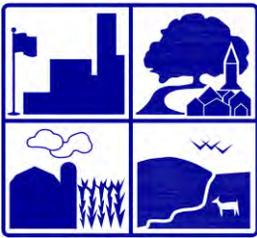
Chuck

Charles A. Farrell Real Estate

P.O. Box 675

Pine Grove Mills, PA 16868

(814) 280-1203



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

Planning & Zoning Director's Report Monday, February 5, 2018

PLANNING COMMISSION

The Ferguson Township Planning Commission met on January 22nd and 29th, 2018 and included the following discussion:

LAND DEVELOPMENT PLANS AND OTHER PROJECTS

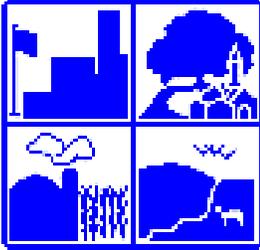
- An Active Plan List is attached for the Board of Supervisors consideration (1/25/18).
- Planning Commission Minutes from December 5, 2017 and January 8, 2018 meetings.
- **WHELAND AND COOPER ESTATE SUBDIVISION AND LOT CONSOLIDATION PLAN**
The proposal intends to consolidate tracts of Parcels 24-06-7A, 24-06-7B and 24-06-08 to create a 1.00-acre tract (Tract 1R), a 1.89-acre tract (Tract 2-BR), a 109.02-acre tract (Tract 3R), and a 233.50-acre tract (Tract 4R). The consolidations are a result of residual land from the original alignment of Tadpole Road and lands from the former Lewisburg and Tyrone Railroad. Planning Commission members recommended the Board of Supervisors approval of the Wheland and Cooper Estate Subdivision and Lot Consolidation Plan, conditioned upon the completion of the remaining comments. The motion carried 4-0, with Mr. Keough and Mr. Wheland abstaining.
- **ZONING AND SALDO UPDATE**
Carolyn Yeagle of Environmental Planning & Design along with Township Engineer, Ron Seybert presented updates to the working draft ordinances at the Planning Commission meeting held on January 29, 2018. Ron Seybert discussed his suggested changes to Part 5 – Design and Improvement Standards within the Subdivision and Land Development Ordinance. Carolyn Yeagle discussed parking standards in addition to residential and non-residential use standards within the Rural Residential and Rural Agricultural zoning districts.

PERMIT ACTIVITY REPORT ▪ FERGUSON TOWNSHIP - JANUARY 2018

<u>Date</u>	<u>Application No.</u>	<u>Permit</u>	<u>Description of Work</u>	<u>Fee</u>
1/2/2018	12042	NEW HOME	NEW HOME WITH DECK & GARAGE	\$150.00
1/8/2018	12060	SGN PERMIT	THE CROSSINGS @ STATE COLLEGE 64 SF SIGN	\$55.00
1/4/2018	12081	ADD & REN	FINISH BASEMENT	\$50.00
1/9/2018	12115	ADD & REN	INSULATE EXTERIOR BASEMENT WALLS	\$50.00
1/9/2018	12117	ADD & REN	ATTACH GARAGE TO EXISTING HOME	\$50.00
1/9/2018	12126	COMMERCIAL	NEW TENANT SPACE	\$50.00
1/16/2018	12140	ADD & REN	ADDING SECOND STORY TO GARAGE	\$50.00
1/16/2018	12159	SMALL ACC	120 SF SHED	\$25.00

1/18/2018	12181	ADD & REN	FINISH BASEMENT	\$50.00
1/18/2018	12182	ADD & REN	FINISH BASEMENT	\$50.00
1/22/2018	12189	ADD & REN	FINISH BASEMENT	\$50.00
1/25/2018	12202	COMMERCIAL	NEW TENANT FOR CENTRE AUTOWORX, LLC	\$50.00
1/26/2018	12208	ADD & REN	RENOVATIONS OF TWO OFFICES	\$50.00
TOTAL				\$730.00

FERGUSON TOWNSHIP PLANNING AND ZONING DEPARTMENT				
January 2018				
Permits	Month 2018	Month 2017	YTD 2018	YTD 2017
New Single-Family Dwellings	1	0	1	0
New Multi-Family Dwellings	0	0	0	0
New Buildings/Shed	1	1	1	1
Additions	2	1	2	1
Finish Basement	4	2	4	2
Alterations	1	1	1	1
Subtotal	9	5	9	5
Use Permits	Month 2018	Month 2017	YTD 2018	YTD 2017
New Tenant/Use	2	2	2	2
Home Occupation	0	2	0	2
Subtotal	2	4	2	4
Zoning	Month 2018	Month 2017	YTD 2018	YTD 2017
Land Development	0	0	0	0
Minor Alterations	0	0	0	0
Subtotal	0	0	0	0
Miscellaneous	Month 2018	Month 2017	YTD 2018	YTD 2017
Miscellaneous	0	1	0	1
Subtotal	0	1	0	1
Rental Housing	Month 2018	Month 2017	YTD 2018	YTD 2017
Rental Housing	14	13	14	13
Subtotal	14	13	14	13
Signage	Month 2018	Month 2017	YTD 2018	YTD 2017
Signs	1	2	1	2
Temp Signs	0	0	0	0
Subtotal	1	2	1	2
Grand Total	26	25	26	25



TOWNSHIP OF FERGUSON

3147 Research Drive, State College, Pennsylvania 16801

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

TO: Ferguson Township Board of Supervisors
FROM: Lindsay K. Schoch, Community Planner
Raymond J. Stolinas, AICP, Planning & Zoning Director
DATE: January 25, 2018
SUBJECT: Active Plans in the Township

In order to keep the Planning Commission and Board of Supervisors up-to-date on the current developments taking place, staff is providing a list of Active Plans in the Township.

Currently, the Township has seven (7) Active Plans, six (6) have *not* been heard by the Board and one (1) *has been conditionally approved*. They are as follows:

Guenot Subdivision: Replot of Tax Parcel 24-005-018A into lots 1RRR, 2RR, 3R and 4R: This submission, made on December 8, 2017 by Penn Terra Engineers, Inc. on behalf of Ronald L. & Pearl P. Guenot is proposing the replot of property lines, which will make Lot 3 a conforming lot with regards to side and rear setbacks, adding approximately 3 acres to the Lot. Lot 1RR will be reduced by 3.4 acres, Lot 2R will gain .1 acres, and Lot 4 will gain .1 acre as well. This Plan has been resubmitted to the agent for their consideration of staff's comments. The Planning Commission reviewed and commented on this plan at their meeting on January 8, 2018 and had no major comments. **Plan Expiration is March 8, 2018. No Update**

Accuweather Parking Lot Expansion Land Development Plan: This Plan, submitted on December 8, 2017, by Sweetland Engineering & Associates, Inc. on behalf of Accuweather, Inc. proposes the development of 79 additional parking spaces, which will make the total amount of parking on the property 285. The required amount of parking by Ordinance is 86 based upon the square footage of the building (21,498). The proposed parking lot is located entirely on tax parcel 24-004-21R, 385 Science Park Road, State College, PA 16801 and is zoned Light Industrial, Research and Development (IRD) and Corridor Overlay. Stormwater Plans and Erosion, and Sedimentation Plans were also submitted as part of this Land Development. ***This Plan was resubmitted to staff on Thursday, January 18, 2018 then sent to those who had comments for their second review. Accuweather requested a variance and will be on the February 27, 2018 Zoning Hearing Board Agenda. Plan Expiration is March 5, 2018.***

Ralph F. Wheland and Pauline E. Cooper Estate Replot & Property Line Realignment Plan: Fred M. Henry/Mease Associates, Inc., on behalf of the applicants, Ralph F. Wheland/Janice Keough, Co-Executor, has submitted a proposal to consolidate Tracts of Parcels 24-06-7A, 24-06-7B and 24-06-08 to create a 1.00 acre Tract (Tract 1R); a 1.89 acre Tract (Tract 2-BR), a 109.02 acre tract (Tract 3R); and a 233.50 acre Tract (Tract 4R). ***The Planning Commission recommended the Board of Supervisors approve this plan at their January 22, 2018 meeting. The Plan is on the February 5, 2018 Board of Supervisor's Agenda for approval. Plan Expiration is June 17, 2018.***

Hummel Subdivision Plan: Penn Terra Engineering, Inc. on behalf of the applicant, Phillip Mandzik, has submitted a three-lot subdivision plan for review. This Plan is first proposing the consolidation of a portion of Tax Parcel 24-7-14E with 24-7-14C, which will create the revised Tax Parcels 24-7-14E

(1.181 acres) and 24-7-14C (3.350 acres) and create the residual Lot 1 (1.208 acres). The Zoning Designation is Rural Residential (RR). Currently, the Plan is out for review. The Planning Commission made initial comments on the Plan at their meeting on Monday, November 13, 2017. ***Plan Expiration April 21, 2018. No Update.***

The Landings Phase 3A Final Subdivision Plan: This Subdivision Plan, submitted by Penn Terra Engineering, Inc. on behalf of Johnson Farm Associates, submitted on September 11, 2017, is proposing 27 single-family lots on an extension of Park Centre Boulevard and Quail Run Road. The construction of Dovetail Drive and extension of Park Centre Boulevard are also proposed. The size of the homes will range between 900 and 1,600 square feet, this house size does not include basement areas or garage areas. On September 28; staff sent a plan review comment letter to Penn Terra, one of the major comments being the extension of Park Centre Boulevard to Blue Course Drive as part of Phase 3 of the PRD. This is a requirement of the approved Terms and Conditions for the PRD. Penn Terra submitted a letter requesting an amendment to the Terms and Conditions. Staff responded to the letter and the developer is currently considering the options. Plan Expiration is March 11, 2018. ***No Update.***

Science Park Plaza Land Development Plan: This submission, made on August 16, 2017 by Penn Terra Engineering, Inc. on behalf of Gulfstream Equity Partners is proposing the development of an approximately 60,000 square foot office building with parking and related infrastructure on approximately 8 acres located at 441 and 431 Science Park Road. The Planning and Zoning staff submitted plan review comments to PennTerra Engineers, Inc. on September 6, 2017. ***As a result of the Traffic Scoping Meeting held on January 4, Wooster & Associates, Inc. submitted an updated TIS Scoping Meeting Checklist for review and concurrence. When found acceptable, the Applicant's Engineer; District Traffic PennDOT Representative; District Permit PennDOT Representative; and Municipal Traffic Representative will sign the TIS Scoping Meeting Checklist and the Traffic Study can move forward. Expiration is February 27, 2018.***

The Cottages at State College Final PRD, located at the intersection of Whitehall Road and Blue Course Drive: This Final Planned Residential Development (PRD) Plan was submitted on March 3, 2015, Conditionally Approved by the Board of Supervisors on November 17, 2015. At the time of Conditional Approval, the Plan had 45 days to be recorded (December 31, 2015). A 90-day time extension was approved by the Board of Supervisors on December 14, 2015, allowing the conditions to be met and Plan to be recorded on or before March 31, 2016. An Appeal to the County Court of Common Pleas was filed on December 15, 2015 and Court Hearing held on March 6, 2017 where the County Court ruled in favor of the appellants. This decision was then appealed to the Pennsylvania Commonwealth Court, where the decision of the County Court was reversed and the Commonwealth ruled in favor of the developer. The decision by the Commonwealth Court was appealed. On November 8, 2017, The Supreme Court of Pennsylvania, Middle District denied the Petition for Allowance of Appeal. Therefore, the 90-day review timeframe begins the date of the decision and the applicant must fulfill terms and conditions before February 6, 2018. As per Section 27-407(8)(c) stipulates, at the time of approval, the Board of Supervisors shall pass a resolution to change the zoning of the final plan portion of the property from its underlying zoning district to planned residential development (PRD). This resolution was passed on November 16, 2015. The revised zoning map was signed by three out of the five members of the Board of Supervisors at their meeting on November 20, 2017. Penn Terra is moving forward with meeting all Terms and Conditions of the Plan. ***No Update***

FERGUSON TOWNSHIP PLANNING COMMISSION

Organizational Meeting
Monday, January 8, 2018
6:00 pm

I. ATTENDANCE

The Planning Commission held its organizational meeting on Monday, January 8, 2018 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Marc McMaster, Chairperson
Rob Crassweller, Vice-Chairperson
Lisa Strickland, Secretary
Andrea Harman, absent
Erik Scott
Ralph Wheland
Bill Keough
Cristin Mitchell, Alternate
Jeremie Thompson, Alternate

Staff:

Ray Stolin, Planning & Zoning Director
Lindsay Schoch, Community Planner
Jeff Ressler, Zoning Officer

Others in attendance included: Marcella Bell, Recording Secretary; and Laura Dininni, Board of Supervisors

II. CALL TO ORDER

Mr. McMaster called the Monday, January 8, 2018 Ferguson Township Planning Commission Organizational meeting to order at 6:00 pm.

III. WELCOME AND INTRODUCTION OF NEW MEMBERS

On January 2, 2018, the Board of Supervisors appointed Jeremie Thompson as the second Alternate Member of the Planning Commission. The Board of Supervisors also reappointed core Planning Commission members Ralph Wheland and Lisa Strickland and Alternate Cristin Mitchell until December 2021.

IV. ELECTION OF OFFICERS

Mr. Stolin requested nominations for 2018 Chairperson. Mr. Keough made motion that Ms. Strickland become Chairperson. Mr. McMaster seconded the motion. Mr. Wheland made a motion to close the nominations. Mr. Keough seconded the motion. The motions passed 5-0 (Mr. Scott and Ms. Harman were not in attendance at that time).

Ms. Strickland requested nominations for 2018 Vice Chairperson. Mr. Wheland made a motion that Mr. Keough become Vice Chairperson. Mr. McMaster seconded the motion. Mr. Wheland made a motion to close nominations. Mr. McMaster seconded. The motions passed 5-0 (Mr. Scott and Ms. Harman were not in attendance at that time).

Ms. Strickland requested nominations for 2018 Secretary. Mr. Keough made a motion that Mr. Crassweller become Secretary. Mr. Wheland seconded the motion. Mr. McMaster made a motion to close nominations. Mr. Wheland seconded. The motions passed 6-0 (Mr. Scott arrive during this motion).

V. ESTABLISH MEETING DATES

Ms. Strickland discussed the meeting dates for 2018. Mr. Stolin stated that staff added a meeting on January 29, 2018, to discuss the Working Draft Zoning/SALDO with our consultant Environmental Planning and Design (EPD). The May 29 meeting will be held on a Tuesday due to observance of Memorial Day on Monday, May 28. Only one meeting has been tentatively scheduled in November due to the Thanksgiving holiday and hunting season; however, after some discussion staff feels that a second meeting can be added and

the Planning Commission can decide closer to the meeting if it is needed or not. The December meeting date is tentatively scheduled for the first Tuesday of the month (December 4th) because the Board of Supervisors generally schedule their last meetings of the year for the first and second Monday (December 3rd & 10th).

A motion was made by Mr. Keough and seconded by Mr. McMaster to approve the 2018 Planning Commission meeting dates with the January 31 meeting to read January 29, 2018 and to advertise the second November meeting on November 26, 2018. The motion carried 6-0.

VI. SELECTION OF THE CENTRE REGIONAL PLANNING COMMISSION (CRPC) REPRESENTATIVE AND ALTERNATE

There was some discussion regarding whether or not Planning Commission alternates could take those positions. Mr. Stolinas stated that Jim May, Centre Regional Planning Agency Director, felt that if the alternate participated in their municipality's Planning Commission, he would not see a problem. Also, Article II of the PA Municipalities Planning Code (MPC) does not preclude a Planning Commission alternate member from serving in a regional planning capacity.

A motion was made by Mr. Crassweller and seconded by Mr. Keough to nominate Cristin Mitchell as the representative for the CRPC. The motion carried 6-0.

A motion was made by Mr. Keough and seconded by Mr. McMaster to have Ralph Wheland remain the CRPC alternate representative. The motion carried 6-0.

VII. ADJOURNMENT

There being no further business for the Planning Commission during the Organizational meeting, the meeting adjourned at 6:09 p.m.

RESPECTFULLY SUBMITTED,


Rob Crassweller, Secretary
For the Planning Commission

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

I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, January 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
Andrea Harman, absent
Cristin Mitchell, alternate
Jeremie Thompson, alternate

Staff:

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

Others in attendance were: Marcella Bell, Recording Secretary; and Laura Dininni, Board of Supervisor

II. CALL TO ORDER

Ms. Strickland called the meeting to order at 6:09 p.m.

III. CITIZEN INPUT

There was no citizens' input

IV. GUENOT SUBDIVISION – REPLOT OF TAX PARCELS 24-005-,018M,0000- INTO LOTS 1RR, 2R, 3, AND 4

Mr. Stolinas stated that the proposed subdivision is a replot of a previously approved subdivision for Edward G. & Ronald L. Guenot at tax parcel 24-005-018M-0000- of 83.381 acres on West Gatesburg Road, now proposed as Lot 1RRR at 79.919 acres. All acreage exists within the Rural Agricultural (RA) district. A portion of the acreage extends into Halfmoon Township. The replot includes a change to Lot 2RR proposing 1.115 acres from 1.012 acres, Lot 3R proposing 6.197 acres from 2.996 acres, and Lot 4R proposing 33.243 from 33.085 acres. Mr. Stolinas referred to his PowerPoint and provided a few maps of the property in question.

Mrs. Schoch stated that since staff received this plan after the December 5, 2017 Planning Commission meeting and due to the holidays, the plan was sent out to all of the reviewers including the Township Engineer, the Centre Regional Planning Agency (CRPA), the Township Zoning Administrator, and the Alpha Fire Director before the Planning Commission initially reviewed it. Staff already sent the reviewer comments to PennTerra and will include the Planning Commission's comments in the next round of comments.

In response to a question from Mr. Scott, Mr. Stolinas explained that the Planning Commission has looked at the Guenot submission before; however, this submission is different in that a lot line has been adjusted to encompass the entire drainage way. The applicants also delineated an easement around a septic field for maintenance purposes. In response to a question from Mr. Keough, Mrs. Schoch stated that all of the lots are only being revised—there are no new lots being created. In response to a question from Ms. Mitchell, Mrs. Schoch stated that as part of the last plan, the applicants moved the easement depicted on the map and they will own and maintain it as well.

Staff will include the Planning Commission comments in the next round of comments to PennTerra.

V. ACCUWEATHER LAND DEVELOPMENT PLAN PARKING EXPANSION

Mr. Stolinas stated that the existing Accuweather facility is located at 385 Science Park Road as tax parcel 24-004-021R-0000- on 6.33 acres. The existing facility provides approximately 206 off-street parking spaces. The facility is located within the Light Industrial Research and Development (IRD) District. A new land development application has been submitted containing 79 new parking spaces, including 20 along the entrance drive and 59 located to the northeast of the existing building. New underground storm water storage facilities are proposed to control runoff from the new parking area. Mr. Stolinas referred to his PowerPoint to show aerial maps and lot details. Mr. Stolinas then turned the floor over to Mrs. Schoch.

Mrs. Schoch stated that as was the case with the Guenot submission, the Planning Commission did not initially review the plan before the plan was sent out to all of the reviewers for comments. Mrs. Schoch stated that staff met with Sweetland Engineering last week and the firm is planning to request a variance from the buffer yard requirements from the Zoning Hearing Board. Mrs. Schoch explained that the applicant is asking to keep the existing buffer yard instead of removing it and replanting the buffer yard. Mr. Ressler showed the existing buffer yard on the PowerPoint.

There was a brief discussion about the type of trees that would be planted in the buffer yard. Ms. Mitchell asked that staff include a comment for the applicant to consider planting vegetation other than Service Berry trees. Mr. Scott stated that birds really love Service Berries and the shrubs or trees typically produce a lot of fruit. In response to a question from Mr. Crassweller, Mr. Ressler stated that it has been a long time since the official Township plant list has been updated. Ms. Mitchell stated that the Parks Committee could work on updating that list.

In response to a question from Mr. Crassweller, Mr. Ressler stated that handicap parking requirements are covered under Centre Region Codes, not zoning. In response to a question from Mr. Crassweller, Mr. Ressler stated that he is not aware of any disturbance to any new Nolan Soils.

Mr. Keough expressed concern regarding the curve data with the parking along the entrance drive. He is concerned about the sight distance when people back out of those parking spaces. Mr. Keough suggested that the applicant add an area of gravel lot in the

parking driveway and also add an exit row. Mr. Scott stated that it might be beneficial if the applicant squares up the parking area near the entrance drive to make it easier to pull in and back out of.

VI. PA DEP COMPONENT 1 PLANNING MODULE – DREIBELBIS (9 160 EMORY LANE)

Mr. Stolinas stated that Ray E. & Ray E. Dreibelbis Jr. own tax parcel 24-007-005-0000- of 172.70 acres off of West Whitehall Road via Emory Lane. The owners are planning on constructing a second single-family home and a water well along with primary and alternative test sites for a newly proposed on-lot sewage disposal system. There is no subdivision of the parcel at this time. There is an existing single-family residential dwelling on the parcel which is a current Agricultural Conservation Easement. There are some accessory agricultural buildings on the parcel as well. Mr. Stolinas referred to his PowerPoint and showed aerial maps of the property. He pointed out the red areas and explained that those areas are of high concern with farmland or soils. Mr. Stolinas also pointed out the floodplain areas on the property. The Component 1 Planning Module asks the Planning Commission and the Township Zoning officer to sign Section J, which states that the plan is consistent with Zoning and Subdivision and Land Development ordinances. Mr. Stolinas stated that the plan is consistent with Ferguson Township's Zoning and Land Development ordinance. The plan does not include a subdivision, so it does not fall under any subdivision ordinances.

Mr. Keough referred to the map and pointed out a finger-shaped area of red that sticks out on the lot line. Mr. McMaster stated that there is no change to the lot—there is already an existing lane there. Mr. Stolinas stated that there is a utility easement that bends along the property line, as well as dashed lines that represent soil areas. In response to a question from Mr. Keough, Mr. Stolinas stated that he spoke with Ms. Sarah Walter of the Centre County Agriculture Preservation Board and under the easement agreement, the property owner would be allowed to place a second residence on the property as long as the first residence existed when the property was put into Centre County's Purchase of Agriculture Conservation Easement (PACE) program. The first house on the property was built in the 1800s. Ms. Walter also mentioned that the Agriculture Preservation Board would have to give approval for the second residence to be built. Ms. Walter will be in contact with Mr. Jonathan Fisher of Sweetland Engineering to work out that issue. It was Mr. Keough's opinion that the applicant should get approval from the Agriculture Preservation Board to build the second home before they seek approval from the Planning Commission and Board of Supervisors for the sewage planning module.

Mr. Stolinas explained that he provided some of the sewage planning module information to Ms. Walter as well.

A motion was made by Mr. Wheland and seconded by Mr. McMaster to authorize the Chairperson and the Zoning Officer to sign the appropriate DEP forms for the PA DEP Component 1 Planning Module for the property at 160 Emory Lane. The motion carried 6-0.

VII. PLANNING DIRECTOR'S REPORT

Mr. Stolinas reviewed his report. On December 13, 2017, the Planning & Zoning Director, Public Works Director, Township Engineer, and Township Manager attended the Penn State University West Campus Planning Update meeting to discuss a future West Campus Parking Deck and connections from West Campus through to West College Avenue. Also on December 13, 2017, the Planning & Zoning Director, Township Manager, and Zoning Administrator met with Township Solicitor Joe Green to discuss the upcoming Substantive Validity Challenge on December 19 in front of the Zoning Hearing Board. Attorney Dwight Ferguson, representing Circleville Road Partners, challenges the TTD Ordinance Amendment 1034 adopted by the Board of Supervisors on September 18, 2017. Lastly, on December 13, 2017, the Planning & Zoning Director attended the monthly Centre County Housing and Land Trust meeting at the College Township Building.

On December 14, 2017, the Planning & Zoning Director and Zoning Administrator met with Jon Eich regarding the Atmore Estate right-of-way at 592 E. Pine Grove Rd. Also on December 14, 2017, Planning & Zoning staff and the Township Manager met with Ron Strouse, Bill Keough, and Reverend Tomkiel of the Pine Grove Mills St. Paul's Lutheran Church proposed Farmer's Market. The Church is considered a Place of Assembly in the R1 zoning district.

On December 19, 2017, the Planning & Zoning Director, Community Planner, and Zoning Administrator attended the Ferguson Township Zoning Hearing Board meeting. A Variance request was submitted by SBA Towers II, LLC and Cellco Partnership for property at 200 Jackson Trail for required setbacks and proposed tower type. Attorney Dwight Ferguson, on behalf of Circleville Road Partners, filed a Substantive Validity Challenge in front of the Zoning Hearing Board as well. Testimony began at this hearing and will continue to the January 23, 2018 meeting.

On December 20, 2017, the Planning & Zoning Director, Zoning Administrator, Community Planner, and Township Manager met with Derek Anderson of Residential Housing Development, LLC, to discuss design considerations related to the commercial phase of the proposed Pine Hall TTD Master Plan.

On December 21, 2017, the Planning & Zoning Director conducted annual staff performance evaluation meetings.

Mr. Stolinas outlined the upcoming Public Hearings and Board of Supervisors discussions for the January 16, 2018 meeting:

- Agricultural Conservation Easement Program
- Source Water Protection Overlay Ordinance
- Ad Hoc Farming Committee for the Zoning and SALDO Update
- Modification of the Landings Terms and Conditions

Mr. Stolinas outlined recent Board of Supervisors actions at the January 2, 2018 meeting:

- ABC Appointments: Planning Commission core members and alternates
- Sourcewater Protection: Establish Ad Hoc Advisory Board and Establish a Regional Sourcewater Taskforce (Further discussion on 1/16/18)
- Parks and Recreation Committee: Increase membership from 5 to 7

Mr. Stolinas outlined recent Zoning Hearing Board Actions from the December 19, 2017 hearing:

SBA Towers II, LLC and Cellco Partnership at 200 Jackson Trail: Motion to Approve Setback Variance (5-0) and Motion Failed to Replace the Current Lattice Tower with a new Lattice Tower instead of a Monopole (1-4)

Substantive Validity Challenge on the TTD Ordinance Amendment: Hearing continued to 1/23/18 for additional testimony

In response to a question from Mr. McMaster, Mr. Stolinas explained that Attorney Ferguson is contending that the TTD Ordinance Amendment 1034 that was adopted by the Board of Supervisors is invalid and that there was improper planning placed within that ordinance amendment. The Zoning Hearing Board will have to decide if that is true or not. The burden of proof lies with Circleville Road Partners, L.P. to prove that it is invalid. Attorney Green is representing the interests of the Board of Supervisors and Attorney Charlie Suhr who represents Residential Housing, LLC, will be asking for testimony from the expert witness that Attorney Ferguson put forth. Circleville Road Partners had their expert witness testify what was wrong with the ordinance amendment at the last hearing and Attorney Green and Attorney Suhr will be questioning that expert on how he came to those conclusions at the next hearing. If the Zoning Hearing Board rules with Circleville Road Partners, L.P., it would have to recommend changes to Ordinance 1034 to the Board of Supervisors as they see fit. If the Zoning Hearing Board rules against Circleville Partners L.P., the applicant could appeal that decision to the County Court of Common Pleas. Mr. Stolinas added that in alignment to this validity challenge, Attorney Ferguson has also filed a procedural challenge in the County Court of Common Pleas.

VIII. ACTIVE PLANS UPDATE

Ms. Schoch provided the active plans update, which included the following active plans: Guenot Subdivision – Replot of Tax Parcel 24-005-018A-0000 into lots 1RRR, 2RR, 3R, and 4R; Accuweather Parking Lot Expansion Land Development Plan; Ralph F. Wheland and Pauline E. Cooper Estate Report & Property Line Realignment Plan; Hummel Subdivision Plan; The Landings Phase 3A Final Subdivision Plan; Science Park Plaza Land Development Plan; and the Cottages at State College Final PRD.

Mrs. Schoch stated that on Friday, January 12, 2018, staff is holding an all-day work session with Environmental Planning & Design (EPD) for the Zoning/SALDO Update and invited the Planning Commission as well as the Zoning/SALDO Steering Committee. The

work session will start at 9:30 a.m. and go until about 5:00 p.m. The day is split up into four sections and members may come to all sessions or however many they would like. The first discussion starting at 9:30 a.m. will be about the Subdivision and Land Development Ordinance. From 11:30 a.m. to 1:00 p.m., the discussion will be about the Zoning Districts. From 1:30 p.m. to 3:00 p.m., the discussion will be about the definitions in the ordinance. From 3:30 p.m. to 5:00 p.m., the discussion will be about the administrative parts of the Zoning Ordinance.

EPD will compile all of the comments and edit the Zoning/SALDO to be distributed at the January 22, 2018 Planning Commission meeting and then the edits will be discussed at the special January 29, 2018 Planning Commission meeting. Mr. Keough asked that EPD signify the new changes from the old Zoning/SALDO in a different font color. Mrs. Schoch agreed and thought it was a great idea.

IX. CENTRE REGION PLANNING COMMISSION (CRPC) REPORT

Ms. Strickland stated that CRPC did not meet in January.

X. SOURCEWATER PROTECTION WORK GROUP UPDATE

There was no update.

XI. ZONING/SALDO STEERING COMMITTEE UPDATE

There was no update.

XII. APPROVAL OF THE REGULAR MEETING MINUTES – DECEMBER 5, 2017

A motion was made by Mr. Wheland and seconded by Mr. Crassweller to approve the December 5, 2017 meeting minutes. The motion carried 6-0.

XIII. ADJOURNMENT

There being no further business for the Planning Commission, Mr. McMaster made a motion to adjourn the meeting at 7:11 p.m. The motion carried 6-0.

RESPECTFULLY SUBMITTED,



ROB CRASSWELLER, SECRETARY
FOR THE PLANNING COMMISSION

**FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 5, 2017
6:00 PM**

I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Tuesday, December 5, 2017 at the Ferguson Township Municipal Building. In attendance were:

Commission:

Marc McMaster, Chairman, absent
Rob Crassweller, Vice Chair
Ralph Wheland
Lisa Strickland
Bill Keough
Eric Scott
Andrea Harman, absent
Cristin Mitchell, alternate

Staff:

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

Others in attendance were: Marcella Bell, Recording Secretary; Carolyn Yagle, Environmental Planning & Design; AJ Schwartz, Environmental Planning & Design; and Wes Glebe, Resident

II. CALL TO ORDER

As Mr. McMaster was absent, Mr. Crassweller called the December 5, 2017 Planning Commission meeting to order at 6:00 p.m.

III. CITIZEN INPUT

There was no citizens' input

IV. FERGUSON TOWNSHIP WORKING DRAFT ZONING ORDINANCE AND WORKING DRAFT SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Ms. Yagle introduced herself and gave an overview of the discussion at the November 13, 2017 Planning Commission meeting. She stated that the main takeaway from the meeting concerned the readability of the Quick Views. She explained that since then EPD has created a key for the Quick Views. Ms. Yagle went on to say that during the meeting EPD will review the key for the Quick Views, review the land uses based on written comments received from Planning Commission members and Township staff, and start looking at the Subdivision and Land Development Ordinance (SALDO). The SALDO is a working file and has been printed with tracked changes so that Planning Commission members can see the changes. Ms. Yagle stated that EPD and staff have discussed having an all-day work session on January 5, 2018. Planning Commission members will not need to attend all day, instead there will be specific agenda items at certain times of the day so that members can attend the work session when they prefer.

Switching gears, Ms. Yagle referred to the new key that explains how to read the Quick Views. She stated that the key introduces the listings of principle and accessory uses, the use type column that ties into dimensional criteria, and a diagram for dimensions with a map for specific zoning that is highlighted on the key.

There was a lengthy discussion regarding the Quick Views key. The Planning Commission members felt that the key did not help explain how to read the quick views. Regarding use types "A" and "B", members felt that the letters were not accurately explained. Ms. Yagle suggested that EPD could change the identifying letters to numbers instead. Planning Commission members were confused as to what exactly "A" and "B" stood for. Ms. Yagle explained that there is a wide set of dimensional criteria for some districts and uses throughout the ordinance as it exists today. In some cases, depending on the district, there could be a variation of 12 or more dimensions within one district. In general, it is a little cumbersome because the notion of a district is that things within that district are generally treated the same way. After amendments have occurred over the course of time, there has become a significant variation within districts between particular uses. Columns "A" and "B" are meant to consolidate the dimension criteria within one district.

Mr. Keough expressed concern about unintended consequences such as creating many non-conforming lots with the new criteria. Mr. Schwartz stated that when EPD created "A" and "B", dimensional criteria, they relaxed the criteria and standards for the dimensions. Ms. Yagle stated that EPD tried to incorporate as many things as conforming as possible. Mr. Schwartz stated that EPD can determine how much impact on non-conformity is happening with the consolidation of the dimensional criteria.

In response to a question from Ms. Strickland, Ms. Yagle explained that when EPD did the original analysis of the existing Zoning Ordinance, there were four main columns of dimensional criteria. EPD looked at the pattern of the tables being populated, and there was one dimensional criteria that stood out, which ended up being the majority situation. EPD then compared the other three columns to the asterisks containing dimensional criteria and found that there was another major pattern; hence, why EPD is proposing two main dimensional criteria, "A" and "B".

There was concern from the Planning Commission regarding the number of changes and how someone would know everything that was changed. Mr. Schwartz explained that the Township is not obligated by the Municipalities Planning Code (MPC) to notify every property owner of a specific change on their lot. The Township would advertise that there is a zoning change and tools like the Idea Board would also help with providing the information to residents.

The Planning Commission gave a few general comments for EPD to consider:

- Include non-square lots in the dimensional criteria drawings
- Include an "unintended consequence" clause in the Zoning Ordinance
- Include a chapter that dictates rules regarding non-conforming lots
- Identify "A" and "B" with numbers for clarity
- Review the current definitions for clarification

Ms. Yagle shifted the conversation to the use tables on page 15 of the Quick Views. Based on comments received from some Planning Commission members and staff, Ms.

Yagle reviewed the Use Regulations Summary Table on page 15 regarding Accessory Land Uses. The following Accessory Land Uses in the Rural Residential (RR) and Rural Agriculture (RA) Districts were called out to consider changing the uses from Conditional to Permitted Uses: Cideries (6), Dwelling Units (10), Farm Markets (15), Farm Stands by Road <2,000 square feet (16), Farm Stands by Road >2,000 square feet (17), Food Trucks (20), Group-Childcare Homes (21), Retail Establishments Value-Added Agriculture (27), Sugar Shacks for Processing Sap from Trees on Different Lot (30), Sugar Shacks for Processing Sap from Trees on Lot (31), and Wineries/Tasting Facilities (36). Ms. Yagle added that there was a comment to allow Low-Impact Home-Based Businesses as a Permitted Use in the RR district.

Continuing to the next tier, the following Accessory Land uses on page 15 were called out to consider the uses to be Conditional instead of not permitted at all: Retail Establishments Agricultural-Supported (26) in the RR district, Retail Establishments Value-Added Agriculture (27) in the RA district, and Temporary Facilities Related to Advanced Agricultural Research (32) in both the RR and RA districts.

Mr. Wheland pointed out line 4 in the Accessory land Use Table on page 15 and asked EDP to consider using the language, "motorized equipment", instead of "Boats/RV Storage". Mr. Wheland added that "motorized" may not even be needed.

There was a lengthy discussion regarding the definition of Community-Supported Agriculture Delivery Station and the regulations that would come with conditionally allowing the use in the RA district.

Ms. Yagle moved on to the topic of the Subdivision and/or Land Development Submission requirements. She provided a summary table to the Planning Commission that reviews the requirements for different types of subdivision and land development submissions. She stated that there is not currently a document such as this in the Zoning Ordinance today. Ms. Yagle stated that within the table, EPD added a column for Agriculture-Related Land Developments, which is not currently identified as a separate type of submission in the Zoning Ordinance. The other types of submissions include Lot Consolidation, Minor Subdivision, Major Subdivision, and Land Development. The table in question identifies the applicability and requirements for each type of submission. This table was created in an effort to easily explain what is required when applicants submit any type of subdivision or land development and can be used as a tool for both the Township and an applicant. Ms. Yagle referred to the Agriculture-Related Land Development column and explained that the decision to add that column came out of several discussions with the farming community. Ms. Yagle asked the Planning Commission to review the table for a discussion at the January 5, 2018 work session. At the end of the discussion, Ms. Yagle handed out a "tracked-changes" version of the Subdivision and Land Development ordinance so that Planning Commission members could see the changes from the current ordinance to the proposed ordinance.

The last item of discussion revolved around the Ferguson Township Zoning Update Idea Board. Ms. Yagle presented the Idea Board on the projector. The Idea Board was created to encourage public comments. It is an interactive map that allows users to explore the

Township's working draft of its land use designations and dimensional criteria for the community's zoning districts. Along with the Idea Board is a tutorial video that explains how to navigate the site. As of tonight's meeting, the Idea Board is live. The Township will also put a link on its website so the community can find it easily.

Ms. Yagle stated that the agenda for the January 5, 2018 work session will be ready in about a week or so.

V. PLANNING DIRECTOR'S REPORT

Mr. Stolinas reviewed his report. On November 14, 2017, the Planning & Zoning Director, Community Planner, Township Engineer and Township Manager met with Joh Sepp, PennTerra Engineering, Dustin Kinney, Project Manager, Toll Brothers and Richard Keyser, Vice President, Toll Brothers on the Conditional Final Plans as a result of the Supreme Court Decision. Terms and Conditions must be met by February 6, 2018 in order for the plans to be stamped and recorded at Centre County Recorder of Deeds. Discussion also included the potential rezoning and development of land fronting on the Penn State Golf Course off of West College Ave.

On November 15, 2017, the Planning & Zoning Director attended the Centre County Housing and Land Trust Strategic Planning meeting and met the new Executive Director, Missy Schoonover.

On November 16, 2017, the Planning & Zoning Director attended the 2nd Budget Work Session with the Board of Supervisors to review the 2018 Department of Planning & Zoning Budget.

On November 20, 2017, prior to the regular Board of Supervisors meeting, the Planning & Zoning Director attended the PENNDOT Public Plans Display for the S.R. 26/45 intersection.

On November 21, 2017, the Planning & Zoning Director and Zoning Administrator attended the Ferguson Township Zoning Hearing Board meeting. Variance requests were submitted by Gulfstream Equity Partners at 431 Science Park Road for a reduction in the amount of parking spaces for the proposed office building and SBA Towers II, LLC and Cellco Partnership for property at 200 Jackson Trail for required setbacks and proposed tower type.

On November 22, 2017, the Planning & Zoning Director, Zoning Administrator, Community Planner and Township Manager met with Justin Mandel of Aspen Hill Partners of Altoona, PA to discuss the resubmission of a Rezoning Application for Harner Farm.

On November 28, 2017, the Planning & Zoning Director and Community Planner met with the Township Engineer and GIS Technician to discuss a work plan for planning related mapping projects.

On November 29, 2017, the Planning & Zoning Director and Community Planner met with Hugh Mose and Rich Lysle, Foxdale Village regarding a possible satellite campus within Ferguson Township.

Mr. Stolinas reviewed the upcoming Public Hearings and BOS Discussions, which include the Source Water Protection Overlay Ordinance hearing on December 11, 2017. Mr. Stolinas stated that recent Board of Supervisor actions from the November 20, 2017 meeting included a resolution prohibiting the placement of Category 4 Casinos in Ferguson Township. Staff will prepare a resolution for the December 4, 2017 meeting. The Board also discussed ABC Vacancies and will schedule ABC candidate interviews for the Planning Commission, Schlow Centre Region Library Board, and the Parks Committee.

Mr. Stolinas reviewed the recent Zoning Hearing Board Actions from the November 21, 2017 hearing. Gulfstream Equity Partners at 431 Science Park Road: Motion to Approve Variance (5-0). SBA Towers II, LLC and Cellco Partnership at 200 Jackson Trail: Motion to Continue (5-0).

VI. ACTIVE PLANS UPDATE

Ms. Schoch provided the active plans update, which included the following active plans: Ralph F. Wheland and Pauline E. Cooper Estate Replot and Property Line Realignment Plan, Hummel Subdivision, The Landings Phase 3A Final Subdivision Plan, Science Park Plaza Land Development Plan, J.L. Cidery at J.L. Farms, and the Cottages at State College Final PRD.

VII. CENTRE REGION PLANNING COMMISSION (CRPC) REPORT

Ms. Strickland stated that CRPC will be meeting on December 7, 2017 and will hear a presentation about Ferguson Township's proposed Sourcewater Protection Overlay ordinance.

VIII. SOURCEWATER PROTECTION WORK GROUP UPDATE

There was no update.

IX. ZONING/SALDO STEERING COMMITTEE UPDATE

There was no update.

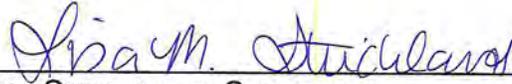
X. APPROVAL OF THE REGULAR MEETING MINUTES – NOVEMBER 13, 2017

A motion was made by Mr. Keough and seconded by Mr. Wheland to approve the November 13, 2017 meeting minutes. The motion carried 5-0.

XI. ADJOURNMENT

There being no further business for the Planning Commission, Mr. Keough made a motion to adjourn the meeting at 8:08 p.m. The motion carried 5-0.

RESPECTFULLY SUBMITTED,



LISA STRICKLAND, SECRETARY
FOR THE PLANNING COMMISSION



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Public Works Director's Report to the Board of Supervisors for the regular meeting on February 5, 2018

1. **LEED Gold Public Works Building:** Engineering and Architectural design continues. Staff met with Keller Engineering and reviewed a draft site plan on 1/24/18. A LEED progress meeting was held on 1/24/18. Foundation borings were completed 1/30/18. The project should be out to bid by November.
2. **Stormwater Fee Feasibility Study** – Work continues. The 5th meeting of the stormwater advisory committee (SAC) will be held on 2/7/18 at noon here at the Township building. All documents provided to the SAC are available on the Township web page. The SAC continues to review the current level of service of stormwater services and discuss suggested future improvements to the program. A worksession with the BOS is scheduled for 2/8/18 at 5pm in the main meeting room of the Township building.
3. **Arborist and Ferguson Township Tree Commission:** The tree commission meets at 5:30pm on 2/12/18.
4. **Maintenance Section:** Work activities at this time of year include winter snow fighting operations, tree pruning for roadway clearance, inlet and pipe inspections, miscellaneous work orders, equipment repairs and maintenance.

Capital Projects Managed by the Engineering Section and planned for design and/or construction in 2018 include the following and total approximately 6 million dollars

5. **Contract 2016-C11 ARLE - Performance Metrics** - funded by the Automated Red Light Enforcement program, includes the engineering and construction of a system including hardware and software to improve traffic signal performance. In-house design has been delayed while evaluating the best method of communication from the controllers to the server. This project is to be bid in July.
6. **Contract 2016-C19 Corl Street Signal Upgrades** - funded in part with a Green Light Go (GLG) grant, this project is currently in design to upgrade pedestrian accommodations at this location. The project is expected to be bid by PennDOT in March.
7. **Contract 2017-C17 Silvi Field Parking** - Improvements to the complex, utilizing DCNR funding, include construction of a permeable paved driveway and ADA parking and path, an ADA accessible concrete pad under the pavilion, sidewalk, removal of existing sheds, and possibly an ADA accessible water fountain. The project is planned to be bid in February.

8. **Contract 2017-C18 Haymarket Park Playground Improvements** Work includes the replacement of an existing play structure. Staff will obtain quotes from certified playground installers for the installation. A purchase order was issued in January for equipment installation. Site work will be performed by FTPW.
9. **Contract 2017-C20 Tudek Dog Park Parking Improvements** - Work is complete except: seeding, mulching, and line painting. 4 trees will be installed by separate contract.
10. **Contract 2018-C1 Sycamore - Chestnut - W. Gatesburg - Tadpole - Pine Hall – Myrtle** All four road projects are in design and will be let together. Major elements of work include: cold in-place recycling, asphalt wearing course, and drainage and/or shoulder improvements. An open house is tentatively planned for 3/5/18. The contract is planned to be bid in March 2018.
11. **Contract 2018-C2 Owens Drive Street Improvements-** This project is in design for construction in 2018 including new asphalt pavement, replacing bituminous curb with new concrete curb, and construction of a new turn around/parking area at the terminus near the “Owens Drive Parklette”. An open house is tentatively planned for 3/5/18. The contract is planned to be bid in March 2018.
12. **Contract 2018-C3 Teaberry Lane Sidewalk –** Work includes, survey, design, and construction of a sidewalk from the driveway of Evergreen Townhomes to the bikepath along Blue Course Drive. An open house is tentatively planned for 3/5/18. The contract is planned to be bid in April/May 2018.
13. **Contract 2018-C4 West Blade Rd Turnaround –** 2018 work includes survey, design, right of way acquisition for a turn around.
14. **Contract 2018-C5 Chestnut Ridge Pipe Lining & Road CMP lining –** A contract will be let in 2018 to line sections of deteriorated corrugated metal storm pipe (CMP) based on a video inspection performed in 2017. Bid letting is planned for July 2018.
15. **Contract 2018-C5a Camera Storm Pipes –** Annually sections of the storm pipe system are inspected using video equipment in advance of planned repairs or replacement and as needed to inspect and clean pipe segments.
16. **Contract 2018-C6 Curb and Ramp Upgrades -** As required by the American with Disabilities Act, as roads are paved and microsurfaced, pedestrian facilities at intersections are evaluated and upgraded or reconstructed as required. This concrete contract is let every year.
17. **Contract 2018-C7a Fuel Contract -** Annually the Township bids gasoline and diesel for use by FTPD and FTPW. The contract will be advertised in March.

18. **Contract 2017-C7b Street Signs and Supplies** – Quotes or bids are obtained as needed every year.
19. **Contract 2018-C7c Asphalt and Aggregate Contract** - Annually the Township bids various asphalt mixes and aggregate types. The bid will be advertised in March.
20. **Contract 2018-C8 Pavement Markings** - Annually the Township solicits for bids for pavement markings and other municipalities piggyback on this contract. The bid is planned to be advertised late February.
21. **Contract 2018-C9 Microsurfacing** - This method of pavement preservation involving the placement of two courses of slurry and aggregate is bid annually and other municipalities piggyback on this contract. The bid will be advertised in April.
22. **Contract 2018-C10 Sealcoating - Paths and Lots** - Every year staff evaluates bikepath, parking lot, and basketball court conditions and prepares a contract for a double sealcoat application and line striping. The job will be advertised for bidding in April.
23. **Contract 2018-C11 Pedestrian Push Button Upgrades** - As in years past, the Township continues to upgrade pedestrian access at signalized intersections. Quotes are obtained by the Township Engineer for equipment and installation is done by a Road Foreman.
24. **Contract 2018-C12 Traffic Signal LED Replacements** - Each year the Township Engineer obtains quotes and purchases LEDs which are replaced at signalized intersections after approximately 7 years of service. Work is performed by FTPW.
25. **Contract 2018-C13 Street Trees** – This contract is currently out to bid for a bid opening on 2/27/18. The budget includes funding for approximately 80 replacement trees and 70 new trees.
26. **Contract 2018-C14 Stump Removal** - Those stumps that need to be removed in advance of replacement tree planting that are not dug out by FTPW will be removed by contract grinding.
27. **Contract 2018-C15 Street Tree Pruning** - Each year a contract for street tree pruning is prepared. Work begins no sooner than mid-November and usually carries over into the following year. For example, at the time of this writing, Cutting Edge Tree Professionals is trimming trees this winter for a contract awarded in October 2017. An effort is being made to trim street trees on a 7 year pruning cycle. The arborist identifies the pruning needs for each tree that may include shaping, crown thinning, clearance pruning, hazard removals. The arborist and FTPW prune and/or remove trees in the winter and as appropriate and as

needed throughout the year to remove sight distance obstructions or hazards. Oaks should only be pruned in the winter months.

- 28. Contract 2018-C16 Tree Treatment-** In accordance with 3 agreements with HOAs, certain ash street trees will be treated in 2018. The cost is shared with the HOA. The arborist will obtain quotes for the work.
- 29. Contract 2018-C17 Vehicle Detection Upgrade (GLG-3)** – Utilizing Green Light Go (GLG) grant funding from round 3, vehicle detection at certain intersections will be upgraded from either loop sensors or video detection to more reliable radar detection.
- 30. Contract 2018-C18 MS4 Chesapeake Bay Pollutant Reduction Plan (PRP)** – the PRP will be formally submitted to the PaDEP with the MS4 (municipal separate storm sewer) permit renewal application. Subject to approval by PaDEP, design will start for certain improvements identified in the plan.
- 31. Contract 2018-C19 Transit Study Blue Course & N. Atherton** – Staff will solicit an RFP for consultant professional services to evaluate pedestrian, bicycle, and other modes of travel in and around the intersection of Blue Course Drive and North Atherton Street.
- 32. Contract 2018-C20 Park Hills Drainage - Phase 1 Design** – Engineering staff will manage the survey and design of channel improvements to Park Hills Drainageway.
- 33. Contract 2018-C21 Playground Safety & Upgrade Program** – Staff will prepare a contract or obtain quotes to upgrade certain playground equipment identified as deficient.
- 34. Contract 2018-C22 Tudek Barn Roof/Doors Replacement** Obtain quotes or prepare a contract to repair the barn roof and doors at the Tudek farm barn.
- 35. Contract 2018-C23 Guide Rail Repairs** – obtain quotes or prepare a contract to repair guide rail as needed with capital road projects or to make repairs.
- 36. Contract 2018-C25 Sidewalk Repairs** – each year the Engineering staff inspects a portion of the sidewalks in the Township and sends notices to property owners to make repairs as needed. In the event repairs are not made, the Township will contract the work and bill the property owner.
- 37. Contract 2018-C26 Old Gatesburg/Science Park Left Turn Phases** – work includes the design, permitting, contracting, and installation of improvements for a left turn phase at Old Gatesburg Road and Science Park Road.

38. Contract 2018-C27 Topographic/Mapping Survey – Engineering staff obtains professional surveying services to assist with topographic mapping for use during the designing of some capital improvement projects.