

**FERGUSON TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
MONDAY, May 8, 2017  
6:00 PM**

**I. ATTENDANCE**

The Planning Commission held its regular meeting of the month on Monday, May 8, 2017 at the Ferguson Township Municipal Building. In attendance were:

**Commission:**

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

**Staff:**

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

Others in attendance were: Derek Anderson, Residential Housing Development; Mark Stephens, PA Department of Environmental Protection; Michael Pratt, Keller Engineering; Todd Giddings, hydrogeologist; Charles Suhr, Stevens & Lee; Christine Suhr; Peter Crowley, Land Design; Brian Heiser, SCBWA; John Lichman, SCBWA; Wes Glebe, Ferguson Township Resident; Andy McKinnon, Ferguson Township Resident; Greg Schaumburg, Ferguson Township Resident; Sam Millot; Joe Green, Ferguson Township Solicitor; David Yoxtheimer, hydrogeologist; and Marcella Bell, Recording Secretary

**II. CALL TO ORDER**

Mr. McMaster called the May 8, 2017 Planning Commission meeting to order at 6:00 p.m.

**III. CITIZEN INPUT**

There was no citizen input.

**IV. DRAFT TRADITIONAL TOWN DEVELOPMENT TEXT AMENDMENT**

Mr. Stolinas stated that Planning & Zoning staff received an application for proposed zoning ordinance text amendment on March 16, 2017 and the revised proposed text amendment on May 4, 2017. Attorney Charles Suhr, representing the applicant, Residential Housing Development, LLC, provided a background narrative within the original application package for the identified sections that the applicant would like the Township to consider amending within the TTD chapter. Residential Housing Development, LLC intends to develop the Pine Hall Master Plan. The original Pine Hall Master Plan received approval, with conditions and modifications in 2010 that included a commercial town center, office spaces, and approximately 692 residential units. The applicant intends to submit a revised Master Plan separate and apart from the revised text amendment. Representatives of Residential Housing Development LLC and their design team will attend the meeting to review the text amendment with the Planning

Commission. On March 20, 2017, the Board of Supervisors referred the Application for Proposed Ordinance Amendment to the Planning Commission for review and recommendation. Mr. Stolinas introduced representatives from Residential Housing Development, LLC, their design team Land Design, and Attorney Charles Suhr who represents the Pine Hall Development.

Mr. Suhr stated that included in the agenda packet is the revised May 4, 2017 proposed text amendment. Mr. Suhr explained that the Pine Hall developers are choosing to request text amendments rather than modifications so that the plan is “clean” when the Planning Commission reviews it. Mr. Suhr and Mr. Pratt reviewed each of the proposed text amendments.

1. SECTION 1 Section 27-701.4.A(1)(Composition of Uses) the addition being, “When 100 or more dwelling units in a Traditional Town Development are under common management, each such dwelling unit under such common management may be used by one family or up to five unrelated persons, subject to the permitted occupancy of the dwelling as determined by the Centre Region Code Office in accordance with the provisions of the Ferguson Township Housing Code. The maximum number of dwelling units containing five unrelated persons may not exceed 15% of the total number of residential units within the Traditional Town Development.”

Mr. Suhr stated that the intent is not to have the entire TTD district made up of the five-unrelated rule, which is why there is a 15% limit of the total number of residential units. Mr. Suhr then turned the floor over to Mr. Pratt. Mr. Pratt stated that the text amendment does not change the definition of “family” (a person; two or more persons, all of whom are related by blood, marriage, parentage, or adoption; living together as a single housekeeping unit. In addition to the family, two or fewer unrelated persons may reside with the housekeeping unit in the dwelling unit) within the zoning ordinance. This text amendment would simply allow for flexibility and additional density.

In response to a question from Ms. Mitchell, Mr. Pratt clarified that the original approved master plan had 692 residential units; the proposed master plan has 1,122 residential units.

Mr. Suhr stated that Section 2 and 3 should be read together.

2. SECTION 2 Section 27-701.2.C(Chapter 22, Subdivision and Land Development) and SECTION 3 Section 27-701.2 the addition being, “The Board of Supervisors may allow for modification of the design standards and criteria applicable to a Traditional Town Development provided for in this Section 27-701, including, but not limited to compactness, pedestrian orientation, street geometry, or other related design features in accordance with the standards applicable to the grant of modification under Chapter 22, Subdivision and Land Development, § 22-105.”

Mr. Suhr stated that both the original approved Pine Hall Master Plan and the Turnberry Master Plan were granted several modifications. Mr. Suhr explained that it was of the opinion of Mr. Green, Ferguson Township’s solicitor, that the Board of Supervisors did

not have the authority to grant modifications. Even though the Pennsylvania Municipalities Planning Code gives the Board that authority, the Township's ordinance did not. This text amendment would give the Board of Supervisors the authority to explicitly grant modifications in accordance with the process of granting modifications under Chapter 22, Subdivision and Land Development.

In response to a question from Mr. Stolinas, Mr. Suhr stated that this section of text would grant modifications from the TTD regulations, and the design manual has been incorporated into the regulations, which are also a part of the zoning ordinance.

3. SECTION 4 Section 27-701.3.B(1)(b)(7) amended to be read as follows: "~~Rear Access Required. Townhouse Access. In general,~~ townhouse dwelling units shall ~~not~~ be accessed from the ~~front rear. However, in certain cases, side~~ some instances, front entry garages may be provided for townhouse dwelling ~~and~~ units. No more than ~~30%~~ 50% of the overall number of townhouse dwelling units ~~is~~ are permitted to utilize ~~side~~ front entry garages. Other than as noted above, garages associated with townhouse or live/work units shall either be integral to the structure or oriented to the rear and accessed by a lane or alley."

Mr. Suhr stated that in a discussion held the prior year, it was stated that rear alleys were not always appropriate for the amount of impervious cover. The proposed Pine Hall Master Plan shows a mix— some areas have front garages and some areas have rear alleys that allow a resident to park in their rear garage. Mr. Suhr stated that this text amendment allows for flexibility in design, since the Township was not in favor of having rear alleys throughout the entire development.

4. SECTION 5 Section 27-701.3.C(3)(a) Amended to be read as follows: "~~Location. All utilities other than public sewer and water are prohibited within the Township right-of-way. All electric, gas, telecommunication, telephone, television, and other utility connections, both main and service lines, shall be provided underground either within private easements that are or located within an alley or public street right-of-way. All alleys shall be designed to accommodate such infrastructure whenever possible. All infrastructure shall be installed in alleys in accordance with the prevailing standards and practices of the utility or other companies providing such services.~~"

Mr. Suhr stated that there is an inherent conflict within the zoning ordinance because there is a drawing that shows electric, gas, telecommunication, telephone, television, and other utility connections in the Township right-of-way, even though the text of the ordinance states that they are not allowed. This text amendment clears up any conflict.

5. SECTION 6 27-701.4.A(2) Amended to be read as follows: "~~Height. Structures shall be a minimum of two stories except where specially approved for single story development or, in the case of civic buildings, when designed to appear as a multi-story structure. Commercial structures shall be taller, and shall provide the opportunity for upper story housing or office space above permitted retail uses in a minimum of 50% of the structures. 25% of all commercial structures shall have two~~"

or more stories, with upper stories occupied by residential or office uses above first floor permitted non-residential uses.”

Mr. Suhr stated that this section relates to the live-work housing that is depicted in the proposed master plan. Mr. Pratt explained that the original language of this section requires half (50%) of all commercial buildings to be two stories or taller with upper-story office or residential units. The language could be interpreted that every commercial building has to be three or more stories. The proposed master plan shows a variety of building heights including one multi-family building at possibly seven stories, as well as a four-story hotel. 7 builds are 3 stories, 2 commercial buildings are 2 stories, and 11 commercial buildings are single-story.

6. SECTION 7 27-701.4.B(1)(TTD Standards) To be amended as follows (in table form):  
The minimum percentage of single-family detached units would change to 5% from 15% and the maximum percentage of multi-family units would change to 50% from 30%. This text amendment comes from the workshops that the Township held, where it was expressed that the master plan should have more multi-family units.

In response to a question from Mr. Keough, Mr. Suhr stated that while all of the text amendment requests could be acquired through modifications, the developer does not have any intentions on requesting modifications. The developer feels that litigation issues could arise if they requested modifications that might be improperly granted. Mr. Keough expressed concern that changing the text of the ordinance would alter the standards, whereas granting a modification would not affect a future development. Mr. Keough explained that although the TTD standards might be outdated, he is not sure that this is the right avenue to change the TTD standards. Mr. Suhr stated that they knew up front that there were issues with the TTD standards, and in requesting the text amendments, they wanted to ensure that the developer could go forward with the master plan.

7. SECTION 8 Section 27-701.4.C(1)(e) to be amended by deleting subsections 1), 2), 3)(a), 3)(b), and 3)(d).

Mr. Suhr stated that this text amendment would delete the following subsections:

- 1) A minimum of 10% of the single-family detached units provided shall be located directly adjacent to either duplex or townhouse units.
- 2) A minimum of 5% of all duplex units shall be directly adjacent to single family detached units.
- 3)(a) The maximum number of townhouse units that may be attached in a single structure without separation by lot lines is four.
- 3)(b) The maximum number of townhouse structures that may be located on a single lot is two. Two-structure townhouse lots may not be directly adjacent to each other.
- 3)(d) A minimum of 25% of all townhouse units shall be directly adjacent to single-family detached dwellings.

Mr. Pratt stated that the proposed concept plan has more of a variety of housing than the approved master plan. Mr. Suhr stated that deleting the four subsections will allow for more design flexibility.

In response to a question from Ms. Mitchell, Mr. Suhr stated that live-work housing is completely different than workforce housing. Live-work housing is when there is commercial on the first floor and residential units on the second and third floors.

8. SECTION 9 27-701.4.C(1)(e) to be amended as follows:

(a) Width. Block depth/width (houses back to back) shall range from ~~200~~ 150 feet-400 feet.

(e) ~~Required Mixture. A mix of housing types shall be provided within blocks.~~

3) Townhouse units ~~must~~ may be dispersed among a variety of other residential an/or non-residential uses, and ~~not~~ may also be segregated in clusters of single residential-type buildings.

c) The maximum number of townhouse structures that may be located adjacent to each other when the townhouse dwellings are established on individual lots is ~~four~~ ten – ~~which provides for 16 dwelling units.~~

7) Lot sizes shall be consistent with the following dimensions (changes only):

- Single family detached lot size: Minimum from 4,000 sq. ft. to 1,700 sq. ft.
- Single family detached depth: Minimum from 90 ft. to 60 ft.
- Single family semi-detached lot size: Minimum from 4,000 sq. ft. to 3,000 sq. ft.
- Single family semi-detached depth: Minimum from 90 ft. to 60 ft.
- Single family attached lot size: Minimum from 3,000 sq. ft. to 1,100 sq. ft.
- Single family attached depth: Minimum from 90 ft. to 60 ft.
- Multi-family lot size: Minimum from 43,560 sq. ft. to 35,000 sq. ft.
- Commercial lot size: Maximum from 80,000 sq. ft. to 200,000 sq. ft.
- Commercial width: Maximum from 108 ft. to 250 ft.

8) Residential and non-residential unit sizes shall be consistent with the following (changes only):

- Retail size: Maximum ~~6,000~~ 15,000 sq. ft./unit or leasehold except grocery stores which may consume the entire permitted footprint of ~~30,000~~ 60,000 sq. ft.
- Anchor Retail size: Located at prominent intersections or focal points of the civic/commercial core-maximum of ~~40,000~~ 60,000 sq. ft. No more than one such unit for every 50,000 sq. ft. of non-residential development.

11) The maximum impervious coverage for the overall Traditional Town Development is 85%. ~~Lot coverage permitted, regardless of use, is 50%. Through the use of incentives provide for in this subsection 4.F, this coverage may be increased as high as 65%.~~

12) The maximum ~~impervious coverage~~ building footprint permitted on each lot, regardless of use is 85%. ~~This includes any incentives that may be applied to lot coverage through subsection .4.F~~

In response to a question from Mr. Keough, Mr. Crowley clarified that 200,000 sq. ft. commercial references the lot size, and the 60,000 sq. ft. references the building footprint. A 200,000 sq. ft. commercial lot size would allow for the building, associated parking, required open space, and landscaping to all be on one lot. Mr. Suhr stated that the original master plan does not show individual parceled off lots, but allowing this will help with flexibility for the tenants. Mr. Pratt stated that the Township ordinance requires the developer to show lot lines in the plan as if any individual building were to be sold – it doesn't actually subdivide the development.

In response to a question from Mr. Keough regarding the commercial district and lot lines, both Mr. Stolinas and Mr. Ressler stated that they don't know of any commercial developments in the Township that are parceled out. Mr. McMaster explained that the current ordinance doesn't allow for a commercial development like the one being proposed in Pine Hall because the maximum lot size is less than two acres.

9. SECTION 10 Section 27-701.4.D(1) to be amended as follows:

(g) Garage Setback. Front entry garages shall maintain a front yard setback of a minimum of ~~40~~ 10 feet.

(j) *Rear Yard Setback*. In general, a minimum rear yard setback of 25 feet is applicable to all primary dwelling units, and 5 feet is applicable to all accessory structures and detached garages. However, in some instances where excessively lengthy driveways are not desirable, the rear yard setback for primary dwelling units, accessory structures, and detached garages from an alley may be reduced to 0 feet. However, accessory structures and detached garages shown on the approved plan may be set back only 5 feet from the rear lot line.

Mr. Pratt stated that if there is a rear alley present, the current ordinance requires a 33-foot right-of-way to render to public way. There would be about 8 feet of pavement on each side of the alley, even if the building was at a 0-foot setback. Adding additional setbacks elongates the driveway requirement. Currently, a detached garage would be required to have a 13.5-foot driveway, which is not useful because a car cannot park there. With a front garage, the driveway requirement would be 33 feet due to the setback standards, which causes an excessive amount of possibly unused pavement. More pavement leads to more Stormwater Management. Mr. Crowley referred to the projector to show a drawing of the proposed design of rear alleys and how the units would be placed. In response to a question from Mr. Keough regarding the small green spaces in the alleys depicted on the projector, Mr. Crowley stated that these green spaces are for utility services, HVAC systems, trees, plants, etc. Mr. Crowley stated that the distance between the alley and the rear garage is 8.5 feet. In response to a question from Mr. Keough, Mr. Crowley stated that during the winter, the snow being removed from the alley would be placed in the green spaces depicted on the projector.

10. SECTION 11 Section 27-701.4.E(1) to be amended as follows:

(b) *Off-Street Parking*. Where necessary to meet the applicable standards or to provide shared parking arrangements, off-street parking compounds may be provided on the lot containing the principal use which necessitates such vehicle storage. No more than ~~60%~~ 90% of the required parking for residential or nonresidential uses shall be accommodated in this fashion.

(d) *Number of Spaces*. The total amount of parking provided (on and off-street) shall not ~~exceed~~ be less than the amount required by §27-809.B. However, if all parking is accommodated with on-street spaces, this number may be reduced by 10%. Additionally, the provisions to reduce off-street parking spaces, as provided in §27-809.E(1)-(4) shall be applicable.

(n) *Landscaping*. Parking areas shall be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as enhance the environment and ecology of the site and surrounding area. At a minimum, all surface parking areas shall be landscaped in accordance with the provisions of §27-807.16.A – F; provided, however, interior landscaping within a parking lot shall be provided with a raised island for every 10 spaces, on average.

In response to a question from Ms. Mitchell, Mr. Pratt stated that this section of the text amendment would apply to both parking garages and parking lots. Mr. Crowley stated that there is a proposed parking garage in the plan, as well as the possibility of a second parking garage, should the need ever arise.

Ms. Mitchell expressed concern that if the five unrelated persons rule is allowed, there wouldn't be enough residential parking for all of the cars. Mr. Pratt stated that the proposed master plan shows 4,741 parking spaces in the form of on-street, off-street lots, and structured parking garages.

11. SECTION 12 Section 27-701.4.A(1)(c) to be amended as follows:

(1) *Food Services*. Eating and licensed drinking establishments such as: bakery, butcher shop, café (including outdoor spaces), catering, coffee shop, delicatessen, neighborhood grocer, ice cream and confections, restaurant (~~not including drive-through service~~), diner, neighborhood market/farm market.

(4) *Services*. Personal service shops, businesses and professional offices such as: barber, beautician, daycare, hair-nail salon or spa, home occupations and no impact home based businesses, administrative, or financial offices (~~not including drive-through service~~), medical/dental offices, frame shop, laundromat, shoe repair, tailor, phone store, accountant, architect, day care center, health club, community center, government buildings.

(6) *Drive-through service*. A maximum of two commercial uses may provide drive-through service. The drive-through facilities may not directly access a road along the periphery of the Traditional Town Development. The drive-through facilities may not be located on adjacent lots. The layout of the drive-through facility must be approved by Township staff, and may be required to deviate from standard franchise footprints. All

layout and design shall consider and shall not compromise pedestrian convenience, safety, or detract from the overall walkability of the Traditional Town Development.

12. SECTION 13 Section 27-701.4.A(1)(d) to amended as follows:

(d) Prohibited Uses. Uses which are expressly prohibited in a Traditional Town Development of associated Mixed Residential Area shall include: Heavy or light manufacturing; storage or distribution as a primary use; outdoor advertising or billboards; prisons; detention centers; scrap yards; kennels; sand, gravel or other mineral extraction; cemetery or crematorium; mobile home park; automobile sales, service or repair; car wash; hospital(s); personal care homes; bulk fuel storage; heavy equipment storage, sales, or rental; warehouse; ~~drive through or~~ drive-in establishments; food processing and/or packing; fuel generation; landfill; campgrounds; manufactured home sales or storage; automobile storage facilities; shopping centers; free-standing telecommunications towers; truck terminals; waste transfer facilities; adult business uses; convenience food stores that include gas sales; race track, riding stable, self-service storage facilities; dormitory; surface mining operations; motels; and non-municipality owned surface parking lots that constitute the principal use of a property.

13. SECTION 14 Section 27-701.3.A(1)(b)(3) to be amended as follows:

3) Please note that ~~the regenerative percolation of stormwater runoff~~ stormwater management facilities may, ~~where appropriate,~~ be permitted to be included in areas designated for open or public spaces. Additionally, facilities that are designed as permanent water features and are provided with associated walking or seating areas will be credited. ~~However, stormwater management facilities such as detention basins and swales shall only be permitted to be included to the extent that the open space exceeds the 25% required minimum, or through the use of one or more design incentives identified below.~~

Mr. Pratt stated that they changed the language because it was not consistent with the Township's current Stormwater Management Ordinance.

14. SECTION 15. Any ordinance or parts of ordinances inconsistent herewith are hereby repealed.

15. SECTION 16. This Ordinance shall become effective five (5) days after enactment.

Mr. Pratt stated the original terms and conditions that were submitted in 2010 granted a modification relevant to workforce housing. The current ordinance requires 10% of all residential units to be workforce housing. The modification granted in 2010 reduced that requirement to 10% of all for sale units (not including rental units). The approved master plan showed 692 units, of which 221 were multi-family units, and there were 471 for sale units shown. This would indicate that there were 47 workforce housing units shown on the approved master plan. The new developer, Mr. Anderson, will not be asking for the same modification, instead he will be following the Township's ordinance requirements for workforce housing. There are 1,122 units in the proposed

master plan which will provide for 112 workforce housing units.

In response to a question from Mr. Keough, Mr. Crowley referred to the projector to identify the residential units that would be affected should the five unrelated text amendment be approved.

In response to a question from Ms. Mitchell, Mr. Pratt stated that while he hasn't fully calculated the impervious coverage, he'd estimate it to be between 60-64%.

In response to a question from Mr. Glebe, Mr. Pratt stated that resident's guests would have plenty of space to park on the streets. Mr. Keough expressed concern that the residents would not use their garages to park their cars—instead using it for storage.

The Planning Commission provided the following comments to the Pine Hall representatives:

- Ms. Strickland stated that she thought the charrette process was very valuable and helped the Township become more familiar with the plan. Ms. Strickland expressed concern that the totality of the changes would significantly alter the vision of the TTD. She also expressed concern about decreasing setbacks, impervious changes, reduction of alleys, the reduction of for-sale units, and increase of rental units. Ms. Strickland stated that changing the three unrelated rule might deter families from moving in. She agreed that many of these text amendments could be requested through modifications. Ms. Strickland added that she's concerned about how work force housing units will be affected if Section 9 (e) (page 3) was granted.
- Mr. Wheland stated that he's in agreement that there are substantial changes in the text amendments. The items he's most concerned about include the five unrelated rule, impervious coverage differences, and Section 9 (e) (page 3) of the text amendment request: "A mix of housing types shall be provided within blocks." Mr. Wheland explained that he's not necessarily against the proposed changes; however, the text amendments significantly alter the design of the TTD, and he feels that Pine Hall would not represent a true TTD if the text amendments were to be passed. Mr. Wheland would like Planning & Zoning staff to research statistics on police calls in five unrelated households versus three unrelated households.
- Mr. McMaster stated that the original way the TTD was written does not work for today's developments. Mr. McMaster feels that it was written for a completely different market, which included "mom and pop shops". He stated that his comments are more towards aesthetics, rather than affordability and constructability. Mr. McMaster thinks the five unrelated rule is okay, since allowing five unrelated people in one unit would require less units to be built.
- Mr. Keough stated that he would like the developer to increase the green space, include amenities in the common area, and incorporate a larger front structure for the common area. He stated that he doesn't necessarily have any issues with the proposed text amendments; however, he would prefer them in a modification form.

Mr. Keough believes the five unrelated rule should happen because the Township is running out of development space.

- Mr. Scott stated that he agrees that if the developer is not granted the five unrelated rule, more residential units will need to be built. Mr. Scott believes that regardless of the three versus five unrelated rule, it is considered sprawl. This is a high density development moving into a low density area. Mr. Scott believes that the five unrelated rule should only happen in downtown State College. He expressed concern about the density of the development due to the fact that families are leaving downtown State College. Mr. Scott stated that the developer's development designs are one of the most aesthetically pleasing designs he's ever seen.
- Ms. Mitchell stated that she believes that changing the ordinance to allow five unrelated persons in a unit would detract from families wanting to move into the development. She expressed concern that changing the ordinance would set a precedent that the Township may not actually want. Ms. Mitchell believes that requesting modifications is the right process. She doesn't believe that the developer would have to build more residential units if the five unrelated rule request was denied—it would simply mean that less people would live in the development.

Attorney Green asked that the Planning Commission table the text amendment recommendation to the Board of Supervisors because representatives from Circleville Partners would like the opportunity to present their opposition to Pine Hall's text amendments at the May 22, 2017 Planning Commission meeting. The Planning Commission tabled the recommendation until it can hear Circleville Partner's presentation.

Mr. McMaster called for a five-minute intermission.

#### **V. SOURCEWATER PROTECTION – STATE COLLEGE BOROUGH WATER AUTHORITY**

Mr. Stolinas stated that as a result of the very informative presentation held at the April 24, 2017 Planning Commission meeting by Dr. Todd Giddings, Ph.D. P.G., member of the Sourcewater Projection Work Group, Planning Commission members requested staff to extend an invitation to the State College Borough Water Authority staff to discuss zones established on the overlay map and ordinance text. Planning & Zoning staff forwarded the draft ordinance and map to Brian Heiser and John Lichman on April 27th for their review. State College Borough Water Authority representatives along with a PA DEP Safe Drinking Water staff member, Mark R. Stephens, P.G. are in attendance to discuss the proposed ordinance requirements and overlay map. Mr. Stolinas opened up the floor to the Commission members for questions and discussion.

In response to a question from Mr. Scott regarding Environmental Protection Agency (EPA) regulations on industrial uses in Zone 1 of the proposed Sourcewater Protection Ordinance, Mr. Stephens stated that EPA does not have regulations for this zone. The Safe Water Drinking regulations state that a Zone 1 protection area for a ground water source, well, or spring is dependent upon a variety of different attributes, and there is a protection area of 100 feet up to 400 feet. This regulation is only applicable for water

sources developed after October 9, 1995. The sources that were permitted before that date do not apply. Mr. Heiser stated that the Kocher well field was placed before that enactment.

Mr. Scott stated that the Planning Commission is concerned that there are 400 foot radii that encroach into private property, which, under the proposed ordinance, would not allow private property owners to develop nearly anything on their own land. Many of the Commission members were under the impression that there was an EPA regulation that does not allow anyone to develop industrial uses (farming) in those Zone 1 radii. Mr. Stephens explained that the regulation states that the water authority must own or control those radii, and the intent is to protect that area from any chemicals that might adversely affect the well. Wells that were developed before October 9, 1995 do not have any permitting restrictions. The Zone 1 radii was drawn so that the surveyor would know that those areas were critical for protecting water supplies. Mr. Stephens explained that if the water authority were to drill a well today, it would have to get permission from the property owner and then show that it owns or controls the radius associated with the well. It wouldn't mean that the property owner couldn't do anything with the specified land—they just couldn't do anything that would adversely affect the sourcewater in that radius (like installing an underground storage tank).

In response to a question from Mr. Scott, Mr. Stephens stated that the water authority could choose to operate the Nixon well if it needed to; however, since the wells were in place before the October 9, 1995 enactment, the Department of Environmental Protection (DEP) would not regulate that radius. The regulations would then fall into the hands of local government. In response to a question from Mr. Scott, Mr. Lichman stated that the top contaminants of source water are stormwater runoff and nutrients.

Mr. Lichman stated that he had the chance to review the proposed Sourcewater Protection Ordinance and had the following questions and comments for the Sourcewater Protection Work Group:

- On page 14, number 39: “Any production, manufacturing, assembly, processing, cleaning, repair, storage, or distribution of goods, equipment materials, foodstuffs and other products not involving retail activity except as an accessory use.”—does this also include the State College Borough Water authority’s proposed water treatment plan?
- Page 15, number 39: “Research engineering or testing laboratories and fabrication of models or test equipment used in research.”—the SCBWA proposed water treatment plant needs to have a testing facility as required by DEP, and to ensure safe potable water.
- Page 16, number 61: “Well Building/Water Treatment Building”—There is not enough information for this bullet point.
- Page 21, number 6: “All buildings, structures, impervious surfaces, and utilities shall be situated, designed and constructed so as to minimize the risk of new sinkhole

formation and of the accelerated introduction of contaminants and pollution into the wellhead protection area through existing or future sinkholes.”—How would this affect the proposed SCBWA water treatment plan since the lot has the potential for sinkholes?

- Page 21, number 9: “Storm water facilities, including, but not limited to, detention basins, shall not be located within fifty (50’) feet of any features identified in Section 11, paragraph A.(2.) (intermittent streams). —The Nixon Wellfield has a big floodplain area that has been referred to an intermittent stream occasionally. There needs to be more clarification for this.
- Page 16, number 54: Underground storage tanks are not permitted. The proposed water treatment facility will have underground storage tanks to store potable water.
- Page 16, number 57: Storage of Road Salt and De-icing Materials. There is a road that goes right through the floodplain at the water treatment site, and the SCBWA uses de-icing materials so the road is safe. The Township has roads that it maintains that also go through zone 1 radii.
- Section 8, Public Water Supplier Review: Who is going to pay for this level of detail in land use reviews?

In response to a few questions from several Planning Commission members, Mr. Heiser stated that the underground storage tanks would be between three and five hundred thousand gallons, and the tanks would be about eight feet deep as to not impede on bedrock. Mr. Heiser stated that there wouldn’t be any potential of spills from the water authority’s disinfection of the water by gas chlorine because there is a secondary containment container, which is required by EPA. Mr. Heiser explained that the water authority has drilled wells on the Game Commission’s property; however, the wells were not adequate for municipal use.

In response to a question from Mr. Keough, Mr. Lichman stated that the water authority owns or controls some of the radii around their wells, but not around all of the wells. Mr. Heiser explained that some of the wells were placed before the 1995 enactment, and some of the landowners in the area of the wells are aware of the zone 1 radii. Mr. Heiser stated that the D’Armit well was placed before 1995. Mr. Heiser confirmed that there are no wells in Ferguson Township that were placed post 1995. Mr. Stephens explained that because all of the wells in Ferguson Township were placed prior to the 1995 enactment, the DEP cannot regulate them.

There was concern about effects that the proposed ordinance would have on the property owners’ whose land is encompassed in the Zone 1 radii. Several questions were asked about who or what entity would control the land in the radii if the ordinance was passed as-is. Attorney Green explained that legally, if the proposed ordinance were passed, the Township would be held responsible if there was a dispute in land ownership and compensation. Attorney Green stated that in the case of a parking lot inside a radius, there would be nothing the Township could do. The Township could not force the property owner to remove a parking lot; however, if the Township purchased or obtained the land, it could then remove the parking lot.

Mr. Heiser suggested that the Township and the Sourcewater Protection work group work to come up with Best Management Practices (BMPs) for the radii around the wells in Zone 1 instead of outright banning any uses in those radii. Mr. Stephens referred to a published list of potential sourcewater contaminants that can be used to create BMPs for uses in Zone 1. Mr. Stephens also suggested educating the land owners in Zone 1 about the negative effects that land uses can have on sourcewater, as well as BMPs for those specific uses. Mr. Glebe echoed the education suggestion, and asked that the education effort be expanded to schools in Ferguson Township to help guarantee a better future for water protection.

In response to a question from Mr. McKinnon regarding the “teeth” of the proposed ordinance, Mr. Stolinas stated that the ordinance would be enforced through the land development process.

Mr. Shaumburg asked the Sourcewater Protection work group to consider if there is room to incentivize BMPs or to help people understand the impact that chemicals may have on the wells.

In response to a question from Ms. Strickland regarding salt and de-icer, Mr. Ressler stated that the work group will need to discuss non-conforming uses.

Mr. McKinnon asked that the Sourcewater Protection work group consider limiting blasting, since the Township cannot outright restrict it.

## **VI. THE OFFICIAL MAP**

Mr. Stolinas stated that Planning and Zoning staff conducted two public outreach meetings for the Official Map on April 13, 7:00 p.m. at the Ferguson Township Building and the second on April 20, 7:00 p.m. at the Baileyville Community Building. Five residents attended the April 13 meeting and seventeen residents attended the April 20 meeting. Staff considered comments and suggestions received at both outreach meetings, in addition to the Centre County Planning Office, Huntingdon County, and adjacent Centre Region municipalities concluding the 45-day review and comment period prescribed by the PA MPC. The Centre Region Planning Commission (CRPC) reviewed the draft Official Map at its May 4 meeting and followed with its recommendation. At this point, staff is confident that the Draft Official Map meets the criteria set forth within Article IV of the PA Municipalities Planning Code.

Mr. Stolinas stated that at one of the outreach meetings there was a request to designate about 400 acres around the proposed Whitehall Road Regional Park project as land that the Township might be interested in acquiring. The land in question is owned by Penn State University, State College Borough, and Galen G. McWilliams. When staff presented the proposed Official Map to the CRPC with the delineated land being showed, Steve Watson from the Penn State University Planning Department expressed concern about the potential park land acquisition. The Centre Regional Planning Agency (CRPA) also provided a comment letter that expressed concern about the aforementioned area. Township staff also received a letter from David Gray, Senior

Vice President for Finance and Business and Treasure at Penn State University, opposing the delineated area proposed for Township acquisition.

Ms. Schoch asked the Commission how they would like agricultural easements to be characterized, since there are potential easements that may not have the funding to be designated as such. Ms. Schoch also stated that staff put historical land marks on the map, which only included one land mark. There are several places that could be considered a historical land mark; however, there is not enough information for them to be registered as such. Ms. Schoch explained that staff received most of the official map comments between the end of the public comment period (April 23) and the end of last week (May 5) and feel that they have gone through the right steps to have an open public process. Ms. Schoch stated that she is working with the Township GIS technician to finalize small details on the map such as smaller labels, possible color changes, and proposed agriculture preservation.

In response to a comment from Mr. Wheland, Ms. Schoch stated that the Township does own the right-of-way on Breezewood, which is what the map depicts—not a road connection. In response to a question from Mr. Keough, Ms. Schoch stated that the Township does own right-of-ways through preserved farm areas; however, she will need to research the legality of putting bicycle paths on Nixon and Whitehall Road.

There was concern from some of the Commission members regarding the potential park land acquisition depicted around the Whitehall Road Regional Park. Mr. McMaster was of the opinion that it was a poor use of taxpayer money. Mr. Keough stated that the possible park land acquisition depicted on the map is misleading and he is not aware that there are any funds allocated toward that acquisition. Mr. Keough suggested that Township staff review the map more often than every 10 years.

A motion was made by Ms. Strickland and seconded by Mr. Scott to recommend that the Board of Supervisors adopt the Draft 2017 Official Map and Ordinance with the condition that Mr. Stolinas states in his report to the Board of Supervisors the concern from Planning Commission members regarding proposed bike lanes through agricultural easement areas as well as the possible park land acquisition from Penn State University. The motion carried 3-2.

## **VII. PLANNING DIRECTOR'S REPORT**

Mr. Stolinas reviewed the Planning Director's Report.

On April 24, 2017, the Planning & Zoning Director, Zoning Administrator, and Community Planner met with Ron Strouse and Pastor Paul Tomkeil regarding the establishment of a Farmer's Market associated with a Place of Assembly in the R1 Zoning District. Currently, Farmer's Markets are not permitted within the R1 District.

On April 25, 2017, the Planning & Zoning Director and Community Planner participated in a conference call with the Pennsylvania Planning Association, Special Events Conference Committee to discuss the 2017 APA/PA Conference activities planned at the Penn Stater Conference Center, Bellefonte, and State College areas. Also on April

25, 2017, the Planning & Zoning Director and Zoning Administrator attended the Zoning Hearing Board meeting for the variance request submitted by Peter and Chelsea Mali at 1363 Sconsett Way. The applicants are requesting a variance related to the maximum impervious coverage. A second, unpermitted driveway surpassed the maximum amount of 30%. The Zoning Hearing Board moved to continue the hearing until May for the applicant to examine impervious surface reduction options.

On April 27 2017, the Planning & Zoning Director, Zoning Administrator, Community Planner, and Assistant Township Manager met with representatives of Gwin, Dobson and Foreman and the State College Borough Water Authority to discuss the timeline to either suggest inclusion of language within the overall Zoning Ordinance Revisions to allow for Water Treatment Facilities in certain zoning districts and provide performance standards or determine the last possible date to submit a standalone zoning ordinance text amendment application for Board of Supervisors consideration.

On May 2, 2017, the Planning & Zoning Director and Community Planner met with Jim May, CRPA Director, and Greg Garthe, CRPA Regional Planner, regarding regional review process for Ferguson Township Subdivisions, Land Developments, and Alteration Plans. Also on May 2, 2017, the Planning & Zoning Director met with John Sepp, PennTerra Engineering, to discuss the current zoning ordinance definition of “multi-family housing” as it relates to West Cherry Lane Multi-Use Building.

On May 3, 2017, the Planning & Zoning Director and Community Planner attended the 2017 Pennsylvania Groundwater Symposium at the Ramada Inn and Conference Center in State College. Dr. Todd Giddings’ presentation included the progress Ferguson Township Sourcewater Work Group has made thus far in developing a Sourcewater Protection Ordinance and Overlay.

On May 4, 2017, the Planning & Zoning Director and Community Planner attended the CRPC meeting to discuss the Ferguson Township 2017 Draft Official Map.

#### **VIII. ACTIVE PLANS UPDATE**

Ms. Schoch reviewed the active plans in the Township including: West Cherry Lane Multi-Use Building Lot Consolidation Plan & Land Development Plan, J.L. Cidery at J.L. Farms Land Development Plan, Guenot Subdivision, CSC Northland/Buffalo Wild Wings-North Atherton and Blue Course, The Cottages at State College, and Whitehall Road Regional Park

#### **IX. CENTRE REGION PLANNING COMMISSION (CRPC) REPORT**

Ms. Strickland stated that the CRPC met Thursday, May 4, 2017. College Township is considering changes to definitions and allowances to prisons and halfway houses because it was approached by a company that would like to develop a prison. CRPA is writing a solar model ordinance, and the CRPC reviewed the Patton Township Solar Ordinance. Harris Township is working on a Rural Conservation District, which will create a vision of how the Township wants agriculture and farm areas to look like. The Rural Conservation District will include four new zoning districts and the Township is creating a list of priorities that need to be saved.

**X. SOURCEWATER PROTECTION WORK GROUP UPDATE**

Since the work group has not met and the Commission discussed the proposed Sourcewater Protection ordinance with the SCBWA, there was no report.

**XI. ZONING/SALDO STEERING COMMITTEE UPDATE**

Mr. Stolinas stated that Township staff will be meeting with the farm community Thursday, May 11. Otherwise, there was no update.

**XII. APPROVAL OF THE REGULAR MEETING MINUTES – APRIL 10, 2017**

A motion was made by Mr. Keough and seconded by Mr. Wheland to approve the April 24, 2017 Planning Commission meeting minutes as published. The motion carried 5-0.

**XIII. ADJOURNMENT**

There being no further business for the Planning Commission, Mr. Wheland made a motion to adjourn the meeting at 9:38 p.m. The motion carried 5-0.

RESPECTFULLY SUBMITTED,

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LISA STRICKLAND, SECRETARY  
FOR THE PLANNING COMMISSION