

FERGUSON TOWNSHIP ZONING HEARING BOARD

Regular Meeting

Tuesday, February 24, 2015

7:00 pm

I. ATTENDANCE

The Zoning Hearing Board held its regular meeting on Tuesday, February 24, 2015 at the Ferguson Township Municipal Building. In attendance were:

Board: Matthew Patch, Chairman
George Pytel, Vice Chair
Karen English, Secretary
Charles Farrell
Michael MacNeely
Mike Twomley

Staff: Jeffrey Ressler, Zoning Administrator
Jeffrey Stover, ZHB Solicitor
Mark Kunkle, Township Manager

Other in attendance included: Heather Bird, Recording Secretary; John Sepp, PennTerra; Randy Watkins, Variance

II. CALL TO ORDER

Mr. Patch called the Tuesday, February 24, 2015 regular Zoning Hearing Board meeting to order at 7:00 pm.

III. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Four individuals stood to be sworn in.

IV. FERGUSON TOWNSHIP VARIANCE REQUEST

Mr. Ressler stated the variance requested is for property located at 485 Airport Road, State College, tax parcel 24-455-050B and the property is owned by Ferguson Township. The property is currently zoned Planned Residential Development (PRD). The present use of the property is a ball field and associated support buildings. The applicant proposes to extend the ball field, outfield fence, grade the property and install new field lighting to meet Pennsylvania Interscholastic Athletic Association (PIAA) field requirements. The property is located in a Zone A Federal Emergency Management Agency (FEMA) mapped floodplain. Zone A floodplains do not have the elevations established. The Zoning Ordinance in Chapter 27-801.C prohibits new construction in a floodplain. The Township requested a variance to be able to complete the proposed improvements including site grading, relocating the fence to enlarge the field and the installation of lights. A memorandum dated December 23, 2014 from Ron Seybert, Township Engineer stated in his opinion that the proposed construction would not cause an increase in the flood elevation. A variance was previously granted on June 20, 2006 to permit the construction of permanent restrooms and to expand the existing concession stand.

Mr. Patch asked if the previous variance approved was related to the floodplain. Mr. Ressler stated that yes it was a variance to build within the potential floodplain area.

Mr. Mark Kunkle, Township Manager, stated that the Township is requesting a variance from Chapter 27-801.C to permit the construction of improvements at the Louis E. Silvi Baseball College, home of the State College Teener League. Mr. Kunkle stated that in 1995 a land development plan (LDP) was submitted and approved for this property showing an extension of Park Center Boulevard. It depicted parking amenities, a small recreation area, and the location of the grading and the floodplain on the site. This site plan also included the installation of field

lighting in anticipation that at some point in time new lighting would be installed. The Township is now in a position to consider completing this project. The master plan has been approved by the Township Board of Supervisors. The master plan includes a multi-use building for storage and indoor pitching and batting activities. It also depicts the removal of a storage shed and the extension of the outfield fence. Part of the new outfield fence is located in an easement that the Township obtained. The plan began in 2011 in cooperation with State College Teener League. There have been a number of contributors for the project and it is anticipated that in 2015 the project will be completed. As part of the project the Township created a grading plan. In order to expand the fencing area some grading will need to be completed and will be located in the floodplain Zone A. The project will include removing the earth and berm that was placed in the floodplain as part of a DEP containment permit for HRI. The berm was placed high and wide, this was not permitted or had a variance issued by the Township. This project is intended to remove 2100 cubic yards of material in order to lengthen the fence and install the field lighting. The Township Engineer stated that in his opinion that the effects of permitting the proposed grading to occur to expand the use within the designated Zone A floodplain will cause any increase in the 100 year flood elevation in fact the removal will improve the floodplain and bring it closer to its natural grade.

Mr. Patch asked if HRI was under an order to install the berm to contain the water, would these actions harm them. Mr. Kunkle stated that the amount of fill placed on the berm was in excess of the requirement.

Ms. English made a motion to GRANT the variance to Chapter 27-801.C prohibiting new construction in a floodplain allowing the completion of site grading, relocation of the fence to enlarge the field and the installation of lights. Mr. MacNeeley seconded the motion. The motion passed unanimously with Mr. Pytel abstaining.

V. RANDY WATKINS VARIANCE REQUEST

Mr. Ressler stated the property is located at the corner of Fieldstone Drive and West Whitehall road, tax parcel number 24-017-011. The property is owned by Randy Watkins and is located in R1 Zoning District. The applicant proposed to subdivide this lot to create a separate lot. The new lot will have frontage West Whitehall road and Fieldstone Drive. The Zoning Ordinance in Chapter 27-808.F requires that when a lot has frontage along two streets of different classifications that the driveway is required to access the street of lower classification. West Whitehall Road is an arterial street, highest Classification Township has, Fieldstone Drive is a private road which does not appear on the latest street classification. The applicants requested a variance to Chapter 27-808.F to permit the driveway from the proposed lot to access West Whitehall Road. There have been no other variances for this property.

Mr. Patch asked if the plan has completed the subdivision process. Mr. Ressler stated not yet.

Mr. Pytel asked if both Lot 1 and Lot 2 will access West Whitehall Road. Mr. Ressler stated that Lot 2 will access from Bloomsdorf Drive.

Mr. Patch stated parcel 24-017-011 would be landlocked without access even though they also own 24-017-012.

Mr. John Sepp, PennTerra Engineering, explained the plan to the Board. The property will have 3 lots on it one including Mr. Watkins home. Lot #2 will access a driveway from Bloomsdorf Drive. They did contact Mr. Keck proposing a shared use of Fieldstone and he responded that he would not be interest in that agreement. Mr. Sepp stated the speed limit on Whitehall Road is reduced to

35 mph in the area of this home. Nothing in the ordinance prohibits accessing Whitehall Road it just states that if a corner lot it must access the secondary road first. The problem in this case is that the secondary road is a private road. The driveway will be designed to include a turn around so vehicles will not be backing out onto Whitehall Road.

Mr. Stover asked if Lot 1 could access Bloomsdorf going in the rear of Lot 2 with a shared driveway. Mr. Sepp the preference is to have each driveway with separate access.

Ms. English asked if there are concerns for a driveway accessing Whitehall Road. Mr. Sepp stated there is not particular concern but it is good planning that when possible a driveway should access a secondary road. Mr. Pytel asked if Whitehall Road is safe to add another driveway. Mr. Randy Watkins stated he has never had an issue accessing Whitehall Road. He can see the signal light from Bloomsdorf Drive. He would prefer the lots to have their own driveway to eliminate any conflicts in the future for the property owners.

Mr. Pytel made a motion to GRANT the variance for 24-017-011 Lot #1 located at the corner of Whitehall Road and Fieldstone Drive to Chapter 27-808.F to allow access to the higher classification street, Whitehall Road. Ms. English seconded the motion. The motion passed unanimously.

VI. APPROVAL OF MEETING MINUTES

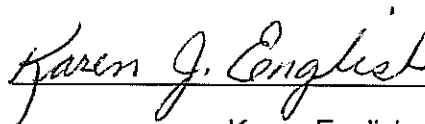
Mr. Pytel made a motion to APPROVE the January 20, 2015 organizational meeting minutes. Ms. English seconded the motion. The motion passed unanimously.

Mr. Pytel made a motion to APPROVE the January 20, 2015 regular meeting minutes. Ms. English seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

Ms. English made a motion to adjourn the meeting. With no further business to come before the Ferguson Township Zoning Hearing Board, Mr. Patch adjourned the regular meeting at 7:34 pm.

RESPECTFULLY SUBMITTED,



Karen English, Secretary
For the Zoning Hearing Board

Date approved by the Board: _____