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[Ferguson Township Board of Supervisors: Deny Toll Brothers development plan](#)

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Petition update

Press Release



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State College, PA

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<https://steadystatecollege.files.wordpress.com/2015/11/11-29-15-nvwc-press-release-final.pdf>

State College –

On November 16, Ferguson Township supervisors Mascolo, Clemson, Miller and Killian made an appalling decision to approve construction of a new housing development in a floodplain, on bedrock and karst limestone, upgradient and within the Zone 2 wellhead protection area for the Harter and Thomas wellfields of the State College Borough Water Authority, adjacent to farms in active production, and against the unanimous November 9 vote of the Ferguson Township Planning Commission disapproving of the plan.

The SCBWA serves 75,000 local residents and pumps one-half to two-thirds of the water from those two wellfields. The fact that the plan made it to the Ferguson supervisors at all represents a bad decision by Penn State leaders – to plan student housing on the water recharge area – and a failure of municipal, regional, county, state and federal clean water protection and land use planning programs.

In response to this development, local citizens have set up Nittany Valley Water Coalition: residents of the Nittany Valley watershed working together to protect our drinking water resources from development threats. The coalition is fighting for clean water, productive agricultural soils, safe neighborhoods, and firm, citizen-controlled growth boundaries.

BACKGROUND

This is the latest battle in the struggle between concerned citizens, Ferguson Township supervisors (local legislators), Penn State University (landowner) and Toll Brothers LLC (developers) – a fight set in motion on September 7, 2004, when Ferguson supervisors changed the zoning on a parcel of Rural Agricultural land to R-4 multifamily residential against the objections of regional planners, but at Penn State's request. The rezoning raised the market value of the land by several million dollars and put the region's drinking water at

risk from development pressures.

The fight intensified on March 2, 2015, when the supervisors approved Toll Brothers' tentative development plan against the explicit recommendations of the Township's Planning and Zoning Director Maria Tranguch and Autumn Radle, a senior planner with Centre Region Planning Agency.

Between the March and November votes, citizens continued to educate ourselves about our local water and sewer systems, development threats, water protection plans, agricultural land protection plans, regional growth patterns, Penn State enrollment projections, and regional planning frameworks. We continued to speak out at Ferguson Township meetings and water authority meetings to object to the plan and ask the water authority board to recommend a "No" vote and ask the supervisors to vote "No."

That work was coordinated through two mechanisms: a Change.org petition that now has more than 2,200 signatures, and a Facebook page called Save State College's Water Supply, that now has more than 1,600 "likes."

NEXT STEPS

Nittany Valley Water Coalition's immediate next steps are to recruit plaintiffs and raise funds to file a lawsuit to overturn the November 16 decision, on grounds that the development's stormwater detention design – sited on a small parcel of land still zoned Rural Agricultural and still outside the Regional Growth Boundary – is out of compliance with Ferguson Township zoning law prohibiting stormwater detention as a primary use on RA land.

Several plaintiffs have been identified to join the suit and we have begun fundraising. Thousands of dollars have already been contributed. Fundraising and payments to the law firm are being coordinated by CommunityWise, a State College nonprofit citizens' organization formed in August 2013 in response to the Columbia Gas/PSU pipeline fight. CommunityWise has signed a letter of engagement with attorneys Jordan B. Yeager and Paul R. Cohen of Curtin & Heefner, and made a first payment of \$5,000 to cover the first few weeks of representation.

We anticipate that the first phase of the litigation will successfully return the plan to the new Board of Supervisors, including the "water slate" of Laura Dininni, Peter Buckland and Colleen Unroe, elected November 3 to unseat three of the four "Yes" votes on November 16 (Mascolo, Clemson and Killian).

However, Toll Brothers and Penn State are likely to file for one of two remedies: a variance allowing stormwater management on RA land, or a rezoning from RA to R-4. Three out of five of the supervisors would have to vote NO on both requests to stop the current plan. If the supervisors reject both requests, Toll Brothers could redesign the project to fit entirely within the R-4 parcel and submit a new development plan, setting the stage for a new political and legal battle.

Ferguson Township's November 16 approval also opens up the possibility that Penn State – which owns more than 500 additional acres in the Slab Cabin valley, will pursue additional development and increase the threat to the water supply.

ALTERNATIVE STUDENT HOUSING PROPOSALS

We are not anti-student or universally against development. In June, Johan Zwart publicly proposed an alternative student housing development to Eric Barron and the Board of Trustees, designed to further Penn State's interests in respectful community relations; improve energy efficiency; internalize rather than

externalize infrastructure cost pressures on water, sewer and utility systems; and improve University supervision of student behavior to reduce alcohol abuse, sexual assault, vandalism and other issues that damage the school's public reputation.

Zwart identified the land along Porter Road between the East Campus Steam Plant and College Avenue as a good place to build a high-density student housing development and take advantage of the district heating system capacity at the East Campus Steam Plant. He emphasized that student housing along Porter Road would allow for short, energy-efficient student commutes to campus; walkable access to downtown State College, and protection of local water resources. Zwart further proposed that the Porter Road student housing include rooftop photovoltaic solar power, and that Penn State ask the Ferguson Township supervisors to rezone the R-4 site at Whitehall Road and Blue Course Drive back to agricultural use to create an organic research farm that does not use pesticides in the water recharge area. Barron and the Board of Trustees failed to respond.

In contrast, the Toll Brothers project – a large, 1,000-bed luxury student apartment complex – is planned for land that is not appropriate for high-impact development due to risks of contaminated drinking water and flooding of adjacent farmland. Apart from the profit motive, it is difficult to understand why a public, land grant university like Penn State supports it.

To volunteer to help with fundraising, email nittanyvalleywater@gmail.com. To donate funds, contact CommunityWise through the website

<http://communitywise.weebly.com>

or use PayPal to direct a donation to communitywisesc@gmail.com. Contributions are not tax-deductible.

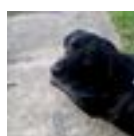
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