

COLLEGE TOWNSHIP COUNCIL

SPECIAL MEETING

WEDNESDAY, DECEMBER 29, 1982

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A Special Meeting of the College Township Council was called to order at 7:02 pm in the College Township Municipal Building for consideration of four items to be dealt with in separately held Public Hearings.

Each of the items had been advertised in accordance with all regulations. All persons wishing to testify signed in and were sworn in; there were no objections to the proceedings being recorded.

MEMBERS PRESENT: Donald Bailey; Herbert Stewart; Dolores Taricani, Chairman

MEMBERS ABSENT: Gale Dargitz; J. Carroll Dean

OTHERS PRESENT: C. Thomas Lechner, Manager
Art Beward, Zoning Officer

Prior to the first hearing, Chairman Taricani explained the absence of members Dargitz (Florida) and Dean (SUGAR BOWL!) and thanked the Township Staff, particularly Manager Lechner, for their hard work and devotion. Also on behalf of Council, she expressed her appreciation to all the Township residents for their community interest throughout the year.

The first Public Hearing was convened at 7:04 pm for consideration of the proposed rezoning of all privately-owned University-zoned property along the North and South sides of East College Avenue from the Township line to Puddintown Road.

Chairman Taricani noted that the matter had been considered for a long period of time, and that the Centre Regional Planning Commission had come up with an imaginative and creative solution to what had become a difficult problem.

Per the Chairman's request, Bob Watkins of the Centre Regional Planning Commission outlined the Commission's recommendations for the area: With the proviso that certain supporting revisions be made to the Zoning Ordinance, the Regional Planning Commission advised that the above-referenced area be rezoned to C-1 (General Commercial). The recommended revisions are as follows:

1. That the University District be changed to a University-Residential District.
2. That permitted uses of the University-Residential District be limited to those uses of the Agricultural District.
3. That the Ordinance include a definition of Historic Places and that special regulations apply to any properties within 500 feet of those properties so defined (See Attachment 1).

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4. That the Clinefelter store be rezoned to C-1.

In addition to these zoning changes, the Planning Commission also recommended that PennDOT be consulted regarding the installation of a turning lane on College Avenue in the vicinity of Centre Furnace Mansion to serve commercial properties on both sides of the road. Changes concerning parking lots, motor vehicle access, and signs within commercial areas were also recommended, but will be considered by Council at a later time.

Taricani then requested that those persons who had initially requested the rezoning offer their comments first on the Planning Commission's recommendations. In order of appearance, those testifying in support of the rezoning were:

1. James M. Rayback -- Attorney for Rallis and Esber -- "We whole heartedly endorse it."
2. W. E. Esber -- outlined his reasons for requesting the zoning change and stated that the Planning Commission's recommendations "sound as though I had written them."
3. Cal Zimmerman -- holder of an option on Esber's land.
4. J. Clinefelter -- asked for clarification of the Commission's recommendation to rezone his store to C-1. As his store and residence are connected, he wanted to make sure the rezoning would apply to his entire parcel, and after being assured that it would, added his support to the rezoning measure.
5. Jacqueline Melander -- President of the Centre County Historical Society -- "All things considered, this is a reasonable compromise."
6. Art Beward -- Township Zoning Officer -- requested a more exact definition of the term "mobile home" vis a vis "manufactured home." (The former would be prohibited for a distance of 500 feet from historic places.) Taricani noted that while the determination of what constitutes a mobile home is a legitimate question, it is one to be dealt with at a later meeting.

Taricani then reiterated that since so much time has elapsed since this particular zoning question had been brought up, it would behoove Council, despite the absence of two of its members, to adopt a recommendation of the proposal that evening.

Bailey then moved and Stewart seconded that Council adopt the zoning changes as proposed in the Centre Regional Planning Commission's memo dated December 2, 1982 excluding Item 5 and revising Item 4 to read "Rezone Clinefelter's property to C-1." (See attached memo)

The motion was carried unanimously and the Public Hearing on the rezoning issue was adjourned at 7:29 pm.

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A Public Hearing for consideration of comments on the proposed change of Oak Hall's now private Grant and Liberty Streets to a public thoroughfare was convened by Chairman Taricani at 7:30 pm.

Taricani explained the problem: Grant and Liberty Streets are currently unimproved streets not belonging to the Township. All the residents of these streets — save one — have petitioned the Township to take over these streets as public roads. According to a memo from the Township Solicitor, Council must take action upon this petition — hence the Hearing held that night.

In response to Taricani's query as to the extent of the Township's responsibility should it take over the road, Attorney Dick Campbell, who has been aiding the residents in this matter, responded that the Township would be obligated to maintain the road as passable for vehicular traffic. The Township would not be required by law to pave it.

Taricani then made note of an apparent misunderstanding on the part of the Grant and Liberty Street residents that the Township would pave their road at Township expense. She stressed emphatically that due to the Township's budgetary limitations, should the roads be taken over and paving become necessary, the expenses of that paving would have to be born in a cooperative effort between the Township and the property owners. Strictly speaking, the Township should not even take over a road unless it is paved to the Township's specifications.

Attorney Campbell responded that the residents are now aware that the Township has no legal obligation to bear the paving costs and that the Township would have the right to assess the property owners for any paving costs incurred. He added that the residents' immediate concern is that the roads be taken over and maintained.

Both Taricani and Bailey noted that when the Township and Thompson Street property owners undertook the paving of that street, the Township was able to arrange a loan for the residents at a lower rate of interest than would have been privately available. No commitment was made, however, that a similar arrangement could be devised for the Grant and Liberty Street residents.

In response to Bailey's question on the reason for hold-out or Horner's objections to the take-over, Manager Lechner replied that in a discussion with Mr. Horner, his main concerns seemed to be centered on the water lines and the monetary effect of the loss of land due to the right-of-way (and the survey it would entail) on a potential sale. Lechner added that Horner preferred to postpone his decision on the road take-over until spring, but that Horner had really not offered any concrete objections.

Campbell then noted that Horner had the opportunity of appearing before the Council at that night's Public Hearing to state his views, but had not chosen to do so. Should the Council vote to take over the roads, Horner would have the right to go to Court and seek damages, although Campbell does not personally feel he would. The other property owners have waived their right to seek damages in the petition presented to Council.

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Campbell then suggested that the best approach for the road take-over would be for the Council to adopt an Ordinance to that effect which would include a survey. An Ordinance, although perhaps more cumbersome, would obviate the necessity of each property owner having to furnish the Township with a deed of dedication.

Bailey then moved that the Township instruct the Solicitor to draw up an Ordinance to take over Grant and Liberty Streets as Township public roads. Stewart seconded and the motion was carried unanimously.

Taricani next restated the Township's position that any paving costs would have to be shared with the property owners, and adjourned this second Public Hearing at 7:47 pm.

A third Public Hearing was convened at 7:48 pm by Chairman Taricani to consider proposed revisions to the present Township Sign Ordinance #40. The present Sign Ordinance has been under revision for the past 10 years and dates from 1969. Many provisions need to be updated and revised to reflect new State regulations, new ideas, and new attitudes. The proposed new Ordinance is basically no more or less restrictive than the present Ordinance, Taricani stated, and many of the changes are of a clerical nature.

The three interested parties present (Harry Shollenberger, General Manager of Martin Oil Company; Linda Reynolds Thompson, owner of Signlight; and a local U-Haul representative) were all concerned with the same aspect of the proposed Ordinance — that relating to sign area limitation.

Despite the fact that the proposed Ordinance was advertised and available in full at the Township office, none of those wishing to testify were cognizant of the proposed new sign area stipulations. For their benefit, Taricani compared the present Ordinance (Section 3.06) to the proposed Ordinance (Section 4.4.3) and announced that the permitted sign area remains the same.

Ms. Thompson, joined by Mr. Shollenberger, disputed the equity of that portion of the Ordinance. She feels that the Ordinance, which bases sign area on building size (two square feet per linear front foot) does not fairly address the situation wherein a small building is placed on a large lot.

Zoning Officer Beward concurred, and advised Council that the majority of Zoning Hearing Board cases dealing with sign problems result from disputations of allowable sign area.

Although Taricani did not doubt the legitimacy of the sign area limitation problem, she did have difficulty in understanding why, after the revised Sign Ordinance had been in the drafting stages for so long, the subject was just now being brought up. She also noted that College Township's Sign regulations are similar to those throughout the Centre Region.

Ms. Thompson then recommended, based upon her professional knowledge, that the Sign Ordinance be revised to enable sign area to be in proportion to property

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size. She suggested that sign area be determined by any one of the following methods:

1. So many square feet per linear front foot of building
2. So many square feet per linear front foot of lot
3. So many square feet per total square footage of lot

Limitations could still be placed on maximum signed area.

Ron Weis, Chairman of the College Township Planning Commission, suggested that sign area be subjected to both minimum and maximum limitations, with anything in between to be determined proportionately.

Zoning Officer Beward agreed with Ms. Thompson's recommendations, emphasizing that alternative criteria be available, and that sign area be adjusted to lot size and not chosen arbitrarily.

Taricani then instructed Beward to draft a proposal based on the foregoing recommendations for submission to Council and Township Solicitor Reed McCormick.

Discussion next ensued on the best way of approaching the issue that night. Council could either adopt the new Ordinance and later amend the Limitations on Sign Area section or it could take no action at present and remain under the present Ordinance.

Beward then noted that the proposed new Ordinance makes no provision for limitations on sign area in the Village, Agricultural, Forest, and University Districts. The present Ordinance, through one of its many amendments, does address this area.

Stewart then moved that Council reject the new Sign Ordinance at this time. There was no second and the motion died.

In view of the aforementioned problems with the sign area limitations section of the proposed Ordinance, Council decided to take no action on the revision that night. A new Public Hearing reflecting the recommendations offered that night will be advertised and held at a later date.

Ms. Thompson offered to add her professional input to this matter, and was asked to submit her recommendations to Manager Lechner, who will forward them to the appropriate party.

Bailey then moved and Stewart seconded to adjourn the Public Hearing on the revised Sign Ordinance. The motion was carried unanimously.

A Public Hearing was convened at 8:40 pm to consider Fringe Benefit Amendments to the Township Administrative Code, Ordinance #53.

Manager Lechner outlined his recommended revisions to the Ordinance, which

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call for an increase in vacation and holiday time for both permanent full-time and permanent part-time personnel.

Action on this amendment was postponed to the January 3rd Organizational Meeting to allow for full Council participation.

The Public Hearing on the Fringe Benefit Amendment was adjourned and the Public Meeting was reconvened at 8:48 pm for the opening/consideration of bids on the Tax Anticipation Loan.

Three Banks submitted bids for the granting of this loan of up to \$40,000 for a period not to exceed four months. These bids and the rate of interest charged were from the following banks:

Farmer's Community Bank -- 8.05% on a Fixed Rate

Peoples' National Bank -- 80% of Prime Rate or 9.2% at present

Central Counties Bank -- 68% of Prime Rate or 7.82% at present

Lechner recommended to Council that the bid from Farmer's be accepted due to the fluctuation (i.e., unknown factor) of the Prime Rate.

Council concurred and Bailey moved that Resolution #89 be adopted authorizing the Township to borrow up to \$40,000 from Farmer's Community Bank to provide the necessary cash flow for the beginning months of 1983 until tax monies become available. Stewart seconded and the motion was carried unanimously.

The meeting was adjourned at 8:55 pm. Bailey moved; Stewart seconded.

Respectfully submitted,

C. Thomas Lechner

CTL:ss:key

CENTRE REGIONAL PLANNING COMMISSION

MUNICIPAL BUILDING 118 SOUTH FRASER ST.
STATE COLLEGE, PENNSYLVANIA 16801

PHONE: (814) 234-7185

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TO: College Township Planning Commission
FROM: Centre Regional Planning Commission Staff
DATE: December 2, 1982
SUBJECT: Zoning Changes, Centre Furnace Mansion, and Other Historic Places

As requested, we have prepared proposed changes to the College Township Zoning Ordinance which are attached. The changes are as follows:

1. Change the University District to University Residential and improve the applicable district regulations.
2. Special regulations applying to properties within 500' of properties on the National Register of Historic Places. This will apply to properties within 500' of the Lemont and Oak Hall Historic Districts, the Centre Furnace Mansion, the Thompson House on East Branch Road, and the Felix Dale House on Boalsburg Pike between Lemont and Oak Hall. These regulations will help protect the character of the Centre Furnace Mansion site if nearby properties are rezoned to C-1. Section 605 of Pennsylvania Municipalities Planning Code provides for the "regulation, restriction, or prohibition of uses and structures at or near places having unique historical or patriotic interest or value."
3. Include a definition of Historic Places.
4. Rezone Clinefelter's ^{Property} store to C-1.
5. Make arrangements with PennDOT to install a turning lane on College Avenue in the vicinity of Centre Furnace Mansion which would serve commercial properties on both sides of the road. This will accommodate the considerable traffic that will be generated by the proposed commercial development. A frontage road is also recommended to control access.

delete

The above proposals are based on the assumption that the four parcels of Dreibeibis, Esber, and Rallis, located directly on East College Avenue, will be rezoned to C-1.

RWW:mcs

cc: James M. Rayback
Jacqueline J. Melander

REPRESENTING COLLEGE, FERGUSON, HALFMOON, HARRIS
AND PATTON TOWNSHIPS, AND STATE COLLEGE BOROUGH,
CENTRE COUNTY.

ARTICLE VI, Section 3

- a. Change title to "University-Residential".
- b. Change Section 3.2.1 matrix, as attached.

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2. ARTICLE VII

Add Section 11, HISTORIC PROPERTIES, as follows;

SECTION 11. HISTORIC PROPERTIES: The following additional regulations shall apply to any property listed on the National Register of Historic Places, or to any property or portion thereof located within 500 feet of such historic property.

11.1 The following uses are prohibited, regardless of other zoning district regulations for the lands so affected.

11.1.1 retail establishments for the sale and service and rental of aircraft, boat and marine supplies, contractors' and farm equipment, mobile homes and accessories, motor vehicles and accessories (including automobile service stations and garages), and swimming pools.

11.1.2 all drive-in primary and/or accessory commercial uses.

11.1.3 beer distributors.

11.1.4 convenience food stores.

11.1.5 fast food restaurants.

11.1.6 lumber yards and glass distributors.

11.1.7 animal hospitals and veterinary offices.

11.1.8 all mobile homes, even if placed on permanent foundations.

11.2 No structure shall exceed 35 feet in height, subject, however, to the exception and computation provisions specified in Article II, Sections 7.1 and 7.2.

11.3 For all commercial, industrial, and multi-family primary and accessory uses located within 500 feet of an historic property, a buffer yard of evergreen trees is required along the property boundary (or portion thereof within the 500 foot limit) to the extent necessary to form a visual screen of said uses from the historic property. Such buffer yard shall be installed at the

time of development, change in use, or expansion
in ground coverage by 50% or more of any commercial,
industrial, or multi-family primary and/or accessory
structure or use in accordance with applicable design
standards of Article II, Section 6.10. 203

3. **ARTICLE XI**

Add following definition:

HISTORIC PROPERTIES: properties listed in the United States Department
of Interior National Register of Historic Places.

4. Rezone Clinefelter's ^{present} ~~site~~ to C-1.
5. Contact PennDOT on the possibility of adding turning lanes on E. College Avenue,
as previously discussed in the CRPC memo dated October 28, 1982.

3.2.1 Criteria and Standards for the University - Residential District

PERMITTED USES	LOT REQUIREMENTS			YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
Land and structures may be used for only the following							
PRIMARY USES							
1. Public and private institutions of higher education	1 acre	150' at the building setback line; 100' at the street line	30 %	50 feet	50 feet	75 feet	35 feet
2. Museums							
3. All permitted uses of the Agricultural District	see Agricultural District regulations.						
ACCESSORY USES							
4. Home occupations							
5. Customary uses accessory to the above; essential services	see Primary Use above to which it is accessory						

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