

MINUTES OF THE MEETING OF THE COLLEGE TOWNSHIP BOARD OF SUPERVISORS  
HELD MARCH 10, 1972

The regular meeting of the College Township Board of Supervisors was held on Friday, March 10, 1972, at 7:30 P.M., in the Municipal Building. All Supervisors were present.

The minutes of the previous meeting were read and approved.

The Treasurer's report was read and approved as follows:

Balance for January 31st	-	\$17,882.40
Deposits for February	-	<u>8,174.94</u>
Total		\$26,057.34

The Board approved payment of bills in the amount of \$8,470.02, leaving a balance for March 1st of \$17,587.33. Mr. Skinner moved to approve the Treasurer's report. The motion was passed.

BUSINESS

Mr. Williams reported on the contract delivered by the Department of Parks and Recreation for the development of Spring Creek Park. According to the contract, College Township will receive federal grants of 50% and State grants of 30%. The remainder of the project will be up for bid soon.

The Supervisors voted to approve HB 1847 - Section 2 of the State College Bypass going through the Project 70 park land, Slab Cabin and Lime Rock Parks. Mr. Weaver made the motion and Mr. Williams seconded it.

In other action, a motion was made by Mr. Skinner to reappoint Reed McCormick Township Solicitor for the remainder of 1972. The motion was seconded by Mr. Weaver and passed unanimously.

Witmer Subdivision - Shopping Center

The Preliminary Plans for the proposed shopping center at Branch Road and Route 322 were presented to the Supervisors for their approval. Mr. Norman Katz of Penn State Engineering, Consulting Engineer for

Canadian Pacific, stated that the plans had met all requirements of both the Centre Regional and College Township Planning Commissions. Mr. Katz also stated that sewerage service would either be a connection to the College-Harris Joint Authority system or handled through an on-site sewerage treatment plant as required. Mr. McCormick stated, at this point, that the Township should not underwrite any expense of sewer lines.

The meeting was open to discussion with reference made to a memo the Supervisors had received dated March 8th from the Centre Regional Planning Commission. The Regional Planning staff is opposed to the use of the land as a shopping center and feels the land should be rezoned to residential. However, they stated that if that was not possible they recommended that the Supervisors consider the comments they made concerning the plat and site plans. All legal obligations and requirements have been met by the developer and the land cannot be rezoned or the Township would be liable to a suit for damages. Mr. Skinner stated that if the area was incorrectly zoned in the beginning it was open to argument but the fact is that it is zoned commercial now. Mr. Skinner stated also that the property owners, the Witmers, spent a lot of money on plans based on that zoning and they have the right to determine the use of the property. It was again repeated that if the Supervisors don't approve the plans they could be sued.

Several people in the audience felt the residents have the right to determine whether or not another shopping center is needed in the Township. It was even suggested that the Supervisors take the chance the disapprove the plans. But it was repeated that since the plans meet the requirements of the Township Ordinance they have to be approved.

A question was made as to what was spent, so far, on the center and

whether it would be feasible to buy it from the developers. One of the developers gave a report on this subject and how costly it would be. It was also asked of the developers why they would pursue the erection of a shopping center in a place where the residents were so antagonistic about it and would most likely not bring their business to the stores. The developer replied that they were not inexperienced in this work and felt that due to their research it will be a successful center.

Traffic problems in the area were also questioned. It was stated that the developers had met all requirements as recommended by the Highway Department and, also due to these qualifications, there was no reasonable basis in the minds of the developers for their plans to be turned down. The Township is in a position where they cannot possibly deny approval and if brought to court, a jury would not condemn the developers because of the feelings of the residents.

The Supervisors felt that the developers should have been discouraged long ago when they first approached the Planning Commission with their plans. Mr. Dean of the Planning Commission spoke on the majority of the findings when the developers came before the Commission last January. They had discouraged the proposed shopping center then, and were not capricious now, in their decision of turning it down. They always had been against commercial development in that area and felt that this pattern of development is wrong in the region. Mr. Dean questioned the legality of the Holding Company acting as property owners because he said a property cannot be sold or leased until the property has been approved for subdivision. Mr. McCormick stated that by law, long term lease of land can be considered ownership for subdivision purposes, and the Township could be sued for damages if it delivered an arbitrary, capricious, or unrea-

sonable denial or delay for land use. Several residents commented that there was enough doubt on legal transfer of the land to delay a decision until that aspect was investigated. But according to the Supervisors there was not doubt as to who owned the land.

The conclusions of last year's Citizen Attitude Survey were brought to the attention of the Supervisors. The survey depicted a 2 to 1 ratio against the shopping center at that location. The Supervisors felt, however, that they had no real indication of how the people felt since only some 300 families answered out of the 1500 surveys that were mailed. A comment was made by Mr. Skinner as to the many people he had heard from who were in favor of the shopping center.

A comment was made followed by a statement from the developer on the present plans of the shopping center and what an example of good-development they are. It was encouraged by the developer that the people not be so quick to condemn the center because of the examples made by other shopping centers in the region. They stressed that much thought in planning was given to the needs of the people and development of the area. However, there were still feelings of resentment against another shopping center due to the fact that the people feel that only the developers will benefit from another center.

Other questions pertaining to the site of the shopping center were asked of the developers. Of the 33 acres of land zoned commercial only 19 acres will be used for the construction of the center. Approximately 130,000 square feet will be covered and would include a Riverside Market, a Hill's Department Store, a drug store, and store rooms for several local businesses. It was also asked of the developers if they planned on applying for more commercial zoning in that area.

They replied that they had no intention of applying for more commercial zoning, however, they hoped to expand and further develop the area with residential buildings to enhance the area surrounding the shopping center.

Mr. McCormick spoke concerning more zoning laws and again stated that the Supervisors have to approve the Preliminary Plans. At this point Mr. Williams made an announcement that the Supervisors had reached their decision.

Mr Skinner made a motion to accept the Preliminary Subdivision Plan subject to contractual agreements absolving College Township from any expense in future sewer extention.

Mr. Katz interrupted stating that significant capital had been contributed to the College-Harris Joint Authority for the purpose of putting in an extention of the sewer line in that area.

Mr. Weaver seconded Mr. Skinner's motion basing his decision on the fact that he has to <sup>comply</sup> ~~apply~~ with the Ordinance.

Mr. Williams made the motion unanimous stating that he agrees with the Planning Commission in principle, but legally he has to support the Zoning Ordinance and the recommendations of the Solicitor.

In other business Mr. Skinner made a comment regarding a statement in the minutes of the February 3rd meeting of Centre Regional Planning Commission which stated that College Township had agreed to adopt the proposed Gas Station Ordinance. Mr. Skinner said that this was an approval of the Planning Commission and felt that the minutes should be changed to that affect.

There being no further business the meeting was adjourned at 9:35P.M.

Respectfully submitted,

Lester M. Weaver, Secretary

*Lester M Weaver*