

COLLEGE TOWNSHIP COUNCIL
PUBLIC HEARING AND REGULAR MEETING
FEBRUARY 9, 1984
7:00 PM

The College Township Council convened at 7:00 pm on Thursday, February 9, 1984, in the College Township Municipal Building for a Public Hearing and the regular meeting.

Members present: Fred E. Smith, Max E. Hartswick, Gale L. Dargitz, Herbert W. Stewart, and Dolores Taricani - Chairwoman.

Others present: C. Thomas Lechner, Manager
Beulah L. Houser, Administrative Assistant
Robert L. Hayden, Treasurer

PUBLIC HEARING

1. HIGHLAND DEVELOPMENT JOINT VENTURE REQUEST FOR REZONING

Following the swearing-in and signing-in of testifiers, Taricani read a list of Everhart Village residents who had telephoned the Township office to register their opposition to rezoning. Members of the audience asserted that the list was incomplete. Taricani also read a letter addressed to Council from the Winston Corporation, owner of land adjacent to the subject land, requesting that if Council grants the rezoning request, it also rezone the small (approx. .9 acre) portion of their land now zoned R-2. Carl Raup of HH&B Realtors assured Council and audience members that Winston is not requesting any rezoning of Agricultural land.

Tom Songer, representing the applicant, the Highland Development Joint Venture, presented their case, saying that the main impetus for the request is the desire to make the development compatible within itself, to employ one concept for the whole tract. The main justification, in his view, is the character of the development, all multi-family, surrounding their property; to the North, land in the Borough zoned R3-B; in Ferguson, R-4 (Ferguson's highest density). He noted the availability of public streets, water, public transportation, sewer facilities and natural gas, and pointed out that an Agricultural buffer zone separates Everhart Village from the proposed development.

In response to questioning from the audience, Songer listed the maximum densities for the various zoning districts mentioned:

- State College Borough R3-B, 1 unit/3500 sq. ft.
- Ferguson Township Township, 1 unit/2500 sq. ft.
- College Township R-2, 1 unit /3000 sq. ft.
- College Township R-3, 1 unit/ 2000 sq. ft.

Lillian Wakely, an Everhart Village resident, pointed out that even the current zoning in College Township, R-2, allows a higher

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density than the neighboring Borough R3-B, and that rezoning to R-3 in College Township would allow almost double the density now permitted in the Borough zoning district. She feared that further high density development directly upwind of Everhart Village would result in unacceptable noise levels and trash dumping in the buffer zone.

In response to questioning from Dargitz about what he saw as abrupt changes in density in that area if the property is rezoned, Songer said that zoning ordinances stipulate permitted uses as well as density and that if permitted uses were compared a different picture would emerge. In fact, he said, his clients are perfectly happy with the density permitted under the existing R-2, but want to consider uses such as garden apartments, nursing homes and personal care boarding homes, currently not permitted under College R-2. He suggested that Council might want to consider changing the density permitted under R-2, to make it more restrictive.

Notwithstanding the intentions of Highland Development Joint Venture, Dargitz replied, the land could be sold again tomorrow to someone who will develop to the maximum density.

Ronald W. Stingelin, a member of the College Township Environmental Advisory Council and one of fourteen residents of Everhart Village present at the Hearing, laid out his objections to rezoning. He briefly sketched the history of zoning in that area, including the compromise struck in 1979 establishing an Agricultural buffer zone along Campbell Road for the residents of Everhart Village. His main objections rested on the adverse impact of further development on water supply and management in that area. Citing existing problems with drainage in the Campbell Road, Whitehall Road area, he projected that further development will only aggravate the problem.

The other major concern was the impact on the quality of the water supply - the water fields along Slab Cabin. Water from the new development will run toward the wells; if it misses the sinkholes, it will run right into Slab Cabin Creek near the wells. If the wells are polluted, everyone who uses State College water will be affected.

Stingelin then reminded Council of a letter it received from the Township Environmental Advisory Council dated January 23, 1979, which recommended among other things that Council affirm its intent to retain the current zoning of the Agricultural district as a buffer to protect the drainage zone between State College and Slab Cabin Creek.

Dave Kibler, another Everhart Village resident, added his voice to the concern over water management. Saying he calculates that runoff will increase by a factor of 6, he questioned the feasibility of permanent solutions such as a detention area, which he said could turn into a maintenance nightmare. He added that the 6.6 acre parcel in question will not create a significant problem in itself, but the real concern is the pattern of development - the sum of all the incremental changes.

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In rebuttal, Songer said that drainage would run toward Whitehall Road from the College Township portion of the land, that runoff always increases with development but the rate of runoff should not increase, and that rezoning is not the end of concern over water management; the Township's own professionals ultimately decide storm water management questions before development ever occurs. As to maintenance concerns, he thought this least likely to be a problem in a multi-family type development, because one owner as opposed to many individuals would be responsible. He said further that land use is the question here, land development is properly considered at the next stage of review. He added that the College Township Planning Commission had voted 3-1 to recommend approval of the rezoning request.

Reiterating his earlier contention that greater density is not desired or planned by his clients, Songer then suggested that Council might wish to consider allowing nursing homes and personal care boarding homes under the R-2 zoning designation as an alternative to rezoning and asked if Council members would have any objection. Taricani said that she would first have to see a plan. It was his understanding that plans have no place in zoning considerations, said Songer. Taricani said that she, for one, would not be inclined to change permitted uses under R-2 and added that nothing she had heard had convinced her that the change would benefit the neighborhood, although it was clear that a change would financially benefit the developer. There was no comment from other Council members. Taricani thanked the testifiers and announced that the decision would be rendered at a later date.

2. AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES

Taricani introduced the subject and invited discussion. Noting that they are not mentioned in the ordinance as it now stands, Stewart expressed a desire to see flea markets permitted as a temporary use. Speaking from the perspective of a flea market operator, he noted the benefit to the Township of a flea market as opposed, for example, to individual sales along a highway. Council members expressed no opposition to the idea and Stewart proceeded to raise questions about the applicability to flea markets of some provisions of the Ordinances; namely, Article VII, Section 12.2.5 of Ordinance 59-G, which requires sanitary facilities, and Section III E of Ordinance 27-A, specifying a license fee of \$25 per day. Stewart contended that, since flea markets are held mainly on weekends, the license fee of \$75 per weekend (\$25/day) amounts to the same figure monthly (\$300) that would be paid by a temporary use in operation for 30 days. Several members rebutted that, on the other hand, a flea market with 50 vendors will pay the same license fee as an individual operating the same number of days under the proposed wording for flea markets circulated to members by Taricani. Dargitz, in particular, objected to a flea market's paying only one license fee regardless of how many vendors might participate.

The consensus reached during discussion was that flea markets should be a permitted use and could be provided for by:

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1. The insertion of the paragraph

The engagement in the sale of personal property, consumer goods or services from a fixed location on private property in the municipality, or the offering for sale of personal property or services brought into the location specifically for the purposes of sales to the public in a multi-individual cooperative sales activity, frequently called a Flea Market, shall be considered a Temporary Retail Business. The property owner or flea market operator shall procure one license covering all the persons selling at the same fixed location during this activity.

after paragraph 2, Section III A of Ordinance 27-A

2. The inclusion of the following in Ordinance 59-G, Article VII (Supplemental Regulations):

12.1.9 Flea Markets

12.1.9.1 Permitted in Commercial Districts

12.1.9.2 To be conducted on weekends only
(Friday, Saturday, Sunday)

As there was no further discussion, Hartswick moved that Ordinances 27-A, 59-G, and 71-C be adopted with the changes noted in the discussion. Smith seconded and the motion carried without dissent, Steward abstaining.

Smith then offered a motion to adjourn the Public Hearing. Hartswick seconded, the motion carried, and the Public Hearing was adjourned at 9:05 pm.

REGULAR MEETING

APPROVAL OF THE MINUTES

Dargitz moved and Smith seconded that the minutes of the meetings of December 12 and 26 be approved. On discussion, Smith noted that paragraph 4, Page 3 of the minutes of January 26 should refer to a Nema cabinet and not a Nema monitor. Dargitz asked that Bond Council be changed to Bond Counsel in the last paragraph of the first page of the same minutes. Smith asked that that phrase be further clarified by changing it to read Bond Counsel's opinion. Smith requested that the last paragraph under CORRESPONDENCE on Page 2 of the minutes of January 12 be clarified to reflect the fact that no letter had been received from the electrical contractor, only a verbal offer. Dargitz' amended motion to approve the minutes as corrected passed unanimously.

CORRESPONDENCE

The Chairwoman noted that the following correspondence had been received:

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- C-1 Letter from Ben Novak re Eugene F. Rudolph vs. Zoning Hearing Board of College Township heard in Commonwealth Court of Pennsylvania.
- C-2 Letter from PennDOT re the Highway Turnback Program
- C-3 Letter from Karol R. Davenport re Snow Removal
- C-4 Letter from PennDOT re Guidelines for Traffic Signal Maintenance
- C-5 Letter from Centre Region Parks & Recreation re Land & Water Conservation Fund
- C-6 Letter from Charlene H. Harrison, PSU, re Appointment to Centre Regional Rental Housing Advisory Committee
- C-7 Memo dated February 3, 1984 from Dave Allison, Executive Secretary, College-Harris Joint Authority, with copy of their 1984 budget.

Taricani also informed Council of a Public Hearing to be conducted by the United States Environmental Protection Agency at the College Township Municipal Building on March 7, 1984 at 7:00 pm to consider storage of hazardous wastes at the Nease Chemical Plant. She noted that College Township does not have jurisdiction in this circumstance as it would if a fire safety hazard existed.

TREASURER'S REPORT

Smith moved and Hartswick seconded to receive the Treasurer's report. The motion passed unanimously without discussion.

BUSINESS

B-1 Decision on Ordinance Repealing Occupancy Permit Fee

Recommending that the finding of fact be retained in the wording of proposed 65-C, Smith moved and Hartswick seconded a motion to adopt Ordinance 65-C. Since there was some uncertainty about the necessity for a hearing, Smith amended his motion to propose either adopting 65-C or scheduling a hearing if required. The motion passed unanimously.

B-2 Formation of a Financial Advisory Committee

Taricani distributed a written proposal for a formal charge to the committee, including the following provisions:

- Five members
- One year appointment by Council
- First meeting and election of Chairman within three weeks of appointment
- A plan of action to be adopted at the first meeting
- A bi-monthly report to Council
- Assistance (including secretarial) to be available. Contacts to be made through the Township Manager
- A thorough study of taxes, assessment & reassessment, alternative financing (such as real estate exchanges), grant sources & alternate forms of government

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Stewart called for a list of ten prospective members with a description of their qualifications, from which five members could be chosen. Though he agreed that committee members should have the background to understand the budgeting process, Smith hoped that the committee would include not only business people, but a cross-section of the talent of the Township. He suggested that names and qualifications be submitted to Lechner for consideration at the next meeting.

B-3 Pike Street Turnback

In a response to a letter from the Township Engineer, PennDOT said that it could do the job in the Summer of 1984, or give the Township \$23,250 to do it. Lechner said that the Township Engineer believes that PennDOT did not pay close attention to his letter as many of the issues he raised were not addressed in PennDOT's response. In addition, Lechner found a miscalculation of \$39,600 in PennDOT's estimate of the project cost. With the overlay, he and the Engineer believe the actual cost will easily reach three times the amount projected by PennDOT. He recommended asking PennDOT to reconsider and address all the issues raised or explain why they will not. Taricani agreed that the Township should ask for clarification.

OTHER BUSINESS

Lechner told Council that the Code Director had informed him that action was necessary on appointments to the Code Appeals Board. He listed current members:

Al Drobka, Registered Architect on the CORE Board

The following are alternates:

Doug Hazel, Plumbing Code, Chemical Code
George Waskob, Property Maintenance Code
Suzanne Lord, Property Code, Tenant
Linda K. Rambler, Handicapped Access

Stewart moved and Hartswick seconded that all the above be reappointed to a two-year term on the Code Appeals Board. The motion passed unanimously.

Another Code issue to come up soon, said Smith, is the 1984 version of the BOCA Code. Each municipality must decide whether to adopt the new code.

Two Penn State Journalism interns in the audience were introduced by Taricani, who indicated they will be doing an in-depth project on College Township as part of their internship.

All business having been concluded, the meeting was adjourned on a successful motion by Hartswick, seconded by Taricani, at 9:50 pm.

Respectfully submitted,

C. Thomas Lechner
Secretary