

MINUTES OF MEETING HELD BY
COLLEGE TOWNSHIP BOARD OF SUPERVISORS
IN THE MUNICIPAL BUILDING

APRIL 8, 1975

The meeting of the Board of Supervisors was called to order by Chairman Elwood Williams at 7:30 p.m. The other two members of the Board, Mr. Trotter and Mr. Ziegler were also present.

The minutes of the meeting held March 11, 1975 were read and corrected as follows:

Page 6, Line⁶ 6 and 7 - change the words "half decent" grade to "proper" grade.

Page 8, Line 7 - change Resolution No. 12 to Resolution No. 11 . This was a typographical error.

Page 12, Line 1 - Omit the sentence beginning "It was agreed ..." and record as "The Board authorized the Bi-Centennial Committee to decide the feasibility of selling the produce of arts and crafts practiced by College Township residents and associates. These sales will probably occur during the planned three-day celebration in June 1976."

It was moved by Mr. Williams and seconded by Mr. Trotter that the Minutes be approved as corrected.

The Treasurer gave his report as follows:

March 1 Balance	\$ 8,716.16
Deposits during February	\$11,816.72
Balance	\$20,532.88
Expenditures for March	\$10,217.98
April 1 Balance	\$10,314.90

Mr. Trotter moved and Mr. Williams seconded a motion that the Treasurer's Report be accepted. Passed.

CORRESPONDENCE

A letter, dated March 24, 1975, was sent to Mr. Herbert Stewart withdrawing the extension of time on the Stay of Execution on the order to have the vehicles removed from the Summit Road right-of-way.

A letter, dated April 2, 1975, to the Township Secretary from Austin O. Furst, Attorney for Mr. Stewart, was read regarding Mr. Stewart's rezoning petition. Mr. Furst indicated he had made a personal tour of the premises occupied by Mr. Stewart and that the right-of-way of Summit Road had been cleared of all vehicles and had been so for some time and that, at the moment, the parking spaces as required by the Zoning Hearing Board are being provided. Reference was made to the stay of order granted by the Board until the zoning matter was finally disposed of. (A copy of the letter is attached.)

Mr. Ziegler read a Brief from Attorney Furst and Mr. Stewart, dated March 18 and received March 18, 1975, in which they repeated their request for rezoning. This has been turned over to the College Township Planning Commission who in turn has given it to the Township Solicitor, Reed McCormick, for a legal interpretation. A discussion was held concerning some of the statements set forth in the letter and Brief. Any action taken by the Planning Commission on the request for rezoning would have been illegal because Mr. Stewart was not the owner of the land in question, the exact boundaries were not delineated on the application, and it was a part of an illegal subdivision. At the last Board meeting, it was decided no action on the rezoning request would be taken until a subdivision plan was submitted and filed.

A few of the statements in the Brief are as follows:

- 1) that Mr. Stewart was raising crops on land used as "soil bank".
Mr. Trotter stated that a stay had been granted on land used as "soil banks" for a period of time when there was a crop

shortage, but usually there are no crops grown and harvested on "soil banks",

- 2) that a verbal stay order was given by the Zoning Hearing Board Chairman whereby the petitioners would not be required to comply with the order of the Zoning Officer requiring the removal of automobiles from land in question until a determination was had on the request for rezoning.

It was verified that the Chairman had not given such a verbal stay order.

- 3) that the 10 year time period had elapsed to bring action against any illegal subdivision made.

The deed for this transfer of land was recorded on August 13, 1965. Therefore, the ten year period would not end until August 13, 1975 and the Township Officials are not barred from bringing any action concerning said subdivision violations.

- 4) That the Planning Commission had not acted on their request within the 60 days. They were one day short in making their decision.

The 60 day deadline was met. The request was dated December 13, 1974 but was not received by the Township Office until December 18, 1974. The Commission held a Special Meeting on February 13, 1975 and the decision was given to the Board on February 14 which was within the 60 day period.

No action will be taken by the Board until the Planning Commission recommendation is received.

Mrs. Claire Brown indicated this was not a second application for rezoning but a request for a hearing referring to the former application for rezoning request.

Mr. Trotter asked if any pictures for documentation purposes were taken of the conditions as they appeared before ~~at~~ Mr. Stewart's place of business and Summit Road right-of-way and as they appear now. He felt these could not be disputed if questions arose later. It was stated the Zoning Officer may have some in his file that were taken previously. The Board will check on this matter.

OLD BUSINESS

None

NEW BUSINESS

Agreement to Update Traffic Signal at the Intersection of L.R. 871 and Ramp "A" of L.R. 56-PA T.R. 26. This is located near the Nittany Mall. The Township originally put the signal in and last fall PennDOT put in the second lane of highway. This now has to be updated by putting in a mast arm with directional signs on and a new loop in the road. PennDOT has agreed to pay 100% of the costs. The Township will bid for the work and will be reimbursed by PennDOT.

Resolution No. 12 to update the traffic signal was read by the Secretary. It was moved by Mr. Trotter, seconded by Mr. Williams and supported by Mr. Ziegler that this Resolution be adopted and dated April 8, 1975. Motion passed.

Agreement to Accept Puddintown Road after Relocated Puddintown Road is built. The State will turn over to the Township the old Puddintown Road to the Orchard Road entrance where the new Puddintown Road will hook on.

They have agreed to put the road in A-1 condition before it is turned over to the Township; resurface it, reconstruct the 5 foot shoulders on both sides and put in a new bridge at the turn which would be 16 feet wide with 4 foot shoulders on either side. In addition, PennDOT will extend the existing culvert on the right of Orchard Road with 10' of corrugated metal pipe. At the end, a cul-de-sac will be constructed with a 60 foot radius and a 10 foot shoulder all the way around. PennDOT has submitted plans to the Township for this work.

Mr. Ziegler moved that the Board accept Puddintown Road when this construction work has been completed. Mr. Trotter seconded and Mr. Williams supported this motion. Passed.

Gordon Kissinger Rezoning Request. A letter dated March 27, 1975, from Mr. Kissinger to the Board of Supervisors was read requesting a change in zoning of approximately 3.48 acres of land located in College Township adjoining property at the corner of Branch Road and South Atherton Street which is located in the Borough. A letter, dated April 7, 1975, from Mr. Kissinger, supplementing the original request, was also read.

Mr. Kissinger was unable to be present but Mr. Fred Kissinger and Mr. Donald Coyne were there to present the request and answer questions. The wrong tract of land was outlined on the site plan. A new plan is to be submitted as soon as possible to the Supervisors to be turned over to the College Township Planning Commission. A letter, dated March 25, 1975, was read from the State College Borough Planning Commission Secretary, Donald Dorneman. Their approval of the site plan was contingent upon the developers getting the approval of College Township for use of this land located in College Township. The zoning change is being requested in

order to construct a restaurant and motel. The only use of the land, about 35 feet, in College Township would be for parking and a planting strip. Mr. Kissinger has no immediate plans for developing the rest of this land other than to continue its present use as pasture and/or open space. A future contemplated use might be a golf driving range or a similar recreational use permitted in a so-called flood plain.

Mr. Ziegler questioned whether building is allowed in this area since it is considered to be in the flood plain, or was before it was filled in. He felt this was an illegal fill of flood plain. Mr. Kissinger stated that area had been tested and changed. A discussion was held on the amount of work involved to revise the flood plain map. He wondered how the Borough had cleared this so quickly, if it had been done at all. The Board will check into this. Mr. Kissinger stated he knew for a fact that the land in question was not in the flood plain according to the Borough Flood Plain map.

Mr. Christoffers discussed plans for the "Dill Farm" which the University purchased from Mr. Ed Dale and his wife in 1973, consisting of 229 acres on the Puddintown Road. They wish to sell 1.49 acres of ground which includes the house and a garage. The University wishes to retain the barn to store farm equipment in and the land beyond it. The house is now empty and the neighbors felt they would like to see the house preserved. Mr. Christoffers wanted to get the feelings of the Board on this matter and to find out what all is involved if they sell this property. He indicated the boundary line would have to be changed near the garage in order to meet the sideyard setback as required by the Township Ordinance.

Mr. Christoffers' next step would be to go before the Planning Commission with plans for a subdivision. A copy of the subdivision

regulations was given to him as a guide for the requirements necessary.

A discussion was held about the letter Mr. Ziegler sent to Mayor Hays concerning the trash that continuously blows into College Township along Whitehall Road from the shopping center and apartments in the Borough. This is a result of not putting the dumpster covers on. Mr. Ziegler suggested that if some kind of action is not taken, the Township should sue the Borough for littering. He said he personally would like to find out if the litter law is enforced anywhere. Mr. Williams stated there are several cases pending now which were brought against individuals for littering in College Township.

Mr. Ziegler said he understood his letter was brought before the Borough Council on Monday night, April 7, so maybe some action will be taken. He said they questioned whose trash it was. Mr. Ziegler said he could prove where it was coming from if he had to.

PLANS

None

ANNOUNCEMENTS

The Riff-Raff collection for this spring will be held on May 5, 6, & 7.

The Centre Hills PRD Decision was handed down from the Commonwealth Court in College Township's favor by a unanimous decision. This decision has since been appealed to the Supreme Court. *By Centre Hills*

Correspondence was read from H. A. Thomson Company, Insurance Brokers and Consultants. A form was enclosed to be filled out to consider an Errors and Omissions Policy. The estimated annual premium would be about \$630 which covers all Township employees, Boards, Commissions, etc. against wrongful acts. The three Supervisors looked very favorably on this policy. Mr. Trotter said he had made inquiry at the State office and this Company specializes in this type of insurance. The application will be returned to the Company.

OPEN DISCUSSION

None

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

John Ziegler
Secretary

BOARD OF SUPERVISORS

COLLEGE TOWNSHIP

481 EAST COLLEGE AVE.

STATE COLLEGE, PA. 16801

March 24, 1975

Mr. Herbert W. Stewart
R. D. 1, Box 256
Bellefonte, PA 16823

Dear Mr. Stewart:

This is to inform you that by unanimous action at their regular meeting held March 11, 1975, the Supervisors of College Township decided to rescind the extension for compliance with the order of October 24, 1974 by Mr. Jeffrey Roush, College Township Zoning Officer, which they granted to you at their Special Meeting held December 31, 1974.

The stay of execution was originally granted until a decision relative to the rezoning of the 7.84 acres under consideration was rendered. Your request for rezoning was turned over to the College Township Planning Commission for their recommendation. The Planning Commission held a Special Meeting on February 13, 1975, and submitted the following items for consideration to the Board of Supervisors on February 14, 1975:

1. Actual ownership of the parcel of land under consideration is in question.
2. The application was not accompanied by a drawing delineating the exact boundaries of the parcel of land under consideration.
3. There is a question relative to the legality of the subdivision which produced the parcel of land under consideration.
4. There are "inconsistent" statements in the application for rezoning.

These questions along with the Planning Commission's recommendations for denial until a proper and complete application be submitted provided the basis for the action by the Supervisors.

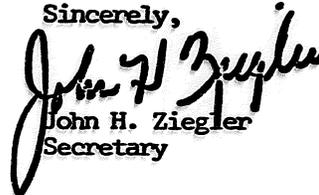
March 24, 1975
Herbert W. Stewart
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Therefore, based on the action taken at the March 11 Meeting, you are to comply with Mr. Roush's original order within thirty days or before the deadline of April 10, 1975.

At the same meeting, the Supervisors noted that a building permit had been issued to you based on certain restrictions requested by the Zoning Hearing Board. Mr. Roush was also instructed to enforce the conditions as set forth in the decision of the Zoning Hearing Board including the removal of all parked vehicles from the road right-of-way and the provision for customer parking at your establishment.

Under date of March 18, 1975, the Supervisors did receive a Request for Rezoning Hearing in which there appears to be on your part some attempt to explain the original questions raised by the Planning Commission. You are hereby notified that, as mandated, the Supervisors will again turn your request over to the Planning Commission for review and comment before a decision is rendered.

Sincerely,


John H. Ziegler
Secretary

JHZ:bh

cc: Elwood G. Williams, Supervisor
Clarence E. Trotter, Supervisor
Jeffrey Roush, Zoning Officer
Reed McCormick, Solicitor
K. Ronald Weis, Chairman, Planning Commission
Robert Farwell, Chairman, Zoning Hearing Board
File ✓