

SPECIAL MEETING  
OF  
COLLEGE TOWNSHIP SUPERVISORS

FRIDAY, AUGUST 1, 1975

4:00 P.M.

IN THE MUNICIPAL BUILDING

TO CONSIDER THE FOLLOWING:

1. Charles & Kathryn B. Rallis Decision on Curative Amendment Request.
2. Police Contract Decision.
3. Any other business that may properly come before the Board.

  
Elwood G. Williams, Chairman

SPECIAL MEETING OF  
THE COLLEGE TOWNSHIP SUPERVISORS  
IN THE MUNICIPAL BUILDING  
AUGUST 1, 1975

The meeting was called to order at 4:00 p.m. by Chairman Elwood Williams. Mr. Trotter and Mr. Ziegler were also present.

The first item to be discussed by the Board was the temporary suspension of Melvin E. Neidig, Acting Chief of Police, on Tuesday, July 29, 1975 due to personnel matters.

Mr. Ziegler made a brief statement on behalf of the Board. Mr. Neidig's letter of resignation, effective July 29, 1975 at 4:00 p.m. was submitted and read in its entirety by Attorney C. Kent Price who represented Mr. Neidig at this meeting.

Mr. Ziegler moved that Mr. Neidig's resignation be accepted. Mr. Trotter seconded this motion and was supported by Mr. Williams. It was unanimously accepted by the Board. Since the resignation has been received and duly accepted, the questions of formalizing the temporary suspension become ~~made~~, and rendered unnecessary any further discussion of the personnel problems. This closes the case as far as the Township Supervisors are concerned.

The second item before the Board was the Charles and Kathryn B. Rallis Curative Amendment Request. Mr. Ziegler read a statement of the information considered in making their decision.

Mr. Ziegler moved this discussion be used to show that the current Board of Supervisors concurs with the rezoning decision rendered March 1, 1973 and thereby denies the present request for a Curative Amendment. Mr. Trotter seconded this motion and Mr. Williams supported it. Unanimously approved.

Attorney Price said he would be willing to deliver this decision to the Rallises' Attorney, Eugene Lederer, since they are located in the same office building.

Mr. Ziegler said it had been brought to his attention that PennDOT, in purchasing land for the State College Bypass, ~~are~~ leaving small portions of property less than the required lot size. For example, it was mentioned that approximately 6/10th of an acre would be left of the Rallis property. It was felt a meeting should be held with PennDOT to discuss this matter to avoid problems to the Township in the future. The Supervisors will check on this.

The third item on the Agenda was the Police Contract decision. Mr. Ziegler gave an up-to-date report of his activities with the State College Police Department in negotiating a workable contract with their Department for coverage for College Township.

No serious problems in the agreement or progress was experienced or is anticipated. The Board hopes to be able to adopt the Ordinance for contractual police services at the regular meeting on August 12 and sign the agreement so the present Township Police Force can be dissolved on

approximately the 16th of August and begin contractual services on August 17th.

Attorney Reed McCormick commented on his letter to Robert Kistler, Attorney for the State College Borough Police Department, regarding Police Liability and also expenses caused by termination being included in the contract.

No other business was presented to the Board so the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

John H. Ziegler  
Secretary

July 29, 1975

College Township Supervisors  
College Township Municipal Building  
East College Avenue  
State College, Pennsylvania

Gentlemen:

I, Melvin E. Neidig, herewith submit to the Supervisors of College Township for your consideration and acceptance my formal resignation as a police officer in the Police Department of this township, effective as of 4:00 o'clock P.M., July 29, 1975.

Sincerely yours,



Melvin E. Neidig  
Acting Police Chief  
College Township Police Department

cc: Reed McCormick, Esq.  
C. Kent Price, Esq.

Handwritten calculations:

1700	14500
	45000
	30
	489.60

  

1632	30
	1600

# BOARD OF SUPERVISORS

COLLEGE TOWNSHIP

1481 EAST COLLEGE AVE.

STATE COLLEGE, PA. 16801

IN THE MATTER OF A REQUEST FOR  
A CURATIVE AMENDMENT BY:

TO THE BOARD OF SUPERVISORS  
OF COLLEGE TOWNSHIP, CENTRE  
COUNTY, PENNSYLVANIA

CHARLES AND KATHRYN B. RALLIS

August 1, 1975

**APPLICANTS:**

Charles and Kathryn B. Rallis  
1101 East College Avenue  
State College, Pennsylvania 16801

**LOCATION OF PROPERTY:**

1101 East College Avenue  
State College, Pennsylvania 16801

In reaching the current decision the Board carefully considered all the information, exhibits and records supplied as accompaniments to the request for a curative amendment.

The current Board of Supervisors of College Township including C. E. Trotter, E. G. Williams Sr. and J. H. Ziegler concurs with the rezoning decision rendered on March 1, 1973 and thereby denies the present request for a curative amendment.

The Board would like it to be known that it considers the handling of the rezoning hearing activities in 1972 by the then Supervisors of College Township to be proper and legal in all respects. All actions were advertised and announced as mandated (53 P.S. 10610), and public hearings were held at which all persons appearing to witness relative to proposed zoning changes were heard. The Board does not feel that Charles and Kathryn Rallis were denied any rights by not being specifically and personally notified in writing in regard to the proposed zoning changes.

The Board notes the following as important to its present decision for denial of the requested curative amendment:

1. On October 3, 1968 and for at least five years thereafter the Rallis property was identified by a real estate "For Sale" sign indicating that it was a desirable piece of commercially zoned property for sale. Assuming that it was a desirable piece of commercial property, that the offer for sale was a legitimate offer and that the price asked was reasonable, in the Centre Region Area along one of the most heavily trafficked highways during those years it should have been sold for commercial use. Although Mr. Rallis indicated that he had received many inquiries relative to the sale of his land for commercial purposes, no single firm documentation of an offer to purchase was presented.

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2. That the Rallis property has had on its eastern edge a large billboard advertising the Holiday Inn was presented as proof of continuous commercial use. Mr. Rallis indicated that he voluntarily permitted the erection of said sign from which he derived a rental income. According to the present Sign Ordinance of College Township this constitutes an off-premise and therefore non-conforming sign. The Board does not see the presence of an off-premise billboard as proof of commercial use since in most areas billboards have traditionally been erected on rural, agricultural land and for the most part the erection of a sign does not automatically relegate the land on which it is erected to commercial zoning.
3. The Board believes that a commercial parcel of land whose fair market value is \$100,000 should reflect this in its assessment for real estate tax purposes. It is the understanding of the Board that the Rallis property has continuously been assessed at a reasonable value for a residential property. If the Rallis property was truly of commercial zone value and assessed properly prior to the rezoning in 1972, thereafter the change to residential zoning should have been reflected in a considerable reduction in the assessed valuation. The Board finds no evidence that such a reduction in assessed valuation occurred subsequent to the 1972 rezoning. In fact the land value increased after residential rezoning including adjustment for assessment rate changes.
4. The Board believes that it indeed would be guilty of "spot zoning" if it granted the Rallis request for curative amendment since rezoning to commercial would create an island of commercial land which would be completely surrounded by a residential zone and University owned agricultural land. It should be pointed out that at the time of the rezoning in 1972, the Rallis property was not singled out for individual consideration but was one piece of land included in that whole corner of Township land that was rezoned to residential.
5. It has been alleged that the rezoning to residential in this case was indeed part of the Township's long range plans to discourage commercial operations and development in the vicinity of the Garver home and the Centre Furnace both of which will, hopefully, someday become part of an historical site. It should be noted that an historical site may be either publicly or privately owned and maintained for posterity. Obviously the Board of Supervisors at the time of the rezoning gave consideration to this proposal but it was not a major reason for the rezoning although it may have played an important part in the location of the bypass ramp by PennDOT Officials.

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6. The Board notes that even though the land directly across the road from the Rallis property (south of Benner Pike) is zoned commercial, that owned and used by Dr. Hubbard is not a noxious type of commercial use and in fact is a permissible use by special exception in an R-1 Zone. The case presented by the Rallises attempts to portray that their property is surrounded on all sides by heavily used commercial operations. This is not the case since a considerable buffer zone exists on all sides between the Rallis property and any current commercial enterprise. Moreover, the Board does not agree with the Rallis' position that a street cannot serve as a zoning boundary but instead bases its decision for the location of the present zoning boundary on the future use of the area rather than on an appraisal of its present uses, *Smolow v. Zoning Board of Adjustment*, 391 Pa. 71, 137 A. 2d 251 (1958), *Calvary Methodist Church*, 81 Dauph. 397 (1963).
7. The Board also notes that the long time commercial history of the area is not a sound basis for current decisions since the Zoning Ordinance specifically provides for the continuance of non-conforming uses and also the phasing out of discontinued uses in order to bring parcels of land into conformance with long range zoning plans and objectives. The Board does not agree that the former existence of a roller rink and a swimming pool have established a commercial zone in the area for all time any more than a former mobile home park adjacent to the Rallis property established that same land as residential forever. In other words, the rezoning is consistent with the College Township Comprehensive Plan.
8. A plan submitted with the Rallis request which was lacking in documentation, specifically as to date, purported to show a planned commercial building between Benner Pike and the present Rallis residence. The Board believes that the erection of the shown commercial building would have been delayed and possibly denied because of an insufficient commercial zoning setback from the highway right-of-way. In other words, the Board believes that the Rallis house was not initially placed on the lot under discussion so as to provide sufficient space for the allegedly proposed commercial operation as shown. From all indications, the present Rallis house appears to have been placed on the lot in the best possible residential setting.

Signed this 1 day of August, 1975

Charles B. Williams  
Clarence C. Trotter  
John H. Ziegler