

COLLEGE TOWNSHIP COUNCIL  
Regular Meeting  
January 10, 1985  
7:30 pm

A regular meeting of the College Township Council was held on January 10, 1985 at 7:30 pm, in the College Township Municipal Building.

Members present: Gale Dargitz, Max Hartswick, Fred Smith - Chairman, Herbert Stewart & Dolores Taricani

Others present: Thomas Lechner - Manager  
Robert Hayden - Treasurer  
Beulah Houser - Administrative Assistant

Smith opened the Public Hearing and asked all who intended to testify to sign in and be sworn in.

The first item addressed at the Public Hearing was the Rezoning Request from Fredrick Farber, James Bryant and Louis Glantz for the former Lalley Property at 1901 - 1951 East College Avenue. The request is to rezone the property from R-1 to O-C. Pat Brewer of Associated Realty represented the Lalley's and United Federal Savings and Loan who has taken over the property from the Lalley's. The Lalley's left their loan become delinquent and turned it over to United Federal Savings and Loan. United Federal Savings and Loan has given Associated Realty authority to market the property. The property has been for sale for some time but because of the amount of traffic on East College Avenue, the property has not sold, according to Associated Realty.

Glantz commented on the changes in the property. He explained that there would be no exterior changes to the property except perhaps a parking lot. Alice Wambold stated that she was very much against rezoning the property. She feels it will devalue her property which is adjacent to the former Lalley property. She indicated that she and her husband had made several offers to a realtor in the past, none of which were taken to the Lalley's. She also stated that several years ago, Paul Freeman requested rezoning of the property to R-3. It was Freeman's wish to build on the property. Freeman was given great difficulty by Council just to obtain parking on the lot for four vehicles.

Taricani stated that decisions in zoning cannot be made based on an economic loss to anyone. She stated that one thing that stands in the zoning law is spot zoning. Taricani said that in looking at this situation it is a case of spot zoning.

Glantz stated that because of setback requirements, nothing else could be built on the property by his firm or anyone else.

Dargitz mentioned that the Regional Planning Commission feels the lot is not suitable for commercial use and asked Farber, Bryant and Glantz if they have applied for a variance rather than a change in zoning. Their reply was no.

A man in the audience asked what effect the establishment of the firm would

have on the intersection traffic. Glantz replied that theirs is a small firm and it should have no effect on the traffic. The man also asked if more traffic would be generated than a single family dwelling. Glantz replied yes. Wambold indicated that she and her husband had been granted an access to College Avenue by PennDOT. At that time, one of PennDOT's questions was whether the property they owned would be used for development and whether the traffic flow would be higher than that of a single family.

Wambold stated that if the zoning is changed to Commercial, someone else could take over the property in the future and that she would be very upset if it were turned into some uses which are allowable under Commercial zoning.

Smith advised that Council will study the material and make a decision at a later date.

The second hearing was for an IDA loan for the Magic Years Day Care Center which intends to acquire property on Farmstead Lane, Ferguson Township, and construct a building for use as a children's day care center. William Grant addressed Council stating that the Magic Years Day Care Center wishes to obtain an IDA loan in the amount of \$185,000, the total cost of the project being \$260,000, to construct a building for the day care center. The firm presently operates five day care centers in the Luzerne County area. The lending institution involved is the Northeastern Bank of Pennsylvania. The College Township IDA and the Ferguson Township Supervisors have both given their approval on the request. The day care center would have the capacity to care for 60 children and plans to employ 20 people.

Stewart moved to accept the testimony of the Magic Years Day Care Center and support the application by signing the Certificate of Approval. Taricani seconded and the motion was approved by Council.

It was moved by Dargitz, seconded by Hartswick and approved by Council to adjourn the Public Hearing.

Smith called to order the regular meeting of Council at 8:10 pm.

#### Approval of Minutes

It was moved by Dargitz to accept and approve the minutes of the December 13th and 20th meetings of Council. Hartswick seconded the motion. In discussion, Smith stated that in the December 20th minutes, page one, paragraph two, the last sentence be amended to read, "She (Taricani) said that she felt this was not addressing the problem, single family residences and mobile homes." Dargitz amended his motion to include the above change. Council voted in favor of the motion and amendment.

#### Manager's Update

The Manager's update information was received and accepted by Council.

### Financial Report

It was moved by Dargitz and seconded by Taricani to receive and accept the Financial Report. Council voted favorably.

### Correspondence

1. Correspondence was received from Philip Zechman, Sanitarian Sewage Specialist of the Pennsylvania Department of Environmental Resources, stating that the Department approves the planning modules submitted for the extension of municipal sewer service for the 20 existing residences along Old Houserville Road and Houserville Road, up to Rock Road. Lechner indicated that he had no further comments on the matter.
2. A letter was received from Ann Kyper, Sweetland Engineering & Associates, Inc., stating that the Meyer Dairy Store intends to make application to the Department of Environmental Resources for a Water Quality Management Permit for the discharge of industrial wastes via underground injection at the store address, 2390 South Atherton Street. Taricani asked Lechner to obtain additional information as to what type of waste is involved.
3. A letter was received from Jeffrey Fisher, System Manager for Centre Video Corporation, listing the channel carriage for the Centre Video cable system upon completion of the rebuild.

### Plans for Approval

#### 1. Mount Nittany Conservancy Subdivision

Marty Meiser, representing Andy Knapka Engineering Firm, and Ben Novak presented the Subdivision Plan of the Mt. Nittany Conservancy to Council. Novak stated that the Conservancy would like to purchase 200 acres. Within that area, the Conservancy would like to subdivide a 20' x 20' parcel and subdivide it into 57,600 lots of one square inch each. The Conservancy plans to advertise the sale of the lots in publications such as The Penn Stater.

It was moved by Taricani to waive the Subdivision Requirements for lands of Mt. Nittany Conservancy, Inc. dated December 12, 1984. Hartswick seconded the motion. In discussion, Dargitz questioned whether the Tax Assessor would have to generate 57,600 tax records. Lechner questioned whether there would be a Real Estate Transfer Tax on the parcels of land. Novak replied that he didn't feel either would be necessary. He thought that neither would have to be done unless the deed was recorded.

Taricani amended her motion to include "approval is based on no objection of the Assessor or the Recorder of Deeds and that the County is in agreement to waive those requirements." Stewart seconded the amendment and Council voted favorably.

#### 2. Zimm's Family Restaurant Access Road (Short Street)

Tamara Warrick, Uni-Tec Engineering, presented the plans for Zimm's. She stated that the plan had been approved by the Planning Commission. The proposal

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is to widen Short Street which runs from East College Avenue to Gerald Street, adjacent to the Zimmerman property. Short Street is now one way from East College Avenue to Gerald Street. Widening the street from the parking area to Gerald Street would permit two way traffic on this section of the street. Traffic could then enter the Zimm's parking area from Gerald Street and it would also help direct traffic down Gerald Street to the traffic light on Benner Pike. Short Street is now 16 feet wide and will be widened to 24 feet.

Dargitz commented that he doesn't feel the area from the parking lot to East College Avenue is properly signed indicating that the street is one way. Lechner recommended approval with the appropriate signing. Dargitz moved to accept the proposal for widening Short Street from the restaurant roadway to Gerald Street at the expense of Zimm's provided that signing suitable to the Township Manager is done. Taricani seconded the motion and Council voted in favor.

3. Preliminary-Final Subdivision Plan for Charles Rallis

Tamara Warrick, Uni-Tec Engineering, presented the plans for the Preliminary-Final Subdivision for Charles Rallis. She explained that the previous Rezoning Request had been approved contingent upon turning the two lower lots into one to allow access to the lower property. It was moved by Taricani and seconded by Dargitz to approve the Preliminary-Final Subdivision Plan of Charles Rallis dated December 3, 1984. Council voted in favor of the motion. The plan was signed by Smith and Taricani.

4. Preliminary-Final Subdivision Plan for Clover Highlands PRD, Phase 1-B

Tamara Warrick, Uni-Tec Engineering, presented the Preliminary-Final Subdivision Plan of Colver Highlands PRD, Phase 1-B. She stated that Phase 1-A had been previously approved and is under construction. Road grades on Clover Road which would affect the vertical alignment of Parkside Drive prohibited Phase 1-B from being approved before. She indicated that when each individual lot is developed it will provide its own stormwater management plan.

Because of the split in Clover Road, College Avenue being the dividing line, houses on either side could have the same house number short of being named North and South. Lechner suggested that this may be the time to address the situation of renaming that portion of the road before development takes place in the Clover Highlands project. Taricani suggested the road be renamed Clover Road East and Clover Road West.

Lechner asked that a note be added to the plan stating that the Stormwater Management Plan is as approved in Phase 1-A.

It was moved by Dargitz to approve the Preliminary-Final Subdivision Plan for Clover Highlands PRD, Phase 1-B, dated October 1, 1984, subject to the possibility of a change in the name of Clover Road. Taricani seconded and Council approved.

Old Business

i. Decision on Dan Stearns Rezoning Request

Dan Stearns had previously requested that approximately 59.2 acres of his land

be rezoned from A (Agriculture) to R-1 (Single-Family Residential). Lechner informed Council that he had talked with the Chief of the Alpha Fire Company regarding the bridge on Trout Road, which would be one of the ways of accessing the Stearns property. The fire Chief indicated that it is possible for most emergency equipment to cross the bridge, but it would be necessary to maneuver the trucks first. Only the ladder truck cannot cross. In the case of an emergency, the trucks would probably use Shiloh Road.

Dargitz stated that he has many mixed feelings regarding the rezoning. He indicated that it looks logical on the map, but that the narrow bridge and the increase in the traffic on Houserville Road makes him hesitant on the rezoning. He also stated that the many acres already zoned R-1 behind Spring Lea Drive makes him think the request is premature. He stated that once the Township rezones the parcel, there is no guarantee that the second access over the school property will be established.

Lechner indicated that a Regional Road System Plan is expected this year. Taricani advised that it would be wise to see what the Regional Road Program and Plan would be before the land is approved for rezoning. Taricani moved to disapprove the Rezoning Request from Dan Stearns at this time and that Council would welcome the applicant's return in the future after the Regional Road Plan is prepared. Dargitz seconded the motion. The vote of Council was 3-2, with Smith and Stewart opposing the motion.

Smith suggested that Stearns keep in contact with the School District and come back to Council at a later date. He stated that Council will plan to address the problem of the bridge. The Manager was asked to get a timetable on the Road Plan being worked on.

POST NOTE: Centre Region Planning indicated no specific completion date.

2. Signature on the Winter Maintenance Policy on Non-Township Roads

The Winter Maintenance Policy for Non-Township Roads was presented to Taricani for signature since she was Chairman when the policy was approved on December 20, 1984.

3. Parking Restrictions in College Township (Continuation)

Lechner referred to the report presented by Bob Watkins at the December 13th meeting regarding parking problems in the Township. He indicated that he would like Council to give him some direction to setting priorities and developing a resolution. Smith asked Lechner to lay out a map of the specifics regarding the parking problems. Taricani suggested that Lechner develop a plan and resolution and present it to Council for approval.

4. Residential Care Living - Amendment to Zoning Ordinance

Taricani made a motion that the recommendation from the Centre Regional Planning Commission on domiciliary care use changes to the ordinance be returned to the College Township Planning Commission for editorial changes. The motion was seconded by Stewart. Taricani stated that if Council attempted to make the editorial changes,

they may not include all of the changes that were intended. Council voted in favor of the motion.

New Business

1. College-Harris Joint Authority Regarding Agreement for Easement

Lechner stated that he received correspondence from David Allison, of the College-Harris Joint Authority, which stated that the College-Harris Joint Authority plans to put a sanitary sewer on the Donald Ford property at the expense of Kay Mitchell. Allison has asked that Council sign the Agreement enclosed in his letter which states that Mitchell Enterprises agrees to indemnify College Township and the Authority from any claims which may be filed by Ford including any legal costs either party would incur as a result of allowing the construction of the sanitary sewer. Lechner informed Council that the Solicitor is in agreement.

It was moved by Taricani and seconded by Dargitz that College Township become a party in the agreement for easement between Mitchell Enterprises and the College-Harris Joint Authority. The vote of Council was unanimous.

2. Report on Centre Region ECON's Task Force Recommended Projects

Lechner informed Council that ECON is a program supported through the State to work with projects that involve safety improvement. The Task Force was a group of Centre Region people who recommended to PennDOT which projects they would like to see included in the program. Proposed projects which would affect College Township included turning lanes from Houserville Road to the "Y" at the Benner Pike extended to Shiloh Road. Lechner indicated that he has requested that PennDOT do a traffic study from Houserville Road to Shiloh Road.

3. Discussion on PennDOT's Scheduled Safety Improvement Project on PA 26, East College Avenue

The scope of work for the 1984/85 SIP Project is as follows: (1) Installation of a fifth lane for left turns only on PA 26. The lane will extend from the Porter Road intersection to the Houserville Road Intersection; and (2) Installation of a traffic signal at the College Avenue/Porter Road intersection.

Lechner indicated that he is against installing a traffic signal at the College Avenue/Porter Road intersection. Two alternatives would be for the University to make Porter Road one-way in only or that Porter Road be signed to prohibit left turns onto College Avenue. Dargitz suggested that the Township be in contact with the University to implement one of the suggested alternatives. Dargitz stated he felt Council should go with Alternate #1 (that the University make Porter Road one-way away from PA 26).

Lechner recommended that Council support the installation of a fifth lane from the Porter Road intersection to the Houserville Road intersection and give separate consideration to the traffic signal ~~at the intersection~~ traffic count can be studied to indicate the impact of the By-pass being open.

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Dargitz moved that Council support the fifth lane from the Porter Road intersection to the Houserville Road intersection on PA 26 and consider a delay in action on the traffic signal installation until the results of the By-pass can be determined. Hartswick seconded the motion and Council voted favorably.

Non-Agenda Items

Lechner presented the report on the use of State funds, which was prepared by the Treasurer, and indicated that the report must be signed by three members of Council before submission. The report was signed by Smith, Taricani and Hartswick.

Lechner presented an application for County Aide and recommended that Council submit the application and also ask for the additional \$5,500 which was approved in 1983 by the County, but not received, for the purpose of providing funds for the traffic signal at Branch Road. The application was signed by Smith, Dargitz and Stewart.

Taricani addressed the Zoning Ordinance relating to the use of dwellings in single family residences. She proposed and made in the form of a motion that Council send to the Planning Commission an addition to the Zoning Ordinance, Section 4.1.1 to include, "the primary dwelling unit must be occupied by the owner and cannot be rented by others if the apartment unit is also rented." This will ensure that single family homes in neighborhoods intended as single family neighborhoods are not occupied by people exploiting those properties and having two rental units in the event the owner is out of town for an extended period. She also suggested that the definition of "owner" be included as "one who owns and holds the legal title to the property with reference to the BOCA Code definition." Hartswick seconded the motion and the vote of Council was unanimous

Adjournment

It was moved by Taricani and seconded by Hartswick to adjourn the meeting. Council approved and the meeting was adjourned at 10:07 pm.

Respectfully submitted,

C. Thomas Lechner  
Secretary

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