COLLEGE TOWNSHIP COUNCIL
SPECIAL MEETING
HELD OCTOBER 21, 1981

Chairman Taricani called the meeting to order at 7:30 p.m. in the College Township Municipal Building indicating this Special Meeting of College Township Council was being held as a Public Hearing to consider a rezoning request from Dr. & Mrs. H. C. Hubbard, Jr.

Members present: Donald E. Bailey, Gale L. Dargitz, J. Carroll Dean, Herbert W. Stewart, and Dolores A. Taricani.

Others present: Manager Elwood G. Williams, Sr.

All proper legal notices and advertisements had been made. There were no objections to the proceedings being recorded. It was indicated that all testimony would be sworn testimony except for questions of clarification.

Copies of the following procedure for public hearings were distributed:

1. It is requested that each person who wishes to testify sign the sign up sheet and be sworn or affirmed under oath.

2. A fact sheet which includes a brief outline of the issue will be provided to the Council.

3. In rezoning matters, the applicant or applicant's representative shall have the first opportunity to present testimony. An attempt should be made to limit the presentation to ten (10) minutes.

4. There will be no discussion back and forth during any presentation, and interruptions will not be tolerated.

5. Any individual will have the right to respond; responses should be limited to five (5) minutes, if possible.

6. Any ruling on procedure will be made by the Chairman.

Chairman Taricani asked all individuals who wished to testify to place their name on a "sign-up" sheet.

Chairman Taricani opened the hearing by reviewing the request of June 25, 1981, from John J. & Rita A. Albarano for Rezoning of the back section of the property at 936 East College Avenue owned by Dr. & Mrs. Hubbard.

John R. Miller, representing Dr. and Mrs. Hubbard, displayed a survey of the property in question made by Uni-Tec Engineers. He stated in his opinion the best use of the land in question would be as a commercial use. He explained that their position was that the land was one parcel inasmuch as the front portion was purchased on August 12, 1964, at which time an option was taken on the rear portion, that option being exercised and the deed transferred in October 1966. Mr. Miller explained the purpose of their request was to have the C-1 zone extended into the portion zoned R-2 which in his opinion is the best and highest use of this property which is two tracts joined and under one ownership and assembled as a single tract.

Mr. Miller pointed out that while the proposed use of the property is not really a determining factor, he felt it was important in this case. In 1977 when the zoning for College Township was considered, the Hubbards then requested that the rear portion of their property be rezoned to C-1 to conform to the front. At the Public Hearing on these zoning changes on August 16, 1977, the Hubbards were advised by the Township the property would be left the way it was and when a proposed use became evident the Hubbards then were to make a request for changing the zoning. Mr. Miller explained this request for rezoning was being done as a follow-up to that.

Mr. Miller pointed out why the rear portion of the Hubbard property would not be desirable for Residential use.

Mr. Miller also pointed out why he felt the proposed use was the best use of the property and would not cause any adverse effects to the surrounding area. Included in these reasons were: the present house would be retained and utilized; adjoining properties would be adequately protected by a buffer zone; flood plain and alluvial soils would be protected; the topography of Vallamont is such that the large trees on the Hubbard property, the natural vegetation in Vallamont and elevation of Vallamont would all act as a buffer for Vallamont; Lot 8 of Vallamont is already abutting the portion of the Hubbard property zoned Commercial; only about 30% of the tract rezoned would be used for Commercial purposes; the Centre Region Planning Commission Staff has recommended rezoning and the College Township Planning Commission has taken positive action on the rezoning.

Thomas F. Songer, 110 South Science Park Road, State College, was sworn in and presented to Council a sketch plan of how the owners would intend to develop the tract. Mr. Songer pointed out it was not meant to be a formal plan but merely to see how the property could be developed. Mr. Songer indicated that consideration had been given to the alluvial soil in the area and the only type of construction being proposed on this portion of the tract was a small amount of parking. He indicated the plan was attempting to show the development of the land as it presently exists with minimal impact on adjoining properties. He pointed out that: only about 30% of the

total acreage of the rear portion being considered for rezoning would be utilized - buffer zone of 120 feet between the motel and adjoining Vallamont Subdivision is being proposed; the property across the street and surrounding the Hubbard property, with the exception of Vallamont, is currently being used as Commercial; PennDOT has recommended a traffic light at Porter Road and Route 26; Hubbards have permission to replace the bridge to their property; other areas in the Region have motel/restaurant facilities abutting Residential properties with no adverse effects; the disadvantages to developing the rear of the Hubbard property for Residential use. Mr. Songer indicated that before any building could be done a formal site plan would have to be presented to the Planning Commission thereby giving the Township control over the development of this property.

Mr. Songer indicated that representatives of the Soil Conservation Service had viewed the site and reviewed the proposed plans and had not given any reasons why the site could not be developed commercially. Additionally, the proposed plans had been discussed with Joe Humphreys and he did not see any problems with developing the tract as long as environmental concerns were taken into account.

Mrs. Joan Hubbard, 936 East College Avenue, State College, was sworn in. Mrs. Hubbard offered her opinion that the action should be corrective zoning rather than rezoning inasmuch as in 1965 when the land was rezoned front C-1, back Residential, those responsible for rezoning were not aware of the legal options the Hubbards had on the entire tract. She indicated she felt the best use of the property would be Commercial use. Mrs. Hubbard reviewed the history of the property and referred to various documents, newspaper articles, letters, deeds, etc, which documented her statement that the property is one plot. Mrs. Hubbard also referred to the sewer project currently being worked on at the front of their property and indicated that it would not pay for itself for many years. The addition of a commercial establishment which would be contributing to the sewer would shorten the pay-off time.

Dick Pye, Klinger Heights, was sworn in. He indicated his support of the rezoning request.

Mr. Songer indicated for Mr. Bailey where the boundary between C-1 and R-1 was on the Sketch Plan and also the locations of the properties surrounding the Hubbard property.

Mr. Dean asked Mr. Songer if any attempt had been made to adjust the floor plan of the motel to stay entirely within the C-1 portion of the property. Mr. Songer indicated this could be done. However, if it was done the office building would have to be taken down and the motel building would obscure the view of the mansion.

Mr. Dargitz asked if any consideration had been given to redesigning the motel so that the building was entirely in the C-1 portion of the property and then requesting a variance for the parking in the R-1 portion. Mr. Songer indicated they felt the real issue was the best use of the land and would rather take the approach of requesting the rezoning.

Mr. Dargitz asked when the option for the rear portion was exercised and the title to the rear lot transferred. Mr. Miller indicated the option was exercised October 15, 1966. Mr. Dargitz pointed out this was after the property was zoned Residential.

Mr. Dargitz asked if the 1977 request for rezoning was an official written request or an oral request and in what form was the rejection of that request.

Mr. Miller indicated the request was made at a public hearing on the question of rezoning where property owners were to come and speak to the zoning changes. Mrs. Hubbard orally requested at that time that when their property was considered she would like to have the rear portion also made C-1. Mr. Miller indicated that Mrs. Hubbard has listened to the tapes of that hearing where she was told "when you have somebody to buy and an intended use, come back".

Mrs. Hubbard also responded reiterating Mr. Miller's remarks that her request was oral and that she had been told "to come back when you have a buyer".

Chairman Taricani referred to the earlier discussion of locating the building within the existing C-1 Zone and request of a variance on the adjacent land and commented that a variance would limit the development of that parcel whereas the rezoning of the land would not limit the development of that parcel.

Also, Chairman Taricani made reference to the sewer project currently being built on East College Avenue and indicated Council was aware the project would not be self-supporting but that the consideration of health and public welfare had to be the primary consideration in the decision to proceed with the sewer.

Fred Nicholas, resident of Vallamont and purchaser of the Vallamont II Subdivision, was sworn in. He stated that since he purchased the property he has developed it as a R-1 area. Mr. Nicholas read a statement (see Attachment I) expressing his objection to the rezoning of the rear portion of the Hubbard property. Mr. Nicholas pointed out to Council on the Zoning Map where his Subdivision was located.

Bill Dulaney, 927 Red Gate Road, was sworn in. Mr. Dulaney, Secretary of the Vallamont Homeowners Association and resident of

Vallamont, read a letter (see Attachment II) expressing the objection of the residents of Vallamont I & II to the rezoning of the rear portion of the Hubbard property.

Mr. Dulaney added that if Council was invited to tour the site that the residents of Vallamont also be included in that tour or given a tour of their own.

Archie McDonnell, 1010 Evergreen Road, was sworn in. Mr. McDonnell indicated they were the first to build in the Vallamont extension and were very concerned about the proposed development of the Hubbard property. He expressed his feelings that the proposed development would threaten the quality of life in the subdivision and stated their view of the Hubbard home was not obstructed. He listed specific concerns about the proposed development including: close proximity of the Subdivision to the proposed development and the magnitude of the development; increase in noise level; excessive light; proper sanitation; transient population; vandalism; safety; not a proper buffer by use; traffic safety and congestion; environmental impact; possible effect the proposed development may have on the development of the Vallamont extension.

Mr. McDonnell indicated that in 1977 when the Comprehensive Plan was being evolved there had been discussion that this entire parcel should be zoned Residential and that it was a compromise which retained the current C-1/R-1 Zoning. Mr. McDonnell suggested that the more valid designation would be the entire parcel to R-0.

Chairman Taricani asked if Mr. McDonnell had realized that as the present tract exists there could be an intensive commercial development on the front portion of the Hubbard land zoned C-1. She asked if Mr. McDonnell had purchased his property with this knowledge. Mr. McDonnell indicated they had known this.

Bernard M. Bronstein, 128 Rainlo Street, was sworn in. Mr. Bronstein urged Council to arrive at a decision in this rezoning issue that would best benefit the majority of residents of College Township.

Virginia Deno was sworn in and read a letter expressing their objection to the rezoning request because of the added safety hazard which would be present on Route 26. Mrs. Deno suggested that prior to making a decision on this rezoning issue that Council study the accident rate on the Benner Pike.

Eugenie Harlow, 100 Oakmont Road, was sworn in and voiced her objection to the rezoning because of safety reasons citing newspaper articles reporting accidents on the Benner Pike.

Roger Johnson, of Lemont, was sworn in. He indicated he had had an opportunity to view the site and didn't feel that any traffic that would be generated by the proposed development of the Hubbard

property would have any significant impact on the density of traffic on the Benner Pike.

Mr. Dean referred to a statement of Mrs. Hubbard's when she indicated she had listened to tapes of a public hearing on zoning and asked what hearing she referred to. Mrs. Hubbard indicated it was the Public Hearing held on August 16, 1977.

Mr. Dargitz asked if it was true that if the back portion of the Hubbard property was zoned Commercial that anything that met the Township requirements for Commercial use could be placed on that property. If, under these circumstances, another Commercial use was placed on the property would it have the same buffer zone as had been proposed for the proposed motel/restaurant?

Mr. Miller indicated that he had seen some zoning changes where certain conditions are incorporated to protect these things. Also Site Plans have to be approved before anything can be developed. Mr. Dargitz pointed out if the Site Plan meets all the requirements, there are no grounds for not approving them. Mr. Miller indicated it was his opinion that the zoning change could be done incorporating certain conditions.

Mr. Dargitz referred to the traffic light that had been mentioned and indicated that even though PennDOT approved the traffic light, the Township has to pay for it.

Mr. Stewart asked Mr. Nichols if he didn't feel there could be other commercial uses of the property other than the proposed motel that would be less compatible with the Vallamont Subdivision. Mr. Nichols said he was sure there were but felt the present zoning of the rear portion of the property gave a transition area between the area now zoned Commercial and the Vallamont Subdivision.

Mr. Bailey asked about the status of the property as far as Flood Plain. Mr. Songer indicated the back portion of the property has some alluvial soil but has not been mapped as a flood hazard area.

Mrs. Hubbard pointed out that of the 3,000 feet of perimeter of their property only 357 feet abutted the Vallamont Subdivision. She commented on the low traffic accident rate at the entrance to their property and the factors contributing to making residential development of the back portion of their property undesirable. She invited Council to view the property. Additionally, Mrs. Hubbard explained there had not been a compromise in the consideration of the zoning of their property in 1977. She indicated she had not been aware of the R-1 zoning of the back portion of their property until shortly before the hearing on this subject in 1977. At the hearing it was decided to retain the C-1/R-1 zoning of the property.

Mr. Songer indicated the residents of the Vallamont Subdivision had been invited to view the property and outlined the communications used to convey the invitation.

Mrs. Hubbard referred to the tapes of the Public Hearing on August 16, 1977 and indicated the comment to her "to come back when you have a buyer" was not clear on the tapes.

Chairman Taricani clarified for the audience that a comment made earlier referring to a proposal that the entire Hubbard tract be zoned Residential was a proposal that was considered by the Planning Commission and not by Council.

Mr. Dean moved the Public Hearing be concluded and further discussion be rescheduled after examination of the tapes of the Public Hearing of August 16, 1977. Mr. Dargitz seconded the motion. The motion was carried unanimously.

There being no further testimony, the Public Hearing was closed at 9:05 p.m.

Respectfully submitted,

Elwood G. Williams, Sr.
Secretary

EGW:lf:bh

Attachments

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Attachments

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Phone (814) 238-9410

October 21, 1981

COLLEGE TOWNSHIP COUNCIL
1481 East College Avenue
State College, Pennsylvania 16801

RE: Hubbard Tract Rezoning
Public Hearing 10/21/81

The rezoning of the residential portion of the Hubbard tract, approximately 4.8 acres, will have an adverse impact on the sixteen (16) R-1 residential lots located in College Township and designated as Vallamont II.

The R-1 zoning of Vallamont provides a unique neighborhood of single-family residences which has permitted the development of family life as described in the Third Objective of Part 2 of the College Township Comprehensive Plan. The Third Objective is "to provide for the needs of family life and to maintain privacy, quiet, open space, and the separation of incompatible uses in the suburban environment".

The rezoning of the Hubbard residential tract to commercial use will permit the development of commercial enterprises contiguous to the Vallamont neighborhood. The Vallamont neighborhood has been developed in accordance with The Goal and Objectives of the College Township Comprehensive Plan.

ATTACHMENT I

Good planning requires a suitable buffer between high traffic commercial use and residential developments as stated in Item 3 under Policies defining Objective 3 in Part 2 of the College Township Comprehensive Plan.

Another problem that should be addressed is the traffic impact of a large commercial development exiting onto Route 26 from an unsignalized private drive. Intensive commercial development of the Hubbard tract should be examined in relationship to the traffic difficulties that will be created when entering and exiting from the tract to the Benner Pike.

The two (2) basic responsibilities of the Comprehensive Plan are to preserve that which is good in our Community and to strive for its future betterment. The rezoning of the Hubbard residential tract to commercial use violates the two (2) basic responsibilities of the Comprehensive Plan.

Sincerely,

Fred Nicholas

Fred Nicholas, P.E.
Consulting Engineer

FN:pam

ATTACHMENT I

October 20, 1981

To: Members of Council, College Township

This written statement is presented for the record by the East-McCormick/ Vallamont Neighborhood Association in behalf of its membership which includes the majority of residents and property owners in the residential area generally referred to as Vallamont I and Vallamont II.

The area above mentioned can be readily identified as an integrated and cohesive neighborhood bridging land under the jurisdiction of the Borough of State College and College Township, and the residents within both jurisdictions consider themselves an amalgamate and integral whole of such neighborhood.

As an association we submit for your consideration our position and opposition to the rezoning of the Hubbard Tract, located in College Township and abbutting Vallamont II, from present R1 classification to a requested C1 classification on the following grounds:

-The requested classification C1 goes contrary to the current zoning designation and the comprehensive plan adopted by College Township.

-The C1 classification is not consistent with the overall development policy as stated and implemented by College Township within its jurisdiction.

-Consideration of highest and best land utilization cause should not be extended to the above tract unless proven benefits are accrued to the total community over personal gains for a single individual at the expense and to the detriment of other parties directly affected.

-The requested classification C1 flies in the face of normal good planning and zoning practices by creating a new high intensity-use commercial zone directly abbutting an existing R1 classification and without the introduction of a transitional buffer zone.

The approval of this request for re-classification from R1 to C1:

-Will generate major local traffic problems, difficult to control.

-Will exercise adverse environmental impact on the existing park, on the streams and all natural surrounding settings.

-Will adversely affect adjoining properties and owners in terms of privacy, security, noise control, health considerations and economic hardship.

ATTACHMENT II

October 20, 1981

To: Members of Council, College Township

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ATTACHMENT II

In conclusion the association wishes to appeal to the authorities and to its fellow citizens for respect of adopted zoning ordinances and regulations which, far from being idle and imaginary constructs, represent a commitment and an act of faith on the part of the total community for the benefit to all its members, for the opportunity of orderly growth and for the implied sense of security, be it at the material or at the mental/spiritual level.

Respectfully submitted,

R. Corbelletti

R. Corbelletti, President
The East McCormick/Vallamont
Neighborhood Association

RC/bj

ATTACHMENT II