

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, March 15, 2012**

ATTENDED BY -

COUNCIL:

David P. Fryer, Chair
Daniel D. Klees, Vice-Chair
Forest J. Remick, Ph.D.
David W. Koll, delayed arrival
Mary C. Shoemaker

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Louis T. Glantz, Esq., Township Solicitor
Kent N. Baker, Township Engineer
Robert T. Long, Jr., Finance Director
Mark Holdren, CRPA Sr. Planner
Mary. E. Wilson, Assistant Township Secretary

CALL TO ORDER

Chair Fryer called to order the March 15, 2012, Regular Meeting of the College Township Council at 7:09 p.m. followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Chair Fryer announced that Council met in executive session on March 12, 2012, for the purpose of discussing a legal matter with the township solicitor relative to The Villas.

OPEN DISCUSSION:

None.

SPECIAL REPORT:

SR-1 Parks and Recreation Committee Annual Report – Mr. Greg T. Hayes, Chair

Mr. Greg T. Hayes, Chair, College Township Parks and Recreation Committee, presented to Council the College Township Parks and Recreation Committee's *2011 Annual Report and 2012-2016 Recommendation*. Highlights for 2011 included the following.

- Kissinger Open Space: Several railings and posts were placed along E. Branch Road that had been damaged as a result of a vehicle accident.
- Glen Park: Concrete was placed around all park boundary property pins. Split-rail fence sections were installed at boundary corners.
- Spring Creek Park: 1) All park benches were inspected for condition, and repairs were completed, as required, using recycled plastic boards. 2) Constructed a paved path connection to the park from the end of the existing pavement of Meadow lane to the existing paved path in the park.
- Slab Cabin Park: Replaced one picnic table.

Mr. Hayes reported on the highlights of the *Parks and Recreation Five-Year Capital Improvement Plan 2012-2016* prior to taking Council questions and comments.

Mr. Klees inquired about the development of, and resident comments on, the Oak Hall Regional Park and hoped that the park's land development plan would go before the College Township Parks and Recreation Committee for review and comment.

PLANS:

P-1 Gilliland Preliminary/Final Subdivision Plan, Brush Valley Road; Tax Parcel 19-004-085

In written correspondence to Council from Mr. Kent Baker, Township Engineer, dated March 9, 2012, Mr. Baker reported that the Gilliland Preliminary/Final Subdivision Plan on Brush Valley Road proposes to create one new single-family residence situate on 29.79 acres located in the Agricultural Zoning District (Ag). The tract residue is being proposed as an Ag lot consisting of 63.68 acres.

Mr. Fred Henry, Mease Associates surveyor, representing property owner Ms. Betty Gilliland, presented the Gilliland plan and requested a sidewalk waiver and a waiver from the plan scale given the size of the lot and scale of the project. Mr. Henry addressed Council's question relative to the need for the right of way prior to Council taking action on this plan.

Staff recommended to Council the approval of this plan and the granting of the sidewalk waiver and the plan scale waiver.

Ms. Shoemaker moved to approve the Gilliland Preliminary / Final Subdivision, dated December 20, 2011, last revised February 14, 2012, with the following conditions:

- 1. Payment of all outstanding plan review fees;**
- 2. Obtain all required signatures on the plan;**
- 3. Council agrees to the waiver of a sidewalk; and**
- 4. Council agrees to the waiver from plan scale.**

Mr. Koll seconded the motion.

Motion carried unanimously.

Mr. Klees moved to approve the Sewage Facilities Planning Module for the Minor Subdivision of Lands of Betty Ann Gilliland.

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

P-2 South Ridge Plaza Final Phase 2 Land Development Plan; S. Atherton Street – Four-Bay Car Wash; Tax Parcel 19-605-109

Mr. C. Anthony Fruchtl, P. E., Penn Terra Engineering, representing the developer, presented the South Ridge Plaza Final Phase 2 Land Development Plan and requested Council's approval of this plan.

In written correspondence dated March 12, 2012, Mr. K. Baker, Township Engineer, stated that, due to this plan having an insignificant alteration to the approved preliminary plan, a revised preliminary plan was not necessary. Staff requested, however, a new conceptual plan of the adjacent restaurant site for reference. Staff recommended 1) grading changes be made to an embankment to improve a sight distance problem for vehicles turning onto West Branch Road; 2) relocation of recently planted buffer trees and shrubs in order to minimize conflict with an existing water main line; 3) that a note be placed on the plan relative to noise abatement procedures for the car wash; and 4) the developer provide a new plan sheet showing a conceptual layout for the future restaurant.

Council comments included an inquiry relative to the actual number of bays listed on the plan; directed staff to confirm that noise abatements were in place; and recommended that the developer make a grading adjustment to the berm that is obscuring site distance when leaving the site. Council did not feel a note on the plan was necessary for the noise abatement item.

Mr. Klees moved to approve the South Ridge Plaza Final Phase 2 Land Development Plan, dated February 21, 2012, last revised March 7, 2012, with the following conditions:

- 1. Obtain all required signatures on the plan;**
- 2. Payment of all outstanding plan review fees;**
- 3. Adjust the location of the canopy trees on the north side of the car wash parking spaces, as directed by staff;**

4. **Revise the grading of the detention pond embankment to improve the sight distance for motorists existing from South Ridge Plaza onto West Branch Road; and**
5. **Provide a new plan sheet showing a conceptual layout for the future restaurant.**

**Ms. Shoemaker seconded the motion.
Motion carried unanimously.**

**P-3 Happy Valley Brewing Company Preliminary / Final Land Development;
Elmwood Street; Tax Parcel 19-010-131B**

In written communication to Council dated March 12, 2012, Mr. K. Baker, Township Engineer, advised that the most significant issue for Council consideration relative to the Happy Valley Brewing Company plan is the shared parking arrangement, specifically, their hours of use, maintenance of parking lots and sidewalks, and the termination clause. Mr. Baker added that the traffic study recommended, and PennDOT required, a modification to the Yield condition at the intersection of Elmwood Street with E. College Avenue.

Mr. Al Stewart, Sweetland Engineering, introduced Mr. Mark Saville, Sweetland Engineering, before presenting the Happy Valley Brewing Company Preliminary / Final Land Development Plan. This plan reflects the renovating of the interior of the existing barn built in 1814 located at 137 Elmwood Street for reuse as a brew pub and restaurant with a micro-brewing facility. The site is approximately 1.09 acres and is accessed by two driveway intersections with Elmwood Street. The plan proposes 55 on-site parking stalls, 20 shared parking stalls on the adjoining First National Bank lot to the west, and 15 shared parking stalls on the Patricia Gordon parcel to the east. David Wooster and Associates performed a traffic analysis, which showed that the business would have no impact on Elmwood Street; however, it did show that the Yield signage at E. College Avenue was incorrect at its current location on Elmwood Street. The developer agreed to the relocation of that Yield sign to the ramp coming off of E. College Avenue.

Council requested clarification on the need for the relocation of the Yield sign, consideration of the use of geothermal, and responsible party for the maintenance of sidewalks should the agreement cease.

Council offered the following comments on the FNB parking agreement, as follows.

- Notice that in #7 of the parking agreement, the rate change notification requirement is 45 days, but the notification of change requirement in #17 is a 60-day notice. Consult with Township staff to determine which period is better and make them consistent.
- #18 - Add College Township to the Notices list.

Developer Mr. Greg Summers, partner, confirmed that maintenance of the sidewalks would always remain with the Happy Valley Brewing property and expressed a willingness to put that in the agreement. Mr. Summers added that they would like to take advantage of the brewing operation itself in heating the building.

Chair Fryer stated that Mr. Walizer, nearby property owner, expressed concern about spill-over parking occurring on his lot and suggested that the developer speak with Mr. Walizer about this potential issue.

In response to Council's closing inquiry regarding the potential for the developer selling other beers, Mr. Summers stated that Happy Valley Brewing would like to research the right to sell other products through a procured liquor license.

Mr. Brumbaugh, Township Manager, asked the developer to describe the lighting planned for the Gordon property, and Mr. Stewart reported that there would be three, 20-foot fixtures with cut offs to manage light trespass.

Mr. Klees moved to approve the Preliminary / Final Land Development Plan for the Happy Valley Brewing Company, dated July 15, 2011, last revised March 2, 2012, with the following conditions:

- 1. Obtain all required signatures on the plan;**
- 2. Payment of all outstanding plan review fees;**
- 3. Obtain final review and approval by staff on the Exterior Lighting Compliance Checklist;**
- 4. Provide notes on the plan indicating:**
 - a. That parking lot signage on FNB and Gordon properties will show hours of permitted off-site parking;**
 - b. That the sidewalk maintenance is provided by the HVBC, as described in the Shared Parking Agreement;**
 - c. That the parking spaces on the Gordon property will be striped;**
 - d. That the developer will be responsible for furnishing and installing signs for the No Parking area on their side of Elmwood Street and modifying the yield condition at the intersection of Elmwood Street and East College Avenue;**
- 5. Provide the gross floor areas of the building/uses on the FNB and Gordon properties for staff evaluation of potential parking demands; and**
- 6. Editorial changes to the Parking Agreements regarding rent increase notification and parking sidewalk agreement that future owner of Happy Valley Brewing company will maintain adjacent sidewalk at 137 Elmwood Street property.**

Dr. Remick seconded the motion.

Motion carried 4 – 1 (Fryer voting nay).

**P-4 The Villas at Happy Valley Preliminary and Final Land Development, Dreibelis St.;
Tax Parcel 19-002B-076**

Mr. Steven Bisbee, Keystone Commercial Real Estate, introduced Mr. Gregg Saunders, Hawbaker Engineering, before presenting The Villas at Happy Valley Preliminary and Final Land Development Plan for the 14-acre tract known as Tax Parcel 19-002B-076 between Dreibelbis Street and Trout Road. This parcel is in the R-2 Zoning District. The developer is proposing to construct 145 three-bedroom townhouse rental units, each unit consisting of approximately 1,256 square feet primarily for the housing needs of Penn State students. Amenities will be targeted to student life, including a clubhouse, fitness center, pool, theater, and study area. The developer offered two options in meeting the Township ordinances relative to dedication of parkland/open space. In an addendum on Parkland and Open Space, the developer's offer included 1) two alternatives for an open space land dedication on an existing farm with a sixty-foot (60') connection to Trout Road, or 2) a combination of fee in lieu of parkland and partial credit for open area on the site.

In written correspondence to Council dated March 14, 2012, Mr. Baker, Township Engineer, clarified that a fee in lieu of parkland fee is determined by an appraisal process and formula described in the Township ordinance.

Council discussed or offered comments on the following prior to taking public comment on this plan:

- inquired into the locations of the recycling facilities;
- density of landscaping being considered in the buffer area;
- inquired into increasing the density in the 100-foot wide buffer area to the 20-foot density level and plant more in the remainder of the buffer, and the developer agreed to this increase;
- noted a dearth of landscaping in the parking lot;
- questioned the type of mailboxes to be installed (cluster boxes); and
- reviewed various parkland options and the impacts thereof.

Atty. Terry Williams, Miller Kistler and Campbell, representing the developer, stated that the consideration of a fee in lieu of parkland would mean that the fee would be based on an appraisal, which has not yet been done, and added that the Township would receive more benefit if it accepted the land dedication.

As the Chair of the College Township Parks and Recreation Committee, Mr. Gregory T. Hayes added that the Parks and Recreation Committee preferred to see the Township acquire land.

Mr. Patrick McGrady, 518 Gerald Street, spoke in opposition to this plan, stating that the plan did not belong in the proposed location. Insure that enough space is given over to mitigate its detrimental effect.

Mr. Lance Brodie, 1321 Dreibelbis Street, spoke in opposition to this plan based on concerns about the western end at Julian Drive meeting the 25% slope requirement and the open space no longer being considered on site.

Mr. Kent Baker, Township Engineer, explained that a development can have 25% slopes on site but the developer must treat them and minimize excessive grading on the site. In staff's opinion, the developer now meets that requirement of the ordinance. Stormwater will run off undetained as it does now, which is allowed; but it could not exceed current conditions.

Mr. Klees explained that Council is being asked to take action on the revised plan before them this evening, and added that it is the developer's choice whether or not to provide parkland on its site, off of its site, or to offer a fee in lieu of parkland. Council cannot dictate which they offer, but must ensure that some type of parkland or a fee in lieu of parkland is part of the plan.

Ms. Heather Fink, 108 Julian Drive, spoke in opposition to this plan, objecting to the consideration of another park on Gerald Street that residents cannot get to. Ms. Fink stated that the residents need separation and urged Council to deny this plan.

Mr. Larry Tremaglio, 137 Julian Drive, spoke in opposition to this plan based on the developer not providing the required parkland on site. Mr. Tremaglio asked Council if they had any questions.

Mr. Klees explained that the Township has ordinances that developers must meet in having their plans approved. Although Mr. Klees felt this plan was not imaginative or creative and met only the minimums of the ordinance, it appears to have met those requirements. If it were to be denied, Council would be required to state the specific failures of the developer's plan in meeting the ordinance. Otherwise, the Township would lose the suit that would follow in the Court of Common Pleas in the Commonwealth of Pennsylvania. Mr. Klees, therefore, asked Mr. Tremaglio what Mr. Tremaglio could provide by way of failures of this plan to meet the ordinance that would give Council the power to deny this plan.

Mr. Tremaglio replied that he would require that the parkland be provided on site and take the chances with the courts. He further stated that he and the other residents would stand behind Council in any future court action against College Township as a result of a denial of this plan.

Mr. Don Barletta, 416 Gerald Street, spoke in opposition to this plan based on its not meeting the intent of the R-2 Zoning District.

Mr. Klees again asked the residents in attendance if there was something that Council had missed that would give Council the power to deny this plan and win before the Court of Common Pleas; and Mr. Barletta added that perhaps the plan's impacts on traffic, peace and quiet, noise, pedestrian safety, and property devaluations might suffice.

Mr. Klees asked the Township Solicitor to speak to how the courts rule on denials based on intent of the ordinances.

Atty. Louis Glantz, Township Solicitor, explained that, in accordance with Pennsylvania law, a governing body/Council cannot deny a plan based on the intent of the ordinance or on a general provision of the ordinance. The governing body must cite specific ordinance provisions that create the defects in the application, describing the requirements that have not been met. Citing the intent of the ordinance will be inadequate to meet the statutory requirement of specific citation. Failure to provide specific failure to the ordinance amounts to an approval of the plan without further Council involvement.

Ms. Melanie Fink, 117 Julian Drive, spoke in opposition to the plan, questioning what would happen if the person selling the proposed off-site parkland backs out of the agreement.

Atty. Williams suggested that Council consider conditionally approving the plan subject to reaching an agreement as to which of the park properties or fee-in-lieu is acceptable to staff, but noted that the developer would prefer offering the off-site parkland.

Mr. Justin Jacobson, 104 Matthew Circle, spoke in opposition to this plan based on the 25 percent slope, counting the detention pond as open space, and believing the off-site parkland would not be used by residents due to lack of maintenance.

Mr. Doug Williams, 124 Julian Drive, expressed concerns about stormwater and asked about the drainage basin on the Julian Drive side.

Mr. Ralph Franklin, 120 Julian Drive, opposed the fee-in-lieu of parkland option as the funds might not be used in the same area.

Ms. Kristin Cox, 526 Gerald Street, was opposed to this plan and requested the definition of "in close proximity" when speaking of acquiring a parcel of land with fee-in-lieu funds. Mr. Baker replied that such a procurement would equate to a neighborhood park within half a mile of the people being served by the development.

Mr. Scott Fitzgerlad, 121 Washington Avenue, spoke in opposition to the plan based on safety, density, and parking and requested that the area be kept in good condition during construction.

There being no other comments, Dr. Remick requested that the Chair call an Executive Session with the Township Solicitor to allow Council to consider legal implications of this plan prior to taking a vote. Chair Fryer called at Executive Session at 9:55 PM and reconvened the meeting at 10:03 PM.

Chair Fryer promptly announced that an Executive Session had just been held for the purpose of discussing legal issues related to the Villas at Happy Valley land development plan.

Ms. Shoemaker moved to deny the Preliminary/Final Land Development Plan for the Villas at Happy Valley, dated November 18, 2011, and March 1, 2012, due to the following deficiencies:

1. **The plan and the parkland/open space proposal, dated December 7, 2011, revised February 2, 2012, and March 1, 2012, do not meet the parkland/open space dedication requirements in the Township Subdivision Ordinance for Parkland, Section 180-2C and, more specifically, Section 180-26.D (1), (2), (3) and (9), as more fully described in the memorandum prepared by Kent Baker, Township Engineer, dated March 14, 2012;**
2. **Payment of plan review fees needed (Section 180-28.B and C.);**
3. **Signatures needed on the plan (Section 180-9.B.(19));**
4. **Obtain addresses for the dwelling units (Section 180-11.B.(4));**
5. **Need Centre County Conservation District approval of the Erosion and Sediment Control Plan (Section 175-16));**
6. **Need to execute Landowner's stormwater acknowledgement (Section 175-21.B.(24));**
7. **Need DEP NPDES permit (Section 175-21.C.(60)); and**
8. **Need approved water service plan with College Township Water Authority (Section 180-20); and**
9. **Need resolution of the developer's offer to participate in the cost of a future traffic signal at the intersection of Trout Road with Shiloh Road (Section 180-9.B(18)).**

Mr. Fryer seconded the motion.

Ms. Shoemaker requested staff clarification relative to the developer's participation in the traffic signal. Mr. Baker, Township Engineer, advised that the developer had verbally agreed to participate and that the Township was recommending an amount based upon a fair share analysis prepared by the Township's traffic engineering consultant.

Chair Fryer called for a roll call vote.

Ms. Shoemaker - Yes.

Mr. Koll - No.

Dr. Remick - No.

Mr. Klees - No.

Chair Fryer - Yes.

Motion failed 2 – 3 (Koll, Remick, Klees voting nay).

Mr. Klees moved to approve the Preliminary / Final Land Development Plan for the Villas at Happy Valley, dated November 18, 2011, last revised March 1, 2012, with the following conditions:

1. **Payment of all outstanding plan review fees;**
2. **Obtain all required signatures on the plan; and**

3. Provide a fee-in-lieu of land dedication in the amount described by College Township Ordinance Section 180-26.E. with the fee amount being determined on the basis of 5.8 acres times the amount per acre determined by appraisal process described in the Ordinance with no consideration of potential open space within the plan;
4. Provide a fair share contribution of \$46,000 to College Township for the future construction of a traffic signal at the intersection of Trout Road with Shiloh Road, as determined by the traffic study and in accordance with Township Ordinance Section 180-9.B.(18);
5. Increase the internal site landscaping beyond that shown on the plan of record to the satisfaction of Township staff; and
6. Keep the buffer landscaping as shown and increase the landscaping on the southwest line on the slope above that which is currently shown.

Mr. Koll seconded the motion.

Chair Fryer called for a roll call vote.

Ms. Shoemaker	-	No.
Mr. Koll	-	Yes.
Dr. Remick	-	Yes.
Mr. Klees	-	Yes.
Chair Fryer	-	No.

Mr. Pat Vernon, 858 Walnut Spring Road, asked for clarification relative to the \$46,000 contribution to the traffic light as compared to the contribution cost of the traffic light at Squirrel Drive on E. College Avenue.

Motion carried 3 – 2 (Shoemaker, Fryer voting nay).

Chair Fryer called for a five-minute recess at 10:10 p.m., reconvening the meeting at 10:15 p.m.

MANAGER'S UPDATE:

Mr. Brumbaugh presented the March 15, 2012, Manager's Update, highlighting water well drilling operations being conducted at Oak Hall Regional Park, which have proven to produce 600 gallons per minute at the 400-foot depth.

CONSENT AGENDA:

CA-1 Minutes:	March 1, 2012, Regular Council Meeting.
CA-2 Correspondence:	/1: Letter from Penn State UPUA, dtd Feb. 26, 2012, supporting renaming of Park Ave. to Paterno Way.

- /2: Email from N. Miskovsky, dtd Mar. 5, 2012, opposing the renaming of Park Avenue.
- /3: Letter from ClearWater Conservancy, dtd Feb. 27, 2012, regarding Land Trust Accreditation Commission.
- /4: Letter from Meals on Wheels, dtd Mar. 2, 2012, Requesting volunteers for Mayors For Meals campaign.
- /5: Email from T. Kupchinsky, dtd Mar. 9, 2012, regarding 'Paterno Way' proposal.
- /6: Email from H. Fink, dtd Mar. 11, 2012, subj: The Villas.
- /7: Email from W. Sisitki, dtd Mar. 12, 2012, subj: An Apology.
- /8: Email from D. Barletta, dtd Mar. 12, 2012, subj: The Villas at Happy Valley 3/11/12.
- /9: Email from K. Scott, dtd Mar. 13, 2012, subj: Villas at Happy Valley.
- /10: Email from P. McGrady, dtd Mar. 13, 2012, regarding The Villas at Happy Valley.
- /11: Email from T. Zuniga, dtd Mar. 13, 2012, subj: Villas at Happy Valley.
- /12: Email from J. Heddens, dtd Mar. 14, 2012, subj: The Villas at Happy Valley.

CA-3 Resolution:

R-12-06; Automated Red Light Enforcement Program Project Funding Agreement for the Spread Spectrum Radio System.

Mr. Koll moved to accept and approve the March 15, 2012, Consent Agenda, as presented.

Mr. Klees seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

No Old Business was brought forward for consideration.

NEW BUSINESS:

NB-1 Township Website Upgrades/Enhancements; Authorization of

In written correspondence to Council dated March 13, 2012, Ms. Mary Wilson, Asst. Township Secretary, described the increasing number of complaints being received relative to the navigability of the Township website. Since 2002, College Township has utilized the Govoffice

platform for its website, and little to no revisions to its design have been made since its inception. Staff requested that Govoffice provide an evaluation of the Township website and a quotation on how to customize it to meet today's website visitors. A \$4,700 quote for the full, customized reconfiguration of the website would also give College Township the ability to create interactive forms (not including online bill paying), the ability to create URL shortcuts, staff training, and ongoing consulting. Although not part of the 2012 College Township Budget, staff recommended that Council consider this approval in the interest of providing website users a less frustrating, more direct path to the information they need in conducting their business with College Township.

Mr. Klees moved to authorize the expenditure of funds in the amount of \$4,700 for the Govoffice Quotation for Web Consulting and Design, dated February 27, 2012, and authorizing the Township Manager to initiate this quotation, as presented.

Mr. Koll seconded the motion.

Motion carried unanimously.

STAFF AND ABC INFORMATIVES: No comments.

OTHER MATTERS:

1. Chair Fryer reported that he met with representatives of Lemont Village Association, Messrs. A. Popovich and R. Smith, to discuss restroom services for the upcoming Farmers' Markets. Mr. Popovich should have a sketch ready in the near future.
2. Chair Fryer also reported that he met the the State College Borough Council Chair, Mr. Don Hahn, regarding the "Paterno Way" petition; and it was determined that a joint public hearing should be scheduled.

COMMITTEE REPORTS:

Public Safety Committee: Mr. Koll reported that the Public Safety Committee met to discuss its vehicle fleet. The Alpha Fire Company is using their pick-up truck whenever possible instead of running their engines to incidents. There have been reports of problems with joint use of the fire training facility at CPI.

Transportation and Land Use (TLU) Committee, March 5, 2012: Mr. Klees reported that the TLU Committee spent their time reviewing the Comprehensive Plan relative to transportation.

Parks Capital Committee, March 8, 2012: Mr. Klees reported that the Parks Capital Committee reviewed the organizational study that was done and described some of those restructuring details. The Committee moved this to the Human Resources Committee for comment. The Committee also held a discussion on possible building construction, with a land development plan expected in April.

Chair Fryer announced that the April 5, 2012, Regular College Township Council Meeting was being cancelled.

ADJOURNMENT:

Hearing no further business, Chair Fryer adjourned the March 15, 2012, Regular Council Meeting at 10:24 p.m.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary