

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, April 3, 2014**

ATTENDED BY:

COUNCIL: David P. Fryer, Chair
Mary C. Shoemaker, Vice-Chair
Lynn B. Herman
Carla Stilson

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT: L. Eric Bernier, Council member
Michael W. Heath, Zoning Officer
Robert T. Long, Jr., Finance Director

CALL TO ORDER

Chair Fryer called to order the April 3, 2014, College Township Regular Council Meeting at 7:00 PM, followed by the Pledge of Allegiance.

OPEN DISCUSSION:

None.

ANNOUNCEMENT:

Mr. David P. Fryer, Council Chair, announced his plans to step down from the College Township Council effective at the end of the May 15, 2014, Council Meeting after serving over 18 years on Council. He and his wife will be relocating to Huntingdon County after living in the Village of Lemont for 36 years. Numerous meeting attendees expressed their appreciation for his years of service.

SPECIAL PRESENTATION:

SP-1 State College Area High School Construction Project

Ms. Penni Fishbaine, State College Area School Board President, introduced Ms. Amber Concepcion, School Board Vice President, before offering a PowerPoint presentation on the high school construction project. Highlights included the proposed plans, costs, estimated tax increases to district residents, and how classes will be handled during the construction period. The project is deemed necessary in order to update aging and deficient facilities, increase safety and security, and enhance the educational environment.

Ms. Fishbaine reported that the project has a maximum cost of \$115 million, which must be funded without any state reimbursements. Funding is identified using \$10 million in capital reserves and \$20 million in non-referendum debt. The balance of \$85 million would be procured following voter support of a referendum for incurring new debt in that amount. All registered voters, including Independents, were urged to participate in the Primary Election on May 20, 2014, and to vote 'yes' in support of the school project.

Mr. Pat Vernon, 858 Walnut Spring Lane, asked if the School Board could look at the assessments on some of the recently developed projects, such as The Retreat at State College; and Ms. Concepcion replied that this could be referred to their business administrator for consideration.

Mr. Brumbaugh, Township Manager, suggested that the more appropriate person to contact regarding assessments would be Mr. Mark Kellerman, the Centre County Tax Assessor.

Mr. Bruce Pincus, 914 Walnut Spring Lane, voiced support for the high school construction project but questioned the increase in taxes for properties valued at greater than \$500,000.

The presenters advised that residents could plug their assessed property values into the calculator uploaded to the State College Area School District's website for this purpose.

PLANS:

**P-1 Marcon Roofing Storage Shed Preliminary/Final Land Development;
Tax Parcel 19-22A-019**

Mr. Mark Torretti, Penn Terra Engineering, Inc., presented the Marcon Roofing Storage Shed Preliminary/Final Land Development Plan. The developer proposes to improve Tax Parcel 19-22A-019 located at 2520 Clyde Avenue, adjacent to where Marcon Roofing currently operates their business at 2500 Clyde Avenue. The plan reflects improvements to the 1.50-acre parcel, which is zoned I-1, General Industrial, and includes the construction of a 1,800-square-foot storage shed. The shed, measuring 30 feet by 60 feet, will be open on one side; constructed primarily in an existing, compacted crushed stone area; and will not require any water or sanitary sewer service. Access to the building would be through the adjacent Marcon

Roofing property; and an easement agreement will be prepared to legally provide this access. The developer requested a waiver from the sidewalk easement, as the adjacent properties were not developed.

Mr. Baker, Township Engineer, stated in a memorandum to Council, dated March 28, 2014, that the Planning Commission did not support the developer's request for a sidewalk waiver, recommending instead that a sidewalk be indicated along the frontage of the site by allowing a portion of the existing wide driveway to act as a sidewalk by being appropriately pavement striped. Mr. Baker recommended that a copy of the signed easement agreement for the accessway through the adjacent Marcon property be provided to College Township.

Ms. Shoemaker moved to approve the macron Roofing Storage Shed Preliminary/Final Land Development Plan, dated February 17, 2014, and last revised March 4, 2014, with the following conditions:

- 1. Obtain all required signatures;**
- 2. Pay all outstanding review fees;**
- 3. Include a sidewalk along the frontage of Tax Parcel 19-022A-019, a portion of which may be striping on the existing pavement, and construct the sidewalk as part of this development; and**
- 4. Provide the Township with a copy of the signed agreement between the owners of Tax Parcels 19-022A-019 and 19-022A-020.**

Mr. Herman seconded the motion.

To assist in understanding, Ms. Stilson asked staff to explain what the downside was of granting the sidewalk waiver request; and Mr. Baker replied that it was a goal of College Township to create pedestrian connections whenever possible. Ms. Stilson did not support the idea of sidewalks that went nowhere and did not believe this sidewalk was necessary.

Motion carried 3 – 1 (Stilson voting nay).

P-2 Sam's Club Fueling Station #6533-500; Tax Parcel 19-002B-093

In written correspondence to Council, dated March 28, 2014, Mr. Mark Holdren, CRPA Sr. Planner, advised that Sam's Club submitted plans to College Township for a six-pump (serves 12 vehicles) fueling station to be located in the Sam's Club parking lot behind the Office Depot. Because gasoline service stations in shopping centers are considered a conditional use, Council must set a date for a public hearing for review of that conditional use.

**Ms. Stilson moved to set a May 1, 2014, public hearing for the Sam's Club Fueling Station Conditional Use.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.**

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the April 3, 2014, Manager's Update, providing an update on the March 24th meeting on Slab Cabin Run's possible High-Quality Cold-Water designation and stressing that, until the Pennsylvania Clean Steams Law is modified, beneficial reuse water will continue to be classified by DEP as sewage effluent.

CONSENT AGENDA:

The following Consent Agenda items are presented for Council acceptance.

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| CA-1 Minutes: | March 20, 2014, Regular Council Meeting |
| CA-2 Correspondence: | /1: Email from John Sheridan, dtd March 24, 2014, regarding pedestrian crossing at the Barn Brewing establishment on Elmwood St. |
| CA-3 Waiver Request: | Noise and Solicitation Waiver Approval for Funky Freezer from May 17 through August 16, 2014. |
| CA-4 PSATS Resolutions: | 2014 Proposed PSATS Resolutions. |

Ms. Stilson pulled Item CA-2/1 from the Consent Agenda for discussion.

**Ms. Shoemaker moved to accept and approve the April 3, 2014, Consent Agenda, minus Item CA-2/1.
Mr. Herman seconded the motion.
Motion carried unanimously.**

CA-2/1: Ms. Stilson inquired into how this situation could be remediated; and Mr. Baker reported that staff met with PennDOT about the future permitting of a crosswalk in this vicinity with luminaires or street light. This will be part of the Barn Brewing's parking expansion plan. PennDOT currently has this as a no-pedestrian-crossing area.

**Ms. Stilson moved to approve Consent Agenda Item CA-2/1.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.**

Ms. Shoemaker asked Council's position on PSATS proposed Resolution 14-10 relative to authorizing local governments to prohibit firearms in public buildings and using metal detectors for enhanced security. The PSATS Resolutions Committee opposed this proposed resolution based on the belief that it violated Second Amendment rights. College Township

Council supported the resolution, i.e. opposed the Resolution Committee's opposition and directed its Voting Delegate, Ms. Stilson, to so vote at the PSATS Convention.

OLD BUSINESS:

OB-1 Hilltop Mobile Home Park Rezoning Request to Gateway Commercial (GC)

At their March 20, 2014, Regular Meeting, Council reviewed three proposed ordinances that would require Council's adoption in order to rezone the Hilltop area to Gateway Commercial, as per the Planning Commission's unanimous recommendation.

Mr. Mark Holdren, CRPA Sr. Planner, offered a brief overview of the below three proposed ordinances and asked Council if they supported 1) the building height restrictions within 300 feet of an R-1 zone; 2) the 50-foot Open Space Recreation Conservation District (OSR) along Thompson Woods Preserve and the 150-foot OSR along the R-1 at the top of the Hilltop area.

Ms. Stilson stressed that the intention of Planning Commission and staff in zoning the Hilltop area all Gateway Commercial (GC) was in response to the adamant opposition of residents to PRDs, which can be developed in Residential zoning districts. Ms. Stilson advised the audience, however, that an all-GC development would not prevent the development of what residents want to see prevented; noted that changing the building heights would affect all GC areas in the Township; and opposed amending the GC to the extent that it puts the Township in a corner in the future.

Mr. Pat Ward, President, Uni-Tec Consulting Engineers, stated that a lot of compromising has taken place and, although the requesters have not gotten what zoning they asked for, they were accepting of the 35-foot building height restriction. However, they asked if there was an in-between height that could be added, such as, closer than 150 feet from the R-1, the building height could be 35 feet; at 150 feet, it would be 45 feet; and at 300 feet, the building height could be 55 feet.

Chair Fryer announced that, due to a family emergency, Mr. Bernier would not be attending this meeting, and, therefore, read Mr. Bernier's written comments on this matter. Those comments included Mr. Bernier's support for moving the Official Map ordinance to public hearing, then looking at the Gateway Commercial ordinance amendment next. Once that was settled, the final ordinance on the rezoning of the Hilltop area itself could be considered. Mr. Bernier did not support moving forward with setting public hearings for the latter two until there was consensus on the preferred approach to take.

Chair Fryer offered his perspective on the Hilltop rezoning, expressing the belief that the Council and Planning Commission had given this topic its due diligence in determining its recommendation to move these to public hearings. Chair Fryer did not hear overwhelming objection to the currently proposed rezoning recommendation of Gateway Commercial and expressed comfort with the depth of the building height restrictions, as well as the 50-foot OSR buffer along the Thompson Woods Preserve and the 150-foot OSR buffer along the R-1.

Mr. Herman, Council member, stressed that the public hearings were not the end game, and Council was not obligated to vote on the ordinances following the public hearings. Council could vote to adopt the ordinances or could amend the proposed ordinances and remand them back to Planning Commission for further review.

**a. Ordinance O-14-06, Gateway Commercial Zoning District Amendment;
Set Public Hearing**

Based on Council's previous review comments, staff was directed to revise proposed Ordinance O-14-06, Gateway Commercial Zoning District Amendment, to add a definition for "Amusement Enterprises"; define "Mixed Use Building" to indicate that any first floor must in its entirety be dedicated to non-residential uses; revise the definition for "Recreational Structure"; revise the "50-foot" rule so that it cannot be applied to lots that contain a district boundary line of the Open Space Recreation Conservation District; and modify the maximum building heights to 35 feet or less for those areas within 300 feet of R-1 zoned land.

b. Ordinance O-14-07, Hilltop Area Rezoning; Set Public Hearing

Based on Council's previous review comments, staff was directed to revise proposed Ordinance O-14-07, Hilltop Area Rezoning, to reflect a zoning change from R-2 to GC on the Walters tract; and a zoning change from Mobile Home Park to R-1 on the Koval tract; and to reflect a 50-foot strip of OSR along the Thompson Woods Preserve and a 150-foot strip along Centre Hills Village. This revision would create a 5.518-acre portion to be zoned OSR District.

c. Ordinance O-14-05, Official Map Amendment; Set Public Hearing Date

On March 20, 2014, Council approved the setting of a public hearing for proposed Ordinance O-14-05, but did not set a date for that public hearing. Staff recommended that a public hearing be set for the same date as the two proposed ordinances mentioned above. This would allow for a second access by extending Puddintown Road.

Public Comments:

Mr. Eli Walters, 1322 E. Pennsylvania Avenue, spoke in opposition to the recommended Gateway Commercial, asked how it fits into a reasonable regional plan, and believed the zoning was driven by maximizing profits. Mr. Walter expressed concern for traffic, safety, and a possible significant student housing development being constructed, preferring the area be designated as R-1, even at the risk of it being developed under a Planned Residential Development (PRD) plan.

Ms. Gretchen Brandt, 815 Walnut Spring Lane, stated that she and her neighbors in the Thompson Woods Subdivision are confused and do not think this should move forward, recommending instead the delay of this entire process for three months so that residents can see what this is going to look like.

Mr. Greg Johnson, 1240 Shamrock Avenue, opposed this rezoning request based on impacts on Centre Hills Village; potential increases in traffic; impacts on property values; the future of College View Road; and the potential bottleneck that could be created at E. College Avenue.

Ms. Michele Chernega, 1039 Oak Ridge Avenue, stated that she learned that Council does listen and cares. However, because the rezoning comes before any land development plan is presented, it is not possible to see what could happen until a plan is presented. Ms. Chernega spotlighted the Haugh Family Farm being acquired by Patton Township for open space and suggested the same could happen with the Mayes property.

Mr. Scott Smith, 1225 Cottonwood Avenue, was not opposed to the possibility of R-1 zoning in the Hilltop area; would like to see a zoning plan that would include the Mitchell property; expressed concern about impacts to Country Club Road; and was encouraged by the Planning Commission's willingness to listen. If GC is chosen, Mr. Smith would like to see residential density limited, suggesting dwelling units per acre being reduced to 10 and from 30% to 20% maximum residential. Mr. Smith would like to see some traffic studies performed or the different zoning scenarios.

Mr. Russ Graham, 864 Shamrock Avenue, voiced a preference for R-1 zoning but understood the arguments for a mixed use scenario; felt the building height restrictions and zoning district amendments were helpful; and requested a graphic so that residents could see what it looks like. Mr. Graham expressed appreciation for what has been done and would like to see minimum impacts to housing density.

Ms. Susan Graham, 864 Shamrock Avenue, stated that she felt the zoning being considered has come a long way.

Mr. Kevin Abby, Land Conservation Manager, ClearWater Conservancy (CWC), stated that CWC was interested in the protection and recognition of the Thompson Woods Preserve and questioned the exclusion of drive-thrus and the percentages of residential and commercial uses in the GC zone.

Mr. Bob Ceschini, 1230 Shamrock Avenue, disagreed with Ms. Stilson's position on PRDs being positive and asked if it was possible to prohibit PRDs in the R-1 Zoning District or create an R-1A Zoning District.

Mr. Brumbaugh, Township Manager, replied that Council had the authority to make such a change to the R-1 Zone; however, it would be extremely difficult to make because of the impacts to other parts of the Township.

Mr. Bruce Pincus, 914 Walnut Spring Lane, stated his home's close proximity to the entrance of the Thompson Woods Preserve; urged Council to remember their responsibility to protect the Preserve; and inquired about how a road is protected that is placed on the Official Map, such as the proposed extension of Puddintown Road.

Mr. Brumbaugh advised that the proposed extension of Puddintown Road, previously approved to go to public hearing, would place a reservation that shows generally where a road could be located. The Township would then have the right to work with a developer on the construction of the designated road; but, it is not intended to be a precise location for the roadway.

Mr. Pincus offered his time and services on any ad hoc committee that might be formed in reviewing this rezoning and stressed to Council that any development in the Hilltop area would have a negative impact and adversely affect the Thompson Woods Preserve.

Mr. Rodney Hendricks, property owner of Mitchell Farm, advised that in order for the Gateway Commercial area to be enhanced, the zone would have to be larger.

In response to Council inquiry about how the PC developed their recommendation to Council, Mr. Rich Francke, College Township Planning Commissioner and Council liaison, reported that PC derived at the all-GC zoning recommendation not to eliminate the possibility of any PRD but because it was felt that the E. College Avenue corridor needed more GC land for the most opportunity to develop. Proposed amendments to the GC offer some residential reductions, making it less conducive to high-end residential development. PC was concerned with traffic and density but could not offer a fix to Country Club Road because it belongs to the State College Borough. Mr. Francke added that PC felt the PRD is a good planning tool and objected to it coming out of the tool bag.

Ms. Stilson presented a slide on a possible rezoning scenario that included a combination of GC, R-1, and R-2, with R-1 designated from Centre Hills Village to Mobile Avenue and the lower portion of Hilltop designated as GC. This would lower the residential and dwelling units per acre from 355 dwellings to 238 dwellings.

Mr. Brumbaugh strongly urged Council to move forward with the public hearings on the ordinances as recommended by the Planning Commission, adding that there was little else that staff could provide to PC or Council in terms of assisting in making a decision.

Mr. Eli Walters stated that, if this is all rezoned to GC, he would have much more to add about the GC amendments and added that he supported Ms. Stilson's rezoning concept.

Mr. Baker, Township Engineer, recommended that the setback restrictions should be eliminated, if using Ms. Stilson's suggested rezoning scenario.

Mr. Pat Ward added that the GC came to the forefront based on meetings with residents and stressed that Mr. Mayes deserves some action.

Mr. Francke commented that the PC did not move the GC down as far as Mallard Ave. due to its having resulted in such a small sliver of GC, adding that this is what the Comprehensive Plan calls for when infilling.

Mr. David Porter, 1216 Cottonwood Drive, reminded Council that he and others did not want a PRD used in the development of the Hilltop area as proposed by the former developer, Trinitas; suggested that a PRD may be possible with Ms. Stilson's scenario; and proposed that a commission of interested parties be formed to work this through.

Chair Fryer moved to set May 15, 2014, public hearings on
1) Ordinance O-14-05, College Township Official Map;
2) Ordinance O-14-06, Gateway Commercial Zoning District Amendment; and
3) Ordinance O-14-07, Hilltop Area Rezoning.
Mr. Herman seconded the motion.

Mr. Herman stressed that there is a process that must move forward to a public forum, which the public hearing process provides.

Ms. Stilson advised that, if anyone has a question on the PRD ordinance and/or zoning, they can email staff or Ms. Stilson.

Chair Fryer called the question.
Motion carried 3 – 1 (Stilson voting nay).

Chair Fryer called for a five-minute recess at 9:40 PM to allow the room to clear of departing attendees and reconvened the meeting at 9:46 PM.

NEW BUSINESS:

No New Business items were presented.

STAFF AND ABC INFORMATIVES:

No Staff Informatives were pulled for discussion.

COUNCIL/STAFF OTHER MATTERS:

Mr. Brumbaugh asked Council how they wanted to proceed with filling the Council seat being vacated by Chair Fryer, and a preliminary discussion ensued.

COMMITTEE REPORTS:

Human Resources Committee, April 2, 2014: Chair Fryer attended the Human Resources Committee on behalf of Mr. Herman. The Committee reviewed the revised draft of the *Anti-Harassment/Non-Discrimination Policy*; considered the job descriptions for the Senior Building Inspector-New Construction and for the CRCA Program Assistant.

Centre County Metropolitan Planning Organization (CCMPO), March 25, 2014: Ms. Shoemaker attended the CCMPO Meeting. The agenda contained a discussion on the Proposed Amendment for CATA Maintenance Facility Expansion Project; the annual update on the SEDA-COG Joint Rail Authority Activities; the 2013 – 2016 Transportation Improvement Program (TIP); the Transportation Alternatives Program (TAP) Evaluation and Comment Process; and the 2044 Long-Range Transportation Plan (LRTP).

Public Services and Environmental (PS/E) Committee, April 2, 2014: Ms. Stilson reported that the PS/E Committee 1) recommended that the General Forum authorize the Centre Region Council of Governments (CRCOG) to prepare a Letter of Intent to participate in the \$5,000,000 Georgetown University Energy Prize; 2) received an update on the Slab Cabin Run reclassification; 3) heard details on regional solutions for wastewater improvements; and 4) considered proposed changes to the refuse and recycling contract's Request for Bids (RFB).

Ad Hoc Organics Committee, April 2, 2014: Ms. Stilson reported that the Ad Hoc Organics Committee discussed and offered comments on the Committee's mission statement.

In response to Chair Fryer's earlier retirement announcement, Mr. Brumbaugh, Township Manager, requested direction on how Council wished to proceed in filling that upcoming Council vacancy. Following a brief discussion on appointment protocols, Mr. Brumbaugh suggested that Council run an advertisement calling for interested residents to apply. Ms. Stilson expressed support for placing an ad, so as to avoid the appearance of any conflicts of interest that might impact an appointment.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the April 3, 2014, Regular College Township Council Meeting at 10:00 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary