

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, November 3, 2011**

ATTENDED BY -

COUNCIL: Mary C. Shoemaker, Chair
Daniel D. Klees
David W. Koll
Forest J. Remick, Ph.D.

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Robert T. Long, Jr., Finance Director
John J. Franek, Jr., Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary. E. Wilson, Assistant Township Secretary

ABSENT: David P. Fryer, Vice-Chair

CALL TO ORDER

Chair Shoemaker called to order the November 3, 2011, Regular Meeting of the College Township Council at 7:00 p.m. followed by the Pledge of Allegiance.

OPEN DISCUSSION:

Ms. Heather Fink, 108 Julian Drive, State College, requested that Council consider the installation of a traffic signal on Dreibelbis Street at the back of the Walmart store to improve visibility and safety.

Mr. Scott Carney, 132 Julian Drive, State College, spoke in opposition to the student housing sketch plan being presented later at this meeting. Council reiterated to attendees that Open Discussion was for the voicing of matters not on the agenda and asked Mr. Carney to hold his comments until that agenda item comes forward.

Ms. Melanie Fink, 117 Julian Drive, State College, shared the concerns expressed by Ms. Heather Fink relative to the need for a traffic signal on Dreibelbis Street. Ms. M. Fink added that an additional spot for a traffic signal is Trout Road and Shiloh Road. The grass on the parcel in that area is allowed to grow to a height that interferes with sight distance, preventing drivers from being able to see out Trout Road.

SKETCH PLAN:

SK-1 Proposed Student Housing Community Between Trout Road and Dreibelbis St., Tax Parcel 19-002B-076; Villas at Happy Valley

Mr. Steven Bisbee, Keystone Real Estate, introduced Messrs. Alec Pringle, Keystone Real Estate, and Gregg Saunders, Hawbaker Engineering, before presenting the “Villas at Happy Valley” sketch plan. This sketch plan reflects the proposed construction of 150 townhouse rental units on a 14-acre tract of land in the R-2 Zoning District located between Dreibelbis Street and Trout Road in College Township. The currently vacant land is owned by BXAL, Inc. of Hollidaysburg, Pennsylvania. Owners propose to develop, own, and manage the community and its amenities through Keystone Real Estate Group. Proposed townhouses would consist of three (3) bedrooms each and accommodate a total population of 450 residents. It is anticipated that most, if not all, of the residents would be Penn State University students; and the amenities of the project would be targeted to student life, including a 6,000-square-foot clubhouse with fitness center, pool, theater, social gathering area, and a view of Beaver Stadium. The developer plans on installing 435 parking stalls, which is 135 more than the Township-required number of 300 stalls, as well as eight-foot wide bike paths along two sides of the project. Tenants would receive a CATA bus pass with their lease to encourage tenants to use bus transportation. Buffering would be provided in compliance with Township zoning requirements.

Mr. Bisbee displayed the developer’s anticipated review and construction schedule, which was geared to a Fall Semester 2012 opening, and stated that the developer hoped to procure a permit for a temporary sales model unit on site, as well as a permit for preliminary grading work.

Mr. Klees expressed opposition to the sketch plan as presented, specifically, 1) lacking innovation; 2) forcing vehicular noise due to parking in front of all of the townhomes and likely increasing incidence of fender benders; 3) concerned about traffic flow; 4) setbacks are too close; and 5) suggested that a connector road between Trout Road and Dreibelbis Street could pull a lot of that traffic off of Gerald Street.

Additional Council comments included a) insufficient trash bins; b) advising that the developer could offer increased buffering between the site and adjacent properties; c) suggesting the use of local labor; d) a desire to see architecturally something other than ‘cookie cutter’ townhouses; e) correcting the floor plan to remedy the missing door from the fourth bedroom; and f) questioning the integrity of putting up modular units.

Mr. G. Saunders advised that larger trees cannot be planted as desired due to the presence of existing underground utility lines.

Mr. A. Pringle added that the developer considered a serpentine layout of the development, which would help with speed of traffic; however, it made emergency vehicle accessibility more difficult. Additionally, Mr. Pringle confirmed that the dwelling units would be of modular construction, and those units would be made in Mifflinburg, Pennsylvania.

Ms. Heather Fink, 108 Julian Drive, opposed this sketch plan, as the proposed swimming pool abutted her backyard, as well as noise and lighting trespass.

Mr. Matt Amerman, 116 Julian Drive, opposed this sketch plan, based on tenant activities that would be disruptive to established, adjacent neighbors.

Mr. Lance Brodie, 1321 Dreibelbis Street, expressed concern about light trespass from the proposed student housing development, noise buffering being insufficient, and would like to see sidewalks installed instead of a bikepath, as sidewalks must be maintained in the winter. Ms. Brodie questioned whether or not students using the dumpsters at night would be disruptive, and suggested that Council look at the traffic flow.

Mr. Doug Williams, 124 Julian Drive, thanked Council for putting in the retention basin years ago and expressed an objection to the proposed sketch plan as an inappropriate location for a student housing development.

Ms. Melanie Fink, 117 Julian Drive, stated that there were too many units planned for the site, parking in the development and speeding along Gerald Street would be problematic, and the clubhouse would be better being relocated.

Ms. Kristin Cox, 526 Gerald Street, stated that there has been a significant increase in traffic on Gerald Street since the nearby Walmart Store opened and added that there were no sidewalks on Gerald Street or Dreibelbis Street. Ms. Cox added that this is not a good location for a student housing development.

Mr. William Sisitki, 126 Washington Avenue, opposed the sketch plan as not serving the community, as there are many small children in the current neighborhood.

Mr. Scott Fitzgerald, 121 Washington Avenue, opposed the sketch plan, as the number of students would impact the flavor of the existing neighborhood, and requested that Council listen to the pleas of the community and protect them from this development.

Mr. Pat Vernon, 878 Walnut Spring Lane, State College, expressed concern about the potential for significant increases in the cost of police services; insufficient landscape buffering for noise; inquired about whether or not taxes would be assessed under the income approach; insufficient parking causing overflow to park in other neighborhoods.

Ms. Jody Franklin, 120 Julian Drive, opposed the plan, as the socializing area backs up to her backyard. Ms. Franklin advised that surveyors had been trespassing on her property without notification or permission, and Mr. Saunders, Hawbaker Engineering, apologized for that.

Ms. Naomi Williams, 124 Julian Drive, expressed disappointment at this plan and voiced her opposition.

Mr. Patrick McGrady, 518 Gerald Street, stated that it was likely that students in excess of those permitted would be cramming into the townhouses; constructing decks with hot tubs

was a mistake; traffic will become dangerous, and suggested that College Township consider widening Trout Road.

Mr. John Franek, Zoning Officer, advised that the College Township Zoning Ordinance allows for three unrelated people or a family with two other unrelated individuals to reside in a house. College Township rental permits regulate this.

Mr. Koll, Council member, advised that Council has limited ability to change a developer's plan if that plan meets all of the ordinance requirements. However, nearby residents could make a proposed development such as this less offensive by offering Council constructive comments to forward to the developer that might help minimize its negative impacts to adjacent neighborhoods.

Mr. Scott Carney, 132 Julian Drive, suggested that an adequate noise barrier fence be constructed to block the view of the student development; add more trees; and incorporate green-friendly approaches to the design.

Mr. Franek advised that neighbors would be notified by letter and by newspaper ads when the formal process on this plan begins.

Council reiterated that the current R-2 zoning on this property requires the developer to do little by way of making any significant changes to their plan, and Council has no authority to force the developer to construct an eight-foot high wall. However, if the developer agrees to do that, the neighbors must live with that wall.

This plan will return to Council once an official submission of a preliminary plan has been submitted to College Township.

Chair Shoemaker took a four-minute recess in order to allow departing attendees to leave the room, and the meeting was reconvened at 8:35 p.m.

PLAN:

**P-1 Home Delivery Pizza Pub Preliminary/Final Land Development,
S. Atherton Street; Tax Parcel 19-605-108**

Mr. C. Anthony Fruchtl, P.E., Penn Terra Engineering, Inc., presented the Preliminary/Final Land Development Plan for the Home Delivery Pizza Pub on behalf of PFG Real Estate, owner. The plan proposes the expansion of the existing Home Delivery Pizza Restaurant located at 1820 South Atherton Street in State College into the existing space vacated by the Reliance Bank. The expansion also includes the addition of 2,103 square feet of additional building on the site to accommodate patron seating, expanded food preparation area, administrative offices, and storage.

Council expressed comments about the parking stalls, retaining walls, and expressed concern about walking on the cartway to get to the front door from the back parking lot.

Mr. Koll moved to approve the Home Delivery Pizza Pub Expansion Preliminary/Final Land Development Plan, dated September 19, 2011, last revised October 20, 2011, with the following conditions:

- 1. Payment of all outstanding plan review fees;**
- 2. Obtain all required signature on the plan;**
- 3. Provide a reference note on the plan sheet that refers to note 13 on page 3 regarding the non-conforming parking setback;**
- 4. Council agrees to a waiver of sidewalks along Woodsdale Lane and West Branch Road for the following reasons:**
 - a. The site is surrounded entirely by public roadways; and, therefore, new sidewalks would not connect to any other sidewalk system or adjoining property;**
 - b. Sidewalks already exist on the opposite sides of West Branch Road and Woodsdale Lane; and**
 - c. The site is connected to a public street-side sidewalk system, which connects to the nearby properties.**

**Mr. Klees seconded the motion.
Motion carried unanimously.**

Mr. Fruchtl added that traffic signal poles and mast arms were now up on South Atherton Street at the new Sheetz Store and that they should be operational by November 11, 2011.

Mr. Scott Carney, 132 Julian Drive, returned to the meeting room with numerous other residents and spoke again in opposition to the student housing sketch plan, and offered that 'students' did not constitute a protected class and could be discriminated against. Mr. Carney advised that the neighbors would be seeking legal counsel in an effort to stop this plan from moving forward.

MANAGER'S UPDATE:

Mr. Brumbaugh presented the November 3, 2011, Manager's Update, and Council received the same without comment.

CONSENT AGENDA:

- CA-1 Minutes:** Oct. 20, 2011, Regular Council Meeting
CA-2 Correspondence: /1: Letter from CATA, dated Oct. 25, 2011,
regarding CATARIDE Community
Involvement Meeting.
/2: Letter from Comcast, dated Oct. 31, 2011,
Subj: National Emergency Alert System Test.
CA-3 Report: Finance Director's
CA-4 Street Light Request: Hunter Avenue/Charles Street/Greenbriar Drive.

**Mr. Klees moved to accept the November 3, 2011, Consent Agenda, as presented.
Dr. Remick seconded the motion.
Motion carried unanimously.**

OLD BUSINESS:

OB-1 Residential Rental Permit Examples

At Council's October 20, 2011, Regular Meeting, staff was directed to generate several examples of the impacts of the proposed rental regulations, should College Township modify its residential rental permitting procedures to accommodate short-term (such as, football weekends) rentals.

Mr. Holdren, CRPA Sr. Planner, reiterated Council's previous concerns about some Township residences not having enough room for additional, required parking, which could turn some potential short-term rentals' front lawns into parking lots. Mr. Holdren presented a series of maps showing impervious coverage levels of selected neighborhoods, as well as showing any dwellings containing current rental units, and offered some observations with regard to the current rental ordinance.

In response to Mr. Holdren's presentation, Council suggested that in order to obtain a rental permit property owners should be required to bring the off-street parking into conformance with current parking standards when the property is determined to be a new rental unit or when the rental property is sold. Council concurred with retaining the current front yard setback at ten feet and agreed that any problems with parking at a rental unit should be brought to the Code Administration's attention.

Mr. Holdren stated that no action was required of Council at this time. However, staff will begin drafting the rental ordinance including with a handful of options in regards to rental permits and how often they should be renewed including conformance with current zoning standards.

NEW BUSINESS:

NB-1 2012 Proposed COG Budget; Comments

Mr. Brumbaugh, Township Manager, introduced the *Centre Region Council of Governments 2012 Summary Budget* and advised that Council comments are to be forwarded to the COG Finance Committee's November 8, 2011, Meeting.

Messrs. Jim Steff, Executive Director of the Centre Region Council of Governments, and Ron Woodhead, Director of the Centre Region Parks and Recreation Agency, were present to address any of Council's questions on the COG Budget. In response to Council's inquiry about whether or not it was felt that sufficient funds are on hand to manage the significantly increased parks inventory, Mr. Woodhead replied that he was unsure about having all of the funds required to optimally maintain the Centre Region's 52 parks sites.

Council complimented the COG staff on the easy-to-read Summary Budget. Comments on this document will be considered on November 8, 2011, at the COG Finance Committee meeting.

NB-3 Highway Occupancy Permit (HOP) Agreement with The Pennsylvania State University (PSU) for Pegula Ice Arena; University Drive

In written correspondence to Council, dated October 26, 2011, Mr. Baker explained that local municipalities were required to be the permittee for the Highway Occupancy Permit when a developer adds drainage facilities in a State right of way within their municipality. This requires the municipality to be responsible for the short- and long-term maintenance of such facilities. However, PSU performs this type of maintenance on their property; and Mr. Holdren suggested that it is logical that PSU also maintain the drainage facilities on the right of way adjacent to their property.

Mr. Mark Saville, Sweetland Engineering, advised that PSU will be adding piping and inlets in the University Drive State right of way as part of the Pegula Ice Arena project and has prepared a *Co-Applicant Agreement for a Highway Occupancy Permit for Enclosed Surface Stormwater Drainage Facilities* for Council's approval.

Mr. Baker stated in his correspondence that this agreement was reviewed and approved by the Township Solicitor.

Mr. Koll moved to approve the agreement between The Pennsylvania State University and College Township, titled "Co-Applicant Agreement For A Highway Occupancy Permit For Enclosed Surface Stormwater Drainage Facilities Pegula Ice Arena".

Dr. Remick seconded the motion.

Motion carried unanimously.

NB-4 2012 College Township Budget Draft; Set Date For First Review

Mr. Robert Long, Finance Director, presented the Proposed 2012 College Township Budget and recommended Council set its budget review schedule.

Council asked staff to send a Doodle meeting scheduler email for the setting of its 2011 Budget review workshop.

STAFF AND ABC INFORMATIVES:

No comments.

OTHER MATTERS:

Mr. Brumbaugh suggested that Council consider establishing a time limit for the November 17, 2011, public hearing on "The Retreat at State College". Council concurred and established a two-hour limit for the subject November 17, 2011, public hearing. After that time, the public hearing will be continued.

COMMITTEE REPORTS:

Human Resources Committee: Chair Shoemaker reported that the Human Resources Committee 1) reviewed amendments to the COG Personnel Policy, which will be brought to the General Forum for consideration; 2) discussed the proposed change from a defined benefit to a defined contribution pension; 3) reviewed disciplinary action for personnel; 4) considered changes in the fire inspector definition; and 5) update on Parks and Recreation.

Joint Public Safety and Public Services & Environmental Committees, Oct. 31, 2011: Mr. Koll and Dr. Remick reported that the joint meeting was held to offer an opportunity to discuss current issues as they relate to the use of public safety resources for managing utility and road construction projects of incidents. Attendees represented utility providers, PennDOT, emergency service personnel, and local government.

Public Services & Environmental Committee, November 2, 2011: Dr. Remick reported that Halfmoon Township previously requested Committee assistance because a developer was proposing an alternative technology sewage disposal system for a proposed large new development in Halfmoon Township. That development would be located outside the Regional Growth Boundary/Sewage Service Area. Based on the Act 537 regulations, the development would have to install a Community On-Lot Disposal System (COLDS). The Act 537 Implementation Agreement does not currently allow the use of advanced or alternative technologies other than COLDS. The Committee received information on several alternate technologies in use elsewhere in Pennsylvania from Dr. Brian Dempsey, a Penn State Civil Engineering professor. Next month, the Committee will review the information it

has gained from three guest presentations to date and attempt to draw conclusions and consider whether any changes to the Implementation Agreement should be proposed.

S. Atherton Street Stormwater Study Meeting: Dr. Remick reported that it was revealed at the S. Atherton Street Stormwater Study Meeting that eight (8) miles of stormwater line along this roadway has been analyzed. It is estimated that the cost for the pipe alone for the sections in poor condition would cost about \$2,000,000 with the total cost perhaps being three to four times that amount. The Pennsylvania Department of Transportation (PennDOT) has announced a change in its previous policy on what entity is responsible for stormwater maintenance on curbed portions of state roads. With a number of caveats, townships are no longer responsible for such maintenance, but boroughs will continue to be.

Mr. Pat Vernon, 878 Walnut Spring Lane, inquired about permissible uses in the R-2 Zoning District and suggested that the Township could protect against student housing via a pending ordinance. Mr. Vernon also asked about the procedure to place a referendum on the ballot to establish term limits for Council members.

Mr. Klees suggested that more Township residents consider running for Council so that existing members can step down; and Dr. Remick reiterated his support for term limits. Mr. Brumbaugh agreed to telephone Mr. Vernon with referendum criteria details.

ADJOURNMENT:

**Mr. Klees moved to adjourn the November 3, 2011,
Regular College Township Council Meeting.
Mr. Koll seconded the motion.
Motion carried unanimously.**

Chair Shoemaker adjourned the November 3, 2011, Regular Council Meeting at 10:11 p.m.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary