

**ATTENDANCE:**

**BOARD**                      Elliot Abrams, Chair  
                                 Bryce Boyer, Vice-Chair  
                                 George Downsborough, Jr., Supervisor  
                                 Jeff Luck, Supervisor  
                                 Walt Wise, Supervisor

**STAFF**                      Doug Erickson, Township Manager  
                                 Brent Brubaker, Township Engineer  
                                 Betsy Dupuis, Solicitor  
                                 John Petrick, Chief of Police  
                                 Erik Vorwald, Planner  
                                 Kim Wyatt, Finance Director

**AUDIENCE**                C-NET (2)  
                                 Scott Miller, Resident  
                                 George Lower, ELA Group, Inc.  
                                 Anthony Grillo, Resident  
                                 Jeremy Hartley, Centre Daily Times  
                                 Jim Steff, CRCOG  
                                 Joe Viglione, CRCOG  
                                 Christine Kozlek, Resident  
                                 Lina Ruth Duikar

**1.     CALL TO ORDER**

The November 5, 2014 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:00 PM by Chair Elliot Abrams.

**2.     APPROVAL OF MINUTES**

Mr. Luck moved to approve the October 22, 2014 meeting minutes. Seconded by Mr. Boyer, the motion passed 4-0-1 with Mr. Abrams abstaining.

**3.     PUBLIC COMMENTS**

Mr. Erickson introduced Lina Ruth Duiker from State College Area High School, who is interning at Patton Township.

**4.     ADMINISTRATION**

**a.     ABC Committee Report**

Mr. Downsborough stated that the ABC Committee (Supervisors Abrams and Downsborough) recommend appointing Mr. Jeff Nucciarone to the University Area Joint Authority Board of Directors to fill a vacancy due to resignation. The partial term runs until the end of 2017. Mr. Nucciarone has previously served on the Recreation Advisory Committee and is a 20-year resident of the Township.

Mr. Wise moved to appoint Mr. Nucciarone to the University Area Joint Authority Board of Directors. Seconded by Mr. Luck, the motion passed 5-0.

b. **Council of Governments Budget Review**

Mr. Abrams stated that the Centre Region Council of Governments (COG) General Forum has forwarded the 2015 Summary Budget to the municipalities for review and comment. **Board members are asked to bring their copy that was distributed at the October General Forum meeting.** A pdf copy of the Budget can be viewed or downloaded at: [click here](#)

Comments from the Board will be provided to the COG Executive Director and the Finance Committee.

There was no comments from the Board.

c. **Open Space Referendum**

Mr. Erickson stated that Patton Township surveyed residents and property owners in March & April of 2014. We found 78.56% supported dedicating a portion of their property taxes to acquire and preserve additional Open Space lands in the Township. When asked about support for a specific increase in the tax rate, 67.56% of respondents indicated support for an increase of 0.6 mills or more.

To provide taxpayers a voice on this matter, the Board of Supervisors has caused a referendum question to be placed on the ballot for the election on Tuesday, November 4, 2014. (Polls will be open from 7 am to 8 pm.) The question on the ballot will be (the form of the question is dictated by state law):

“Shall debt in the sum of 3,500,000 dollars for the purpose of financing acquisition of development rights, conservation easements, and land for the preservation of open space be authorized to be incurred as debt approved by the electors?”

Voting “Yes” will indicate approval for borrowing \$3,500,000 and a likely increase of your property taxes by 0.6 mills. An increase of 0.6 mills of property tax will support the annual debt service payments on a Bond issue of \$3.5 million at 4% interest for 20 years. An increase of 0.6 mills of property tax would increase the property taxes on a home with a market value of \$250,000 by \$42.60.

The current Township property tax rate is 8.9 mills. (1 mill of property tax is a \$1.00 tax on each \$1000 dollars of assessed value of your property. The assessed value of properties in Centre County this year is, on average, about 29% of market value)

The Township will only deal with willing sellers; no adverse actions will be taken to obtain Open Space property.

The Board members and staff can review the results of the November 4, 2014 ballot.

Information regarding the referendum and the outcomes of a similar effort in 2001 are included with the agenda materials.

Mr. Erickson stated that the Open Space referendum passed with 63% vote and that Ms. Wyatt updated the budget.

Mr. Grillo stated that he is glad that it passed and hopes that the Board takes that in account that residents want open space when they look at all the proposals for developments.

5. **PUBLIC WORKS**

a. **Truck Parking Along Sellers Lane**

Mr. Erickson stated that recently two to four semi-trucks have been parking along Sellers Lane beneath the I-99 overpass. There is a gravel pull-off there that PennDOT created during the I-99 construction but the area is not an appropriate truck parking location. We know from experience, that these ad-hoc parking areas tend to attract and collect more vehicles over time.

On Wednesday, October 29, the Manager directed Public Works to place Police authorized temporary No Parking signs in the area. The Manager requests the Board take action to enact a parking prohibition on Sellers Lane from N. Atherton Street (old US 322) to a point 500 feet southwest of N. Atherton Street as temporary regulations pending advertisement and passage of an ordinance with permanent regulations.

Mr. Erickson stated that he was contacted by one of the truck drivers about where else he could park and he contacted PTBA about finding alternative parking places for the semi-trucks.

The Board consensus was to adopt a parking prohibition for this area at the November 19<sup>th</sup> meeting.

b. **Right-of-way Acquisition Services for the Waddle Road Interchange Improvement Project**

Mr. Erickson stated that the subject property will require the acquisition of portions of two properties along Waddle Road to accommodate widening. At least one construction easement will also be required for the project. A first draft of a proposal from Interstate Acquisition Services (IAS) is included with the agenda materials. Any amendments to the proposal will be provided prior to the meeting. IAS has previously worked for the Township on the Circleville Bikeway project. Preliminary right-of-way plans are also included with the agenda materials.

Following any update on the proposal, the Board should consider action to accept the proposal and authorize the Chair to execute the Agreement.

Mr. Luck moved to approve the Right-of-way Acquisition Services for the Waddle Road Interchange Improvement Project and authorize the Chair to execute the Agreement. Seconded by Mr. Downsborough, the motion passed 5-0.

6. **PLANNING AND ZONING**

a. **Planning Commission Report**

Mr. O'Neill stated that the Planning Commission focused on the proposed amendment to the Toftrees Planned Community Zoning District and the proposed Highwoods at Toftrees "Tract F". He stated that in the Work Session the Planning Commission discussed the Oakwood Presbyterian Church property be rezoned from PC to R-2 to relax the setbacks on the rear side of the property in order to accommodate an expansion to the church.

Mr. Wise asked why not rezone the church parcel. Mr. O'Neill stated that Planning Commission did not have enough support to rezone.

6. **PLANNING AND ZONING (CONTINUED)**

b. **Planning Commission Recommendations**

The Planning Commission held their November meeting on Monday, November 3, 2014. The following information was included on their agenda and may be forwarded to the Board:

4. **PROPOSED AMENDMENT TO THE TOFTREES PLANNED COMMUNITY ZONING DISTRICT**

On June 9, 2014, the Patton Township Manager received a letter from Mr. Bob Poole, S & A Homes, requesting an amendment to the Planned Community Zoning District as it pertains to the Toftrees Planned Community. Specifically, Mr. Poole is requesting that trigger points for the number of dwelling units that are constructed be increased as it pertains to the percentage of non-residential development to be built in the Town Center. The ratio of units built to percent of non-residential acreage is:

Number of Units Constructed	% of Non-Residential Acreage to be built in the Town Center
2,300	20%
3,100	40%
3,900	60%
4,600	100%

Mr. Poole's letter identifies several unanticipated developments that have contributed units to the overall total allowed in the Toftrees Planned Community. These developments include Campus Crest (The Grove) which added 392 units (176 units in Phase II) and development on Tract F which will add 96 units. Mr. Pool is asking that consideration be given to adding 400 units to the trigger points to compensate for the unanticipated development that was realized by The Grove. Based on this request, an updated table would be:

Number of Units Constructed	% of Non-Residential Acreage to be built in the Town Center
2,700	20%
3,500	40%
4,100	60%
4,600	100%

The Planning Commission reviewed this request at their regular work session on October 6, 2014. At this meeting, the Planning Commission recommended that staff prepare an amendment to the Planned Community Zoning District for the Toftrees Planned Community based on the above suggested language. Included with the agenda is a proposed amendment to the Planned Community Zoning District.

The Planning Commission provided the following:

- Planning Commission recommends Approval;
- the Developer is unable to attend the November 5<sup>th</sup> meeting;
- Manager recommends scheduling discussion for the November 19<sup>th</sup> Board meeting;
- Public Hearing could occur at one of the January 2015 meetings

6. **PLANNING AND ZONING (CONTINUED)**

b. **Planning Commission Recommendations (CONTINUED)**

4. **PROPOSED AMENDMENT TO THE TOFTREES PLANNED COMMUNITY ZONING DISTRICT (CONTINUED)**

Mr. Downs brough asked if Mr. Poole provided any evidence that there was not any support for the Town Center development at this time like any professional surveys. Mr. O'Neill answered he is not aware of any studies and that the Planning Commission decided it is a matter of timing and that there is not a lot of support for retail or hotel at this time.

5. **HIGHWOODS AT TOFTREES "TRACT F"**

On April 29, 2014 Patton Township received a land development plan for Tract F in the Toftrees Planned Community. This project is known as Highwoods at Toftrees. As proposed, Highwoods at Toftrees includes 96 dwelling units located within two four-story apartment buildings. The style of the units is intended to be similar to the adjacent apartment buildings to the east (Hillside Apartments) and west (Fox Run Apartments) of this property as they all have the same owner. Highwoods at Toftrees is located on approximately 11 acres of land that has access to Toftrees Avenue through a shared driveway that will provide additional access to the apartments to the east and west of this development.

In general, the site is steeply sloped, with some slopes exceeding 25%. Tract F is also located in the I-99 Overlay District, therefore additional protections of the slopes are required. Specifically, since the project exceeds the allowable disturbance of certain slopes, a stormwater enhancement is required to recharge 1.5 times the stormwater on-site. The applicant has also provided a geotechnical report that indicates the site can be developed as proposed. The development also proposes a connection to the Bellefonte Central Railroad.

Enclosed with the agenda was an 11x17 plan set of the Highwoods at Toftrees, a location map, and a copy of the marked up staff comment letter. There are no major outstanding issues. There were several stormwater related issues due to the slopes, however these have been addressed by the applicant.

**Recommendation**

Staff finds that the plan meets all Township regulations with the following conditions:

1. Completion of all items noted on staff's marked up comment letter.

The Planning Commission recommends approval with completion of all items noted on staff's marked up comment letter.

Mr. Boyer stated that he is concerned about how high above the ground the bridges are. Mr. Lower answered the height would be around 12 feet and at this point not sure if it will be built to exceed minimum requirement.

Mr. Boyer asked about the drain for the overflow with discharge above the trail. Mr. Lower stated that there will be a drain pipes.

Mr. Erickson stated that this will expand the bike trail and provide a second access to some of the other apartments in the area.

6. **PLANNING AND ZONING (CONTINUED)**

5. **HIGHWOODS AT TOFTREES "TRACT F" (CONTINUED)**

Mr. Abrams asked if there is a time limit for the Board to consider this project. Mr. Brubaker stated that an extension was requested and we have time to look at this further.

The Board agreed to put this on the November 19, 2014 Board of Supervisor Meeting to hear more about the walking bridge construction and erosion control measures.

c. **Request for Accommodation for a Dog Training Business**

Mr. Erickson stated a letter requesting some amendment to the Township zoning regulations has been submitted and is included with the agenda materials. The requestor desires to operate a dog training business within the Township as a home-based business or home occupation. The Zoning Officer has advised the requestor that he could not approve the use as a home occupation due to their desire to use a large accessory structure (larger than 500 square feet) for the business. He advised the use would be permitted in the A-1 zone as a use-by-right on a parcel of 10 acres or more.

The Township's regulations on home occupations are contained in the Definitions section of the Zoning Regulations (emphasize added);

A "home occupation" is an accessory use which is clearly incidental or secondary to the residential use of the dwelling unit, and is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit; does not permit selling articles produced elsewhere than on the premises, having exterior displays of goods visible from the outside or making external alterations which are not customary in residential buildings; and includes the following occupations: professional offices such as for the practice of medicine, dentistry, architecture, law and engineering; artists, beauticians, barbers, veterinarians (excluding stables or kennels) and other occupations which do not create objectionable noise, glare, smoke, odor, vibration, electrical interference, fire hazards, substantially increased traffic or other nuisances and does not permit the full-time employment of more than two persons not living on the premises; does not use more than 25% or 500 square feet, whichever is less, of the total floor area of the dwelling; and provides adequate off-street parking if needed.

If the Board desires to further consider this request, action should be considered to refer the item to the Planning Commission for study and a recommendation. The Board also has the option of denying further consideration by action or lack of any action on this item.

Ms. Kozlek stated that with her home occupation permit she is unable to build a large accessory structure and asked the Board for guidance.

Mr. Wise asked if the size of the building is the reason why the request was denied. Mr. Erickson answered yes due to the fact it would not comply with our home occupancy regulations.

The Board agreed to send this request to the Planning Commission.

8. **MANAGER'S REPORT**

a. **Development Update**

Mr. Erickson stated that the Development Update was included with the Planning Commission Agenda.

b. **ABC Dinner**

Mr. Ericson stated that the ABC dinner is scheduled for Friday, January 23, 2015 at the Toftrees Resort.

9. **COMMITTEE REPORTS**

There was no Committee Reports.

10. **OTHER BUSINESS**

There was no other business.

11. **ADJOURNMENT**

There being no further business, by Mr. Luck's motion and Mr. Wise's second, the meeting was adjourned at 8:03 PM.

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Douglas J. Erickson, Township Secretary