

REGULAR MEETING / WORK SESSION

1. **CALL TO ORDER – REGULAR/ORGANIZATIONAL MEETING**

The March 13, 2017 regular meeting was called to order at 7:01 PM by Mr. John O'Neill. Members Richard Schmidt, Kate Domico, Brian Rater, and Robert Prosek also attended. Staff members present were Stephen Casson, Township Engineer/Director of Public Works; Ken Soder, Zoning Officer; Greg Garthe, Centre Regional Planning Agency; and Nicole Harter, Public Works Secretary. The audience included John Sepp, Penn Terra Engineer; Chad Stafford, Penn Terra Engineering; Mark Torretti, Penn Terra Engineering; Adam Fernsler, Fernsler Hutchinson Architects; Vincent & Brenda Romanini, Wynwood House; Duke & Monica Gastiger; Sharon Kalajainen, Juli Bogdash, Dan Eckenrode, Cathrine & Les Cutter, and Brad Chovit.

2. **ITEMS OF CORRECTION**

There were no additions or deletions to the agenda.

3. **APPROVAL OF MINUTES**

Meeting minutes from the February 6, 2017 combined Regular Meeting and Work Session were brought before the Planning Commission for approval.

Mr. Robert Prosek made a motion to approve the meeting minutes as submitted. The motion was seconded by Ms. Kate Domico. The motion passed with a vote of 5-0.

4. **PUBLIC COMMENTS**

There were no public comments at this point in the meeting.

5. **WINDSWEPT FARMS SUBDIVISION – REPLOT OF LOTS 1, 2, & 8**

Patton Township received a subdivision plan that proposes to reconfigure Lots 1, 2, and 8 of the Windswept Farms subdivision to prepare the site for the proposed Re-Farm Café. The site is located in the A-1 (Rural) zoning district near the intersection of Route 550 and Fillmore Road near the Patton Township/Benner Township line. The existing lot lines between Lots 1, 2, and 8 will be removed and two new lots will be created; 1R (16.66 acres) and 8R (10.03 acres).

Township Staff finds that the Plan meets all Township regulations upon completion of all items noted on Staff's marked up comment letter.

Mr. John Sepp, Penn Terra Engineering presented the plan to the Planning Commission and was available to answer any questions and concerns.

Mr. Robert Prosek made a motion to recommend approval of the Windswept Farms Subdivision – Replot of Lots 1, 2, & 8 upon completion of minor/technical items as noted on the staff comment letter. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 5-0.

6. **PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – RE-FARM CAFÉ**

Patton Township received a land development plan that proposes the construction of a "farm café," which is a new Conditional Use approved for the A-1 (Rural) zoning district by the Patton Township Board of Supervisors in November 2016. Farm cafés are intended to augment, support, and highlight local agriculture and all foods prepared and served must be grown, raised, or produced onsite, locally, or within Pennsylvania to the greatest

6. **PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – RE-FARM CAFÉ (cont.)**

extent possible. The site of the proposed farm café is the Windswept Farms property, which is located near the intersection of Route 550 and Fillmore Road near the Patton Township/Benner Township line.

The project will involve renovations and a 2,193 square foot addition to an existing house on the property to create the farm café, which will include seating for 50 patrons. In addition, construction activities will include parking areas and walkways for patrons and employees of the café, a 196 square foot outdoor deck, and a pond. In addition, a 6,400 square foot greenhouse is being constructed on the property. A total of 27 parking spaces will be provided (25 gravel and 2 concrete ADA). Proposed impervious cover on the property will be 33,543 square feet (4.62%). The property is located outside the Regional Growth Boundary/Sewer Service Area, so public water and sewer service are not available and will be provided through private onsite systems.

The existing private driveway, Windswept Lane, does not meet the minimum cartway width for a minor street in the A-1 district (18 feet), as specified by §149a Table 1: Street Design Standards. The applicant has requested a waiver to this requirement in order to preserve a row of mature trees along the existing driveway. The plan proposes to construct a two foot wide gravel shoulder on each side of the existing asphalt cartway to increase the total width to 16 feet. The applicant has indicated that the Centre Region Fire Director has reviewed the proposed design of Windswept Lane and is satisfied with it from a safety and emergency services perspective.

The applicant has also requested a waiver to the Township's riparian buffer regulations. The regulations require a 50-foot riparian buffer around ponds of the size being proposed by this plan. However, the pond does not currently exist on the site, so the waiver is being requested.

Mr. John Sepp, Penn Terra Engineering presented the plan to the Planning Commission and was available to answer any questions and concerns. Mr. Sepp also discussed the two waivers that are being requested, and their response to a safety suggestion from the staff comment letter related to constructing a fence around the proposed pond and providing a life ring.

Township Staff finds that the Plan meets all Township regulations upon completion of all items noted on Staff's marked up comment letter and approval of the waiver requests to the Township's minimum width requirements for a minor street in the A-1 zoning district and riparian buffer regulations.

Mr. Robert Prosek was concerned about the safety around the pond. Mr. Sepp noted that the pond will not be deep and safety would not be a significant issue.

Mr. Brian Rater asked where a school bus could park if a field trip to the café would be planned. Mr. Sepp noted that the bus could be parked at the existing barn.

Mr. John O'Neill asked what the plans for the barn were. Mr. Sepp noted that there are no plans at this time.

6. **PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – RE-FARM CAFÉ (cont.)**

Mr. John O'Neill asked about signage. Mr. Sepp noted that there is an existing sign for Windswept Farms along Fillmore Road, which would be replaced with a sign for Re-Farm Café. Mr. Duke Gastiger noted that there would also be directional signage added on the property.

Ms. Kate Domico made a motion to recommend approval of the Preliminary/Final Land Development Plan for Re-Farm Café upon completion of minor/technical items as noted on the staff comment letter, approval of the waiver request to the minimum width requirements for a minor street in the A-1 zoning district, approval of the waiver for the riparian buffer around the proposed pond, and forwarding the DEP Component 2 Sewage Facilities Planning Module to the Board of Supervisors for approval. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 5-0.

7. **NURSING HOMES IN THE PLANNED AIRPORT DISTRICT**

Patton Township received a request to add nursing homes as a permitted use in the Planned Airport District (PAD). Recall that unlike most zoning districts, the PAD tightly details specific types of allowed uses. If a use is not listed in the table of Permitted Uses, it is deemed to be prohibited. The permitted uses are subcategorized as residential uses, commercial uses, and general airport area uses.

A “nursing home” is defined in the Township Code as follows:

NURSING HOME – An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

A nursing home operator is considering building a facility on Lot 3 of the Nittany Valley Sports Centre (NVSC) property. A portion of the NVSC property, including Lot 3, is in the Mixed-Use area, while other parts of the property are within the Nonresidential area of the PAD. Currently, the Mixed-Use area allows several residential uses including duplexes, manufactured home parks, multi-family dwellings, and parks. With the exception of manufactured home parks, all of those uses are also permitted in the Residential area of the PAD.

At their November 7, 2016 meeting, the Planning Commission discussed the request and recommended approval of an ordinance that would permit the use in the Residential, Nonresidential, and Mixed-Use areas of the PAD. At their November 16, 2016 meeting, the Board of Supervisors set a January 25, 2017 public hearing for the ordinance. The Centre Regional Planning Commission and the Centre County Planning and Development Office have both supported the use and offered no comments.

However, at the public hearing, a number of attendees and several of the Board members voiced concerns related to the use and where it would be permitted. At the conclusion of the public hearing, the Board elected not to adopt the ordinance, but to instead refer the comments to the Planning Commission for further discussion. Additionally, the Manager received comments via email from a representative of the University Park Airport. The comments were provided with the Planning Commission Agenda, as well as a copy being provided to the applicants to make them aware of the concerns with the proposed use.

7. **NURSING HOMES IN THE PLANNED AIRPORT DISTRICT (cont.)**

Mr. Chad Stafford, Penn Terra Engineering, presented a brief discussion on the project and was available to answer any questions from the Planning Commission or the public.

Mr. Stafford noted that there will be minimal traffic generated by the nursing home. Mr. Stafford was unsure about the public comments related to groundwater concerns.

Mr. Greg Garthe noted that the original ordinance would have allowed this use in three areas of the Planned Airport District. In response to some of the comments received at the public hearing, the revised ordinance would only allow it within the Mixed-Use area.

Mr. John O'Neill asked if there are any other areas within the Township that a nursing home can be built. Mr. Ken Soder noted that it could be developed within a Planned Community.

Mr. Vincent Romanini, proposed developer of the site, noted that he currently has other nursing home facilities similar to this proposal; some of those are within residential districts.

Mr. John O'Neill asked what the difference is between the definitions of a nursing home versus a personal care home. Mr. Romanini noted that a nursing home is licensed by the Department of Health, while a personal care home is licensed by the Department of Human Services; similar to that of the Strawberry Fields organization.

Mr. Brian Rater asked what the expected mobility rate is for the residents of a typical nursing home. Mr. Romanini noted that usually about 90% of the residents are mobile. Residents are screened to see if they are mobile. Mr. Rater asked where the residents would be able to walk within the proposed facility grounds. Mr. Romanini noted that there would be sidewalks within the development. Mr. Rater expressed concern for ADA compliance. Mr. Stafford noted that when a land development plan for the nursing home is brought forward, the layout and site will be built to ADA compliance.

Mr. Robert Prosek noted that the Board of Supervisors were concerned with a nursing home within a sports complex facility. Mr. Prosek asked Mr. Romanini how he would isolate the patients so that the noise and lighting incurred by the sports facility will not be a problem. Mr. Stafford noted that there will be a lot of vegetation to shield lighting. Mr. Romanini noted that the residents of the nursing home would probably love being around the children that would utilize the sports facility and does not foresee a problem.

Mr. John O'Neill asked about the comment from the University Park Airport in relation to noise. Mr. Romanini noted that the majority of his patients would not be bothered by the noise due to hearing deficiencies.

Resident, Ms. Cathrine Cutter of Kristina Circle, expressed concern for traffic at the intersection of Bernel Road and Fox Hill Road as well as Fox Hill Road and Fillmore Road and asked that Patton Township work with Benner Township on traffic counts. Ms. Cutter noted that Benner Township last did a traffic study in 2002 prior to Nittany Glen being developed.

7. **NURSING HOMES IN THE PLANNED AIRPORT DISTRICT (cont.)**

Mr. John O'Neill asked what would trigger a traffic study. Mr. Stafford noted that there has been a traffic study for when the sports complex was designed. Mr. Stafford also noted that the areas of Fox Hill, Fox Hollow, Bernel, and Fillmore roads were involved in the traffic study.

Mr. Richard Schmidt asked what suggestions were made to adjust the Fox Hill Road/Bernel Road intersection. Mr. Steve Casson noted that the traffic study indicates that conditions at the intersection do not currently warrant a redesign, but that the next phase of the development would trigger a redesign.

Mr. Mark Torretti, Penn Terra Engineering, provided a history of the traffic study for the site, and noted that with each phase of the development, an update to the traffic study would need to be done.

In light of a public comment regarding speed, Ms. Kate Domico asked for Township Staff to work with Benner Township to look into options for reducing speed on Fillmore Road.

Mr. Brian Rater made a motion to recommend allowing the use of nursing homes within the Mixed-Use area of the Planned Airport District. The motion was seconded by Mr. Robert Prosek. The motion passed with a vote of 5-0.

8. **SELF-STORAGE FACILITIES IN THE PLANNED AIRPORT DISTRICT**

Patton Township received a request from the owners of Tax Parcel 18-002-,029C, a 13.6 acre parcel located along Bernel Road in the Mixed-Use and Nonresidential areas of the Planned Airport District (PAD) to revise the zoning regulations to permit a business that would lease self-storage units to the general public. Additionally, the owners of Parcel 18-002-,029B, a 10 acre parcel at the intersection of Bernel Road and Fox Hill Road in the Nonresidential area of the PAD, have also requested that the Township revise the zoning regulations to permit self-storage units in the Nonresidential area of the district.

The use, or anything similar, is not currently permitted in the district. Recall that unlike most zoning districts, the PAD tightly details specific types of allowed uses, and if a use is not listed in the table of Permitted Uses it is deemed to be prohibited. Furthermore, the permitted uses are subcategorized as residential uses, commercial uses, and general airport area uses.

The PAD regulations also strictly prohibit certain uses as a protection of the State College Borough Water Authority well field that lies east of Fillmore Road. These include uses such as storage, treatment, or disposal of hazardous or solid waste, scrap and junkyards, and several other uses. In addition, a buffer of at least 150 feet is required from all designated well sites. No buildings, structures, parking lots, or other impervious surfaces are permitted to be constructed within the buffer yard.

At their November 7, 2016 meeting, the Planning Commission discussed the request and recommended approval of an ordinance that would permit it in the Nonresidential and Mixed-Use areas of the PAD. At their November 16, 2016 meeting, the Board of Supervisors set a January 25, 2017 public hearing for the ordinance. The Centre Regional Planning Commission and the Centre County Planning and Development Office have both supported the use and offered no comments.

8. **SELF-STORAGE FACILITIES IN THE PLANNED AIRPORT DISTRICT (cont.)**

Currently, a limited number of commercial uses are allowed in the Mixed-Use and Nonresidential areas, including eating and drinking establishments, neighborhood shopping centers (not to exceed 75,000 square feet), and retail trade. The Nonresidential area permits several additional uses including amusement enterprises, business services, hotels and motels, and motion picture theaters.

At the public hearing, a number of attendees and several of the Board members voiced concerns related to the use. At the conclusion of the public hearing, the Board elected not to adopt the ordinance, but to instead refer the comments to the Planning Commission for further discussion. Additionally, the Manager received comments via email from a representative of the University Park Airport. The comments were provided with the Planning Commission Agenda and copied to the applicants to make them aware of the concerns with the proposed use.

Mr. Mark Torretti, Penn Terra Engineering, noted that there would be a full-time manager onsite at his client's proposed facility. There would also be a spill containment system in place, and there would be adequate signage noting the prohibition of hazardous materials. Mr. Torretti also noted that the individual leases would also have language regarding the prohibition of hazardous materials

A resident, Mr. Brad Chovit of Timberton Estates, expressed concern for the well field in the area and asked that the State College Borough Water Authority be consulted with regards to stormwater and the well field to acquire their comments.

Ms. Kate Domico asked how the spill containment systems work. Mr. Torretti noted that any spilled liquids would be captured by an initial compartment, and the hazardous materials would be contained before the liquids went into a second compartment.

Mr. Brian Rater asked if it would be possible for the property owner to provide a bond or surety to the Township in the case of someone unlawfully storing hazardous materials on site.

Ms. Kate Domico asked Township Staff to research what other townships in the area regulate storage facilities and issues related to well fields and spill containment for hazardous materials.

12. **STATUS ON PENDING ITEMS**

There were no comments from the Planning Commission on the pending work task items.

13. **REPORTS**

No additional reports were given.

14. **OTHER BUSINESS**

There was no other business brought before the Planning Commission.

15. **ADJOURN – REGULAR MEETING**

The meeting was adjourned at 8:47 PM.