

ATTENDANCE:

BOARD

Elliot Abrams, Chair
Jeff Luck, Vice-Chair
George Downsborough, Jr., Supervisor
Daniel Treviño, Supervisor
Walt Wise, Supervisor

STAFF

Doug Erickson, Township Manager
Lawrence Pegher, Director of Finance and Administration
Betsy Dupuis, Solicitor
Tyler Jolley, Chief of Police
Stephen Casson, Township Engineer
Greg Garthe, Planner

AUDIENCE

C-NET (3)	Anita Thres, Resident
Scott Miller, Resident	Kathy Phillips, Resident
James Payne, Resident	Lyn Pipenberg, Resident
Tony Fruchtl, Penn Terra	Betsy Whitman, Resident
Marian Venesky, Resident	Leo Venesky, Resident
Esther Benltly, Resident	Rich Maher, Resident
Rick Maher, Resident	Sara Rafacz, CDT
Dale & Jackie Hershberg, Residents	Eric & Elizabeth Erd, Residents
Tony & Susan Buda, Residents	Daryl Sinn, Resident
Jessica Buckland, Resident	Lisa McMonagle, Resident
Valerie Burnett, Resident	Brenda Walsh, Resident
Ken Walsh, Resident	Aimee Sloane, Resident
Merrill David, Resident	Gregory VanHorn, Resident
Tom Fonda, Resident	Mark Ballory, Resident
Walter Johnston, Resident	

1. **CALL TO ORDER**

The October 25, 2017 Board of Supervisors meeting was called to order at 7:00PM by Elliot Abrams, Chair.

2. **APPROVAL OF MINUTES**

Mr. Luck moved to approve the October 11, 2017 Board of Supervisors Meeting Minutes. Seconded by Mr. Downsborough, the motion passed 5-0.

3. **PUBLIC COMMENTS**

Mr. Miller wanted to thank the Police Chief for the driving enforcement lately has made a big difference. He stated that he is concerned that there is not an open container law in Patton Township and asked the Board to look into this. Mr. Abrams stated that this could be added to agenda to be discussed at a future Board Meeting.

4. **PUBLIC SAFETY**

a. **Police Update**

Chief Jolley stated that a copy of the September 2016 Public Safety Report was enclosed with the agenda materials. He stated that the bike patrol did 80 miles of patrol, handled 4 incidents and did 154 business checks during September. He stated that the department participated in several trainings during the month of September. He stated that the Safety Fair was very well attended and was a very successful even. He also wanted to remind residents that Trick or Treat will be held on October 31 from 6-8PM. He stated that the written test for the police officer position that will be held on October 28, 2017 and he has received 70 applications.

5. **PLANNING AND ZONING**

a. **Preliminary/Final Land Development Plan; The Village at Penn State –Phase 3 Of 5 Volume 1**

Mr. Erickson stated that consideration of this planned was deferred to obtain a recommendation from the Recreation Advisory Committee (RAC) regarding the offer of a fee-in-lieu for a bikeway connection to the Bellefonte Central Rail Trail. The input from the RAC is included near the end of the following narrative.

From the August 7th Planning Commission Agenda

This land development plan was submitted on June 6, 2017 and proposes construction of additional assisted living units at *The Village at Penn State* community. The site is located adjacent to the Toftrees Planned Community at the eastern end of Presidents Drive along Fox Hollow Road and I-99 in the University Planned District (UPD Subdistrict 14). A portion of the site lies within College Township.

The UPD regulations allow for general, designated, or accessory uses. The proposed structures are part of a “continuous care retirement community,” which is a designated use defined in the Township Code as follows:

CONTINUOUS CARE RETIREMENT COMMUNITY

Residential uses with assisted care facilities for retirement living which may include detached or attached dwellings, duplexes, townhouses, apartments and other types of residential units, community centers, dining facilities, nursing home and long-term care facilities, recreational facilities and incidental retail sales and services for the benefit of residents and patients. Signs for accessory uses shall be limited to incidental signs.

From the August 7th Planning Commission Agenda

The plan proposes construction of 8 additional dwelling units over what was previously approved for the site in 2015. The new buildings would be located along Lions Hill Road and include three 5,657 ft² duplexes and two 3,342 ft² single family dwellings. Two parking spaces would be provided for each dwelling unit, and sidewalks will be constructed in front of all new buildings. An existing public waterline and fire hydrant in the vicinity of the new units would be relocated. In addition to the residential dwelling units, the project also involves construction of a small (85 ft²) uninhabited structure as an addition to the onsite creamery terrace.

In addition to use regulations, the UPD has other requirements specific to each subdistrict, including:

5. **PLANNING AND ZONING (Continued)**

a. **Preliminary/Final Land Development Plan; The Village at Penn State –Phase 3 Of 5 Volume 1 (Continued)**

- a) Maximum permitted density, based upon the Floor Area Ratio specified for the subdistrict.
- b) Maximum impervious coverage.
- c) Maximum building height.
- d) Perimeter setback, where the subdistrict includes a district boundary.
- e) Landscaping and buffering within the perimeter setback.
- f) Open space requirements for the subdistrict.

The currently approved land development plan for The Village at Penn State (Village) requires construction of a shared-use path (i.e. bikeway) through the property in 2018. The requirement is based on recommendations from the Township's Recreation Advisory Committee, the Centre County Metropolitan Planning Organization, the Centre Region Bicycle Advisory Committee, and Penn State University, and is included in the 2010 Patton Township Bicycle and Pedestrian Path Plan (Bellefonte Central Rail-Trail North of I-99 to Lions Hill Road) and the 2015 Centre Region Bike Plan (Village at Penn State Connector Path to the Bellefonte Central Rail Trail). A map of the recommended path and the cost estimate (2010) is attached.

The Village has asked the Township to waive the requirement to build the path, and instead has offered to pay a \$120,000 fee in lieu of constructing the path. A letter from the Director of Real Estate at The Village outlining the rationale behind the request is attached and should be discussed at the meeting. A recommendation related to the shared use path should be included with the recommendation on the land development plan that will be forwarded to the Board of Supervisors.

From the August 7th Planning Commission Agenda

The following items are included with the agenda:

- 1. A location map of the property
- 2. An 11"x17" copy of the plan
- 3. A marked up copy of staff's comment letter
- 4. Letter from The Village at Penn State offering fee in lieu of shared use path construction
- 5. Map and cost estimate of Bellefonte Central Rail-Trail North of I-99 to Lions Hill Road shared use path (2010 Patton Township Bicycle and Pedestrian Path Plan)

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
- 2. Consideration of the request for The Village at Penn State to provide a fee in lieu of construction of the Bellefonte Central Rail-Trail North of I-99 to Lions Hill Road shared use path

End of the Planning Commission Agenda materials

Please note, since August the Village has modified the plan to now include 6 single-family units, in lieu of the 3 duplexes and 2 single-family units, located in the same area. Because the change is a reduction in density, this plan can continue to advance through the approval process.

5. **PLANNING AND ZONING (Continued)**

a. **Preliminary/Final Land Development Plan; The Village at Penn State –Phase 3 Of 5 Volume 1 (Continued)**

The Planning Commission recommends conditional approval with completion of all items noted on staff's marked up comment letter. The Commission recommends "de-coupling" the LDP and the fee-in-lieu issue at this time; leaving the requirement to complete the shared use path in 2018 in place.

The Planning Commission further recommends that the fee-in-lieu issue be presented to the Recreation Advisory Committee at their August 15th meeting for review and a recommendation.

An additional letter, dated August 9th, regarding the fee-in-lieu offer and the current and future status of the existing dirt trail is included with the agenda materials.

The RAC recommends (memo included with agenda materials) that the Board accept a fee-in-lieu amount of \$120,000.00 to be paid into the dedicated Parkland Acquisition and Improvement Designated Reserve Fund and that this fee-in-lieu be used towards a Shared Use Path or bicycle facility project in the Township, and that the Village retain the existing path and provide maintenance so that:

- The existing grass path be kept in its current alignment.
- The existing grass path be mowed at 12 feet wide.
- The existing grass path shall be mowed on a schedule that allows a maximum height of 4 inches.
- Removal of fallen objects or obstructions be performed regularly.

An illustration of existing bicycle facilities in the Toftrees Area was included with this Update.

The Board could take action to approve as recommended, or the Board could consider the fee-in-lieu offer and include it as another condition of approval.

Mr. Fruchtl gave a brief overview of the Preliminary/Final Land Development Plan: The Village of Penn State – Phase 3 of 5 Volume 1.

Ms. Bernett stated that she uses her bicycle and walks a lot in the area and asked why we would compromise with this.

Mr. Downsborough asked if this is still a public trail. Mr. Erickson answered yes.

Mr. Downsborough moved to conditionally approve the Preliminary/Final Land Development Plan: The Village of Penn State – Phase 3 of 5 Volume 1 as recommended by the Planning Commission and the RAC and include signage indicating the path is open to the public. Seconded by Mr. Luck, the motion passed 5-0.

5. PLANNING AND ZONING (Continued)

b. Patton Crossing

From the October 11th and 19th Board meeting agendas:

The Board received a request in March 2017 to consider re-zoning property at 1752 North Atherton Street to permit a development that included a mix of commercial, office, hotel and residential uses. The bulk of the property included in the request is the former Penn State Mobile Home Park located at the intersection of Woodycrest Street and North Atherton Street. The property was purchased in 2012 by the current development group and the Park was closed in 2013. The majority of the former mobile home park parcel is zoned R-3 (Medium Density Residence) except for the front 200 feet along Atherton Street that is zoned C-1 (General Commercial). The proposed development also includes two additional parcels:

- Parcel 18-12-020 , a 0.92 acre parcel at the intersection of Park Forest Avenue and North Atherton Street that has a mix of commercial and residential rental units and is in the C-1 (General Commercial) zoning district, and
- Parcel 18- 12-177, a 2.1 acre Patton Township owned parkland parcel along Park Forest Avenue currently zoned R-2 (Low Density Residence). If ultimately included in the development, Patton Township will receive fair value compensation for the property.

The combined parcels cover approximately 30 acres.

From the October 11th and 19th Board meeting agendas (Continued):

The Board referred the request to the Planning Commission for review and recommendation.

Township staff's initial analysis concluded that the Township had no current zoning district that would permit the mix of uses proposed by the development group.

The Board and Planning Commission directed staff to develop new zoning regulations that would permit and enable the proposed Concept Plan.:

Staff proposed a two-step process for this property:

- Re-zone the underlying property to C-2 (Planned Commercial)
- And simultaneously apply a new set of regulations – Mixed Use 2 – that would:
 - Permit residential uses in the C-2 zone
 - Provide relief form certain R-2 regulations such as:
 - Rear and side yard setbacks
 - Maximum building height
 - Impose additional requirements beyond the C-2 regulations including:
 - Limits on maximum building size
 - Providing subsidized affordable housing

A comprehensive review of the proposed Mixed-Use Overlay District 2 regulations is included in the following agenda item.

The development team will provide an overview of the proposed project. The concept plan and preliminary renderings of *Patton Crossing* are included with the agenda materials.

5. **PLANNING AND ZONING (Continued)**

b. **Patton Crossing (Continued)**

i. **Ordinance to Create Mixed-Use Overlay District 2**

The Planning Commission completed their review of the subject regulations at their October 2nd meeting. The Planning Commission recommends that the Board adopt the Mixed-Use Overlay District 2 (MXD2) regulations as presented. A recommendation for re-zoning the subject properties is included in the next agenda item.

The MXD2 proposed regulations are presented in two formats that are included with the agenda materials. The first is the “ordinance style” that contains the language that would be adopted and inserted into the Patton Code to create the new overlay district. The second format is a matrix that follows the development of each section of the proposed regulations from initial proposals through the Planning Commission’s recommendation. A column has been added to the matrix to record the Board’s decision on each section. The matrix also includes page and section references back to the “ordinance style” format.

The Manager recommends that the Board review each section of the proposed regulations as presented on the matrix. Ultimately the Board is asked to provide a decision on each section by accepting the recommendation from the Planning Commission (PC), adopting a different standard than the PC recommendation, or requesting additional information and deferring a decision to a future meeting.

The agenda materials included a July memo from the Manager to the PC discussing the parkland requirements for the development and how the requirements could possibly be satisfied.

Following review of the matrix the Board should determine if they are prepared to move the matter forward to a public hearing. The Pennsylvania Municipalities Planning Code (MPC) requires a 30 day comment window prior to the hearing. The earliest date for a public hearing would be November 15, 2017.

It is anticipated that this item will also be reviewed at the October 25th and November 1st regular meetings of the Board. A recommendation from the Recreation Advisory Committee is expected at the October 25th meeting regarding how the developer may fulfill their parkland requirement for the residential portion of the project.

The agenda materials included all correspondence from residents through 2:00 pm, Monday, October 16th. Correspondence received after that will be provided to the Board in a supplemental distribution.

5. **PLANNING AND ZONING (Continued)**

b. **Patton Crossing (Continued)**

From the October 11th and 19th Board meeting agendas (Continued):

i. **Ordinance to Create Mixed-Use Overlay District 2**

At least twelve residents addressed the Board at the October 11th meeting. Most of the commenters objected to the inclusion of the Township-owned North Brook Green property and vehicular access to Park Forest Avenue. There were also comments on building height, the density of the development and the lack of landscaped areas. The video of the meeting is available at <http://cnet1.org/> -- go to "Patton Township Supervisors" under the "Playlist" tab of the viewer.

The Manager recommends that the Board review each section of the proposed regulations as presented on the matrix. Ultimately the Board is asked to provide a decision on each section by accepting the recommendation from the Planning Commission (PC), adopting a different standard than the PC recommendation, or requesting additional information and deferring a decision to a future meeting.

End of Board meeting agenda information

An update, including any outcomes from the October 19th Board Work Session, was distributed prior to the meeting.

ii. **Rezoning Request for Patton Crossing**

The Planning Commission has recommended that the Board approve the rezoning of the following parcels to C-2 (Planned Commercial) along with the MXD2 (Mixed-Use Overlay District 2) overlay zoning (see prior item):

<u>Parcel ID</u>	<u>Area</u>	<u>Address/Location</u>	<u>Current Zoning</u>
18-12-21	27.47 ac	1752 N. Atherton St	C-1 & R-3
18-12-20	0.92 ac	1798 N. Atherton St	C-1
18-12-177	2.10 ac	Park Forest Avenue	R-2

At the October 2nd Planning Commission meeting several Park Forest residents commented that they would like to see the Township retain parcel 18-12-177 and continue to maintain it as a "green space." The Planning Commission requests that the Board carefully consider what is the best use of this parcel. Several emails from Park Forest residents requesting the retention of that parcel are also enclosed.

A traffic study has been submitted and reviewed. It is anticipated that additional turning lanes will be required at the main entrance to the site at the Woodycrest and Atherton intersection. No other mitigations, beyond some anticipated signal retimings, are anticipated. The Traffic Study will be reviewed again, in more detail, with the Master Plan and the Land Development Plans. The Executive Summary of the Study is included with the agenda materials.

In a July update on the project to the Board, several Park Lane residents raised concerns about increase traffic on their street. The intersections of Park Lane and Park Forest Avenue and Devonshire Drive were added to the study at that time. The study find that there would be an increase in traffic on Park Lane but the subject intersections would still operate at a Level of Service A or B (on a A (best) to F(worst) scale.

5. **PLANNING AND ZONING (Continued)**

b. **Patton Crossing (Continued)**

From the October 11th and 19th Board meeting agendas (Continued):

ii. **Rezoning Request for Patton Crossing (Continued)**

At the October 2nd Planning Commission meeting several Park Forest residents commented that the proposed driveway connection to Park Forest Avenue would increase traffic in the neighborhood and created safety concerns related to the two day care/ preschools that operate out of the Park Forest United Methodist Church. A letter from a Park Forest resident objecting to the connection to Park Forest Avenue is included in the agenda materials.

Following review of the above the Board should determine if they are prepared to move the matter forward to a public hearing. The Pennsylvania Municipalities Planning Code (MPC) requires a 30 day comment window prior to the hearing, posting of notices on the properties, notification of adjacent property owners and legal advertising. The earliest date for a public hearing would be November 15, 2017.

It is anticipated that this item will also be reviewed at the October 25th and November 1st regular meetings of the Board.

At least twelve residents addressed the Board at the October 11th meeting. Most of the commenters objected to the inclusion of the Township-owned North Brook Green property and vehicular access to Park Forest Avenue. There were also comments on building height, the density of the development and the lack of landscaped areas. The video of the meeting is available at <http://cnet1.org/> -- go to "Patton Township Supervisors" under the "Playlist" tab of the viewer.

The Board may discuss the wide range of options available regarding rezoning requests, including:

Deny the request, either by motion or lack of action,
Approve the request as recommended by the Planning Commission (PC),
Approve the request for some, but not all the parcels,
Approve the request with a modified form of the MXD2, or
Determine major modifications are needed in the proposed zoning and remand back to the PC.

The Board may not take any action until required notifications have been made and a Public Hearing has been held.

End of Board meeting agenda information

Mr. Marks asked how the Board could go towards a Public Hearing when residents are not in favor. Mr. Downsborough stated that the Board is not proposing anything and just Looking over the plan.

Mr. Buda stated that we have zoning for a reason and ask if this plan is consistent with a long use plan.

5. **PLANNING AND ZONING (Continued)**

b. **Patton Crossing (Continued)**

Ms. Pipenberg stated that the Board has made a lot of decisions and the residents would like the Board to take time to continue this discussion. She asked what long range plan for Patton Township.

Mr. Luck stated that the Board is looking for mixed used and have looked at it prior to this project.

Mr. Miller stated that with proper discussion with the Board but the neighborhood presented a petition and discussed their concerns at the Public Hearing.

Mr. VanHorn stated that this does not fit with the neighborhood.

Mr. Downsborough stated that there is a legitimate request and they have a requirement to address this request.

Mr. Treviño asked if this is the right place to put an 8 story building in this area.

Ms. Thies asked why the Planning Commission cannot be more articulate with the vision for this property for the future.

Ms. Whitman stated that she is running for Supervisor and has been attending meetings. She stated that she loves the ideas of being able to walk/bike to a town center but after talking to residents who reside closer to the town center she feels that going from residential to commercial is a huge change.

Mr. Walsh thanked the Board for their patience for listening to the residents. He stated that this is a request for a massive zoning change. He suggested having more work sessions to discuss this matter.

Mr. Johnston asked if the Board can look at this plan and reject it without a public hearing. Mr. Luck stated that if the Board declined the plan there would be no action. Mr. Johnston stated that he would chose at maximum a 4 story hotel for town center.

Mr. Treviño stated that the Board should not be rushing through this.

Mr. Downsborough stated that he would not like to drag it out more.

Mr. Luck stated that he would like to finish this before his term is up.

Mr. Wise stated that he would like to work on this.

Ms. Pipenberg stated that she is working on a petition and will get a copy for the Board as soon as possible.

The Board took no action.

5. **PLANNING AND ZONING (Continued)**

c. **Request to Consider Amending Portions of the Regulations for the Gray's Woods Planned Community**

The Grays Woods Partnership is requesting consideration regarding two elements related to the 'town center' or Phase 6 portion of the community. The Partnership is preparing concept plans for this area of Grays Woods in order to potentially propose certain revisions to the 2012 conditionally approved land development plan for Phase 6.

The conditionally approved 2012 plan, included in the agenda materials, illustrated the following:

- 137 townhomes
- 13 SF lots
- 150 total units
- A modest amount of unspecified commercial space – 8,500 SF

The current revised concept plan, included in the agenda materials, results in the adjustment of proposed townhome building footprints and an expansion of the overall proposed phase area, and has the following:

- 157 townhomes
- 48 SF lots
- 205 total units

The Partnership requests consideration towards amending certain zoning requirements:

1. Commercial use requirement: The GWPC regulations require that "a town center shall be specifically delineated on the master plan" but does not otherwise mandate a minimum amount of required non-residential use (commercial, office, school, church, utility, etc.). The 2012 plan includes a 8,500 SF reservation for commercial development.

The Partnership believes there may not be any interest "in any such proposition from the commercial community such that anything would actually develop. Therefore, the Grays Woods Partnership is requesting elimination of this non-viable ordinance requirement."

2. Sidewalk requirement: The GWPC regulations require "sidewalks shall be provided on both sides of streets within the defined town center perimeters". The Partnership is requesting consideration of allowing placement of public sidewalks on only one side of the residential streets within the Phase 6 area.

The Partnership believes such an allowance would still provide for "adequate pedestrian circulation in this denser part of Grays Woods while resulting in the reduction of impervious cover, etc."

The Partnership requests that the Township consider adopting the requirements for the Toftrees Planned Community whereby "alternate pedestrian circulation may be considered by the Township in appropriate locations.

An email from the Partnership's engineer provides additional detail on the request, and is included with the agenda materials.

Mr. Downsborough moved to forward the Request to Consider Amending Portions of the Regulations for the Gray's Woods Planned Community to the Planning Commission. Seconded by Mr. Luck, the motion passed 5-0.

6. **ADMINISTRATION**

a. **Capital Improvement Plan**

Mr. Pegher presented the initial draft of 2018 – 2022 Capital Improvement Plan (CIP). The presentation will include:

- An overview of forecasted revenues, operating expenditures, current debt service, and on-going capital expenditures for the next five years
- The Manager's recommendation for new initiatives (capital projects and other significant expenditures) for inclusion in the five-year plan.
- A forecast of anticipated tax rates required to support the Manager's recommendation.

The Board is asked to receive the Plan and provide direction to the Manager for preparation of the next draft or, potentially, the final version of the Plan to be adopted. The plan for capital projects and other significant expenditures scheduled for 2018 will then be incorporated into the Annual Budget to be presented in November.

The draft Capital Improvement Plan 2018– 2022 was included with the agenda materials.

7. **MANAGER'S REPORT**

a. **DAS system's PUC status restored by Commonwealth Court**

Mr. Erickson stated that the Commonwealth Court restored the DAS System's PUC status and information was enclosed.

b. **Letter of Support for INFRA grant to US DOT**

Mr. Erickson stated that enclosed was a letter of support for INFRA grant to US DOT.

c. **Representative Irvin's response regarding HB 1620**

Mr. Erickson stated that Representative Irvin's response regarding HB 1620 was enclosed with agenda materials.

d. **Special Study funding available through CCMPO**

Mr. Erickson stated that a special study funding is available through CCMPO.

e. **COG Lunch and Learn on Stormwater Nutrient Credits/Reduction and the joint Pollution Reduction Plan – Oct 30th**

Mr. Erickson stated that there is a COG Lunch and Learn on Stormwater Nutrient Credits/Reductions and the joint Pollution Reduction Plan on October 30, 2017.

8. **COMMITTEE REPORTS**

There was nothing to report.

9. **OTHER BUSINESS**

There were no other business.

10. **ADJOURNMENT**

Mr. Luck moved to adjourn the October 25, 2017 Board of Supervisors Meeting. Seconded by Mr. Downsborough, the meeting was closed at 9:53PM.