

**ATTENDANCE**

Planning Commission

Kate Domico, Chairman  
Bill Steudler, Vice-Chairman  
Brian Rater, Secretary  
Richard Schmidt, Alt. Secretary  
Robert Prosek

Township Staff

Ken Soder, Zoning Officer  
Greg Garthe, CRPA

Audience

Tony Fruchtl, Penn Terra Engineering  
Tom Jacobs, S & A Homes  
Kathy Marusa, Resident  
Deb Balaban, Resident

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

The January 8, 2018 organizational and regular meeting was called to order at 7:00 PM by Vice-Chairman, Ms. Kate Domico.

**2. ITEMS OF CORRECTION**

There were no additions or deletions to the agenda.

**3. ORGANIZATION**

Election of Officers:

Recommendations for officers were as follows:

Mr. Bill Steudler nominated Ms. Kate Domico for Chairman of the Planning Commission. The nomination was seconded by Mr. Richard Schmidt.

Mr. Brian Rater nominated Mr. Bill Steudler for Vice-Chairman of the Planning Commission. The nomination was seconded by Mr. Robert Prosek.

Mr. Bill Steudler nominated Mr. Brian Rater for Secretary of the Planning Commission. The nomination was seconded by Ms. Kate Domico.

Mr. Brian Rater nominated Mr. Richard Schmidt for Alternate Secretary of the Planning Commission. The nomination was seconded by Mr. Robert Prosek.

The motion passed with a 5-0 vote.

**3. ORGANIZATION (cont.)**

Meeting Dates: The Planning Commission reviewed the following meeting dates.

REGULAR MEETING	WORK SESSION
January 8, 2018	
February 5, 2018	February 12, 2018
March 12, 2018 (1)	March 19, 2018
April 2, 2018	April 9, 2018
May 7, 2018	May 14, 2018
June 4, 2018	June 11, 2018
July 2 or July 9, 2018 (2)	July 9 or July 16, 2018
August 6, 2018	August 13, 2018
September 10, 2018 (3)	September 17, 2018
October 1, 2018	October 8, 2018
November 5, 2018	November 12, 2018
December 3, 2018	December 10, 2018
January 7, 2019 (4)	
<p>(1) Second Monday due to Spring Break</p> <p>(2) Second Monday due to Independence Day?</p> <p>(3) Second Monday due to Labor Day</p> <p>(4) Organizational Meeting for 2019</p>	

The Planning Commission discussed the meeting date for July and was in agreement of making the regular meeting of July on July 9, 2018 and the work session meeting on July 16, 2018

The motion passed with a 5-0 vote.

Mr. Bill Steudler noted that he could serve as primary representative in 2018 for the Centre Regional Planning Agency and Mr. Brian Rater noted that he could serve as the alternate representative for the Centre Regional Planning Agency.

The motion passed with a 5-0 vote.

**4. APPROVAL OF MINUTES**

Meeting minutes from the December 4, 2017 combined Regular Meeting and Work Session were brought before the Planning Commission for approval.

Mr. Bill Steudler made a motion to approve the meeting minutes as submitted. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 5-0.

5. **PUBLIC COMMENTS**

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

6. **TOFTREES PLANNED COMMUNITY – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – PHASE 7 – SIDEWALK AMENDMENT PLAN**

Patton Township has received the Preliminary/Final Land Development Plan for Phase 7 Sidewalk Amendment Plan that proposes to remove a portion of sidewalk within the Village at Penn State. The site is located in Collegiate Station, which is to the north of Toftrees Avenue, between Beaumanor Road and Deans Way, in the Planned Community zoning district. The sidewalk was required by the Phase 7 plan that was approved in 2012, and was intended to connect Toftrees Avenue to Woodledge Drive via an easement between 1759 and 1764 Woodledge Drive.

In late 2016, the Township received several requests asking to remove the requirement for the portion of the sidewalk that passes through Collegiate Station. Residents voiced concerns related to privacy and safety, and questioned the need for the walkway.

Consistent with past practice for removing walkways, the Township required an amended land development plan, which must go through the standard review and approval process in order to eliminate the walkway requirement. Prior to submission of the plan amendment that would remove the sidewalk, the Township requested the consent of all owners of property in Phase 7, including lots 701, 702, and 703. In addition, because the walkway was intended to pass through Phase 6, the Township required consent from that property owner regarding the connection into Phase 6. However, the Phase 6 land development plan does not need to be amended unless the property owner also wishes to remove that portion of the walkway. The Township did receive consent from all property owners in Phases 6 and 7.

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

Mr. Tony Fruchtl, Penn Terra Engineering, noted that he was representing S & A Homes and the Homeowner's Association of Phase 7 of the Village at Penn State and provided an overview of the proposed plan.

Resident Ms. Kathy Marusa, speaking on behalf of herself and her neighborhood, expressed concerns for privacy with the closeness of the homes and also a concern for safety.

Mr. Bill Steudler made a motion to recommend approval of the Preliminary/Final Land Development Plan – Phase 7 – Sidewalk Amendment Plan, upon completion of the minor/technical items as noted on Staff's comment letter. The motion was seconded by Mr. Robert Prosek. The motion passed with a vote of 5-0.

7. **FINAL LOT SUBDIVISION PLAN – REPLOT OF SADDLE ROCK LOT 31RR AND 42 INTO LOTS 31RRR AND 42R**

Patton Township received the Replot of Saddle Rock Lot 31RR and 42 into Lots 31RRR and 42R that proposes to subdivide and replot Lots 31RR (58.9 acres) and 42 (2.7 acres) of the Saddle Rock subdivision into revised Lots 31RRR (55.5 acres) and 42R (10.1 acres). The site is located at the end of Picadilly Road in the Saddle Rock subdivision in the Rural (A1) district. The lots will be served by the existing private Saddle Rock community sand mound system. The area has colluvial soils and those known to have pyritic rock potential, so all future excavation or construction activities will be subject to the requirements of §153-34.3.1 (Excavations possibly including pyritic rock) and §153-34.7 (Colluvial soils).

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

Mr. Michael Pratt, Keller Engineers, provided an overview of the proposed plan. The purpose of the revision was to make the one lot 10 acres to keep the parcel in Clean and Green.

Mr. Bill Steudler made a motion to recommend approval of the Replot of Saddle Rock Lot 31RR and 42 into Lots 31RRR and 42R, upon completion of the minor/technical items as noted on Staff's comment letter. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 5-0.

8. **GRAY BUFFALO GENERAL PARTNERSHIP – REPLOT OF LOTS 1RRR AND 2RRR TO LOTS 1RRRR AND 2RRRR**

Mr. Greg Garthe noted that the Replot of Lots 1RRR and 2RRR to Lots 1RRRR and 2RRRR proposed to replot the existing Lots 1RRR and 2RRR of the Gray Buffalo General Partnership property into Lots 1RRRR and 2RRRR. The site is located at 5788 Buffalo Run Road in the Rural (A1) zoning district. After the lot line adjustments, the acreages of the proposed lots will remain the same. There is an existing pond on Lot 1RRR, which is subject to the Township's riparian buffer standards which are intended to implement reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian areas. On this site, the property owners are not required to install any vegetated buffer around the pond, but must preserve any existing vegetation within a 50 foot buffer area.

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

Mr. Tony Fruchtl, Penn Terra Engineering, provided an overview of the proposed plan.

Mr. Robert Prosek made a motion to recommend approval of the Replot of Lots 1RRR and 2RRR to Lots 1RRRR and 2RRRR of the Gray Buffalo General Partnership, upon completion of the minor/technical items as noted on Staff's comment letter. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 5-0.

9. **ORDINANCE AMENDING NONRESIDENTIAL DEVELOPMENT REQUIREMENTS IN THE GRAY'S WOODS PLANNED COMMUNITY TOWN CENTER**

Mr. Greg Garthe noted that at the December 4, 2017 meeting, the Planning Commission reviewed a draft ordinance that would amend the Township's Planned Community (PC) zoning district regulations to remove provisions requiring non-residential development in the town center of the Gray's Woods Planned Community. The Planning Commission had directed Staff to draft the ordinance in response to a request by the Gray's Woods Partnership to eliminate the non-residential provision because the Partnership believed that there may not be any interest from the commercial development community to build anything in the town center, and the ordinance requirement was not viable. Upon reviewing the draft ordinance, the Planning Commission did not make a recommendation and requested more background information on the requirement for a town center in the Gray's Woods Planned Community.

Patton Township has three Planned Communities; Toftrees, Oakwood, and Gray's Woods. There are general PC regulations, but also specific requirements associated with each individual community. In any PC, the Township Code states that a town center shall be provided in communities containing a total of 150 acres or more, unless it is deemed by the Township that the location of a town center is inconsistent with the 2013 Centre Region Comprehensive Plan. Chapter 3 (Land Use) of the Comprehensive Plan provides the following policies and objectives that may relate to town centers:

- Policy 3.1.3 – Integrate residential and commercial uses at densities that support continued transit access and usage.
- Objective 4.2 – Locate higher-density housing in areas zoned for intense mixed-use development where commercial, civic, and recreational opportunities are available.
- Objective 4.4 – Encourage mixed-use development opportunities in appropriately identified areas of the Centre Region.

Staff notes that the Comprehensive Plan is a tool that municipalities can use to guide decisions on growth and development in the region, but that municipalities are the unit of government responsible for implementing the recommendations of the plan through their regulatory authority conferred by the PA Municipalities Planning Code. A determination that the "location of a town center is inconsistent with the 2013 Centre Region Comprehensive Plan" is a matter of discretion by the Board of Supervisors, but the Planning Commission members should discuss whether the location of the town center supports the goals, objectives, and policies of the Plan when making their recommendation.

The 2012 conditionally approved land development plan for Phase 6 of Gray's Woods includes 1.22 acres reserved for non-residential or mixed-use development in the town center. At the November 6, 2017 Planning Commission Work Session, along with their request, the developers presented a preliminary concept plan for a revised Phase 6, which would still include the town center area, but would not provide any non-residential development there. Under the current PC regulations, non-residential uses are required in the Gray's Woods town center area based on the number of residential units constructed

in the community. The proposed ordinance would remove that requirement, so the town center would still be required, but could be potentially 100% residential.

At the December 4, 2017 Planning Commission meeting, there was discussion about what a “town center” was intended to be. The Township Code defines it as follows:

**TOWN CENTER**

An area within a planned community that contains a variety of land uses, including but not limited to residential, retail, office, professional, services, education, cultural, governmental and recreational within a defined area shown on a master plan. The land uses are to be located in close proximity to each other. The town center shall promote pedestrian movement, social interaction and the environmentally sound conservation and development of land. The design and development of a town center core area should not exceed an area with a radius of approximately one-fourth (1/4) mile.

Staff notes that changing the PC regulations to remove the non-residential requirement in the town center would be inconsistent with the Township’s current definition because it would not provide a variety of land uses.

Mr. Brian rater asked Township Staff what was the vision of a town center was. Mr. Ken Soder noted that it was proposing a development with walkability to commercial. Mr. Michael Pratt, Keller Engineers, agreed with Mr. Soder’s response. Mr. Pratt also noted that since the 1980s and 1990s, there has been lack of interest in building commercial in the heart of Gray’s Woods.

Ms. Kate Domico expressed concerns with amending the regulations and the impact it would have on the Toftrees Planned Community. Mr. Greg Garthe noted that the regulations could be revised to specifically note that it would only apply to the Gray’s Woods Planned community of not requiring a town center.

Mr. Bill Steudler agrees that the Gray’s Woods area is not a viable location for a town center.

The Planning Commission was in consensus of exempting the requirement of providing a town center within the Gray’s Woods Planned Community.

Mr. Greg Garthe noted that a revised draft of the ordinance would be provided to the Planning Commission for the February 5, 2018 meeting.

**10. STATUS ON PENDING ITEMS**

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

**11. REPORTS**

No additional reports were given.

**12. OTHER BUSINESS**

There was no other business brought before the Planning Commission.

**13. ADJOURN – REGULAR MEETING**

The meeting was adjourned at 8:00 PM.

**ATTENDANCE**

Planning Commission

Kate Domico, Vice-Chairman  
Bill Steudler, Secretary  
Brian Rater, Alt. Secretary  
Robert Prosek  
Richard Schmidt  
Paul Silvis

Township Staff

Doug Erickson, Township Manager  
Stephen Casson, Township Engineer/Dir. Public Works  
Ken Soder, Zoning Officer  
Greg Garthe, CRPA

**1. CALL TO ORDER – WORK SESSION MEETING**

The January 8, 2018 work session meeting was called to order at 8:01 PM by Chairman, Ms. Kate Domico.

**2. CATEGORY 1, 2, AND 3 CASINOS IN PATTON TOWNSHIP**

Mr. Greg Garthe noted that at their December 13, 2017 meeting, the Board of Supervisors approved Resolution 2017-020 prohibiting the location of a Category 4 Licensed Facility (mini-casino) in Patton Township. This was in response to recent PA legislation (Act 42 of 2017) that proposed a limited number of Category 4 Facilities throughout the Commonwealth, but also gave municipalities an option to prohibit such facilities within their boundaries by submitting a resolution to the PA Gaming Control Board by the end of 2017. The opportunity to specifically prohibit a land use throughout a municipality is not typically a lawful activity. According to PA court doctrine dating back to the 1960s, a municipality zoning ordinance must provide for all lawful uses of land. Failure to do so is considered exclusionary zoning, and provides grounds for a legal challenge for which the relief is to permit the use as and where proposed.

During the discussion on the Resolution, there were questions on whether Category 1, 2, or 3 facilities would be permitted in Patton Township. Supervisor Mr. George Downsborough requested that the Planning Commission look into the matter. Additionally, Supervisor Mr. Dan Treviño, suggested that it may be advisable to restrict Category 1, 2, or 3 facilities to the I-99 Interchange Overlay District, and Supervisor Mr. Elliot Abrams suggested that it may be wise to further tighten the regulations to prohibit the use of casinos in most places in the Township.

There is no specific definition of a “casino” in the Township Code. However, “amusement enterprises” are permitted as a by-right use in the non-residential area of the Planned Airport District (PAD), and are defined as follows:

**AMUSEMENT ENTERPRISE**

Establishments engaged in providing amusement or entertainment for a fee or admission charge (indoor or outdoor) for uses including, but not limited to musical entertainment bowling alleys, billiard and pool establishments, commercial sports, coin operated games and similar entertainment and amusement devices.

2. **CATEGORY 1, 2, AND 3 CASINOS IN PATTON TOWNSHIP (cont.)**

In addition, a casino would be permitted in any of the Township's commercial zoning districts, the Planned Community district, or the Industrial district under the current zoning regulations. However, operators of such facilities are required to obtain a license from the PA Gaming Control Board. Currently, there are 12 licensed casinos in the state:

Category 1 - Racetrack Casinos ("Racinos")

- Harrah's Casino (Chester)
- Mohegan Sun at Pocono Downs (Wilkes-Barre)
- Parx Casino (Bensalem)
- Hollywood Casino at Penn National Race Course (Grantville)
- Presque Isle Downs & Casino (Erie)
- The Meadows Casino (Washington)

Category 2 - Standalone Casinos

- Rivers Casino (Pittsburgh)
- Mount Airy Casino and Resort (Mount Pocono)
- Sands Casino Resort (Bethlehem)
- Sugar House Casino (Philadelphia)

Category 3 - Resort Casinos

- Valley Forge Casino Resort (King of Prussia)
- Lady Luck Casino Nemacolin (Farmington)

The Planner contacted the PA Gaming Control Board and learned that **there are no additional Category 1, 2, or 3 licenses available**. The 12 existing facilities will remain licensed, and if one of them were to lose its license for any reason, that license could not be utilized in another part of the state. Unless the State Legislature increases the number of licenses available, a Category 1, 2, or 3 casino will not be able to locate in the Centre Region.

Richard Schmidt, Planning Commission representative at the December 13, 2017 Board of Supervisors meeting, recapped the discussion on the matter. Mr. Garthe noted that unless the Planning Commission wanted to more specifically define and restrict casinos in the event that the State authorizes additional licenses in the future, the use would continue to be allowed in the zoning districts where it is permitted now. The Planning Commission decided to take no action at this time.

3. **ADJOURN – WORK SESSION MEETING**

The meeting was adjourned at 8:16 PM.