

**ATTENDANCE:**

BOARD	Elliot Abrams, Chair Bryce Boyer, Vice-Chair Jeff Luck, Supervisor Josh Troxell, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Brent Brubaker, Township Engineer Pat Hubert, Assistant Township Engineer John Petrick, Chief of Police Kim Wyatt, Finance Director Kimberly Fragola, Township Secretary Joe Price, CRPA Senior Planner Betsy Dupuis, Solicitor
ABSENT	None
AUDIENCE	2 CNET Volunteers Sharon Bressler – Patton Township Planning Commission Mark Kunkle and Richard Killian – Ferguson Township Mark Maloney – Half Moon Land Company Bill Kelly – Parente Beard Dana Costa – InfraSource Bob Poole – Grays Woods Partners John Martinez – KZA Engineering

**1. CALL TO ORDER**

The January 27, 2010 Patton Township Board of Supervisors meeting held at the Patton Township Municipal Building, 100 Patton Plaza, State College, PA, was called to order at 7:03 PM by Chair Elliot Abrams.

**2. APPROVAL OF MINUTES**

The minutes of the January 4, 2010 meeting were approved 5-0 on a motion by Mr. Troxell, seconded by Mr. Boyer.

**3. PUBLIC COMMENTS**

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

**\*\*\* Discussion of these items was postponed until later in the meeting. \*\*\***

**4. PUBLIC SAFETY**

**a. Police Update**

**5. PUBLIC WORKS**

**a. InfraSource – Northeastern ITS Fiber Optic Cable**

**6. PLANNING & ZONING**

**a. Planning Commission Report**

**b. Riparian Buffer Regulations: Proposed Amendments to Chapter 153**

**c. Preliminary/Final Land Development Plan: Chick-Fil-A**

**d. Preliminary/Final Lot Addition Plan: Lands of Kevin & Karen Wagner**

**e. Sketch Plan: Gray's Woods**

**f. Proposed Amendments: Rural Preservation Design Standards of Chapter 153 and the Rural Zoning District of Chapter 175**

**7. ADMINISTRATION**

**a. Home Rule Options**

In the Board's continuing review of Home Rule options, representatives from Ferguson Township have been invited to share their views on the experiences, advantages, and disadvantages of Home Rule, Mr. Erickson stated. Distributed with the agenda were copies of the Home Rule Charter of the Township of Ferguson and an excerpt from the DCED manual "Home Rule for Pennsylvania Local Governments" regarding costs of a Government Study Commission.

Mark Kunkle and Richard Killian, Ferguson Township, presented their viewpoints regarding Home Rule, and a question and answer session with the Board followed.

**4. PUBLIC SAFETY**

**a. Police Update**

*[Discussion of this item was postponed earlier in the meeting.]*

Copies of the December 2009 Public Safety Report were distributed with the supplemental agenda. Chief Petrick pointed out an increase in parking tickets due to snow storms. He also noted the PADOT electronic sign that is displaying a safe winter driving message, as well as the taped safe winter driving message being aired on CNET. Chief Petrick also stated that the two new Officers are continuing training, and he drew attention to DUI, Cops in Shops, and Aggressive Driving details.

**5. PUBLIC WORKS**

**a. InfraSource – Northeastern ITS Fiber Optic Cable**

*[Discussion of this item was postponed earlier in the meeting.]*

Distributed with the supplemental agenda were copies of a briefing document provided by InfraSource. Dana Costa, InfraSource, provided a briefing on the planned fiber optic cable project that will run through Patton Township as part of a long-haul system connecting Cleveland, Ohio and the east coast. Mr. Costa verified that residents will not be required to tap on, and he answered various other questions posed by Board Members. Mr. Abrams requested a map of the project route, which Mr. Costa stated that he would provide. Mr. Erickson indicated copies distributed prior to the meeting of a letter from the Pennsylvania Public Utility Commission and an agreement between Ferguson Township and InfraSource, and he noted the intent to negotiate a similar license agreement.

**6. PLANNING & ZONING**

**a. Planning Commission Report**

*[Discussion of this item was postponed earlier in the meeting.]*

Planning Commission member Sharon Bressler reviewed the Commission's annual organizational activities and noted discussion of the items being presented to the Board this evening. She also indicated that the Commission has begun work on the Centre Region Comprehensive Plan.

**b. Riparian Buffer Regulations: Proposed Amendments to Chapter 153**

*[Discussion of this item was postponed earlier in the meeting.]*

The ordinance adopting the Riparian Buffer regulations has been advertised for a February 10, 2010 Public Hearing, Mr. Erickson confirmed. He noted the information below that was provided with the January 4, 2010 Board agenda.

*The Planning Commission has recommended adopting Riparian Buffer regulations under the Township's Subdivision and Land Development regulations which are found at Chapter 153 of the Patton Township Code. These proposed regulations are an outgrowth of a model ordinance developed by the Centre Region Council of Governments. Background information is included in the agenda materials in the form of an excerpt from the December 7, 2009 Planning Commission agenda.*

*It should be noted that the Township has previously adopted stream buffer requirements for the large majority of streams in the Township. The Planner has compiled the following evaluation of our current regulations:*

6. PLANNING & ZONING (CONT'D)

b. Riparian Buffer Regulations: Proposed Amendments to Chapter 153 (Cont'd)

- **78% (27.01 mi)** of streams fall under existing ordinance standards – SALDO or Zoning – with a buffer width of 100 or 65 ft. The extent of the buffer width is largely related to the Regional Growth Boundary, i.e. rural vs. urban character of the land.
- **2% (.72 mi)** of streams do not require buffers per township ordinances, but do have a FEMA (Federal Emergency Management Agency) identified Floodplain; therefore, the floodplain can be viewed as a quasi buffer.
- **20% (7.08 mi)** of streams are not regulated by existing buffers, nor do they have a FEMA identified floodplain. For streams in this category, there is the possibility that a “default” 50 foot floodplain could be applied pending the results of an in-field floodplain analysis (non FEMA). But, per the literal interpretation of existing regulations, a buffer requirement does not currently exist.

*In general, the proposed regulations would require that stream buffers be established as part of any new subdivision or land development or as a part of any re-development process across all zoning districts in the Township. The proposed regulations would also require that vegetation be preserved or established in the stream buffer area.*

*Please note that the Planning Commission is recommending that the regulations be adopted under the Township’s Subdivision and Land Development regulations and not under the Township’s Zoning regulations. As such, the stream buffer regulations would only be applied to new subdivisions and land development activity, or re-development, and would not apply to existing developed properties. A property owner desiring to make an addition to a home or to construct an accessory building or barn, activities that require a zoning permit, are exempt from the stream buffer regulations.*

*Because most of the streams are in the A-1 (Rural) Zoning District, the planting requirements are very similar to those of an existing federal Department of Agriculture incentive program, the Conservation Reserve Enhancement Program (CREP), which provides payments to land owners to establish stream buffers.*

**6. PLANNING & ZONING (CONT'D)**

**b. Riparian Buffer Regulations: Proposed Amendments to Chapter 153 (Cont'd)**

*A brief overview of the proposed regulations will be provided by the Township's Planner. Township and CRPA staff are available to address questions from the Board. If the Board concurs with the Planning Commission recommendation, it is recommended that the Board direct staff to prepare and advertise an ordinance for a Public Hearing and possible adoption on February 10, 2010.*

Mr. Price reviewed the proposed regulations. Discussion occurred regarding noxious weeds and invasive species, which Mr. Price indicated are listed in appendices to the regulations. He reviewed the planting requirements and recommended species, and he noted that removal of invasive species is recommended, in addition to invasive species not counting toward the requirement. Discussion was also held regarding the placement of these regulations within Subdivision and Land Development versus Zoning to prevent being overly burdensome to properties with existing structures.

**c. Preliminary/Final Land Development Plan: Chick-Fil-A**

*[Discussion of this item was postponed earlier in the meeting.]*

Chick-Fil-A is proposing to construct a new 4,317 square foot facility at 1938 North Atherton Street on the site of the former Lemoyne Sleeper, situated between the existing Kentucky Fried Chicken and the former A & P store, Mr. Erickson informed the Board. The parcel is approximately 66,900 square feet (1.54 acres) in size and is zoned C-1, General Commercial, he noted. The building coverage of 6.9 percent and the impervious coverage of 54.61 percent are within the maximum limits of 30 percent building coverage and 75 percent impervious coverage, he continued, and the developer has exercised the option to reduce the front setback requirement in exchange for providing a greater rear setback so that the total of the two setbacks is equal to 100 feet. Access to the site will be reduced from the two existing drives to one access drive providing lanes for both ingress and egress along North Atherton Street, Mr. Erickson explained, with the proposed parking and lighting conforming to Township requirements. Upon completion, he stated, the restaurant will provide indoor seating for up to 138 patrons as well as limited outdoor seating. The Planning Commission recommended approval with completion of minor/technical items, Mr. Erickson reported. Distributed with the agenda were copies of an 11x17 version of the land development plan, the staff comment letter, the ALPHA Fire Company comment letter, and the CATA comment letter form.

John Martinez, KZA Engineering, presented the plan. Mr. Luck expressed praise for the reduction in North Atherton Street access points, and he asked if the area bike path should be continued behind this property. Mr. Erickson explained that

**6. PLANNING & ZONING (CONT'D)**

**c. Preliminary/Final Land Development Plan: Chick-Fil-A (Cont'd)**

there is nowhere for the bike path to connect on the other side of the property, and that the main purpose of that particular bike path is to route bicycle access across North Atherton Street at the traffic signal.

Mr. Luck moved to approve the plan with completion of minor/technical items. Seconded by Mr. Troxell, the motion passed 5-0.

**d. Preliminary/Final Lot Addition Plan: Lands of Kevin & Karen Wagner**

*[Discussion of this item was postponed earlier in the meeting.]*

Mr. and Mrs. Wagner own a 19,783 square feet parcel of land identified as Tax Parcel ID 18-315-237 (Lot 29 of the Price's Saw Mill subdivision) in the A-1, Rural district, Mr. Erickson stated. The purpose of this plan is to add additional lands to abutting Lots 28 and 30 by subdividing Lot 29, which will result in Lot 28 increasing in size from 17,053 square feet to 26,437 square feet, Lot 30 increasing in size from 16,271 square feet to 26,670 square feet, and Lot 29 being eliminated by way of the subdivision, he explained. Mr. Erickson reported that the Planning Commission recommended approval with completion of remaining items. Copies of reduced-size drawings and the marked up staff comment letter were distributed with the agenda.

Mr. Troxell moved to approve the plan with completion of minor/technical items. Mr. Boyer seconded the motion, which passed by a vote of 5-0.

**e. Sketch Plan: Gray's Woods**

*[Discussion of this item was postponed earlier in the meeting.]*

The Gray's Woods Partnership's sketch plan for the next phase of development in Gray's Woods represents the proposed construction of townhomes within Phase 6 of the approved Master Plan and within close proximity to the planned town center, Mr. Erickson stated. He noted that the Planning Commission had no substantive comments. Distributed with the agenda were copies of an 11x17 version of the sketch plan.

Mr. Erickson reminded the Board that no official action may be taken on a Sketch Plan; the opportunity to present a Sketch Plan is provided to permit developers to introduce projects, receive initial feedback from the Township on plan features, and explore alternatives, with the developer then asked to incorporate those comments into the final submission of a Land Development Plan.

Bob Poole, Gray's Woods Partners, presented the plan and noted the intent to market the townhomes for approximately \$170,000 in time for buyers to take

6. **PLANNING & ZONING (CONT'D)**

e. **Sketch Plan: Gray's Woods (Cont'd)**

advantage of the current tax credits. In response to various questions, he indicated that public transportation will be discussed with CATA, parking prohibits a larger store or restaurant from occupying the town center, and there is a schedule based on total number of units that will eventually lead to Gray's Woods Boulevard being expanded to accommodate a center turning lane.

f. **Proposed Amendments: Rural Preservation Design Standards of Chapter 153 and the Rural Zoning District of Chapter 175**

*[Discussion of this item was postponed earlier in the meeting.]*

In November 2009, the Planning Commission and Board of Supervisors reviewed a sketch plan for "Greenmoore Village" as presented by Mr. Mark Maloney, the developer, Mr. Erickson recalled. The project proposes to incorporate the concepts of "Community Supported Agriculture" (CSA) and "Development Supported Agriculture" (DSA) to support and enhance an organic community farm that can be joined through a subscription plan, he reviewed. Copies of additional information on the proposal as written in the January 11, 2010 Planning Commission agenda were distributed with the agenda.

With the sketch plan presentation the developer requested that the Township provide some measure of relief for residential lots so the CSA can occupy the portion of the site better suited for agriculture, Mr. Erickson stated. Noting that the CSA concept provides benefits to the community beyond the proposed development, he continued, staff proposed working with the developer to find a means to amend the regulations to provide an incentive to include a CSA and provide some of the relief requested.

Distributed with the agenda were copies of a memo dated January 22 from the CRPA Planner to the Manager detailing the Planning Commission's recommendation, background information, and alternative design standards that include:

- Reduced stream buffer width in exchange for the installation of a vegetated riparian buffer
- Reduced wetland buffer width when Best Management Practices (BMPs) are utilized for stormwater management
- Exemptions from the buffer requirements for man-made stormwater management facilities
- Conditional Use regulations to allow a CSA type development in the Rural District, permitting some residential development on steep slopes and expanded retail opportunities for the farm market in exchange for a conservation easement on the CSA operation

**6. PLANNING & ZONING (CONT'D)**

**f. Proposed Amendments: Rural Preservation Design Standards of Chapter 153 and the Rural Zoning District of Chapter 175 (Cont'd)**

Mr. Erickson also noted that the proposed regulations reviewed by the Planning Commission included a density incentive under the CSA Conditional Use proposal. CRPA reminded the Township that such a proposal would qualify as a zoning change subject to the “Development of Regional Impact” (DRI) review process through the Council of Governments, he explained, and with the next scheduled review of DRI proposals scheduled for September, the developer requested that the density incentive, or “bonus dwellings,” aspect be dropped.

Mr. Price presented the proposed regulations. In response to Mr. Abrams’ question about the weed ordinance waiving the requirement for lawn mowing for properties adjacent to agricultural uses, Mr. Erickson indicated that the weed ordinance does not apply to RPD.

Discussion ensued regarding the DRI review process and specific aspects for possible adjustment during the next update of those criteria.

Mr. Luck, seconded by Mr. Troxell, moved that a public hearing be advertised for the March 10, 2010 meeting. The motion passed 5-0.

**7. ADMINISTRATION**

**a. Home Rule Options**

*[Discussion of this item occurred earlier in the meeting.]*

**b. ABC Appointments**

Mr. Erickson reported that the ABC Committee has conducted interviews and recommends the below list of new appointments:

<b>ABC</b>	<b>Appointee</b>	<b>Years in Term</b>	<b>Term will Expire</b>
Planning Commission	John O’Neill	4	Jan. 6, 2014
Zoning Hearing Board	Dan Trevino	1 (partial)	Jan. 3, 2011
Zoning Hearing Board Alternate	Doug Mace	3	Jan. 7, 2013
Recreation Advisory Committee	Karen Vines	3	Jan. 7, 2013
Sign Review Board	Scot Chambers	5	Jan. 5, 2015
Water Authority/ICDA	Brad Yeckley	5	Jan. 5, 2015
Tax Appeals Board	Cindy Nucciarone	1 (partial)	Jan. 3, 2011

Also, Mr. Erickson continued, in response to the Board’s having asked that the ABC Committee make a recommendation regarding the appropriate number of positions for the Conservation and Efficiency Committee (CEC) and the Open Space Stewardship Committee (OSSC), the ABC Committee recommends that



## 7. ADMINISTRATION (CONT'D)

### b. ABC Appointments (Cont'd)

the committees be contracted to seven members each from the current 18 positions and 13 positions, respectively.

Additionally, the Planning Commission has nominated Chuck Seighman and Rory Stenerson to serve as Patton Township's Centre Regional Planning Commission representative and alternate, respectively, for 2010, Mr. Erickson reported.

Mr. Troxell moved to make all appointments and committee contractions as indicated above. Seconded by Mr. Luck, the motion passed 5-0.

In response to Mr. Abrams' request, Mr. Erickson agreed to arrange a schedule for representatives to regional committees to report to the Board.

### c. Voucher Report

Copies of the December 2009 Voucher Report were distributed with the agenda. Mr. Luck moved to approve the December 2009 Voucher Report. Seconded by Mr. Troxell, the motion passed 5-0.

## 8. MANAGER'S REPORT

Copies of the Development Update were distributed with the agenda. Mr. Erickson reminded the Board of the ABC Volunteer Appreciation Dinner to be held on January 29, 2010, and he noted the details of a Long Range Transportation Plan Public Meeting to be held on January 28, 2010. Mr. Erickson also mentioned that he will be travelling to Washington, DC on January 28, 2010, with Supervisors Troxell, Boyer, and Luck to meet with representatives regarding funding for the Waddle Bridge project.

## 9. COMMITTEE REPORTS

### Metropolitan Planning Organization (MPO) Planning Committee

Mr. Luck requested input regarding the appropriate balance of representatives to the MPO. Discussion ensued, and Mr. Erickson offered to provide an informative summary of the MPO history.

## 10. OTHER BUSINESS

Referencing an e-mail exchange with a resident regarding UAJA quarterly rates, Mr. Luck noted that the current rates roughly match what they would be if modified over time based only on inflation. He went on to say that although he disagrees that the rates have been unreasonably raised over time, he strongly supports UAJA changing to consumption based rates. Consensus among the Board Members was

**10. OTHER BUSINESS (CONT'D)**

for Mr. Erickson to draft a letter to the COG Public Services Committee to assess the level of regional support for this proposal.

**11. ADJOURNMENT**

There being no further business, by Mr. Luck's motion and Mr. Troxell's second, the meeting was adjourned at 9:57 PM.

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Kimberly Fragola, Township Secretary