

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	3 CNET Volunteers Jeff Hermann – Patton Township Planning Commission Keith Kotchey – Panera Bread Wayne Witherite – Wal-Mart Cynthia Hahn – CNET Mark Saville and Alan Stewart – Sweetland Engineering Bill Spedding – Penn Terra John Weaver – TNT Fireworks Township Residents: Scott Miller, Vickie Billett

1. CALL TO ORDER

The May 12, 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 7:00 PM by Chair Elliot Abrams.

2. PUBLIC COMMENTS

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

3. PUBLIC SAFETY

a. Police Update

No Public Safety Report overview was made.

4. PLANNING & ZONING

a. Planning Commission Report

Planning Commission member Jeff Hermann provided an overview on the Commission's discussion of the four plans to follow on the agenda.

b. Patton Towne Center: Revised Phase 1: Preliminary/Final Land Development Plan

The Patton Towne Center is a development project proposed to be constructed upon Parcel #18-11-17, a 16.26 acre parcel of land located at the intersection of Waddle Road and Colonnade Boulevard and formerly occupied by Lowe's, Mr. Erickson stated. The site is situated within the C2 Planned Commercial District and partially within the I-99 Interchange Overlay District, he added. A plan for Phase 1 of the Patton Towne Center was approved in July of 2008, Mr. Erickson recalled, and at that time, the proposed *full* build-out of Patton Towne Center included a six-building hotel/shopping center complex encompassing approximately 270,000 square feet of space, two restaurants totaling 13,252 square feet, and a 4,377 square foot bank, with Phase 1 construction to consist of 170,000 square feet of hotel/spa/meeting space, a 5,600 square foot restaurant, and a small retail space. Under this Revised Phase 1 plan, Mr. Erickson continued, the developer is now limiting the proposed Phase 1 construction to two restaurants totaling 19,128 square feet in size. One of the restaurants will be a tavern style restaurant, he said, as defined by the Township Code and the other will be a traditional family style restaurant. In addition to the above-noted structures, Mr. Erickson pointed out, the developer will be constructing three new entranceways to the Patton Towne Center site, a lane on the westbound side of Colonnade Boulevard for traffic turning right into Patton Towne Center, an extension of the eastbound right turn lane of Colonnade Boulevard, a bus pull off and stop for eastbound CATA busses on Colonnade Boulevard, and parking to accommodate the Phase 1 uses. Distributed with the agenda were copies of a location map, an 11" x 17" version of the land development plan, the marked-up staff comment letter, the CATA comment letter, two sketches of proposed bus parking areas, and plan sheets showing Phase 1 Parking and Phase 1 Landscaping. Mr. Erickson reported that the Planning Commission recommends approval with completion of all items noted on staff's marked up comment letter.

Mark Saville, Sweetland Engineering, presented the plan, noting the parking area and traffic flow. Mr. Boyer encouraged the use of geothermal wells where possible.

Scott Miller noted his satisfaction that the site is being stabilized and asked when this part of the work is expected to be completed. Mr. Erickson suggested that stabilization can be a condition of approval.

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

b. **Patton Towne Center: Revised Phase 1: Preliminary/Final Land Development Plan (Cont'd)**

Mr. Troxell moved for approval of the plan with completion of all items noted on staff's marked up comment letter, and with the whole site to be stabilized prior to occupancy of the first building. Mr. Luck seconded, and the motion passed 5-0.

c. **Panera Bread: Preliminary/Final Land Development Plan:**

Panera Bread, intends to convert a portion of an existing retail site into a 4,600 square foot restaurant with both interior and exterior seating, Mr. Erickson told the Board. Located in the TJ Maxx Plaza at the intersection of Vairo Boulevard and North Atherton Street, within the C2 Planned Commercial District, he said, the owners also propose minor structural and site alterations. Other proposed uses are a 5,320 square foot medical office, a 4,350 square foot future retail space, and 1,910 square feet of rentable storage space, he noted. In addition, Mr. Erickson continued, proposed site improvements include enhancements to the connecting sidewalk in front of the buildings and a new sidewalk along the side of the building to a proposed rear door, landscape islands in the first double row of parking stalls parallel to North Atherton Street, perimeter plantings to be installed from the access at Vairo Boulevard to Atherton Street with headlight screening to be provided along Vairo Boulevard, and an ADA accessible ramp with truncated domes at the one way entrance into the plaza from Vairo Boulevard. There will also be a slight change in parking with an increase from 206 to 209 spaces being provided, slightly greater than the required 205 spaces, Mr. Erickson pointed out. In 2008, he recalled, enhancements were made to the existing parking lot lighting; therefore, no lighting changes are required. Distributed with the agenda were copies of a location map, an 11" x 17" version of the land development plan, and the marked-up staff comment letter. The Planning Commission recommends approval with completion of all items noted on staff's marked up comment letter, Mr. Erickson reported.

Bill Spedding, Penn Terra Engineering, presented the plan. In response to Mr. Luck's inquiry about a portion of this site lying within Ferguson Township, Mr. Erickson stated that planning issues are deferred to Patton Township.

Mr. Luck, seconded by Mr. Troxell, moved to approve the plan with completion of all items noted on staff's marked up comment letter. The vote in favor was 5-0.

d. **Conrad & Gail Weiser: Revised Preliminary Subdivision Plan: 12 Lot Subdivision**

Mr. and Mrs. Weiser own 190.01 acres of land straddling Julian Pike atop Bald Eagle Mountain and situated in both Patton and Huston Townships, Mr. Erickson stated. The site is situated within the A-1 Rural District of Patton Township and the Woodland/Conservation District of Huston Township, he said, with the

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

d. **Conrad & Gail Weiser: Revised Preliminary Subdivision Plan: 12 Lot Subdivision (Cont'd)**

original Preliminary Plan approved in June of 2008. The Revised Preliminary Plan proposes a reconfiguration of seven of the 12 previously approved lots to reduce the land area required to be set aside as Open Land under the Rural Preservation Design standards, Mr. Erickson explained, and it is expected that 30.54 acres of land previously included in the Estate Lot will be transferred to an adjacent property owner (see next agenda item). The Revised Preliminary Plan proposes that the Open Land requirement will be met by establishing a 66 acre (in Patton Township) Estate Lot that constitutes 61 percent of the entire acreage (107 acres) remaining in Patton Township, Mr. Erickson said. He noted that the existing "Longhouse Lane" will continue to serve as the access for the estate lot while each of the 11 remaining lots will be served either directly by one of the two proposed cul-de-sac roads or via a private drive originating from the turn-around of one of the cul-de-sacs. As part of the future Final Plan submission, he added, the proposed cul-de-sacs will be offered for dedication to the township. No dwellings will be constructed on slopes of 25 percent or greater, Mr. Erickson continued, but because the site is predominantly characterized by the presence of slopes equaling or exceeding 25 percent, prior to the issuance of a building permit, property owners will be required to sign a Hold Harmless Agreement for driveways exceeding a 15percent slope. Additional right-of-way for the purpose of increasing Julian Pike right-of-way from 33 feet to 50 feet will be offered for dedication, he added. A noteworthy amenity is a proposed walking trail which will run throughout the site and be accessible by each of the 12 lots, Mr. Erickson mentioned. Distributed with the agenda were copies of a location map, an 11" x 17" version of the subdivision plan, and the marked-up staff comment letter. Mr. Erickson reported that the Planning Commission recommends approval with completion of all items noted on staff's marked up comment letter.

Al Stewart, Sweetland Engineering, presented the plan.

Mr. Luck moved for approval with completion of all items noted on staff's marked up comment letter. Mr. Troxell seconded the motion, which passed 5-0.

e. **Conrad & Gail Weiser: Preliminary/Final Subdivision Plan: Land Transfer**

Regarding the same property as the prior item, Mr. and Mrs. Weiser are proposing to transfer 30.54 acres of land to Mr. Paul Silvis, owner of the receiving Parcel #18-001-007C, Mr. Erickson told the Board. Additional right-of-way for the purpose of increasing Julian Pike right-of-way from 33 feet to 50 feet will be offered for dedication, he said. Distributed with the agenda were copies of a location map, an 11" x 17" version of the subdivision plan, and the marked-up staff comment letter. Mr. Erickson reported that the Planning Commission recommends approval with completion of all items noted on staff's marked up comment letter.

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

e. **Conrad & Gail Weiser: Preliminary/Final Subdivision Plan: Land Transfer (Cont'd)**

Mr. Troxell moved for approval with completion of all items noted on staff's marked up comment letter. Mr. Boyer seconded, and the motion passed 5-0.

5. **ADMINISTRATION**

a. **C-NET Annual Report**

Copies of the 2009 CNET Annual Report and Patton Township's programming review were distributed prior to the meeting. C-NET Executive Director Cynthia Hahn provided an overview of the history, programming, and future of Centre County's Government Access Channel, noting in particular the web-streaming of meetings with tracking of "hits" and viewing times, and the launch of cnet1.org. Mr. Luck asked about copyright issues, and Ms. Hahn explained the permission granting process.

6. **CONSENT AGENDA**

The items included below are routine in nature, and it is not anticipated that any will generate discussion or questions, Mr. Erickson stated. Copies of the actual Consent Agenda that included the italicized text below and supporting materials were distributed with the agenda. At the request of a Board member any single item or all items on the Consent Agenda can be discussed and voted on separately, Mr. Erickson stated. If no items are "pulled," he explained, the Board should consider a motion for *"approval of the Consent Agenda items as shown on the agenda."*

a. **PUBLIC WORKS**

1) **Line Painting Contract**

Ferguson Township has solicited and received bids for the cooperative line-painting program. The Township Engineer's recommendation is included on the enclosed memo.

It is recommended that the Board accept the bid price of \$7,942.00 for the Patton Township share of the project and agree to the joint contract with Alpha Space Control of Chambersburg, PA for line painting through Ferguson Township.

6. CONSENT AGENDA (CONT'D)

b. PLANNING & ZONING

1) Temporary Use Permits

i. TNT Fireworks

American Promotional Events, Inc., doing business as TNT Fireworks, requests a Temporary Use Permit to conduct fireworks sales. TNT wishes to sell legal fireworks from a temporary 20'x40' tent set up in the parking lot in front of Wal-Mart store #1640 at 1665 North Atherton Place (C-2 District). If approved, the Centre Pointe Apostolic Church of Julian will sell the fireworks on behalf of TNT from June 25 to July 7, 2010. The fireworks will be only Pennsylvania-legal hand-held sparklers and sparking devices. The agenda packet for this evening includes a location map, a letter requesting a temporary use permit from TNT Fireworks, a site plan for the temporary tent, a flame resistance certificate for the tent, and a letter from Wal-Mart's Corporate Office authorizing TNT's fireworks sales on its premises. Permits for similar sales with the same parties have been provided by Patton Township in past years without any problems. The Planning Commission recommends approval.

ii. Wal-Mart – Tent

The Wal-Mart store (#1640) at 1665 North Atherton Place (C-2 District) is requesting a temporary use permit to sell large bulk merchandise outdoors as university students return to town for the fall semester. Outdoor sales are proposed to be conducted underneath a 30'x40' tent that will be erected and maintained in the large alcove in front of the building (55'x54' in size). Because the tent will be located in the alcove, traffic circulation and parking throughout the site will not be directly affected. This year, and as was the case last year, Wal-Mart proposes to utilize this tent from July 1 until September 30. The agenda packet includes a location map and materials submitted by Wal-Mart. A similar event, with the tent in the same position, has been held at Wal-Mart for several years now with no known problems. The Planning Commission recommends approval.

iii. Wal-Mart – Storage Containers

The Wal-Mart store (#1640) at 1665 North Atherton Place (C-2 District) is requesting a temporary use permit to erect storage containers in the dirt area immediately south of the store's lawn and garden department from July 13 to September 30 of this year. The

6. **CONSENT AGENDA (CONT'D)**

containers would be used to store the bulk merchandise that will be sold in the above-noted tent, and will be surrounded by a mesh fence. The agenda packet includes a location map and materials submitted by Wal-Mart. Wal-Mart has used similar outdoor storage containers in the same location at roughly the same time each of the previous two summers with no known problems. The Planning Commission recommends approval.

iv. **Kish Bank**

Kish Bank is requesting a temporary use permit to erect a tent for their Family Fun Day Celebration at their facility at 2610 Green Tech Drive on Saturday, June 12, 2010. The tent will be located in the front parking lot, facing Home Depot. The tent will be 20' x 60' rented from and erected by Best Event Rentals on Friday, June 11, 2010 and will be taken down following the event on June 12, 2010. The tent will be used for shade and weather protection for visitors. The event is open to the public. Kish Bank conducted a similar event last year. The agenda packet includes a location map, site map and a memo from Mr. Rick Fortney authorizing the event. The Planning Commission recommends approval.

It is recommended that the Board approve the Temporary Use Permits.

Mr. Troxell moved for approval of the Consent Agenda items as shown on the agenda. Mr. Luck seconded the motion, which passed by a vote of 5-0.

Mr. Wise suggested that an amendment to the PA fireworks law be proposed as a PSATS resolution.

7. **MANAGER'S REPORT**

Copies of the Development Update were distributed with the agenda. The Manager had nothing else to report.

8. **COMMITTEE REPORTS**

Transportation and Land Use Committee

Mr. Luck reported that the MPO continues to review Long Range Transportation Plan projects, with bike paths surfacing as the main priority.

Finance Committee

Mr. Wise stated that the Committee talked about the CATA Budget, the COG Program Plan, and the Finance Officer recruiting process.

8. COMMITTEE REPORTS (CONT'D)

Public Services and Environmental Committee

Mr. Boyer reported that the Committee received a presentation by the State College Borough on their program for composting food waste.

Public Safety Committee

Mr. Boyer stated that the Committee is reviewing the Centre County Hazard Mitigation Plan, the fee schedule for well and borehole inspections, and the Code evaluation study.

9. OTHER BUSINESS

No other business was brought before the Board.

10. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Troxell's second, the meeting was adjourned at 7:52 PM.

Kimberly Fragola, Township Secretary