

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
 Kimberly Fragola, Township Secretary
 Joe Price, CRPA Senior Planner
 Betsy Dupuis, Solicitor

ABSENT Kim Wyatt, Finance Director

AUDIENCE 4 CNET Volunteers
 1 Television Reporter
 Lauren Boyer – Centre Daily Times Reporter
 Sharon Bressler – Patton Township Planning Commission
 Jodi Corby – McDonald’s
 Mark Torretti – Penn Terra Engineering
 Dan Hawbaker – Glenn O. Hawbaker Inc.
 Craig Kissell – Kissell Motor Sports
 Peter Hulburt – Shaner Hotels
 Mark Mox – McIlvried, DiDano & Mox, LLC
 Residents: Scott Miller, Nancy Ring, Keator Roth, Jim Roth,
 Fred Haller, Fred Haller II, John Kelly, Mike Damiano,
 Melissa Hicks

1. CALL TO ORDER

The September 22, 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 7:01 PM by Chair Elliot Abrams.

2. APPROVAL OF MINUTES

The minutes of the September 8, 2010 meeting were approved 5-0 on a motion by Mr. Boyer, seconded by Mr. Troxell.

3. PUBLIC COMMENTS

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

4. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD – PARCELS 18-13-63A & -63D

In May of 2010, the Patton Township Board of Supervisors received a request from Hawbaker Office Center Partnership, LP to rezone two parcels with frontage along Waddle Road and Weaver Street in the Woodycrest neighborhood from Medium Density Residential (R-3) to Office Buffer District (OBD), Mr. Erickson recalled, and the subject parcels are ID #18-13-63A and -63D addressed as 1938 Waddle Road. In July of 2010, the Planning Commission voted 3 to 2 in favor of the proposed rezoning, he continued, and at the July Board meeting the Planning Commission recommendation was received and the Board heard testimony from residents of Woodycrest in opposition to the rezoning. A motion to move the rezoning to a Public Hearing failed on a 2 to 2 vote (one member being absent), he reviewed, and the Board then directed staff to explore an option of permitting parking on an R-3 property adjacent to OBD and to place the issue on the August agenda for further consideration. In August the Planning Commission reviewed this alternative (allowing stand-alone parking lots on an R-3 property adjacent to a non-residential district) to the proposed rezoning and in lieu of taking action on the proposed alternative, the Planning Commission, on a 4 to 1 vote, recommended moving forward with the original rezoning proposal, Mr. Erickson stated. At the August Board meeting the latest Planning Commission recommendation was received and the Board again heard testimony from residents of Woodycrest in opposition to and in support of the rezoning, he said. A motion to move the rezoning to a Public Hearing on September 22, 2010 passed on a 5-0 vote, he concluded. Distributed with the agenda packet were copies of a location map for 1938 Waddle Road, the advertised Ordinance for rezoning, comments received from the Centre Regional Planning Commission, and comments received from the Centre County Planning Office.

a. Public Hearing

The Public Hearing for the proposed rezoning has been advertised for this meeting. The Public Hearing convened at 7:06 PM.

Dan Hawbaker, Glenn O. Hawbaker Inc., presented the rezoning request and a map of the area.

Township resident Nancy Ring, representing Dorothy Flood, spoke in favor of the rezoning. Ms. Ring added that, speaking for herself as a realtor, she thinks it would be in the best interest of the neighborhood to approve the rezoning.

Township resident Scott Miller stated his disagreement with rezoning to OBD for the existing GOH building and said that expanding the OBD zoning would just compound the original mistake. He cited several reasons behind his conclusion, added that additional traffic access should not be added to Waddle Road, and noted that once zoned OBD several uses other than a parking lot will be permitted.

**4. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD –
PARCELS 18-13-63A & -63D (CONT'D)**

a. Public Hearing (Cont'd)

Township resident Melissa Hicks stated that the requested rezoning is not in the interest of health and well-being for the area residents, pointed out failed rezoning attempts in the past, and challenged that this would be spot zoning. Solicitor Betsy Dupuis explained that spot zoning is when a zone type is completely surrounded by a single other zone type; in this case there are several different zone types surrounding the lot.

Peter Hulburt, Shaner Hotels, spoke in favor of the rezoning and stated that it will be an economic benefit to the area.

Township resident Fred Haller II told the Board that the area is becoming increasing rental buildings versus single family homes, and he said that he prefers commercial buildings to rental residents.

Township resident Fred Haller noted that Weaver Street differs from the rest of Woodycrest specifically because there are so many rental units on that street, which leads to increased traffic and decreased health and safety.

Township resident Mike Damiano stated that regardless of owning or renting, single family or multi-unit, the area should remain residential.

Mr. Miller pointed out that commercial development is encroaching from all four sides of the Woodycrest neighborhood and stated his concern regarding what the area will look like in ten more years.

Ms. Hicks asked the Board to reconsider the R-3 regulations to make them more attractive for future development plans. She also asked about the property being posted and the area residents being notified. Mr. Erickson confirmed that the property was posted, and notices were sent to residents at the beginning of the rezoning request process.

Mr. Hawbaker reviewed that when the property for the existing GOH building was rezoned, several neighborhood meetings were held at which offices were preferred to residential development.

Mr. Haller stated that the notion of affordable housing along Waddle Road is simply not possible any longer because the property values along that stretch are too high.

There being no further public comments, Mr. Luck moved to close the Public Hearing. Mr. Boyer seconded the motion, which passed by a vote of 5-0. The Public Hearing was closed at 8:12 PM.

4. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD – PARCELS 18-13-63A & -63D (CONT'D)

b. Action Consideration

Mr. Wise asked how much more development would be allowed on the GOH building property by rezoning this .6 acres. Mr. Erickson responded that consolidating the parcels would be necessary, after which the existing building could expand by approximately one-fifth. Mr. Wise stated that rezoning this one small parcel will have no long-term effect on the neighborhood either way, and he thinks that rezoning is the best use of this particular land.

Mr. Boyer noted the traffic issues on Waddle Road, pointed out that expansion of the GOH operations could lead to jobs the Woodycrest residents can walk to, and said that the entire strip along Waddle Road to Strouse Avenue should be rezoned.

Mr. Luck pointed out that the residents closest to and most affected by the proposed rezoning are in favor.

Mr. Abrams stated his belief that this particular rezoning will not lead to any further rezoning requests.

Mr. Troxell reviewed the charge that the Board consider each individual rezoning request fairly.

Mr. Troxell moved to approve Ordinance No. 2010-525 as advertised to rezone 1938 Waddle Road, Parcels 18-13-63A & -63D. Seconded by Mr. Luck, the vote in favor was 5-0.

5. PUBLIC SAFETY

a. Police Update

Copies of the August 2010 Public Safety Report were distributed with the agenda. Chief Petrick noted the Safety Fair and Camp Cadet, as well as recent training activities. Mr. Wise asked about a spike in serious crimes, and Chief Petrick answered that there was a streak of thefts from unlocked vehicles.

6. PUBLIC WORKS

a. Proposed Amendment to Chapter 140, Signs: Menu Boards

McDonald's Corporation has submitted a request for consideration toward amending the Township's sign regulations to allow the installation of a second menu board and to increase the maximum size from 40 square feet to 45 square feet, Mr. Erickson reminded the Board. Copies of the request letter were distributed with the agenda. The Board of Supervisors received the request in

6. PUBLIC WORKS (CONT'D)

a. Proposed Amendment to Chapter 140, Signs: Menu Boards (Cont'd)

July, referred the request to the Planning Commission (PC) for a recommendation, and directed staff to invite the members of the Sign Review Board to attend the PC meeting and comment on the request, Mr. Erickson recalled. The PC reviewed the request at their August meeting and recommended adopting the amendments to §140-10.B of the sign code as written, he said. The Board received the recommendation of the Planning Commission at their August meeting, he went on, and upon review, the Board revised the proposed regulations to delete the limit of two menu boards per lot and maintain the limit of only one menu board per drive-thru lane. Mr. Erickson noted that the proposed Ordinance does not amend the Zoning or Subdivision/Land Development regulations, and thus, no Public Hearing is required. Distributed with the agenda were copies of the proposed ordinance.

Mr. Wise moved to enact Ordinance No. 2010-526 amending Chapter 140 (Signs). Mr. Luck seconded, and the motion passed 5-0.

7. PLANNING AND ZONING

a. Planning Commission Report

Planning Commission member Sharon Bressler reviewed the Commission's discussion relative to items under consideration at this meeting. She added that the Commission received a presentation on the Halfmoon/Patton Area Plan traffic analysis.

b. Preliminary/Final Land Development Plan: McDonald's

McDonald's Corporation has submitted a land development plan for approval of proposed improvements to its site and facility located at 1615 N. Atherton Street, Mr. Erickson reported. He pointed out that the proposal includes modifications to the existing parking lot to convert the existing single lane drive-thru to a dual ordering configuration (two ordering lanes), relocation and construction of a new trash enclosure, a 16.5 square foot building addition for a new cashier's booth, front exterior building modifications as well as minor landscaping, and accessibility modifications. There will also be interior renovations, including new seating and décor, Mr. Erickson added, and the proposed conditions will result in a 0.1 percent decrease in impervious area from the existing conditions. There will be a loss of seven parking spaces resulting in a remaining parking space count of 54, which still exceeds the requirement of 38 spaces, he noted. Mr. Erickson also reported that the Planning Commission recommended approval with completion of remaining items as noted on staff's marked up comment letter. Distributed with the agenda were copies of a location map, an 11" x 17" version of the land development plan, and a copy of the staff comment letter.

7. **PLANNING AND ZONING (CONT'D)**

b. **Preliminary/Final Land Development Plan: McDonald's (Cont'd)**

Mr. Luck moved for approval with completion of minor/technical items. Seconded by Mr. Boyer, the motion passed 5-0.

c. **Preliminary/Final Land Development Plan: Kissell Motor Sports**

Kissell Motor Sports, Inc. has submitted a land development plan for Tax Parcel ID 18-09-219, which is Lot 15A situated at the corner of Hawbaker Industrial Drive and North Atherton Street at the former site of G.W. Auto Body, Mr. Erickson told the Board. The parcel is approximately 1.1 acres in size with an existing building of about 8,000 square feet in size, he said. In July the Patton Township Zoning Hearing Board ruled that the proposed on-site assembly of motorcycle products and retail sales of motorcycle products is a permitted use within the I-1 Industrial district, Mr. Erickson noted. The site is also located in the I-99 Interchange Overlay district, he pointed out, and all uses within the I-1 district are conditional uses subject to approval by the Board of Supervisors.

The proposed improvements include the addition of accessibility related modifications, a new sidewalk extending from Hawbaker Industrial Drive to the internal access areas of the site, enhancement of landscaping, a dumpster and recycling station, and the addition of glazing along the eastern wall of the structure, Mr. Erickson outlined. The site will remain well within the limits for maximum building height, building coverage, and impervious coverage, he added.

The parking requirement for the site is 29 spaces based on a calculation of three spaces per 1,000 square feet of industrial use and one space per 250 square feet of retail use, Mr. Erickson explained. The developer is proposing 26 spaces for parking and has submitted a waiver request to reduce the required parking spaces for the industrial use by three spaces, he said. The retail use parking requirement is contained within the zoning ordinance and cannot simply be waived, he noted. However, Mr. Erickson continued, the industrial use parking requirement is located within the subdivision and land development ordinance (Chapter 153, Section 153-38); therefore, it can be waived. Based on the information provided, he reported, staff supports this request.

The Planning Commission recommends approval with completion of remaining items as noted on staff's marked up comment letter and granting the requested waiver reducing the industrial parking requirement by three spaces, Mr. Erickson told the Board. Distributed with the agenda were copies of a location map, an 11" x 17" version of the land development plan, a copy of the waiver request letter, and a copy of the staff comment letter.

In response to Mr. Luck's inquiry as to noise, Craig Kissell, Kissell Motor Sports, stated that the business sells European bikes with a different clientele.

7. **PLANNING AND ZONING (CONT'D)**

c. **Preliminary/Final Land Development Plan: Kissell Motor Sports (Cont'd)**

Mr. Wise, seconded by Mr. Troxell, moved for approval with completion of minor/technical items and granting the waiver for reducing the industrial parking requirement by three spaces. The motion passed by a vote of 5-0.

d. **Subdivision Plan: Gray's Woods Boulevard / Deerbrook Drive Extension**

In accordance with the conditions of the recently approved revision to the Gray's Woods Planned Community Master Plan, Mr. Erickson informed the Board, the Gray's Woods Partnership is proposing to extend Gray's Woods Boulevard and Deerbrook Drive to a point of temporary connection within the Gray's Woods main tract. The subdivision plan includes the proposed right-of-way dedication for the entire proposed interconnection alignment route and also addresses the construction of the Gray's Woods Boulevard/Deerbrook Drive components of that alignment route, he said. The Planning Commission recommended approval with completion of remaining items as noted on staff's marked up comment letter. Copies of a location map, an 11" x 17" version of the subdivision plan, and the staff comment letter were distributed with the agenda.

Dan Hawbaker, Gray's Woods Partners, presented the plan. Discussion was held regarding guarantee that the road will be completed.

Mr. Boyer moved for approval with completion of minor/technical items. Seconded by Mr. Troxell, the motion passed 5-0.

e. **Sketch Plan: A Continual Care Community – Meeks Lane and Gray's Woods Boulevard**

Mr. Erickson reported that the developer has requested that this item be withdrawn from consideration at this time.

f. **Sketch Plan: Pediatric Dental Care PC, Inc. – Ghaner Road and Gray's Woods Boulevard**

Pediatric Dental Care PC, Inc has provided a sketch plan to construct a 26,500 square foot medical office on the lands of Tax Parcel ID 18-03-48C located at the intersection of Ghaner Road and Gray's Woods Boulevard, which is currently zoned OBD (Office Buffer District), Mr. Erickson stated. The property is currently comprised of three separate parcels that will be consolidated to form one 3.174 acre parcel, he continued. The first floor of the facility will consist of 13,777 square feet for offices for Pediatric Dental Care and Happy Valley Orthodontics, while the 11,823 square foot second floor will be leased space for other medical office uses, Mr. Erickson explained. Access to the site is proposed off of Ghaner Road, beyond PADOT's limited access right-of-way, he said.

7. PLANNING AND ZONING (CONT'D)

f. Sketch Plan: Pediatric Dental Care PC, Inc. – Ghaner Road and Gray's Woods Boulevard (Cont'd)

Mr. Erickson noted that no official action may be taken on a sketch plan; the opportunity to present sketch plans 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 consider the comments provided and incorporate them, as appropriate, into a final submission of a land development plan. Distributed with the agenda were copies of a location map, a letter from Penn Terra Engineering with a sketch plan narrative, and the sketch plan.

Mark Torretti, Penn Terra Engineering, presented the plan.

The Board had no comments for consideration.

g. Regional Parks Update

Mr. Luck updated the Board on the latest Regional Parks discussions. He noted that compromises keep occurring with the expectation of soon closing the discussion, which then does not happen. Board discussion followed that concluded with insisting that the parks be built with only the \$7.5 million borrowing, plus the amount in the account. Board consensus was also for Mr. Luck to request of Dan Klees that the question be called at the next meeting, as well as for requesting a financing plan and project timeline.

8. 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. ADMINISTRATION

1) *MMO for Pension Plans*

Act 205 requires that the Board receive an initial certification of the municipality's minimum [financial] obligation (MMO) to its employee pension plans no later than September 30, 2010 for the 2011 budget year. A copy of the Finance Director's report on the contribution calculations is enclosed.

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

No Board action is required.

2) *Bicycle and Pedestrian Path Plan Report*

Planner Price has compiled a report summarizing the process by which the Township identified and analyzed bicycle/pedestrian routes for potential construction. This process resulted in the recent actions the Board took to designate priority routes and authorize the submission of a grant application to PADOT. A copy of the report is enclosed.

The Planning Commission recommended that the report be adopted as the Patton Township Bicycle and Pedestrian Path Plan.

It is recommended that the Board adopt the Plan.

Regarding the Bicycle and Pedestrian Path Plan, Mr. Luck requested that a connector path be included from Valley Vista Drive to the Douglas Drive cul-de-sac.

Mr. Wise moved for approval of the Consent Agenda items as shown on the agenda, with the amendment to the Bicycle and Pedestrian Path Plan as requested by Mr. Luck. Mr. Troxell seconded the motion, which passed by a vote of 5-0.

9. **MANAGER'S REPORT**

Copies of the Development Update were distributed with the agenda. Mr. Erickson noted areas to be paved soon, as well as announcing a public meeting regarding the Centre Region Economic Development Assessment.

Mr. Erickson informed the Board of parking issues along Fox Hollow Road during Penn State home football games and suggested that signs prohibiting parking be posted during those Saturdays. Mr. Luck, seconded by Mr. Troxell, moved to enact temporary traffic regulations prohibiting parking on Penn State home football Saturdays on all of Fox Hollow Road and the section of Toftrees Avenue with bicycle lanes. The vote in favor was 5-0.

10. **COMMITTEE REPORTS**

Patton/Halfmoon Area Plan Steering Committee

Mr. Boyer reported that the Committee is working on a traffic study.

Transportation and Land Use Committee

Mr. Luck stated that the Committee reviewed the North Atherton Street traffic signal coordination project. He added that the Committee considered a request for reactivation of rail lines.

10. COMMITTEE REPORTS (CONT'D)

Finance Committee

Mr. Wise announced that the Committee is beginning to hold budget sessions.

11. EXECUTIVE SESSION

An Executive Session was not held.

12. OTHER BUSINESS

No other business was brought before the Board.

13. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Troxell's second, the meeting was adjourned at 9:44 PM.

Douglas J. Erickson, Assistant Township Secretary