

**Meeting Minutes
State College Borough
Planning Commission
March 14, 2018**

The State College Borough Planning Commission (PC) met on Wednesday, March 14, 2018, in the Municipal Building, 243 South Allen Street, State College, PA. Chairman Boniface called the meeting to order at 12:00 p.m.

Members Present

Zoe Boniface, Chairman; Charles Dumas, Scott Dutt, Jon Eich; Anita Genger, Richard Kalin, and Michael Roeckel

Others Present

Ed LeClear, Planning Director; Anne Messner, Planner/Zoning Officer; Jenna Wargo, Planner; John Wilson, Zoning Officer; Judy Altieri, Office Manager, and other interested parties

Approval of Minutes

Several members of the Commission suggested amendments to the February 22, 2018 meeting minutes as follows:

- Mr. Kalin noted that in the discussion regarding the lot line adjustment, Ms. Messner noted that the property owner would not be able to do anything different than what was allowed by today's ordinance.
- Mr. Eich noted that during the discussion regarding the SCASD project, he asked if a review of the demolition project had been completed and it was acknowledged that it was.
- Ms. Boniface suggested exchanging were (for was) during the Foxdale discussion.
- Mr. Kalin noted that during the Foxdale discussion, he suggested the reference to the "future building" be removed from the plan.

Mr. Eich motioned to approve the amended minutes as discussed; Mr. Roeckel seconded the motion. The amended minutes were unanimously approved.

Chair Report

No report given at the meeting.

Public Hour - Hearing of Citizens

No public comment was received at the meeting.

Land Development Plan

Minor lot line adjustment for 326 and 334 Hillcrest Avenue, R-2 Zoning District, Elizabeth Ackell, Owner

A minor lot line adjustment was submitted by the property owner who owns both lots and was proposed to accommodate more yard space at 326 Hillcrest Avenue. Ms. Messner noted the plan met the current ordinance requirements and with PC approval, the item would be presented to Borough.

Ryan Nagel, Summit Land Surveying, noted the lot line would shift 2.4 feet to the southwest. He noted previous staff comments were taken into consideration and a signature block was added to the plan.

Mr. Kalin motioned to approve the lot line adjustment for 326 and 334 Hillcrest Avenue. Mr. Dumas seconded the motion, which was unanimously approved.

Work Program

State of Planning Report

Mr. LeClear stated Ms. Boniface would present the State of Planning Report to Borough Council at their April 9 meeting.

Mr. Dutt confirmed the images in the document had been revised and updated as previously discussed.

Community Planning

Request for Holly Alley Vacation

Ms. Messner noted Borough Council received a request to vacate Holly Alley between Fraternity Row and Clover Alley; she noted the alley was created when the parcels were created (1800s) for the neighboring fraternities. The alley was never opened, ordained or maintained by the Borough and since the alley was not opened or ordained for a period of 21 years (or more), the Borough no longer had the power to construct a street in the unopened right-of-way without exercising eminent domain. She noted that today (and for quite some time), the alley was utilized for parking. She also noted the existence of sanitary and storm sewer located within the unopened right-of-way. She added the Borough planned to work with the adjacent property owners to obtain an easement agreement for Borough maintenance of those utilities. She added the Borough had no interest in the opening of the alley.

Mr. Roeckel noted he had received remarks from Mark Huncik prior to the meeting in which he indicated he had some ideas why the alley should not be vacated and asked for the item to be tabled.

Mr. LeClear indicated staff was waiting for comments from the Solicitor and indicated the item could be postponed until that review had been completed.

The PC reviewed the aerial shots noting the alley was being used for parking. Mr. Kalin wondered why they did not have to comply with current parking regulations, i.e., pavement, striped lanes, etc.

Ms. Messner noted the photos suggested the current type of parking had been going on for quite some time (aerial photos from 1957 showed parking usage). She noted review of the possible issue was brought to the Borough's attention, adding the cars driving over the storm drains, etc., were causing some damage and the cost of those repairs would be the responsibility of the property owner. Borough staff was working with the fraternity owners to resolve the issue and get parking returned to a normal configuration. She continued, noting the parking had been going on for quite some time, and due to that detail, the Borough could not legally force the property owners to create a paved parking area. She added staff would work to return the parking to its original configuration and condition, but it would not require a full redesign. She added fraternities were allowed to park in tandem. Lastly, she noted due to the length of time the area was used for parking, the Borough could not require the return to lawn either.

Mr. LeClear noted the Zoning Hearing Board recently reviewed another non-conformity before ordinance issue; the Solicitor indicated the Borough did not have a right to enforce compliance after the fact.

Mr. Dutt wondered if the Borough had any additional rights if the properties were sold. Ms. Messner noted the alley vacation would essentially divide the alley in half and each property owner would take ownership; she noted it was likely they would eventually pursue lot consolidation.

Mr. Eich asked if the increase in lot size would enable either property owner to add more buildings/structures. Ms. Messner noted the increase in lot size was very little and did not increase the lot size foot print enough to encourage add-on space, because an increase in structure would also increase the open space requirements.

Mr. Dumas wondered if the property owners were obligated to compensate the Borough for the land. Mr. LeClear noted the Borough would not be compensated.

Ms. Messner briefly discussed the original configuration for parking for each of the properties, reminding the PC that tandem parking was allowed by ordinance at fraternities.

Mr. Dumas asked that the Solicitor review the issues that might evolve if the Borough did not vacate the alley. Mr. LeClear noted he would be sure the Solicitor reviewed that issue.

Mr. LeClear reminded the PC the Borough lost rights to the property after 21 years and the only way the Borough could take the property back was by establishing eminent domain.

Ms. Messner noted the alley only exists on paper and the Borough had not regularly maintained the space. Since the Borough essentially lost the property rights years ago, the action was to merely correct the Borough records.

Ms. Genger wondered if the Borough could establish eminent domain by developing a bike path through the area. Ms. Messner stated that scenario would be difficult to present, and there was clearly no way to connect a bike path through the alley with existing bike paths in the area. Mr. LeClear stated staff was not recommending an eminent domain action. He noted action could become quite costly for the Borough and it would have to be discussed with Council.

Ms. Boniface suggested the PC table the agenda item and provide recommendation after review of the Solicitor's comments.

Mr. LeClear noted the item could be tabled. He indicated Centre County was also reviewing the issue for the Borough.

Official Reports and Correspondence

Borough Council (BC)

Mr. LeClear stated several planning related documents, in addition to the State of Planning Report, would be presented to Council at their April 9 meeting, including the Real Estate Advisory Committee's report, the quarterly update from the Neighborhood Sustainability Plan, and an update on the downtown develop projects, which included the launch of a new website to track the stages (from beginning to occupancy) of downtown development projects.

Land Development Plans

Ms. Messner indicated the Borough had not received any new land development plans.

Staff Updates

Mr. LeClear noted the upcoming (March 30) deadline for the Historical & Architectural Review Board (HARB) applications. Council would review the applicants and he hoped appointments would be made by April 16. He also noted an upcoming (May 9-10) training session would be scheduled with Council to review the design guidelines. He added a public forum would also be scheduled.

Ms. Messner reminded PC that HARB membership may create vacancies on the Design and Historic Review Board (DHRB). She also indicated the DHRB would revert to the Design Review Board sometime mid-year.

The PC briefly discussed the Borough residency requirement for the current Authorities, Boards, and Commissions (ABC), noting the requirement greatly reduced the pool of applicants. Mr. LeClear noted the HARB ordinance required three professionals, but

Borough residency was not a requirement. He noted Council would need to make a change for the local residency requirement for any of the other ABC's.

Mr. LeClear noted staff had received a portion of the draft zoning rewrite from the vendor, but realized the entire document needed to be thoroughly reviewed. He indicated he had recently met with the Zoning Rewrite Advisory Committee Chair, and their next meeting would be scheduled sometime in April.

Mr. Kalin asked about zoning changes for the University Planned District (UPD). Mr. LeClear noted the UPD would be done later and it would not be included in the current zoning rewrite project. He indicated the project would require the involvement of several campus stakeholders.

Mr. Dumas wondered about Borough involvement in the proposed Nestle bottling plant. He asked Mr. Eich if the Centre Region Planning Commission (CRPC) was concerned about water distribution, etc.

Mr. Eich noted the proposed plant would be in Spring Township and would utilize their water resources. He indicated their second location option was near the University Airport and if they decided upon that location, the Borough might become involved because of the potential to tap into the State College Borough Water Authority (SCBWA) well fields. He indicated the CRPC was not involved. He also noted several details of a previous SCBWA study, that indicated there was room for growth in usage in the well fields. Lastly, he reminded the PC there were several hydrogeologists in the area that were more educated and able to answer those types of questions.

Mr. LeClear noted the project was not in the Borough and there was no indication the Borough would become involved. He suggested Mr. Dumas get involved at a personal level.

Upcoming Meetings

Thursday, March 22, 2018 at 7 p.m.

Wednesday, April 4, 2018 at 12 p.m.

Adjournment

With no further business to discuss, the meeting was adjourned at 12:45 p.m. from a motion made by Mr. Roeckel.

Respectfully submitted,

Judy Altieri
Office Manager