

Meeting Minutes
State College Borough
Planning Commission
April 4, 2018

The State College Borough's Planning Commission (PC) met on Wednesday, April 4, 2018, in the Municipal Building, 243 South Allen Street, State College, PA. Chairman Boniface called the meeting to order at 12:01 p.m.

Members Present

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

Others Present

Anne Messner, Planner/Zoning Officer; Jenna Wargo, Planner; John Wilson, Zoning Officer; Amy Kerner, Borough Engineer; Judy Altieri, Office Manager; and other interested parties and students

Approval of Minutes

Mr. Dutt motioned to approve the March 22, 2018 meeting minutes. Ms. Genger seconded the motion, which was unanimously approved.

Chair Report – No report given at this meeting.

Public Hour - Hearing of Citizens

Susan Venegoni, 323 W. Fairmount Avenue and Vice President of the Highland Civic Association, requested current bed counts associated with the new development projects. She noted concern about parking levels. Ms. Messner indicated zoning looked at the number of bedrooms, not people, and she did not have that information available. She indicated the Centre Region Code Administration offices would determine headcounts during the occupancy certification process. Mr. Eich noted he had recently put some of that information together and he presented those preliminary numbers to Ms. Venegoni and the PC.

Ms. Venegoni then asked about possible plans for additional hotel space in any of the new developments. Ms. Messner noted no plans had been submitted.

Community Planning

Petition to Vacate a Portion of E Alley Between Hill Alley and Prospect Avenue

Ms. Messner noted Borough Council (BC) had referred a signed petition for the vacation of a portion of E Alley to the PC for review and recommendation. She noted staff's review determined the Borough had no interest in the opening of the alley.

Ms. Kerner noted there were three property owners involved, all of which had submitted signed petitions. She indicated the Borough would seek an easement agreement after the vacation to maintain the stormwater sewer located in the alley.

Several PC members asked questions regarding existing parking restrictions and the possibility of parking expansion once the alley was vacated.

Ms. Kerner stated the property owners would be required to submit a plan for parking and they would also need to provide access to the stormwater inlet. She indicated she envisioned some grading before the

area could efficiently be used for parking and there was a potential to gain five additional parking spaces. She also noted it was the Fraser Street property owner who had inquired about the possible parking expansion.

Ms. Messner noted parking would be reviewed by the Zoning Department and a parking design would not be considered until the easement agreement had been put into place. There were no requirements to provide landscape screening for a duplex.

Ms. Kerner noted there were stormwater requirements to consider when paving and the Borough's requirements were consistent with the other State College townships. She noted the Borough's ordinance was designed to not create a hardship, but revision was forthcoming with the MS4 permit process in 2022. She indicated stormwater thresholds would be tightened.

Mr. Kalin asked if the property owners had submitted plans for the acquisition of space. He wondered if the additional yard space would allow them to add more parking area. Ms. Messner noted expansion was limited in the R2 district and it would fall within the 12% rule (parking area could be no more than 12% of the lot size).

David Stone, 539 E. Foster Avenue, asked if there would be a public hearing on the matter. Ms. Messner explained BC would conduct a public hearing and the PC would not review the matter again. She also indicated the property owners were not required to speak, but they would be given the opportunity.

Mr. Stone stated the public hearing should be a matter of policy regardless of how an alley vacation process started. He also stated property owners should be required to disclose their plans for the acquisition of the space. He noted his concerns were focused on parking and stormwater runoff.

Ms. Venegoni stated the property was within walking distance of her home and thought the property owners had previously submitted a plan to expand the structure. She wondered if that plan could increase occupancy (and parking).

Ms. Messner noted the owners had submitted a non-conformity expansion request about three years ago that was reviewed by the Zoning Hearing Board (ZHB). The ZHB subsequently granted the variance. She noted the variance would not expire, but they had not yet gone forward with construction.

Mark Huncik, 505 E. McCormick Avenue and President of the Highlands Civic Association, noted he had been paying closer attention to parking in the Borough and the vacation raised some questions related to that issue. He indicated he would hold his comments on the matter until the public hearing.

Mr. Kalin suggested the Borough's efforts to sustain owner-occupied homes in the neighborhoods (a \$5,000,000 project), might be counterproductive if the alley vacations lead to increased occupancy and more parking issues.

Ms. Boniface confirmed the Borough was not required to hold a public hearing in this case, but had chosen to use that mechanism.

Ms. Messner indicated there were numerous alleys in the Borough in this situation. She noted the alleys only exist on paper and the Borough has no real interest in them. She noted the Solicitor's presentation demonstrated there were multiple timelines when a municipality could formalize an alley to allow for continued public accessibility. She noted this was another case where the Borough did not ordain the alley and the property owners have petitioned the Borough for vacation. She noted the owners were following the proper procedures.

Ms. Boniface asked the PC members for their recommendation.

Mr. Kalin motioned to recommend to BC the Borough does not vacate the portion of E Alley (as presented); Ms. Genger seconded the motion.

The motion passed in a 5-2 vote, with Ms. Boniface and Mr. Eich opposing.

Request for Holly Alley Vacation between Fraternity Row and Clover Alley

Ms. Messner reminded the PC they had received the referral for the Holly Alley vacation from Council on March 14, 2018. The PC had also received a presentation (as noted earlier) from Terry Williams, the Borough Solicitor, at their meeting on March 22. She reminded the PC the alley had been utilized for parking for quite some time. She also noted the existence of a sanitary and stormwater sewer located within the alley. After vacation, Borough staff would work with the property owners to obtain an easement agreement for the maintenance of those utilities. Lastly, she noted the Borough had no interest in the opening of the alley.

Ms. Boniface stated the Borough was requesting the vacation and encourage everyone to review the Solicitor's presentation on vacations. She preceded to summarize her conclusions from the questions Mr. Williams highlighted during the presentation.

- Was the alley ordained – No
- Was there access to a paved street – Yes
- Had the Borough claimed the alley at any point in time – No
- Was the Borough using eminent domain to gain access – No
- Was there any history of the alley being used as a public street – No
- Was there any adverse action (additional structures, etc.) taken by the property owners – No
- What does the deed description indicate – Unknown
- What facts were discovered as part of the planning review – The review determined the alley was never dedicated/ordained.
- The Borough was not obligated to schedule a public hearing for this instance, but a hearing would be scheduled so all comments could be heard.
- Will an easement agreement be needed – Yes

She also noted several general issues were being discussed as part of the ongoing matters – traffic and parking volumes, as well as pedestrian safety. She indicated the factual record would be very important for this case.

Several PC members asked questions specific to parking.

Ms. Messner noted the property owners could maintain one row of perpendicular parking to the side yard and she was uncertain of the number of vehicles that could be placed. She indicated tandem parking was allowed at fraternities and a parking plan had not yet been submitted. She also noted a new design would require a landscaping buffer.

Mr. Roeckel asked if it was possible to enforce the new parking requirements once the Borough vacated the property. Ms. Messner indicated there was no reason to believe there would be a problem, but if an issue presented itself, the Borough could issue a zoning violation.

Mr. Eich noted access to Fraternity Row was not accessible from Holly Alley and wondered about Borough access. Ms. Kerner indicated a new curb cut would have to be established.

Mr. Kalin wondered what would happen if the property owners refused to sign the easement agreement for the utility maintenance. Ms. Kerner indicated the property owners would become responsible for maintenance of the utility.

Mr. Eich wondered how the property line would be established. Ms. Messner indicated that had not yet been determined.

Mr. Stone said he was unclear as to why the Borough took it upon themselves to initiate the vacation. He also suggested the ordinance be changed to allow the PC to review alley vacation requests after the factual record was created. He noted the Solicitor's presentation indicated the factual record was not created until after the public hearing. He said more information was needed before decisions could be made.

Ms. Boniface asked if BC would still hold a public hearing if the PC recommended no vacation for Holly Alley. Ms. Messner indicated Council could still consider the matter.

Mr. Dumas suggested a public hearing was not necessary because the Borough was initiating the vacation. Ms. Messner indicated BC would likely have a public hearing on the matter.

Several members of the PC debated the best way vehicles should be parked in the alley.

Mr. Dutt noted any parking redesign would be dependent upon where the new property lines were drawn. Ms. Genger suggested the property owners submit a shared driveway agreement for review.

Mr. Kalin stated if the neighborhoods wanted less cars on the street, they must allow for more parking on properties.

Mr. Eich suggested the Borough update the ordinance to indicate which alleys had already been vacated.

Ms. Venegoni stated there had not been any objections to the way the vehicles had parked in the alley for years. She also indicated she had personally walked and driven through the alley many times. She also suggested the ordinances be updated because there were several alleys that were not even mentioned. She noted the parking regulations were not being enforced and the Borough needed to get a handle on parking in the neighborhoods.

Ms. Boniface reminded the audience the Borough never ordained the alley; therefore, they had lost rights (and the right for enforcement) for the property. Mr. Kalin noted he had not picked up on the nuance of the lost right for enforcement. Ms. Boniface asked Ms. Messner to get clarification on that point.

Several PC members noted if the vacation request went to court, it would be heavily dependent on the factual record.

Mr. Huncik noted Community Development Block Grant funds were used in 2000 for the stormwater management project in Holly Alley. He said the Borough should require the easement and consider maintaining a public right-of-way (ROW) in this case since federal funds were previously used.

Mr. Stone suggested that mandatory versus voluntary public hearings on these matters could become a legal problem down the road.

Mr. Eich suggested a public ROW (for pedestrians and bicycles) could be created if the Borough also incorporated Clover Alley.

Eric Boeldt, 400 S. Gill Street, stated the alley and public ROW did not have to be open for vehicle traffic. He suggested a foot path and trees could make a nice pedestrian path.

Ms. Boniface took a few minutes to go back through the talking points she brought to the meeting from the Solicitor's presentation. She noted the following:

- There was no history or evidence of the alley ever being used as a public street. She did, however, indicate this was an area of confusion for the PC members.
- She asked about possible adverse possession. Mr. Kalin suggested the property owners had been blocking the alley for 21 plus years. Mr. Roeckel noted the Borough had done work on the utilities in 2000.

- Ms. Boniface asked if the deed description mattered in this case. Mr. Eich suggested the information should be looked at to determine the exact location of Holly Alley.
- Ms. Boniface asked if the alley was currently open. Mr. Dutt noted a vehicle would have to drive off the curb at Fraternity Row.

Ms. Boniface asked the PC if they were ready to make a recommendation on the matter.

Mr. Eich motioned regardless of a yes or no vote on the vacation, that BC consider the issues being raised by the PC. He suggested there might be enough public use in the alley to start a process of eminent domain.

Ms. Boniface asked Ms. Messner if that was an acceptable response to the matter. Ms. Messner noted it was.

Ms. Genger then seconded the motion made by Mr. Eich.

Mr. Kalin amended the motion to ask BC to consider a policy on whether more or less parking should be approved for these types of properties. Mr. Eich seconded the amendment; he noted the policy needed to provide guidance to staff and the PC.

Ms. Boniface suggested the Transportation Commission might have an opinion on this matter. She also noted the issue should be addressed in the zoning rewrite project.

The remaining PC members voted favorably (5-0) for the amended motion as noted above.

Mr. Dumas and Mr. Roeckel had left the meeting before the vote took place.

Official Reports and Correspondence

Borough Council

Ms. Messner reported BC had received a zoning district map change (to ROA) request for 401 S. Pugh Street (Fresh-n-Fill). She noted the change would slightly expand the commercial district and would be presented to the PC at their next meeting.

She also noted that Ms. Boniface would present the PC's first quarter report to the BC next week.

She stated staff was developing a story map (an online map that provided information on Borough land development).

Mr. Kalin asked about the zoning rewrite project and suggested delaying the Fresh-n-Fill request until that project was complete. Ms. Messner noted staff was focusing on the text, but did anticipate some consolidation of districts.

Land Development Plans

Ms. Messner reported the Pattee and Paterno Library planned to submit a plan to fill in the courtyard area because of continued growth.

Staff Updates

Ms. Messner noted the Pennsylvania Historical and Museum Commission recently accepted the Borough's application for an Historical and Architectural Review Board. She indicated formal notification was forthcoming and staff was moving along with the process for planned implementation in the summer.

Mr. Eich noted Centre Regional Planning Commission and members of CRCOG's Transportation and Land Use Committee had recently met in joint session to set priorities for implementation of the Centre Region Comprehensive Plan. He indicated the development of an integrated water resources management plan was a top priority.

He stated the agencies reviewed the revised draft of the Regional Development Capacity Report, which analyzed growth within the regional Growth Boundary/Sewer Service area and compared anticipated growth to the remaining capacity at the University Area Joint Authority's (UAJA) treatment plant capacity. He noted the report concludes there was more than enough capacity to treat anticipated sewage flows through the year 2040. He also highlighted the approval of the Beneficial Reuse Project, which would increase overall capacity to nine million gallons per day. He said the hard limits on the amount of wastewater that could be treated at the UAJA plant were associated with nitrogen levels in the sewer discharge into Spring Creek, because of the limits for the Chesapeake Bay.

Upcoming Meetings

Wednesday, April 18, 2018 at 7 p.m.

Wednesday, May 2, 2018 at 12:00 p.m.

Adjournment

With no further business to discuss, Chairman Boniface adjourned the meeting at 1:34 p.m.

Respectfully submitted,

Judy Altieri
Office Manager