

**Meeting Minutes
State College Borough Planning Commission
November 21, 2019**

The State College Borough Planning Commission (PC) met on Thursday, November 21, 2019 at the Municipal Building, 243 South Allen Street. Zoe Boniface, Chair, called the meeting to order at 7 p.m.

Members Present

Zoe Boniface, Chair; Anita Genger, Vice-Chair; Scott Dutt; Jon Eich; Richard Kalin; Mary Madden; and Ron Madrid

Others Present

Greg Garthe, Senior Planner/Zoning Officer; John Wilson, Zoning Officer; Isabel Storey, Planner; Karl Shellenberger, Buchart Horn; Jeff Spackman, Pennsylvania State University; and Denise L. Rhoads, Administrative Assistant

Approval of Minutes

A motion was made by Mr. Kalin and seconded by Ms. Genger to approve the October 2, 2019 meeting minutes as amended. The vote was unanimously in favor.

Chair Report

Ms. Boniface, Chair, stated she listened to a talk by Mr. LeClear broadcasted on C-Net and noted it was a good basic review of how planning works in Pennsylvania.

Public Hour

No comments or concerns were heard during the public hour.

Land Development Plans

Preliminary Plan - West Campus Substation; The Pennsylvania State University (PSU), Applicant; UPD Zoning District; Buchart Horn, Engineer; Michael J. Burns, Architect

Mr. Garthe stated on October 17, 2019, staff received a preliminary land development plan for a new electric substation behind PSU's Walker Building.

Mr. Shellenberger's presentation included:

- The plan proposed demolition of a concrete patio and stone walls, and construction of a 3,782 ft² electrical substation.
- Power came from West Penn Power at 12,000 volts and went to approx. 30 building
- Located between the Walker Building and some fraternities

PC's comments

- Mr. Eich asked, in case something went wrong with either facility, what were the chances of impact on the campus power plant. Mr. Shellenberger stated he did not have an answer for that, but he could find out.
- Ms. Genger stated she was not sure the flat roof was a good plan. Mr. Spackman emphasized the entire building was a concrete structure.

Borough Staff comments: Mr. Garthe stated staff wanted verification if the project was exempt from a storm water and traffic impact study. He noted the developers needed to supply a lighting plan to show the locations and heights. And, asked that the final plan submission show the elevations renderings in color.

Ms. Boniface stated the comments would be incorporated into the review letter from staff.

Community Planning

Petition to Vacate Fox Alley between 420 and 448 East Prospect Avenue

Mr. Garthe stated a petition was submitted by the property owner of 448 East Prospect Avenue for the vacation of Fox Alley between East Prospect Avenue and the rear property line of the applicant's property.

Mr. Garthe's presentation included:

- The standard process required the signatures of all abutting property owners.
- The applicant reached out to the owners of the neighboring 420 East Prospect Avenue but was informed the owner did not wish to vacate the alley. He noted, Council, at its discretion, could vacate the half of the alley that abuts the applicant's property at 448 East Prospect Avenue.
- On October 14, 2019, Council referred the matter to the Planning Commission for its review and comment and scheduled a December 2, 2019 public hearing. Per standard procedure, the item was also submitted to the Centre County Planning and Community Development Office (CCPCDO) and the Centre Regional Planning Commission (CRPC) for any advisory comments.

PC's comments

- Mr. Madrid asked staff to define the meaning of "vacate". Mr. Kalin stated it was the removal of the municipal interest to turn it over to the property the owner.
- Mr. Kalin asked if the Borough had ever ordained this alley. Mr. Garthe stated he would research and let PC know.
- Ms. Boniface asked Mr. Kalin to explain some of the terms used regarding this process.
- Mr. Eich asked if there were any water/sewer lines running through this alley. Mr. Garthe stated he did not have the answer for that. Mr. Eich stated he would appreciate it if Mr. Garthe could find this out.
- Ms. Madden asked for verification for the way it was shown on the map.
- Mr. Madrid asked what the justification for the request for vacation was and asked why the Borough should recommend this proposal.

The general consensus of the PC was not to make a recommendation at this time because of the many unanswered questions.

Petition to Vacate Norma Street between East Marylyn Avenue and Property Owned by the State College Friends School

Mr. Garthe's presentation included:

- A petition was submitted on behalf of the Foxdale Village Corporation (Foxdale) for the vacation of Norma Street between East Marylyn Avenue and the rear property line of the State College Friends School (Friends School) property.
- He noted this portion of the alley was ordained by Borough Council in 1978 (Ord 942), but half of it was vacated by a court-ordered quiet title to the Friends School in 1999 (RB 1091, P 865).
- The applicant submitted the necessary materials to initiate the vacation process. The standard process required the signatures of all abutting property owners. However, in lieu of a signature, the applicant had obtained the support of the Friends School and a copy of the letter was distributed at this meeting.
- On November 18, 2019, Council referred the matter to the PC for its review and comment and scheduled a January 13, 2020 public hearing.
- Per standard procedure, the item was also submitted to the CCPCDO and the CRPC for any advisory comments.

PC's comments

- Mr. Kalin asked who owned the property on either side. Mr. Garthe stated Foxdale owned both. Mr. Kalin asked if there was any planning reason to keep this alley open. Mr. Garthe stated he thought there was an emergency access easement.
- Kristin Long, Solicitor representing Foxdale, noted the title that was quieted led up to this area and was split. The section in question was currently accessed to Foxdale. An agreement between Foxdale and the quiet title was to provide an emergency access to the Friends School.
- Mr. Dutt asked if the access had to be maintained through the land being vacated. Ms. Long stated there would only be paving and would continue to be the emergency access for the school.
- Ms. Boniface asked if there were utilities involved and Ms. Long stated there were water and sewer lines and no easements were found. Foxdale had agreed to grant easements to both the State College Borough Water Authority and the Borough.
- Mr. Eich stated he wanted the questions that were brought up answered before the PC made a recommendation.
- Mr. Madrid stated he agreed with Mr. Eich.
- Ms. Madden stated, as a matter of general planning, it was shortsighted to vacate ROW's and the proposal needed as much connectivity as possible.
- Ms. Long stated the vacation process would be terminate the public right to use the access as a through way.
- Mr. Dutt asked if property owners were notified of a possible vacation. Rich Lyle, CEO of Foxdale Village, stated his department discussed the plans for this property. Their goal was to make a safer driveway and to add a small maintenance building. But, the majority of the proposal would be turned into a bird garden which was a nice segway into the park next to the property.

Mr. Kalin made a motion and Mr. Dutt seconded to recommend this to Council with all the comments made by PC members to be included. The vote was 6-1-0 with Mr. Madrid as the "nay" vote.

Vacation of North Gill Street between Railroad Avenue and PSU's West Campus

Mr. Garthe stated the Borough wished to vacate a short segment of North Gill Street to the northwest of Railroad Avenue. The 50-foot wide right-of-way (ROW) was ordained by Council in 1909 (Ord 35A) and the northwesternmost segment dead-ended near PSU's West Campus.

John Simbeck, Gemini Enterprises, stated his business stood to be the only losers because this proposal would take away about one third of his parking lot.

He noted he had 15 years of documentation that was constantly changed. He noted this was not a good way to be spending tax dollars and asked for an explanation of why this was being proposed.

Mr. Dutt stated the Borough should do their presentation first, then listen to Mr. Simbeck.

Mr. Garthe stated the Borough was interested in this vacation for a bicycle path. An easement would be placed over the middle, about 16 feet, and would give additional room for parking to be constructed. The bicycle path proposed was part of the neighborhood plan and had a grant.

PC comments

- Mr. Kalin asked who owned the property and was it ordained. Mr. Garthe stated the Borough owned it and it had been ordained.
- Mr. Kalin stated the map was very confusing and Ms. Madden stated the map was a small piece of a puzzle that was still missing pieces.
- Ms. Madden noted there was a lot implied in the text that was not clear. Mr. Garthe clarified the Borough Solicitor wanted to make sure each property had a 50-50 right to that area and the Borough would not own it but have an easement for use.
- Mr. Dutt stated the Borough was trying to be crafty to acquire more parking spaces. Mr. Garthe stated the request was for access if this were to be vacated and if parking was established in that area.
- Mr. Eich stated this proposal was different from the two previously reviewed and asked why the Borough would give up the ownership of an area where they wanted to put a bicycle path.

Mr. Eich made a motion and Mr. Madrid seconded to ask for more information before making a recommendation. The vote was unanimously in favor.

Mr. Eich asked Mr. Simbeck if he was opposed to the vacation or was it something else. Mr. Simbeck stated he was worried about the elimination of parking on Gill Street which could eliminate parking for his business.

2020 PC Meeting Schedule

The draft 2020 PC meeting calendar was briefly discussed.

A motion to approve the 2020 PC meeting calendar was made by Mr. Eich and seconded by Ms. Genger. The vote was unanimously in favor.

Official Reports and Correspondence

Borough Council (BC): Mr. Garthe reported the BC would conduct the public hearing for the Cat Café at their meeting on December 2, 2019.

Zoning Hearing Board (ZHB): Mr. Garthe reported on the following:

- Variance - Foxdale Village
On November 26, 2019, at Noon, the ZHB would hear a request for a variance to allow paving, curbing, sidewalks, and plantings within a utility easement area on property Foxdale Village intended to purchase. Per Ch. XIX, Section 2001(b)(7) of the zoning ordinance, structures and other obstructions were prohibited within utility easements.
- Appeal of Zoning Officer's Determination - 704 McKee Street
On December 10, 2019, at Noon, the ZHB would hear an appeal of the Zoning Officer's determination. The Zoning Officer had determined that a recently constructed fence has a slight encroachment into the public ROW.

Centre Regional Planning Commission (CRPC): Mr. Eich reported the CRPC discussed the following items: 1) CRPC received an update on the 2020 Census of the preliminary actions behind the scenes at the staff level between Borough staff and the CRPC. Staff had reviewed addresses already in the Census database and then, completed an update to add the newly constructed units. 2) the CRPC was also involved in a student housing update in which they collected data on all student housing in both the Borough and the Centre Region municipalities to create a count and occupancy and would work with municipal staff and property managers in the area to conduct a study survey to determine what kind of residences the students were interested in; and 3) CRPC also received a presentation on source water protection on the Spring Creek watershed, specifically in the Centre Region and it was noted an integrated water management plan covering drinking water, waste water, and storm water management was one of the ways of protecting the quality of the water resources we had.

Upcoming Land Development Plans: Mr. Garthe reported on the following:

- Penn State Field Hockey Stadium – Preliminary
- Core Spaces Signature Development (Conditional Use) - Preliminary

Staff Updates: Mr. Garthe reported staff was working on a draft of a new sign ordinance beginning in January, and on a revision to the Inclusionary Housing ordinance. The Borough Manager asked staff to prepare an orientation for new Council members on the zoning ordinance, and the Borough Planning Department still had an opening for a Senior Planner-Redevelopment.

Mr. Eich stated he was concerned about the lack of information regarding the zoning rewrite. Mr. Kalin stated he agreed with Mr. Eich.

Ms. Boniface stated she would put those comments into context for the public in attendance.

Mr. Eich noted that a new CRPC Borough representative would need to be appointed in January and would like it placed on a December PC agenda.

Upcoming Meetings

Wednesday, December 4, 2019 at Noon

Thursday, December 19, 2019 at 7 p.m.

Adjournment

With no further business to discuss, Mr. Dutt adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Denise L. Rhoads
Administrative Assistant