

ATTENDANCE:

BOARD	Elliot Abrams, Chair Jeff Luck, Vice-Chair George Downsborough, Jr., Supervisor Daniel Treviño, Supervisor Walt Wise, Supervisor	
STAFF	Doug Erickson, Township Manager Lawrence Pegher, Finance Director John Petrick, Chief of Police Stephen Casson, Township Engineer Betsy Dupuis, Solicitor Greg Garthe, Planner	
AUDIENCE	C-NET (2) Patrick Pabian, Resident Steve Kirsch, Sweetland Engineering Patricia Gatto, Resident Mary Lou Dubil, Resident F. R. Gatto, Resident Stephanie Yager, Spring Township Resident Tom Wienckowski, Greenberg Farrow Joleen Hindman, Leadership Centre County Dale Woika, Resident Kaye Winters, Resident Don Winters, Resident Joanne Klanchar, Resident Mark Torretti, Penn Terra Engineers	Tom Kearney, Resident John Hannan, Resident Maria Truglio, Resident Michele Brandt, Gray's Centre Julia Nelson, Resident Terri Henderson, Resident Carol Falke, Resident Steve Falke, Resident Sharon Bressler, PC Tim and Debbie Scitti, Residents Nancy Ring, Resident Kim Ring, Re/Max

1. CALL TO ORDER

The November 16, 2016 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:02 PM by Chair Elliot Abrams.

2. APPROVAL OF MINUTES

Mr. Luck moved to approve the minutes of the November 2, 2016 meeting and the November 9, 2016 meeting. Seconded by Mr. Downsborough, the motion passed 5-0.

3. PUBLIC COMMENTS

Ms. Yager asked that the Board consider releasing a statement reaffirming that Patton Township is a safe place and offered her help with drafting a statement.

Ms. Truglio stated that as a resident of Patton Township and she is supportive of Ms. Yager's request and offered her help with a drafting a statement.

Mr. Erickson stated that he will check with other municipalities and will draft a statement for the December 14, 2016 meeting.

Mr. Luck asked if a resident feels they are being harassed what should the resident do. Chief Petrick stated to call either 911 or the Police Non-Emergency Number at 1-800-479-0050.

4. **PUBLIC SAFETY**

a. **Police Update**

Chief Petrick stated that the October 2016 Public Safety Report was included with the agenda materials. He stated that the Department participated in the Annual Readiness Exercise at the Centre County Public Safety Training Center. He stated that the Officers participated in numerous alcohol task force details and that Officer Shaffer, our drug recognition expert, did a community event at the State College Area High School. He stated that the Department is still in Aggressive Driving enforcement mode and reminded residents to obey speed limits.

b. **Ordinance to Prohibit Vehicle Repairs Upon Public Streets**

Mr. Erickson stated that the October 19th Board agenda included:

Residents of Leawood Lane and Chateaux Circle in Park Forest are requesting that the Township consider enacting parking regulations to prohibit someone from leaving a vehicle on the street in the manner illustrated in the included photograph – up on four jack stands with all tires removed.

In the instance at hand, the vehicle was licensed, registered and insured – therefore a legal motor vehicle under the terms of the PA and Patton Codes. After the vehicle had been left in this condition for at least 24 hours, the Manager visited with the owner who agreed to complete the work on the vehicle by the end of the day.

The Police Chief and Manager are researching if other communities regulate this behavior and under what conditions is such a vehicle deemed “illegally” parked. It is anticipated that additional information will be provided prior to the meeting.

End of the [October 19th Board agenda](#) material

At the meeting the Police Chief provided examples of parking regulations in place in other Pennsylvania municipalities to address the issue.

The Board directed the Manager and Police Chief to prepare an ordinance for consideration modeled after the regulations from Emmaus, PA.

The proposed Ordinance 2016 – 575 is included with the agenda materials and was initially presented to the Board at the November 2, 2016 meeting. Following comments from the owner of the vehicle that generated the request for a change and other residents from the area, and discussion amongst the Board, the Manager was directed to place the item on the November 16th agenda and advertise the matter to obtain broader input from Township residents.

Mr. Erickson stated that comments received as of 9:30 am, November 16th were included with the agenda materials. He stated that 12 asked to pass the ordinance and 4 who asked to extend the period of time a person has to do repairs.

Mr. Pabian stated he is not completely against the ordinance but would request some reasonable time restriction.

Ms. Falke stated that she has lived in the area for 23 years with no issues and that lengthening the time would not resolve this issue. She stated this is someone running a business on public streets.

Ms. Gatto stated that she spoke to the Home Owners Association from Wooded Hills and that they are supportive of this ordinance.

4. **PUBLIC SAFETY (Continued)**

b. **Ordinance to Prohibit Vehicle Repairs Upon Public Streets (Continued)**

Mr. Woika stated that he has been a Patton Township resident for 56 years and that in the past year snow plows have had issues in the area due to this situation making it a safety issue.

Mr. Hannan stated that someone's personal business should not be conducted on the public streets.

Mr. Pabian stated that the neighbors have complained before he started working on the street that residents would contact him about things he does on his own private property.

Ms. Klancher asked if doing repairs on a trailer on the street would be the same thing as doing repairs on street and feels that he will fudge around with any ordinance that is passed.

Mr. Wise stated that he went to four people and that he learned that there are very few things people can do at home with the modern automobiles and is for the ordinance.

Mr. Erickson stated that he was asked what the fine was and it is a \$25 fine that can be issued once a day up to several days then a State Citation will be issued.

Mr. Treviño moved to adopt Ordinance 2016-575 to Prohibit Vehicle Repairs Upon Public Streets. Seconded by Mr. Luck, the motion passed 5-0.

5. **2017 BUDGET**

a. **Public Hearing on Proposed 2017 Budget**

The Tentative Proposed 2017 Patton Township Budget was adopted at the meeting on November 9, 2016 and advertised for a Public Hearing at this meeting. Copies of the Tentative Budget have been placed in the Township Building lobby, Schlow Regional Library and on the Township Web Site.

The Tentative Budget includes a no real estate tax rate increase.

Mr. Pegher gave a brief overview of the Proposed 2017 Budget.

The Public Hearing on Proposed 2017 Budget was opened at 7:50 PM.

Mr. Luck moved to close the Public Hearing on Proposed 2017 Budget at 7:52 PM. Seconded by Mr. Downsborough, the motion passed 5-0.

b. **Work Session**

Mr. Downsborough stated that there was a request from Clear Water at the November 2, 2016 meeting and asked if it was included with the budget. Mr. Pegher answered no.

Mr. Downsborough asked what CPI-U is being used for COLA. Mr. Pegher stated that it is the CPI that does not include energy and food which is a more stable index.

c. **Follow-Up Steps**

The Board decided that the 2017 Budget will be considered as part of the budget adoption on December 14.

6. **PLANNING AND ZONING**

a. **Planning Commission Report**

Ms. Bressler stated that the Planning Commission discussed the following items on the agenda and discussed the solar ordinance.

b. **Planning Commission Recommendations**

1) **Requests to Add Uses to Planned Airport District**

Mr. Garthe stated that the November 7, 2016 Planning Commission agenda included:

The owners of tax parcel 18-2-29C, a 13.6 acre parcel located along Bernel Road in the Planned Airport District (PAD) have requested that the Township revise the PAD zoning regulations to permit a business that would construct and lease self-storage units to the general public. The use, or anything similar, is not currently permitted in the district. The property lies within the Mixed Use and Nonresidential areas of the PAD. The PAD prohibits certain uses as a protection of the State College Borough Water Authority well field that lies east of Fillmore Road. The request letter addresses steps the property owners are prepared to take to provide protection from groundwater contamination.

Additionally, the owners of parcel 18-2-29B, a 10 acre parcel at the intersection of Bernel Road and Fox Hill Road in the Nonresidential area of the PAD, have also requested that the Township revise the PAD zoning regulations to permit self-storage units and to permit churches in the Nonresidential area of the district. Churches are currently allowed only in the Residential and Mixed-Use areas of the PAD.

At their October 3, 2016 meeting, a draft ordinance to allow both uses was presented to the Planning Commission. After discussion, the members recommended allowing churches in the Nonresidential area in addition to the other areas where they are currently permitted in the PAD. However, they requested several revisions to the ordinance allowing self-storage facilities in the district. The uses were split into two separate ordinances. An ordinance allowing churches was advanced to the Board of Supervisors for approval and scheduling of a public hearing and an ordinance permitting self-storage facilities is being presented to the Planning Commission at this meeting.

End of Planning Commission agenda materials

The Planning Commission has recommended approval of adding self-storage facilities to the PAD. A draft ordinance to enact the change is included with the agenda materials.

If the Board wishes to proceed, the matter should be scheduled and advertised for a public hearing. The next available dates, following a required 30 day comment period, are January 3, 2017 and January 25, 2017.

The agenda materials also included a location map of tax parcel 18-2-29C and letter requesting the addition of self-storage units to the PAD, a location map of tax parcel 18-2-29B and letter from the owners requesting the addition of self-storage units and churches to the Nonresidential area of the PAD, the Table of land uses permitted in the Planned Airport District and the list of prohibited uses in the Planned Airport District.

6. PLANNING AND ZONING (Continued)

b. Planning Commission Recommendations (Continued)

1) Requests to Add Uses to Planned Airport District (Continued)

Mr. Treviño moved to schedule a Public Hearing on January 25, 2017 for the Requests to Add Uses to Planned Airport District. Seconded by Mr. Luck, the motion passed 5-0.

2) Request to Add Nursing Homes as a Permitted Use in the Planned Airport District

Mr. Garth Stated that the November 7, 2016 Planning Commission agenda included:

A request was submitted to add nursing homes as a permitted use in the Planned Airport District (PAD). At their November 2, 2016 meeting, the Board of Supervisors received the request and forwarded it to the Planning Commission for study and a recommendation.

Recall that unlike most zoning districts, the PAD tightly details specific types of allowed uses, and if a use is not listed in the table of Permitted Uses it is deemed to be prohibited. Furthermore, the permitted uses are subcategorized as residential uses, commercial uses, and general airport area uses. Staff has started reviewing the PAD regulations to address these issues along with several other aspects of the current regulations, which will be discussed at a future work session.

A nursing home operator is considering building a facility on Lot 3 of the Nittany Valley Sports Centre (NVSC) property. The only similar use permitted in the PAD are group homes. Definitions for both uses are provided in the Township Code as follows:

GROUP HOME

A detached dwelling unit in which care and residence are provided in accord with regulations of the appropriate state agency(ies) for more than three, but not more than six nonadjudicated clients who are dependent children, elderly, mentally ill, retarded or disabled persons.

NURSING HOME

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Group homes are only allowed in the Residential area of the PAD. The NVSC is located in the Mixed-Use and Nonresidential areas. Although the request letter indicates that nursing homes are being proposed as a residential use, they would need to be allowed in the Mixed-Use and Nonresidential areas of the PAD. Accordingly, a draft ordinance allowing nursing homes in the Residential, Nonresidential, and Mixed-Use areas has been prepared for the Planning Commission's review and recommendation.

End of Planning Commission agenda materials

6. **PLANNING AND ZONING (Continued)**

b. **Planning Commission Recommendations (Continued)**

2) **Request to Add Nursing Homes as a Permitted Use in the Planned Airport District**

The Planning Commission has recommended approval for adding Nursing Homes as a permitted use in the Mixed-Use and Nonresidential areas of the PAD. A draft ordinance to enact the change is included with the agenda materials.

If the Board wishes to proceed, the matter should be scheduled and advertised for a public hearing. The next available dates, following a required 30 day comment period, are January 3, 2017 and January 25, 2017.

The agenda materials also included a letter requesting the addition of "nursing homes" to the list of Permitted Uses in the Planned Airport District and an Exhibit showing the location of the proposed nursing home facility at the Nittany Valley Sports Centre site.

Mr. Luck moved to schedule the Public Hearing on January 25, 2017 for the Request to Add Nursing Homes as a Permitted Use in the Planned Airport District. Seconded by Mr. Downsborough, the motion passed 5-0.

3) **Gray's Centre - Replot of Tax Parcels 18-003-.067, 18-003-.048C, and 18-003-58J**

Mr. Garth stated that the November 7, 2016 Planning Commission agenda included:

Patton Township received the Gray's Centre - Replot of Tax Parcels 18-003-.067, 18-003-.048C, and 18-003-58J minor subdivision plan on October 4, 2016. The site is located at 650 Grays Woods Boulevard in the Office Buffer District and the I-99 Interchange Overlay District. The plan proposes consolidating a 0.76 acre lot with portions of two adjacent lots, resulting in a new 1.17 acre lot. The purpose of the replot is to prepare the site for the construction of a new health and fitness center and related driveways, parking areas, sidewalks, and stormwater management facilities. The Township, in consultation with the Agency, provided a comment letter to the project engineer on October 21, 2016.

Recommendation

Staff finds that the plan meets all Township regulations with the following conditions:

1. Completion of all items noted on the marked up comment letter.

End of Planning Commission agenda materials

The agenda materials included a location map of the property, an 11"x17" copy of the subdivision plan and a marked-up copy of staff's comment letter for the subdivision.

The Planning Commission has recommended conditional approval with completion of the minor technical items as noted on the Staff's comment letter.

Mr. Luck moved to approve the Gray's Centre – Replot of Tax Parcels 18-003-.067-, 18-003-.048C, and 18-003-.058J. Seconded by Mr. Treviño, the motion passed 5-0.

6. PLANNING AND ZONING (Continued)

b. Planning Commission Recommendations (Continued)

4) Gray's Centre - Preliminary/Final Land Development Plan

From the November 7, 2016 Planning Commission agenda:

Patton Township received the Gray's Centre - Preliminary/Final Land Development Plan on October 4, 2016. The plan proposes the demolition of an existing house and the construction of a new health and fitness center on a 1.17 acre site. The site is located at 650 Grays Woods Boulevard in the Office Buffer District and the I-99 Interchange Overlay District. Demolition activities include the removal of the single family home and outbuildings, as well as two paved driveway areas, a concrete walk and patio, the electric meter and service line for the house, an above-ground pool, trees and brush, and the sanitary sewer lateral to the house. In addition, the well for the existing home will be abandoned and capped in place. Construction will include a two-story commercial building with 14,136 ft² gross floor area with a 7,068 ft² footprint. A total of 43 parking spaces will be provided (2 ADA) onsite. Additionally, sidewalks, crosswalks, and curb islands will be provided in the parking area and an 8 foot wide asphalt bicycle path will be constructed along the entire frontage of the lot along Grays Woods Boulevard. The proposed improvements will result in a 23,351 ft² increase in total impervious area on the lot. The Township, in consultation with the Agency, provided a comment letter to the project engineer on October 21, 2016.

Recommendation

Staff finds that the plan meets all Township regulations with the following conditions:

1. Completion of all items noted on the marked up comment letter.

End of Planning Commission agenda materials

The agenda materials also included a location map of the property, an 11"x17" copy of the land development plan and a marked-up copy of staff's comment letter.

The applicant requested a waiver of the OBD parking regulations to reduce the required number of parking spaces from 51 to 43. An analysis of the projected parking requirements is also included with the agenda material. Illustrations of the proposed building exterior are also included with the analysis – these are required to satisfy the I-99 Interchange Overlay district regulations.

The Planning Commission has recommended conditional approval for the Gray's Centre Preliminary/Final Land Development Plan with completion of the minor technical items as noted on the Staff's comment letter, approval of the parking waiver request, and installation of a speed table at the crosswalk at the building entrance.

Mr. Toretti gave a brief overview of the Preliminary/Final Land Development Plan for Gray's Center.

Mr. Treviño stated his concern about over flow parking going into Pediatric Dental Care. Ms. Brandt stated that they will keep an eye on this and if it does happen she will look into renting parking spots from Pediatric Dental Care.

6. **PLANNING AND ZONING (Continued)**

b. **Planning Commission Recommendations (Continued)**

4) **Gray's Centre - Preliminary/Final Land Development Plan**

Mr. Downs brough moved to conditionally approve the Gray's Centre – Preliminary/Final Land Development Plan. Seconded by Mr. Wise, the motion passed 5-0.

5) **Resubdivision for Skytop Vista Subdivision**

From the November 7, 2016 Planning Commission agenda:

Patton Township received the Resubdivision for Skytop Vista Subdivision minor subdivision plan on October 4, 2016. The site is located 650 feet south of the PA 550/Stoney Point Drive (T-551) intersection and lies within the A-1 (Rural) District. The plan proposes to modify the existing parcel configurations of 3 adjacent lots in the subdivision to provide larger areas for potential home sites. In addition to adjusting the lot lines, the plan proposes to change the alignment of the existing shared driveway to accommodate the new configuration of the lots. The Township, in consultation with the Agency, provided a comment letter to the developer on October 21, 2016.

End of Planning Commission agenda materials

The agenda materials included a location map of the property, an 11"x17" copy of the subdivision plan and a marked-up copy of staff's comment letter for the subdivision.

Mr. Kirsch gave a brief overview of the Resubdivision for Skytop Vista Subdivision.

The Planning Commission has recommended conditional approval with completion of the minor technical items as noted on the Staff's comment letter.

Mr. Abrams asked about the applicability of regulations enacted in 2011 concerning excavations in soil types associated with pyritic rock formations. The Board moved to look at this at the December 14, 2016 meeting.

6) **Oakwood Centre Preliminary/Final Land Development Plan - Texas Roadhouse Parking Lot Expansion**

From the November 7, 2016 Planning Commission agenda:

Patton Township received the Oakwood Centre Preliminary/Final Land Development Plan - Texas Roadhouse Parking Lot Expansion plan on October 4, 2016. The site is located adjacent to 1885 Waddle Road (Texas Roadhouse) on the 4.94 acre Oakwood Centre site in the Oakwood Planned Community District and the I-99 Interchange Overlay District. The plan proposes to remove an existing undeveloped grassed area, which was originally planned to be a bank, and to construct a new parking lot with 37 spaces (2 ADA) for Texas Roadhouse patrons, curb islands, and a dry well for stormwater management. In addition, the plan proposes other site improvements including a sound attenuation barrier for an outdoor HVAC unit on an existing office building on the site and additional buffer plantings at the perimeter of the site along several adjacent residential lots. The total overall impervious area on the site will be increased by 2,926 ft². The Township, in consultation with the Agency, provided a comment letter to the developer on October 21, 2016.

End of Planning Commission agenda materials

The agenda materials also included a location map of the property, an 11"x17" copy of the land development plan and a marked-up copy of staff's comment letter.

6. PLANNING AND ZONING (Continued)

b. Planning Commission Recommendations (Continued)

6) Oakwood Centre Preliminary/Final Land Development Plan - Texas Roadhouse Parking Lot Expansion (Continued)

The Planning Commission has recommended conditional approval with completion of the minor technical items as noted on the Staff's comment letter.

Mr. Wienckowski gave a brief overview of the Oakwood Centre Preliminary/Final Land Development Plan for Texas Roadhouse.

Mr. Treviño moved to approve the Oakwood Centre Preliminary/Final Land Development Plan – Texas Roadhouse Parking Lot Expansion. Seconded by Mr. Wise, the motion passed 5-0.

7) Definition for Churches and Other Places of Worship

From the November 2nd Board agenda:

The October 19th meeting included an item to consider permitting Churches as a use in the Non-residential portion of the PAD. That discussion raised the question of “what constitutes a ‘church’ ” and does it include places of worship such as temples and mosques.

The current Township zoning regulations do not provide a definition for “church.” As such the Zoning Officer would use the common definition as a “place of religious worship” and find that structures such as a temple or a mosque would be permitted in the same locations that permit a church.

If the Board would like to enact a broader definition, the Planner has proposed the following language:

CHURCHES AND OTHER PLACES OF WORSHIP

The use of land or structures for religious worship, education, and related activities; includes chapels, cathedrals, temples, mosques, synagogues, and the like.

This addition to the definitions could be included with the ordinance to permit Churches as a use in the Non-residential portion of the PAD that is scheduled for a Public Hearing on December 14, 2016.

End of November 2nd agenda materials

At that time the Solicitor recommended reviewing the definition against the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

A guide to the RLUIPA, provided by the US Justice Department, is included in the agenda update materials. A copy of the Act itself is available upon request.

The Solicitor recommends revising the definition (additional language is underlined) to read:

CHURCHES AND OTHER PLACES OF WORSHIP

6. **PLANNING AND ZONING (Continued)**

b. **Planning Commission Recommendations (Continued)**

7) **Definition for Churches and Other Places of Worship**

The use of land or structures for religious exercise (as defined by the Religious Land Use and Institutionalized Persons Act) including worship, education, and related activities; includes, but is not limited to, chapels, cathedrals, temples, mosques, synagogues, and the like.

This addition to the definitions could be included with the ordinance to permit Churches as a use in the Non-residential portion of the PAD that is scheduled for a Public Hearing on December 14, 2016.

The Board agreed to hold a Public Hearing on December 14, 2016.

7. **ADMINISTRATION**

a. **Schedule Public Hearing for Sheetz (Valley Vista store) Liquor License Transfer**

Mr. Erickson stated that Sheetz, Inc., has notified the Township of their intent to purchase a state restaurant liquor license from a State College Borough business and transfer it to their store at 101 Valley Vista Drive. This site is currently closed for a complete renovation.

Pursuant to the state Liquor Code, the Township must hold a public hearing within 45 days of when the notice is received (received November 11, 2016) and approve or deny the transfer by resolution or ordinance.

Mr. Luck moved to schedule a Public Hearing on December 14, 2016 for the Sheetz (Valley Vista Store) Liquor License Transfer. Seconded by Mr. Wise, the motion passed 5-0.

8. **CONSENT AGENDA**

The items included below are routine in nature and it is not anticipated that any will generate discussion or questions. The actual Consent Agenda with a brief description of each item is included with the agenda packet materials distributed to the Board and will also be available to the public at the sign-in table. At the request of a Board member any single item or all items on the Consent Agenda can be discussed and voted on separately. If no items are "pulled," the Board should consider a motion for "approval of the Consent Agenda items as shown on the agenda."

a. **Public Works**

1) **Award Bids for 2017 Public Works Materials Contracts**

The Public Works Director recommends awarding contracts as follows:

2017 Concrete – Centre Concrete Co.

2017 Aggregates (gravel and stone products) – GOH, Inc.

2017 Bituminous Material (asphalt paving products) – GOH, Inc.

The Township Engineer's Bid Tabulations and recommendation are included with the agenda materials.

It is recommended that the Board award the contracts for materials as recommended by the Engineer, and authorize the Manager to execute the agreements.

8. **CONSENT AGENDA (Continued)**

2) **Application for Centre County LFT Grant**

The Public Works Director recommends making application to Centre County for \$17,505 in LFT grant funding to cover 50% of costs to replace guiderail along Julian Pike. A copy of the application was included in the agenda materials.

It is recommended that the Board approve the application, and authorize the Manager to execute documents on behalf of the Township.

b. **Administration**

1) **Voucher Report**

A copy of the October 2016 Voucher Report was enclosed. Board members having questions should contact the Township office prior to the meeting so the necessary information can be obtained.

It is recommended that the Board approve the October 2016 Voucher Report.

Mr. Downsborough, moved to approve the Consent Agenda. Seconded by Mr. Treviño, the motion passed 5-0.

9. **MANAGER'S REPORT**

a. **Development Update**

Mr. Erickson stated that the Development Update was enclosed with the agenda materials.

b. **Grant Award for Adult Exercise Equipment for Circleville Park**

Mr. Erickson stated the Township received a \$5,000 grant for the Adult Exercise Equipment for Circleville Park.

c. **ABC openings for 2017 – Planning Commission, Library Board, UAJA Board, and ICDA**

Mr. Erickson stated that there are 4 openings for the ABC for 2017 and will advertise in the CDT for those openings.

10. **COMMITTEE REPORTS**

a. **Finance Committee**

Mr. Downsborough stated that the Finance Committee is meeting tomorrow and discussing two MOUs between COG, Code and CRPA. He stated currently what is in the budget is that the Authority is loaning Code the money at 1.5% and that Harris Township has put in writing that they are against this.

Mr. Luck stated that he would like the option of the Township being able to pre-pay it.

11. **OTHER BUSINESS**

There was no other business.

12. **ADJOURNMENT**

Mr. Luck moved to adjourn the Board of Supervisors Meeting at 9:01 PM. Seconded by Mr. Wise, the motion passed 5-0.