COLLEGE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
Tuesday, January 3, 2023
7:00 PM
Hybrid Meeting (In-Person or via Zoom)

General Meeting Information
College Township offers both in-person and virtual meeting attendance for all public meetings. To attend in-person, meetings will be held at 1481 E. College Avenue, State College PA, 16801, 2nd floor meeting room. To attend virtually, please see the information below.

To Attend the LIVE Meeting Via Zoom on Computer or Smart Phone:
- Click here to REGISTER for the meeting via Zoom. Once registered, you will receive a confirmation email containing information about joining the meeting.

To Attend the LIVE Meeting Via Phone:
- Dial: 1 (646) 558-8656 ● Meeting ID: 898 0042 5381 ● Passcode: 103158

*Click Here for detailed instructions on how to participate via zoom.

VIRTUAL PUBLIC COMMENTS: Please use the raised hand feature to participate. The moderator will recognize those with their hands raised (either by name or phone number).

WRITTEN PUBLIC COMMENTS: For specific Planning Commission agenda items and for items not on the agenda, written public comments may be submitted in advance by emailing smeyers@collegetownship.org by noon the day of the meeting.

CALL TO ORDER:

ZOOM MEETING PROTOCOL:

REORGANIZATION: To be chaired by chosen staff member present

OPEN DISCUSSION (items NOT on the agenda):

CONSENT AGENDA: CA-1 December 6, 2022 Meeting Minutes (Approval)

PLANS: None

OLD BUSINESS: OB-1 Annual Report Final Draft (Review/Approval)

NEW BUSINESS: None

REPORTS: R-1 Request for Qualifications Update

STAFF INFORMATIVES: SI-1 Council Minutes
SI-2 Zoning Bulletin
SI-3 EZP Report Update
OTHER MATTERS:  None

ANNOUNCEMENTS:  Next meeting will be Tuesday, January 17, 2023 at 7:00pm

ADJOURNMENT:
PRESENT: Ray Forziat, Chair  
Ed Darrah, Vice Chair  
Peggy Ekdahl, Secretary  
Bill Sharp  
Matthew Fenton  
William McKibbin  
Robert Hoffman  
Noreen Khoury, Alternate

STAFF PRESENT: Don Franson, P.E., P.L.S., Township Engineer  
Mark Gabrovsek, Township Zoning Officer  
Sharon Meyers, Senior Support Specialist – Engineering/Planning

CALL TO ORDER: Mr. Forziat called the meeting to order at 7:00 p.m.

ZOOM MEETING PROTOCOL: Mr. Forziat verified there were no people present via Zoom.

ROLL CALL: Mr. Forziat confirmed all commissioners were present.

OPEN DISCUSSION: Nothing was presented during open discussion.

CONSENT AGENDA:  
Mr. McKibbin moved to approve the November 15, 2022 meeting minutes. Mr. Darrah seconded. Motion carried unanimously.

PLANS: None presented.

OLD BUSINESS: No old business presented.

NEW BUSINESS:  
**NB-1 Annual Report Draft**  
Mr. Sharp thanked staff for their time and thought in putting the annual report together. He asked that Planning Commissions participation in the RFQ committee be added to the report. The commissioners talked about the addition to the report and where it should be incorporated. Mr. Forziat
confirmed Ms. Meyers understood what the Planning Commission would like to see added to the annual report.

**REPORTS:**

**R-1 RFQ Review Committee Update**

Mr. Darrah gave a brief update. He stated that the company chosen by the committee is DPZ and the contract submitted has been reviewed by the committee members. Mr. Darrah stated that Ms. Schoch is working on clarifying the scope of the project to be added to the contract before being submitted to Council for approval. The commissioners discussed the cost estimate submitted by DPZ. Mr. Darrah verified with Mr. Sharp that all information was covered.

**R-2 CRPC December 1, 2022 Meeting Update**

Mr. Forziat reviewed his notes from the Centre Region Planning Commission meeting held on December 1st. He elaborated on the discussion they had about the hotel at Troftrees and the conversation about Harris Township and their official map. The commissioners discussed the importance of an official map and how it impacts development throughout the Township. They also talked about the Pedestrian Facilities Master Plan and how important it is to add proposed facilities to the official map.

**STAFF INFORMATIVES:**

**SI-1 Council Minutes**

Mr. Darrah gave an update of the most recent Council meeting. He stated that the All-Nations plan had been reviewed and conditionally approved by Council and the Rhodes Lane plan was pulled from the agenda at the request of the developer. Mr. Darrah asked if there was a purpose for this, Mr. Franson stated the developer gave no reason. Mr. Darrah stated the Pedestrian Facilities Masterplan was presented to Council in the hopes of adopting the plan and enacting the proposed ordinance. Mr. Franson confirmed that Council wanted to see a minor change made to the ordinance and it will be presented at the next Council meeting on December 15th. Mr. Darrah mentioned there are several openings for different committees within the Township and the highest priority is to fill the position on Council.

**SI-2 EZP Update**

Mr. Forziat stated that the Engineering, Zoning, and Planning Update is detailed and very informative. He also stated that there are some important deadlines incorporated and the commissioners should take some time and read through this document for their information.

**SI-3 Zoning Bulletin**

Mr. Forziat stated that he found quite a few articles in this zoning bulletin to be interesting. Mr. Darrah stated he had noticed an article about short-term rentals and observed another local municipality was using our ordinance as a starting point for them to create an ordinance for short-term rentals. Mr. Forziat explained that that is common practice for local government to review other ordinances and tweak them to fit that municipality. The commissioner also discussed the possibility of e-bikes being used within the region and Township.

**OTHER MATTERS:**

Mr. Forziat presented an informative letter from Entech Engineering. The letter is to formally inform the College Township Planning Commission of a grant which is to be applied for by Centre Region Planning Commission. The commissioners discussed the topic and concluded that the CRPC will be responding and acting on the project and this was for College Township informative purposes only.

**ANNOUNCEMENTS:** Mr. Forziat announced the next meeting will be Tuesday, December 20, 2022 at 7:00 p.m. and asked if members are unable to attend to please notify him prior to the meeting.
ADJOURNMENT:  Mr. Hoffman moved to adjourn. Mr. Sharp seconded. Motion carried. Meeting adjourned at 7:37 p.m.

** Draft **

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning
COLLEGE TOWNSHIP
PLANNING COMMISSION

2022 Annual Report
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I. PLANNING COMMISSION

INTRODUCTION

The College Township Planning Commission is made up of seven members and two alternates. Members are College Township residents who volunteer for the position, are appointed for a four year term by College Township Council, and represent College Township as a whole. Planning Commissioners do not represent any particular person, business, or group within their municipality. The Planning Commission strives to provide input and guidance that will positively affect the entire municipality and excuse themselves from any actions where a conflict of interest could be perceived.

The Planning Commission typically meets on the first and third Tuesdays of each month at 7:00pm in the Council Room at the College Township Municipal Building. Currently these are considered “hybrid” meetings, meaning members and public are able to take part in the meeting from the comfort of their own home via Zoom.

PURPOSE/OBJECTIVES

The Planning Commission’s purpose is to protect and promote safety, health and welfare through coordinated development, managed growth and guidance in the uses of land and structures. Members promote the conservation of resources and energy through the use of appropriate planning practices and assist the municipality to minimize such problems that may presently exist, or which may be foreseen. Their mission is accomplished through a review of subdivision and land development plans and by the creation of amendments for zoning and land development regulations.

A Planning Commission is a body of citizens that serve within local government, acting as an advisory group to the College Township Council on issues and policies related to planning, land use regulation, and community development. Planning Commissioners act as citizen planners and work to develop plans and implementation policies that affect how their community manages changes in growth and development.

DUTIES

The Planning Commission plays a crucial role in shaping the future of the community. Considering the future of the community and developing plans to guide growth and development is both complex and time consuming. The Planning Commission plays a key role in College Township by reviewing and evaluating land use and development issues in both the short-term and long-term.

Municipal Planning Code empowers the Planning Commission to:

1. Make recommendations to the College Township Council concerning the adoption or amendment of an official map.
2. Prepare and present to the Council a zoning ordinance and make recommendations to the governing body on proposed amendments to the ordinance.
3. Prepare, recommend, and administer subdivision and land development and planned residential development regulations.
4. Prepare and present a building code and a housing code and make recommendations concerning proposed amendments thereto.
5. Promote public interest in, and understanding of, the comprehensive plan and planning.
6. Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and other ordinances and regulations governing the development of land. Among other things.
7. Section 207 of the Municipal Planning Code sets forth the requirement for an annual report and file record of business, which shall be made annually by March first to the governing body.

MEMBERS

**Ray Forziat, Chair**

Term Ends: December 2022

Ray graduated from the Pennsylvania State University with a B.S. in Industrial Engineering. His professional career included forty-two years in Facility and District management positions in Business & Operations Management. During his employment, Ray was employed by two Fortune 500 Companies. He has since retired and currently independently assists and consults for businesses in Business Operations, Revenue Generation, as well as Employee and Staff Development. In addition to his involvement with College Township Planning Commission (since January 2006), Ray is also involved in College Township Industrial Development Authority (since March 2015), Centre Region Planning Commission, and Centre County Office of Aging Advocacy Council.

**Ed Darrah, Vice-Chair**

Term Ends: December 2023

Ed has a BS in Education and Master's Degree in Business from Bloomsburg University. He worked in the Banking and Financial Industry for forty-three years. Ed was a commercial lender and team leader for seventeen years, then worked as a Commercial Credit Officer both in Commercial Real Estate (Mid Atlantic & Midwest Regions) and in Corporate Finance for the last twenty years. Ed has lived in State College since 1984 and was a member of the allocation committee for the United Way as well as a member of the Chamber of Commerce. He has been a member of the College Township Planning Commission for the last three years, using his experience from lending and providing credit to real estate developers throughout the Eastern and Midwest Regions of the United States.
Peggy Ekdahl, Secretary
Term Ends: December 2025

Peggy was raised in College Township and grew up with local government in the family. Her dad was one of the three original College Township Supervisors with Elwood Williams and Roy Clouser. She graduated from State College Area High School and worked for The Pennsylvania State University and Raytheon (formerly HRB) until retirement. She was a Configuration Management Specialist which enabled her to learn the engineering components of large computer systems and to assist with world-wide site installations. She has a son who resides in Colorado and a daughter who lives locally. She has long been a fan of local sports (especially Penn State wrestling) and enjoys planting and gardening. Her environmental concern has always been, and will continue to be, our water resource and its needs for continued longevity.

Matthew (Matt) Fenton
Term Ends: December 2023

Born in Philipsburg, PA and a Philipsburg Osceola graduate. Matt is a 1981 graduate of the Philadelphia College of Pharmacy and Science, and was a pharmacist at CVS/pharmacy in the Nittany Mall for 25 years until his retirement. He is an active volunteer in the State College Little League for the last 30 years as a parent, coach, vice-president and a 20-year umpire. A youth basketball coach and proud supporter of State College School District athletics. Go State! Matt is also a member of The Centre County Office of Aging Committee.

Robert (Bob) Hoffman
Term Ends: December 2024

Bob and his wife Ann were both raised in College Township and graduated from SCAHS. They have four wonderful children and nine grandchildren. Robert has a bachelor’s of architecture degree from Penn State and a master’s degree in architecture/planning from the University of Minnesota. In April, he retired after owning his own architectural practice in Boalsburg for 50 years. Bob and Ann presently live in the house his father built in 1947 at Klinger Heights overlooking State College Borough and Penn State campus.

William McKibbin
Term Ends: December 2022

William is a data scientist and predictive analyst focused on applied statistics, cryptography, and privacy. Dr. McKibbin has a BA from Temple University, a MA from Georgetown University, and received his PhD from Capella University. William has been in professional practice serving clients in various capacities as consultant, advisor, and trainer since 1998.
**Bill Sharp**

Term Ends: December 2023

Bill and Priscilla Sharp moved to College Township in 2004 and have found it a great place to live. Bill spent a career as a planner and project manager with experience in government, business, higher education (college professor and academic administrator), and nonprofits (several startups). His main focus has been community and economic development, specifically strategic human resource development. He is a writer, speaker, and workshop leader. He is a United States Air Force veteran. Co-founder and Director of Transition Centre/Rural Resilient Hub ([www.transitioncentre.org](http://www.transitioncentre.org)), a Pennsylvania Nonprofit Corporation. Formally a member of the College Township Council and the Centre Regional Council of Governments General Forum, Parks and Recreation Committee, College Township Industrial Authority and currently serves on the Spring Creek Watershed Commission and College Township Planning Commission. He finds it a delight and a privilege to serve our community and work with staff and Council. Bill has a B.Sc. in Public Management (*summa cum laude*), with a two-year pre-engineering program and a minor in History. M.A. in sociology with a focus on community leadership development and additional graduate work in community development and business management.

**Noreen Khoury, Alternate**

Noreen has lived in the Centre Region since 1967. She currently lives in Lemont where she is challenged in her quest for a “Winterthur” type landscape by the deer and the Black Walnut trees. She and her husband, George, raised their two children here. The whole family graduated from Penn State, with Noreen earning additional degrees, MS and PhD in Horticulture. Noreen spends her time walking (sometimes with her dog), quilting, and rearranging her yard.
II. BACKGROUND

DEMOGRAPHICS

Founded in 1875, College Township is a composite of zoned areas that allows for a mixture of agricultural, commercial, industrial, residential, residential-office, and university, which is blended into an area of approximately eighteen and one half square miles. According to the 2020 US census, College Township population was 10,780. This was a 13.2% increase from 2010. The age distribution is fairly even, with each group having different needs and preferences.

Ages:  
- <18: 21.1%
- 18-24: 16.7%
- 25-44: 26.0%
- 45-86: 21.3%
- 65+: 14.9%

NATIONAL HISTORICAL SIGNIFICANCE

Properties wanting to be included in the National Register of Historic Sites & Places (NRHSP) complete a Historic Resource Survey Form which is reviewed and determined Eligible by the PA Bureau for Historic Preservation. Once determined Eligible the property owner can formally nominate the property for Listing in the NRHSP. Completed nomination forms are sent to the State Review Board who reviews the nomination and sends the nomination for approval by the National Park Service and are then Listed National Register Properties.

<table>
<thead>
<tr>
<th>NATIONAL REGISTER LISTED PROPERTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY NAME</td>
</tr>
<tr>
<td>General John Thompson House</td>
</tr>
<tr>
<td>Tudek Site (36CE0238)</td>
</tr>
<tr>
<td>Felix Dale Stone House,</td>
</tr>
<tr>
<td>Houserville Site (36CE0065)</td>
</tr>
</tbody>
</table>
### NATIONAL REGISTER HISTORIC DISTRICTS

<table>
<thead>
<tr>
<th>PROPERTY NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lemont Historic District</td>
<td>Off PA 26</td>
</tr>
<tr>
<td>Oak Hall Historic District</td>
<td>State Route 871</td>
</tr>
</tbody>
</table>

### NATIONAL REGISTER ELIGIBLE PROPERTIES

<table>
<thead>
<tr>
<th>PROPERTY NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shiloh Church</td>
<td>Shiloh Road &amp; Benner Pike</td>
</tr>
<tr>
<td>P. Hoy Farmstead</td>
<td>490 Shiloh Road</td>
</tr>
<tr>
<td>Gordon Farmstead</td>
<td>1301 Trout Road</td>
</tr>
<tr>
<td>Old Houserville Historic District</td>
<td>Houserville</td>
</tr>
<tr>
<td>J. Marvin Lee Tenant House</td>
<td>1657 Old Houserville Road</td>
</tr>
<tr>
<td>Starlight Drive-In Theatre</td>
<td>1100 Benner Pike</td>
</tr>
</tbody>
</table>
Since 1946, the Pennsylvania Historical and Museum Commission has administered a program of historical markers to capture the memory of people, places, and events that have affected the lives of Pennsylvanians over the centuries since William Penn founded his Commonwealth.

<table>
<thead>
<tr>
<th>MARKER</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>John I. Thompson Grain Elevator and Coal</td>
<td>137 Mt. Nittany Road, Lemont</td>
</tr>
<tr>
<td>Sheds</td>
<td></td>
</tr>
<tr>
<td>Centre Furnace</td>
<td>Porter Road, 150 ft. North of PA 26</td>
</tr>
</tbody>
</table>
III. PLANS

INVENTORY

Below is a list of plans which were presented to the College Township Planning Commission throughout 2022.

<table>
<thead>
<tr>
<th>Date</th>
<th>Plan Name</th>
<th>PC Review/ Action</th>
<th>CTC Review/ Action</th>
<th>Waiver Requests</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/15</td>
<td>Stocker Subdivision</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td>Deferred until front lot developed</td>
<td>Recorded</td>
</tr>
<tr>
<td>2/15</td>
<td>Stocker LDP</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/15</td>
<td>Evergreen Heights</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td></td>
<td>Recorded</td>
</tr>
<tr>
<td>3/15</td>
<td>Jake’s Fireworks</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td></td>
<td>Recorded</td>
</tr>
<tr>
<td>3/15</td>
<td>Spring Creek Presbyterian Church</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td></td>
<td>Recorded</td>
</tr>
<tr>
<td>3/15</td>
<td>Beaver Stadium Gate C</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td></td>
<td>Recorded</td>
</tr>
<tr>
<td>4/19</td>
<td>Mosaic Development Sketch Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/21</td>
<td>Former Sears Service Center Subdivision</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td>Sidewalk</td>
<td>Recorded</td>
</tr>
<tr>
<td>8/16</td>
<td>Altman Subdivision</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td>Sidewalk</td>
<td></td>
</tr>
<tr>
<td>8/16</td>
<td>Ondik Subdivision</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td>Sidewalk</td>
<td>Recorded</td>
</tr>
<tr>
<td>10/18</td>
<td>Canterbury Crossing Phase IV &amp; V</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td>Driveway</td>
<td></td>
</tr>
<tr>
<td>11/15</td>
<td>All-Nations Subdivision</td>
<td>Recommended Approval</td>
<td>Approved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/15</td>
<td>Rhodes Lane Condominiums</td>
<td>Recommended Approval</td>
<td>Tabled</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/15</td>
<td>Arize Federal Credit Union Sketch Plan</td>
<td>Recommended softening the radius coming off of Benner Pike</td>
<td>Recommended considering solar array over parking or building</td>
<td>May request deferral for sidewalk design</td>
<td></td>
</tr>
</tbody>
</table>
PROCESS

Effective use of site plan approval allows for a detailed evaluation and mitigation of development project impacts. This review increases College Township’s ability to define the character and layout of new developments and to work with the applicant to balance local needs with project needs. Site plan review typically focuses on drainage, traffic, parking, roadway construction, signage, utilities, screening, lighting, density, and other project specific elements to arrive at the best possible design for the site.

Tiered review process allows College Township to provide different levels of review based on thresholds of scale or project impact. Specific criteria are identified and applications are reviewed based on established criteria. Projects meeting specified criteria can be expedited through the review process. A tiered review process provides predictability in the review process and staff resources are concentrated on projects with greater community impact or which do not conform to community expectations.

Delegation of minor decisions to staff allows staff to make decisions based on criteria and/or approval thresholds determined by College Township Council. Delegation of minor decisions expedites the review process and allows staff, the Planning Commission, and Council to focus on larger or more complex projects.

Uniform timelines and notifications create an efficient review process without compromising the interests of the community. Applicants are provided a “road map” for the order of approvals, expected timeframes, and points of coordination in a consistent and transparent manner. All subdivision, land development, and minor plan documents are readily available to prospective applicants on the College Township website and at the municipal offices. Reference documents for ordinances, regulations, rules and process procedures are also available.
IV. HIGHLIGHTS

**January 4, 2022** – Planning Commission reorganization meeting took place. Commissioners then reviewed the Historic District Ordinance Draft which had been remanded from Council. They also discussed the motion made at a previous meeting to refer to Council to review and approve the proposed ordinance to amend the College Township code. There was an announcement made that a work session to discuss form based code would be held later in January.

**January 18, 2022** – There was a recap of the Form Based Code (FBC) work session in which the PC participated to discuss the possibility of implementing FBC as a result of the Dale Summit Area Plan. Council had remanded to PC the review of the Wireless Communications Facility Ordinance.

**February 2, 2022** – The Pedestrian Facilities Master Plan (Ped Plan) was introduced to the Planning Commission which had been remanded from Council.

![Walkable College Township](image)

**February 15, 2022** – Three plans were presented, Stocker Subdivision Plan, Stocker Body Shop Land Development Plan, and Evergreen Heights Land Development Plan. The Planning Commission made motions recommending Council approve all three plans. The 2021 Annual Report was presented and approved.

**March 1, 2022** – The Senior Bicycle &Pedestrian Planner at the Centre Regional Planning Agency, Trish Meek, presented on the importance of incorporating bicycle parking into the Township ordinance. The Ped Plan was discussed.
March 15, 2022 – Spring Creek Presbyterian Church Subdivision Plan, Jake’s Fireworks Land Development Plan, and Beaver Stadium Gate C – Plaza Extension Land Development Plan were presented. The Planning Commission made a motion to recommend Council approve all three plans. A flow chart for the Ped Plan was presented and members recommended a few changes.

April 5, 2022 – A second draft of the process flow chart for the Pedestrian Facilities Master Plan was presented for input and further review.

April 19, 2022 – A sketch plan for the Mosaic Development was presented. The Planning Commission commented on the plan.
May 3, 2022 – The third draft of the Ped Plan process flow chart was presented. The Planning Commission gave feedback about flow chart protocol and discussed the simplification of the chart. They also discussed the possibility of a presentation from the local fire marshal in the future.

May 18, 2022 – The Assistant Township Manager, Mike Bloom, presented a draft of the request for qualifications/form based code. The Planning Commission agreed the draft was an excellent starting point. The Ped Plan process flow chart was presented and a motion was made to recommend Council adopt the Plan, guidelines within the memo, and process flow chart. The Planning Commission was also presented with a conditional use application for a porch reconstruction in Lemont, which was discussed and ultimately a very detailed motion was made to recommend Council approve the proposed plan.

June 7, 2022 – The conditional use application was remanded back to the Planning Commission from Council. They were asked to discuss, re-evaluate, and make a recommendation. A motion was made and passed with a vote of five to two.
June 21, 2022 – The Former Sear Service Center Subdivision Plan was presented. This plan scored a seventeen on the Pedestrian Facilities Matrix, which had not yet been adopted. A motion was made to recommend Council approve the plan. Consideration of a review committee for the request for qualifications, it was determined two members would be nominated at the next meeting.

July 19, 2022 – The Planning Commission decided to table the nominations for the RFQ committee. The next steps for the Pedestrian Plan Implementation were discussed, which included taking the plan and ordinance changes through the public process together, and ultimately adopting/enacting the plan and ordinances concurrently.

August 2, 2022 – Nominations for the Request for Qualifications Committee were made, two members and one alternate were nominated. Mr. Fenton was officially appointed as a core member to the Planning Commission.

August 16, 2022 – Two subdivision plans were presented, Altman Subdivision and Ondik Subdivision. Ultimately there were motions made to recommend Council approve both plans. The RFQ committee had received the submissions from all candidates and began to review each one on their own. Their opinions would be discussed at a meeting in late August.
**September 6, 2022** – The Regional Fire Marshal, Steve Bair, presented what he looks for in subdivision and land development plans. The presentation was followed by a question and answer session. Changes to the ordinances for the Ped Plan were discussed and a motion was made for stronger language to be used. A potential rezoning request was presented to change approximately three acres of Forrest Land, outside of the Regional Growth Boundary, to Industrial Land. A motion was made to recommend Council approve the rezoning pending a satisfied DRI study.

**September 20, 2022** – The Planning Commission reviewed the rezoning proposal after staff analysis and affirmed the motion from the previous meeting stands. The RFO committee had decided to conduct all interviews of the chosen applicants on the same day, potentially mid-October.

**October 4, 2022** – It was announced that a date for Request for Qualifications interviews was set for October 25, 2022. The Planning Commission discussed the process of the Zoning Hearing Board procedures, as well as the regional growth boundary and sewer service area.
October 18, 2022 – Planning Commission approved the 2023 meeting schedule. The Canterbury Crossing final land development plan was presented. A motion was made to recommend Council approve the plan.

November 1, 2022 – Materials from the CRPC LUCI joint meeting were provided and discussed, and were for informative purposes only. The RFQ update included the conclusion from the interviews and the decision of a team to work with the Township on the Dale Summit Area Plan.
November 15, 2022 – Two plans were presented, All-Nations Bible Translation subdivision and Rhodes Lane Condominiums land development plan. The Planning Commission made motions recommending Council approve each plan. There was also a sketch/concept plan presented for Arize Federal Credit Union on the corner of Benner Pike and Ellis Place. The Commissioners gave their input on the sketch plan which was appreciated by the presenters. The next steps of the RFQ committee were discussed and a sample contract was received.

December 6, 2022 – The draft annual report was reviewed with a discussion of a few minor changes to be done. There were many staff informatives included in the agenda and it was discussed how important these accompaniments are to the commissioners.
V. REQUEST FOR QUALIFICATIONS REVIEW COMMITTEE

INTRODUCTION

In June, College Township issued a Request for Qualifications (RFQ) to identify a consultant team with the necessary experience and expertise to skillfully guide the development of Form Based Zoning for the Dale Summit area. This RFQ generated responses from three highly qualified teams that each offered their own unique approach to the development and implementation of a new code.

MEMBERS

The submissions were reviewed and ranked by an RFQ Review Committee comprised of the following:

- Two (2) members of Township Council
- Two (2) members of the Township Planning Commission, Mr. Darrah & Mr. Hoffman
- One (1) alternate member of the Township Planning Commission, Mr. Sharp
- One (1) member of the Centre Regional Planning Agency staff
- Four (4) members of the College Township staff

HIGHLIGHTS

May 18, 2022 – A draft of the RFQ was presented to Planning Commission.

August 2, 2022 – Planning Commission nominated two members, Ed Darrah and Bob Hoffman, and one alternate, Bill Sharp, to be on the RFQ review committee.

August 29, 2022 – The committee met to review and discuss the scores and rankings of the submissions. They also selected the finalists of which to interview and discussed a potential schedule for interviews.

September 9, 2022 – A request for a sealed cost proposal to be submitted at the time of interviews was sent to the candidates selected to interview.

September 26, 2022 – It was determined that all three interviews would be completed in one day and a date was set for October 25, 2022.

October 7, 2022 – Supplemental materials were sent to the committee for review.

October 25, 2022 – Interviews of all three candidates were held. The interviews were held in the Council Room of the Municipal Building. All candidates had at least one member of their team present and others available through Zoom. After the completion of all interviews, there was a brief meeting to gather the committee member’s initial thoughts.

October 28, 2022 – An interview follow up meeting took place. Committee members took turns ranking the applicants and ultimately a candidate was chosen.

November 21, 2022 – The contract was submitted for review by the Township solicitor, staff, and committee members. Once the scope of the project is clarified in the contract it will be submitted for approval to College Township Council. Hopefully the Township will be under contract with DPZ in January of 2023.
ATTENDED BY –
COUNCIL:
Carla Stilson, Vice Chair
L. Eric Bernier
Dustin Best

STAFF:
Adam T. Brumbaugh, Township Manager/Secretary
Mike Bloom, Assistant Township Manager
Don Franson, P.E., P.L.S., Township Engineer
Amy Kerner, P.E., Public Works Director
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, Zoning Officer
Jennifer Snyder, CGA, Assistant Township Secretary

ABSENT:
D. Richard Francke, Chair

CALL TO ORDER: Ms. Carla Stilson, Vice Chair, called to order the December 1, 2022, Regular Meeting of the College Township (CT) Council at 7:01 PM and led in the pledge of allegiance.

OPEN DISCUSSION:

The Deitz family, Wade, Crystal and Hailey, CT residents, addressed Council and offered that a petition was started to return Berry Alley in Lemont back to a two-way traffic pattern, as it was before the Pike Street project started. In the three-weeks that the survey has been circulating, they have gathered 136 signatures. As they understood it, the street was to return to two-way traffic when Pike Street project was complete.

Staff reported that the Berry Alley discussion would be a part of the December 15, 2022, CT Council agenda.

Mr. Ed Darrah, CT resident, questioned how many people have offered comments to Council in favor of leaving Berry Alley a one-way street.

NEW AGENDA ITEMS:

No New Agenda Items were brought forward.
SPECIAL PRESENTATION:  SP-1  Spring Creek Watershed Commission

Mr. Bill Sharp, CT 1st Alternate, Spring Creek Watershed Commission (SCWC), offered a yearly update, which included a history of the SCWC. Founded in October 1996, reorganized in 2007, the SCWC consists of twelve-member municipalities. The Watershed Plan, approved in 2003, consists of three-phases. Funding ended after Phase 1. Phase 2 report was approved in 2019. Approval of Phase 3 by member municipalities took place in 2021 and the formation of the Phase 3 Work Group began in mid-2022.

The SCWC bylaws were amended in November of 2022 and will be presented to members for review and approval. Changes to the bylaws focused on developing organizational capacity and financial management.

Mr. Sharp offered that in September 2022, the Bellefonte Borough considered withdrawing from the SCWC. He opined this situation should be monitored.

The SCWC will hold their annual reorganization meeting on January 18, 2023. The Commission will take action to elect the chair and vice chair from elected officials, approve the amended bylaws, initial Phase 3 plan, organization, Executive Director and fund-raising.

PLANS:  P-1  All-Nations Bible Translation Final Subdivision Plan

Ms. Lindsay Schoch, AICP, Principal Planner, offered that All-Nations Bible Translation is proposing a two-lot subdivision of tax parcel 19-4-134, one lot to contain 11.565 acres and the other lot to contain 1.285 acres. The smaller of the two lots to be conveyed to Mr. Philip Hess. There are no construction, demolition, rehabilitation or disposition being proposed at this time. The Planning Commission reviewed the plan and recommended approval.

Staff offered the All-Nations Sewage Planning module was approved by Council at the November 17, 2022, meeting.

Mr. Best made a motion approve the subdivision plan of All-Nations Bible Translation dated September 6, 2022, and last revised November 22, 2022, subject to the following conditions:
1. Within ninety-days from the date of approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must be recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety-day recordation time requirement will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments from Staff.
4. Fully comply with College Township Code Section 180-12.
5. Include on the plan, a definite outline of Access Easement.
6. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.
Mr. Bernier seconded the motion.
Motion passed unanimously.

P-2 Rhodes Lane Land Development Plan (Withdrawn at Developer’s Requester)

REPORTS:

a. Manager’s Update

Mr. Adam Brumbaugh, Township Manager, offered that location painting has started in the Centre Hills Village of the location of the proposed traffic calming 7-watt speed humps. A neighborhood vote is anticipated in January of 2023. Appointments to the Thompson Woods Preserve Advisory Committee are being made. Volunteers are needed to be appointed by College Township to serve on the Governance Committee. The Petition to Intervene, related to the proposed Nittany Casino, has been added to the December agenda of the Pennsylvania Gaming Control Board.

Mr. Bloom reported that the announcement of the CFA grant has not taken place. He anticipates this to happen in early 2023.

Mr. Bernier would like to see some recognition/ribbon cutting ceremony to take place when Pike Street Traffic Calming project is complete.

b. COG Regional, County, Liaisons Reports

Centre County Metropolitan Planning Organization (CCMPO): Mr. Bernier reported the CCMPO met on November 22, 2022, and discussed: the State College Area Connector Project;, 2023-2026 CC Transportation Improvement Program (TIP); CCMPO FY 2022-2024 Unified Planning Work Program; SEDA-COG Joint Rail Authority; performance based planning and programming; CATA System Reimagine Study/Transportation Development Plan (TDP); and the Strategic Plan.

c. Staff/P.C./Other Committees

Planning Commission (PC): Mr. Ed Darrah, PC Liaison to Council, offered that the PC met on November 15, 2022, and reviewed the All-Nations Subdivision Plan, Rhodes Lane Land Development Plan and a sketch plan of the Arize Credit Union.

d. Diversity, Equity & Inclusion (DEI) Reports (Public Invited to Report)

No DEI Reports were brought forward.
CONSENT AGENDA:

**CA-1 Minutes, Approval of**
- a. November 3, 2022, Regular Meeting
- b. November 14, 2022, Special Meeting

**CA-2 Correspondence, Receipt/Approval of**
- a. Email from Andrew Shaffer, dated November 14, 2022, regarding Casino
- b. Email from Elisa Huncik, dated November 18, 2022, regarding Mount Nittany Road closure
- c. Email from Beth Betts, dated November 17, 2022, regarding Berry Alley
- d. Email from Ned Balzer, dated November 18, 2022, regarding Berry Alley
- e. Letter from Keystone Water Resource Center, dated November 13, 2022, regarding Spring Creek Water Resources Monitoring Project
- f. Email from Matt Whitman, Centre Concrete, dated November 19, 2022, regarding Thanks to College Township Staff
- g. Email from Sally Sherman, dated November 20, 2022, regarding Casino
- h. Email from Nancy Cone, dated November 21, 2022, regarding Casino
- i. Email from Laurie Jeffreys, dated November 21, 2022, regarding Casino
- j. Letter from Penn Terra, dated November 15, 2022, regard time extension Stocker Auto Body Shop to March 12, 2023
- k. Letter from Penn Terra, dated November 22, 2022, regarding time extension Nittany Casino to March 11, 2023
- l. Email from Crystal Deitz, dated November 26, 2022, regarding Berry Alley petition

**CA-3 Action Item/Approval of**
- a. Resolution R-22-27 Recognition of Steven Bair, Fire Director

Council asked to pull the following CA-2.b., CA-2.c., and CA-2.f.

Mr. Best made a motion to approve the December 1, 2022, Consent Agenda minus CA-2.b., CA-2.c., and CA-2.f.
Mr. Bernier seconded the motion.
Motion carried unanimously.

CA-2.b.: Mount Nittany Road Closure request for the Christmas in Lemont event. Mr. Brumbaugh offered that this is a typical request. Depending on the timing, Staff or Council approve the request.

CA-2.c.: Berry Alley Signage: Mr. Best asked that this consent item be brought forward to the next meeting where Berry Alley will be discussed.

CA-2.f.: Mr. Bernier read the following into the record.

*Good morning, Mr. Francke, I’d like to take the opportunity to thank and commend College Township’s field crew for the work they completed on October 14, 2022 in aiding the recovery of a disabled vehicle. One of our ready-mixed concrete trucks left the roadway and became stuck in a soft field requiring the aid of a towing company to recover it. However, the truck was unable to be removed from the direction it came due to the steepness of the terrain. The decision was made*
to extract it from a different direction, but the path would require the removal of trees and scrub brush. Mr. Jere Northridge was also on the scene at the time and offered help in having the Township’s field crew come out and remove these trees and vegetation, essentially opening a clear lane for our vehicle to be extracted. To describe the Township’s crew as anything other than professionals, would be an understatement. The crew arrived promptly and set to work immediately. From donning their PPE, to examining the terrain, and removing the trees, the work was completed quickly and efficiently. It was impressive. A lane was opened up, which included the crew going above and beyond what was asked of them when they removed multiple trip hazards (vegetation and dead trees) that had previously been laying on the ground. As this was an event that was unplanned, we greatly appreciated how quickly the crew arrived on scene and completed the work. I hope the Township and the residents value the field crews that work tirelessly day in and day out, we certainly do.
Sincerely, Matt Whitman, Centre Concrete

Mr. Best made a motion to approve CA-2.b., CA-2.c., and CA-2.f.
Mr. Bernier seconded the motion.
Motion carried unanimously.

OLD BUSINESS:

OB-1 Pedestrian Facilities Master Plan – O-22-04

Mr. Bloom, Assistant Township Manager, offered that at the November 17, 2022, CT Council meeting, a Public Hearing and discussion took place on the Walkable College Township: A Pedestrian Facilities Master Plan and Ordinance O-22-04. During the discussion of the ordinance, Council expressed concerns regarding the clarity and flow of Section §180.16.1.F. – Waiver of the proposed ordinance. Council opted to postpone action on the plan and ordinance until the December 1, 2022, meeting.

Mr. Bloom reported Staff revised the language and formatting in the section in question. Specifically, the amended draft clarifies the overall conditions that allow for waiver considerations and the process used to determine whether a pedestrian facility is technically feasible. The language and formatting revisions proposed do not fundamentally alter the intent of the ordinance as previously presented for public review.

Council discussed the revised language of the proposed ordinance. While the language revisions presented by Staff to the ordinance cleared up some questions by Council, Council asked to bring this item back for discussion at the next CT Council meeting. Staff will work on further language and formatting clarifications.

NEW BUSINESS:

NB-1 Resolution R-22-33 – Authorizing an Amendment to the Articles of Incorporation of CATA to extend the life of the Authority
Mr. Brumbaugh offered that CATA is organized under the Municipality Authorities Act in 1974. This Act sets a maximum term of existence of 50 years and must be renewed to extend the life of the authority, which for CATA is 2024. The process to renew is a multistep process requiring action on the part of all member municipalities so CATA is beginning the process now.

The CATA Board of Directors voted unanimously by resolution on August 22, 2022 to amend the Articles of Incorporation to extend the life of the Authority through August 1, 2072. CATA has provided CT with a resolution to consider approving the amendment to the Articles of Incorporation as proposed.

Mr. Bernier made a motion to approve Resolution R-22-23 to extend the life of CATA for another 50 years.
Mr. Best seconded the motion.
Motion carried unanimously.

**NB-2 Climate Action Adaption Plan (CAAP) Review**

Mr. Bloom, Assistant Township Manager, offered that the Centre Region Climate and Adaptation Plan (CAAP) was adopted by the COG General Forum on November 22, 2021. The CAAP was developed to identify, address, and to the degree possible, prevent the negative impacts of climate change.

As outlined during the development process, Mr. Bloom explained, the CAAP is about how our local governments can play an essential role in preparing our community for the changing climate and be leaders in building a low-carbon community of the future. College Township, along with other municipalities, aid in implementing the CAAP by leading by example, fostering partnerships, creating policy, and helping to disseminate information.

The Climate Action and Sustainability Committee (CAS) is seeking feedback on the plan and updates from municipalities regarding their respective approaches to its implementation. To aid Council in this discussion, Council Member Stilson developed a CAAP Survey that focuses specifically on the CAAP sections: Energy & Buildings, Renewable Energy, Sustainable Transportation, Solid Waste, Land Management and Clean & Health Water.

Staff is requesting that Council receive the presentation and provide feedback. Council asked that this discussion take place in an advertised Special Work Session with a full-compliment of Council present, due to the volume of information in the CAAP sections and objectives. Council is looking to have this meeting in January of 2023.

**STAFF INFORMATIVES:**

No *Staff Informatives* were pulled for discussion.

**OTHER MATTERS:**
The College Township Staff and Volunteer Appreciation Banquet will take place December 2, 2022, at the Wyndham Garden State College.

**ADJOURNMENT:**

Mr. Best moved to adjourn the December 1, 2022, Regular College Township Council Meeting.

Chair seconded the motion.

Chair Stilson adjourned the December 1, 2022, Regular College Township Council Meeting at 9:08 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
Variance

Court reviews matter involving denial of use variance

Citation: E&S Realty, LLC v. Board of Appeals of Village of Sands Point, 208 A.D.3d 1236, 175 N.Y.S.3d 269 (2d Dep't 2022)

E&S Realty LLC (E&S) owned property in a residential district in the Village of Sands Point, New York. In 1989, the village adopted a local law amending its zoning law to prohibit the use of accessory structures in a residential district for “habitable purposes.”

In 2016, E&S applied for a building permit to enlarge and renovate an accessory structure located at its property, which was being used as a residence without the village’s knowledge.

The village issued a building permit, and E&S completed improvements to the property before applying for a certificate of completion for the accessory structure.

In January 2017, the village issued a denial letter informing E&S that the building permit had been issued in error and that the renovations to the accessory structure required multiple variances, including a variance to enlarge a nonconforming use without changing it to a conforming use.

In May 2017, the village issued a second denial letter amending the first letter, informing E&S that the accessory structure needed a variance to allow it to be used as a residence.

Months later, E&S appealed to the village’s zoning board of appeals (ZBA) seeking the granting of a certificate of completion based upon the doctrine of equitable estoppel or, in the alternative, a variance to permit the use of the accessory structure as a residence.

The ZBA conducted a hearing before denying the application for a certificate of completion and a use variance.

E&S then filed a lawsuit seeking review of the ZBA’s decision.

DECISION: Affirmed.

The ZBA correctly found that 1) the village had correctly denied E&S certificate of completion, and 2) the village wasn’t estopped from denying its application.

Here, the ZBA had “properly determined that the [village correctly denied [E&S’] application for a certificate of completion and, in effect, that a variance was required to use the accessory structure as a residence,” the court wrote.

Despite E&S’ contention that the intended use was not a prior nonconforming use, “the record demonstrate[d] that the accessory structure had not been used for habitable purposes prior to the 1989 amendment of the Village Code which prohibited the use of accessory structures for habitable purposes.”

Also, the ZBA’s “interpretation of the Village Code’s phrase ‘used for habitable purposes’ was not arbitrary and capricious, illegal, or an abuse of discretion.”
The court explained that the doctrine of “equitable estoppel” was used sparingly and only under “exceptional circumstances.” It added, “[t]he mistaken or erroneous issuance of a permit[d] not estop a municipality from correcting errors, even where there [we]re harsh results.”

Here, the ZBA had “properly determined that the [v]illage correctly denied [E&S’] application for a certificate of completion and, in effect, that a variance was required to use the accessory structure as a residence,” the court wrote.

Also, “the prior issuance of a building permit [d[id] not estop a municipality from enforcing its zoning laws.”

Here, the ZBA had properly found that the village wasn’t estopped from denying E&S’ application for a certificate of completion because the village had previously issued a building permit. “The building permit was mistakenly issued, as [E&S] sought the permit to renovate the accessory structure for use as a residence, which violated the Village Code.” Also, E&S didn’t show “any fraud, deception, or other malfeasance by the [v]illage,” so the village wasn’t “estopped from correcting its error in issuing the building permit by denying [E&S’] application for a certificate of completion.”

Nonconforming Use

Court examines whether ZBA exceeded authority in denying special permit application concerning basement dwelling

Citation: Noll v. Abington Zoning Board of Appeals, 2022 WL 4298382 (Mass. Land Ct. 2022)

Following a public hearing, the Abington, Massachusetts Zoning Board of Appeals (ZBA) rejected Donald Noll’s special permit application, and he filed suit seeking to annul the ZBA’s decision. The parties filed cross-requests for judgment without a trial.

DECISION: ZBA’s request for judgment granted.

The ZBA did not exceed its authority in denying Noll’s special permit application.

MORE ON THE FACTS

Noll bought property at 78 Centre Avenue in Abington, which was zoned R-30 zoning district of the town of Abington. Prior to Noll’s purchase, the property was occupied and operated as a lawful pre-existing nonconforming use as a two-family dwelling. But, at some point prior to the purchase, a third dwelling unit was added to the property in the basement of the existing building without approval by the town’s building commissioner.

Under Abington’s bylaws, an R-30 district allowed single family dwellings by right, but two- and three-family dwellings (multi-family dwellings) were allowed upon approval of a special permit.

The bylaw stated “[a]ny nonconforming use of a structure may be changed to another nonconforming use, provided the new use is not a substantially different use, as provided below and approval for such change is granted a special permit by the Board of Appeals. For the purpose of this section, a substantially different use is a use which by reason of its normal operation, would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics, from the existing nonconforming use.”

In January 2021, the building commissioner told Noll that a bylaw violation had occurred because the third unit was found to be illegal (and was not a permitted use in the R-30 district).
In August 2021, Noll submitted an application to the zoning board seeking a special permit for a change of use or to allow for a change of use from a pre-existing nonconforming two-family dwelling to a nonconforming three-family dwelling by converting the basement level to a one-bedroom unit. This was in actuality a request to legalize the conversion that had already occurred without approval.

The zoning board denied Noll’s application for a special permit based on the facts that:

- the property existed as a two-family dwelling rather than a three-family dwelling, so Noll’s application wasn’t covered under the applicable law as a pre-existing structure;
- that provision of state law was limited to single and two-family dwellings when a nonconformity was being increased, whereas Noll had applied for approval for a three-family dwelling; and
- the proposed change of use would have caused “readily observable differences in patronage, service, sight, noise, employment or similar characteristics, from the existing nonconforming use.”

That’s when Noll appealed the decision to the court.

BACK TO THE COURT’S RULING

The ZBA denial of the special permit wasn’t arbitrary or an abuse of discretion. The ZBA did err in its decision by stating that the property was not a lawful pre-existing nonconforming use for which a “section 6” finding, under state law, could be granted, but “it nonetheless denied[d] the request for a special permit because the proposed alteration would ‘cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics, from the existing nonconforming use,’ which [was] a direct quote from the section of the [b]law governing the change of use of a lawful nonconforming use.”

Practically speaking:

The court was bound to affirm the ZBA’s decision unless it found the denial of the application was based on “a legally untenable ground, or was unreasonable, whimsical, capricious or arbitrary.”

Massachusetts General Law chapter 40A section 6 provided “an avenue for property owners to seek approval from the city or town’s permit granting authority for the extension or alteration of a lawful pre-existing nonconforming use or structure through the first except clause.”

“Unlike a zoning board’s decision to grant special permit, a decision denying a special permit ‘does not require detailed findings by the board,’ . . . to be affirmed by a reviewing court.” Ultimately, here, all the ZBA had to do was make a finding that “the proposed change would have an increased impact on the neighborhood. It was not required to do more.” In addition, because the application proposed not only to extend the existing nonconforming use, but also to change the existing lawful prior nonconforming use to a different one, and prohibited use as a multi-family dwelling, the ZBA in any event lacked the discretion to grant a special permit in the absence of an application for, and granting of, a variance,” so its decision had to be upheld.

A CLOSER LOOK

Massachusetts General Law chapter 40A section 6 provided “an avenue for property owners to seek approval from the city or town’s permit granting authority for the extension or alteration of a lawful pre-existing nonconforming use or structure through the first except clause.” After recognizing a potential ambiguity within this clause, both the [Massachusetts] Supreme Judicial Court and the [Massachusetts] Appeals Court held that it imposed two distinct requirements for the approval of an extension or change of a lawful pre-existing nonconforming use or structure: (1) the extensions or changes themselves must comply with the ordinance or bylaw and (2) the permit granting authority must find that the proposed use or structure as extended or changed is not substantially more detrimental to the neighborhood than the pre-existing nonconforming structure or use.”

RLUIPA

Community center alleges city violated religious freedom rights by imposing specific land-use regulation

Citation: Adam Community Center v. City of Troy, 2022 WL 4541630 (E.D. Mich. 2022)

Adam Community Center (ACC), a religious non-profit assembly, sought to serve the Muslim community of Troy, Michigan. ACC alleged that the city violated its rights under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) as well as the First, Fifth, and Fourteenth Amendments to the United States Constitution by implementing and imposing a land use regulation that places a substantial burden on its religious exercise and treated it differently from similar, secular institutions.

ACC held religious services and nonreligious classes that were open to all community members. Beginning in 2009, ACC began looking throughout Troy for a larger and more suitable property.

ACC’s early attempts were unsuccessful because 1) Troy was almost 100% developed, and 2) at least one private seller refused to sell its property to it. ACC also had to deal with the city’s zoning ordinance, which imposed more restrictive setback and parking standards on places of worship than it did on other property uses such as restaurants, schools, and secular places of assembly.
Under the zoning ordinance, if ACC planned to conduct prayer or other religious services on its property, it effectively would need to either purchase a property that had formerly been used for religious services without needing a variance or obtain the necessary variances from Troy’s Zoning Board of Appeals after securing an interest in a property that had been used for a secular purpose. Over several years, ACC had made many attempts to acquire a suitable property and any necessary variances, but either its purchase offer was refused or its variance applications were denied.

ACC most recently acquired a former restaurant and banquet hall located in Troy’s General Business district, one of six zoning districts where places of worship were permitted by right.

Property setbacks were such that any use permitted by right could operate at the property as long as there was sufficient parking, no changes were made to the parking or physical structure, and the occupant was not subject to use-specific standards such as those imposed on places of worship.

After entering into a purchase agreement for the property, ACC applied to the zoning board for the necessary setback and parking variances that would allow it to hold prayers and other religious services at the property. Its members “thought it was very likely” the variance application would be approved since ACC had no plans to change the exterior of the building or the parking lot, because its use of the building would not cause car and foot traffic to be very different from when the building was used as a restaurant and banquet hall, and it planned to maintain the same building occupancy that Troy approved in 2012 and had secured the support of a neighboring property owner. Several nearby properties and other places of worship in Troy had similar setbacks.

But, the city’s zoning board denied ACC’s application for the necessary variances. It raised concerns over traffic and parking safety, but the record showed it never ordered a traffic study or considered granting ACC’s variance application with conditions.

And, during the hearing on ACC’s application, a Troy official clarified that the building could be used for commercial purposes without requiring a variance and that it was currently being used as a commercial entity. Troy’s assistant city attorney also advised the zoning board that it did not need to be concerned with RLUIPA.

The city requested judgment without a trial.

**DECISION:** City’s request for judgment granted.

There were questions of material fact at issue that precluded the city’s request for judgment without a trial.

The court examined whether there was direct or circumstantial evidence in support of ACC’s claim. In evaluating discriminatory intent, it could consider factors such as:

- the series of events leading up to a land use decision;
- the context in which the decision was made;
- whether the decision or decision-making process departed from established norms;
- statements the decision making body and community members made;
- the decision-making body’s reports;
- whether a discriminatory impact was foreseeable; and
- whether less discriminatory avenues were available.

Here, ACC had identified pieces of circumstantial evidence that may lead a fact-finder to conclude Troy acted with discriminatory animus towards Muslims,” therefore, a question of fact on this claim exists and summary judgment for the city was denied.

The court also found further examination was needed as to whether the city had violated RLUIPA’s “exclusions and limitations provision.” That provision barred the “government from imposing or implementing a land use regulation that . . . totally exclude[d] religious assemblies from a jurisdiction . . . or . . . unreasonably limit[ed] religious assemblies, institutions, or structures within a jurisdiction.”

The court only argued that ACC hadn’t offered any evidence to support its claim since the city’s zoning ordinance permitted places of worship in all zoning districts except for a limited number of places and that in reality that meant it could have operated in 97% of the locales within the city limits.

However, “circumstantial record evidence exist[ed] that [could] cause a fact finder to conclude that the application of [the ordinance] either totally excluded from Troy or unreasonably limited [ACC’s] or other Islamic assemblies.”

**THE BOTTOM LINE:**

There were questions of fact as to whether the zoning ordinance had been “actually applied in a neutral manner or whether it [had been] applied for the purpose of excluding Muslim assemblies from Troy.”

**Permit Denials**

**Wireless telecommunications provider challenges zoning administrator and board of zoning appeals denial decision**

Citation: New Cingular Wireless PCS, LLC v. Monroe County Board of Commissioners, 2022 WL 4604164 (S.D. Ill. 2022)

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (AT&T), a wireless telecommunications provider, found deficiencies in its wireless network in Monroe County, Illinois. To strengthen coverage and rectify the deficiencies, it applied for a permit for communication support structures in Monroe County, Illinois, on April 12, 2019.

In the application, AT&T proposed a location for a 155-foot monopole tower with accompanying telecommunications equipment. The proposed location was a 50-foot by 70-foot, fenced-in portion of land at 1332 Valmeyer Road that AT&T would lease. The leased area was not a separate parcel but was a part of the overall plot of land.

Under Monroe County Zoning Code, the proposed land was zoned as “MB2,” which permitted communications facilities and the owner of the proposed plot of land indepen-
dently maintained a self-storage facility on an area outside the leased area.

The county's board of commissioners (BOC) held hearings in 2019 and 2020 and requested to have the county zoning administrator (ZA) interpret a specific section of the local zoning code, which instructed that "[a]communication support structures and antennas may be permitted in all zoning districts." The ordinance further stated, "[n]o public office, or principal repair or storage facilities shall be maintained in connection with the site."

AT&T argued that the ordinance intended to prevent telecommunications carriers from maintaining significant additional operations aside from the telecommunications facility itself, such as operating a company vehicle repair operation, commercial sales office, or a company equipment storage program. The ZA found that the ordinance barred AT&T from installing its proposed tower "since a storage facility is maintained in connection with the building site," so AT&T appealed.

The zoning board of appeals (ZBA) denied the appeal and affirmed the interpretation. The BOC then voted to uphold the ZA's denial of AT&T's application because the parcel of land contained a storage facility.

AT&T filed suit against the county, alleging its decision violated the Federal Telecommunications Act and that its interpretation violated the Illinois Counties Code. It asked the court to vacate and reverse the county's decision to deny its application.

**DECISION: Affirmed.**

The BOC's interpretation of the ordinance was reasonable as a matter of law and did not conflict with state law; and there was substantial evidence supporting its denial of AT&T's application.

The TCA required a local board to issue a denial of a request to "place, construct, or modify personal wireless service facilities" based on substantial evidence contained in the written record. The county asserted that "no extensive detail or analysis was needed to ensure AT&T and a reviewing court could understand the reasons for denial." The court agreed with the county that the reasons didn't have to be elaborate or even sophisticated, but rather simply clear enough to enable judicial review.

"Here, the record on review contains minutes from the [BOC's] meetings on November 2, 2019, August 3, 2020, and October 5, 2020, as well as the minutes of the [BZA] hearing on September 9, 2020. . . . The minutes contain[ed] a brief description of the happenings of the meeting, along with a summary of the decision and information considered," the court explained.

The ZBA's decision also "provided AT&T a clear description of the basis for the denial. As an initial note, the record indicates that the [c]ounty found the proposed property unsuitable for a cell tower because a local ordinance prohibited storage facilities from being operated on the same property. The [BOC] and [ZBA] based this decision on the [ZBA's] decision along with AT&T's arguments in opposition."

AT&T claimed that the BOC had "many additional questions," which was evidence that there wasn't substantial ev-

**THE BOTTOM LINE:**

The BOC had considered the ZA's interpretation of the county's zoning ordinance and AT&T's alternative arguments, which allowed it to come to a decision which [was] clearly communicated in the meeting minutes and included notes.

The BOC had substantial evidence on which to base the denial—"it had explained its rationale with sufficient specificity regarding how and why it concluded the way it did—primarily, violation of a local ordinance."

The county also didn't violate state law. Under the Illinois Counties Code, "[a]ny decision regarding a facility by the county board or a county agency or official shall be supported by written findings of fact," moreover, the reviewing court shall "review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision."

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*The BOC had substantial evidence on which to base the denial—"it had explained its rationale with sufficient specificity regarding how and why it concluded the way it did—primarily, violation of a local ordinance.*

Since the "underlying rationale for denying AT&T's application was an interpretation of a local ordinance, the [c]ourt [c]ould determine whether the [BOC's] interpretation was indeed reasonable." And ultimately, the court declined to "perform an in-depth analysis regarding the [BOC]'s interpretation of the [o]rdinance. Under a reasonableness standard, [the county] provide ample support for their interpretation, and [its] construction of the [o]rdinance did not run afoot of the typical canons of statutory construction."

**Practically speaking:**

"The requirement of substantial evidence review under the TCA does not create a substantive federal limitation upon local land use regulatory power," the court noted. "Rather, the substantial evidence test acts as a procedural safeguard centrally directed at whether a local zoning authority's decision is consistent with the applicable local zoning requirements. . . . Further, this test is highly deferential to the local board."

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Special Permit

Islamic center denied special permit to operate in specific zone

Citation: Omar Islamic Center Inc. v. City of Meriden, 2022 WL 4599150 (D. Conn. 2022)

Omar Islamic Center Inc. (Omar), a 501(c)(3) tax exempt entity, was comprised of Muslims who lived in towns across Connecticut.

Omar was located in a small second-floor space, above a pizza restaurant, on Main Street in Middletown, Connecticut. The location was approximately 1,200 square feet in size and consisted of only two rooms.

This location didn’t have an elevator, which made entry difficult or impossible for Omar’s disabled and elderly members and was sufficient to accommodate the size of its congregation, students in its Quran and Islamic Studies classes, and men and women, who had to be separated for prayer and for ritual washing before prayer.

As a result, Omar started looking for a larger space to accommodate its activities. It identified a vacant commercial space in Meriden, Connecticut, which Research Parkway Associates LLC (RPA) owned. The space was in an M-4 Planned Industrial District of Meriden. The primary purpose of the M-4 district was to “encourage well-planned integrated developments of industrial and office use with supportive commercial uses.”

Section 213.32B(1) of the City of Meriden Zoning Regulations outlined acceptable uses for property in an M-4 district.

For instance, by right, the following uses were permitted: offices, hotels, convention centers, shops and stores and service establishments (such as bakeries, barbers, restaurants, and theaters), and institutional, public, and municipal buildings. Until April 2021, the ordinance prohibited places of worship in the M-4 district unless they received a special permit, with special permits being submitted to and heard and decided by the Planning Commission (the Commission).

The special permit criteria for the M-4 district required a finding that the proposed special permit use would “not tend to depreciate the value of the property in the neighborhood or be otherwise detrimental or aggravating to the neighborhood or its residents or alter the neighborhood’s essential characteristics.” Further, special permit applicants had to meet the “special exception” criteria set forth in the applicable regulations, which required the Commission to “take into consideration the health, safety and welfare of the public, in general, and the immediate neighborhood.”

Omar applied for a special permit in January 2019, seeking permission to use the property as a place of worship. The applicant sought to use the property’s first floor as a mosque for 25 to 30 families, with a potential increase of up to 60 families.

The city engineer did not have any engineering concerns about the application and wasn’t otherwise concerned with the safety or traffic effects it would have on the neighborhood. And the city’s planning director circulated a memorandum to members of the Commission and city officials stating her office’s position that the proposed use would not “negatively impact the area streets, intersections, or neighborhoods.”

Following a public hearing, however, the Commission denied the special permit request, so Omar filed suit alleging it had violated its rights under the Connecticut Religious Freedom Act (CRFA). The city asked the court for judgment.

DECISION: City’s request for judgment on the CRFA claim granted.

The CRFA barred the state or a political subdivision from burdening one’s exercise of religion “even if the burden resulted from a rule of general applicability unless the ‘application of the burden to the person . . . [wa]s in furtherance of a compelling governmental interest . . . and . . . [wa]s the least restrictive means of furthering that compelling governmental interest.’” The CRFA required strict scrutiny in analyzing whether a government action or law that burdened one’s exercise of religion.

Ultimately, the court found Omar couldn’t “surmount” case law from the Connecticut Supreme Court that “construction of a place of worship [wa]s not religious exercise.” That’s “because the instant case [wa]s one that [wa]s fundamentally about building a place of worship on a piece of property,” the court noted. Omar claimed the zoning regulations “‘effective requirement that any religious institution or assembly that wishe[d] to construct a place of worship within Meriden must first undergo a highly discretionary special permit review process’ violate[d] the constitution and the CRFA.” Omar also complained that the city’s refusal to issue its special permit “prevent[ed] the Center from building a mosque to accommodate its religious needs.” The issue here for the court to decide was whether Omar showed a CRFA violation had occurred. “This Court is bound by the Connecticut Supreme Court’s interpretation of this statute, and that interpretation excludes the instant action,” the court noted.

Because Omar hadn’t demonstrated that its exercise of religion, as contemplated by the CRFA, was burdened, its request for judgment without a trial was denied and the city’s request was granted.

CASE NOTE

Under state law, “an aggrieved person [wa]s defined as ‘any person owning land in this state that abut[ted] or [wa]s within a radius of [100 feet] of any portion of the land involved in the decision of the board.’” But if a landowner and non-landowner had an agreement for the non-landowner to use the land contingent on a decision by a zoning commission, the non-landowner could be an “aggrieved person” within the meaning of state law. And, such an agreement didn’t have to be in writing as long as the parties intended to abide by it.

There were questions of material fact precluding the city’s request for judgment on the issue of whether the landowners and Omar as the non-landowner had an agreement under which Omar had authority to bring its claim.
Case Note:
The Department of Justice had also filed suit against the city, alleging that violated the Religious Land Use and Institutionalized Persons Act by denying Omar’s application for a special exception permit to operate its proposed Islamic religious assembly or institution and by imposing more onerous requirements on religious assemblies and institutions in certain zoning districts than on comparable nonreligious assemblies and institutions. Court documents related to that case can be found at tinyurl.com/9jcztpc.

Zoning News Around The Nation

Alaska

Emergency homeless shelter plans released in Anchorage

Anchorage’s mayor, Dave Bronson, recently announced the city’s Emergency Cold Weather Sheltering plan for the 2022-23 winter, which is required under section 16.120 of the Anchorage Municipal Code (AMC). “[The] administration developed this plan to address emergency sheltering needs for individuals experiencing homelessness in our community. With winter around the corner, the administration made it a priority to have this plan in place prior to the first freeze up,” a press release explained.

“It is our mission to ensure no one sleeps out in the cold this winter. Our Emergency Sheltering plan is comprehensive and relies on a variety of community partners to safeguard the most vulnerable among us,” said Mayor Bronson. “I recognize we can’t implement the full scope of the plan without help from the Assembly. To that end, I’ve committed to work with Assembly members to make the necessary code changes that will enable us to provide more than enough sheltering options for our unhoused neighbors,” Bronson added.

Anchorage has a four-prong approach to emergency cold weather sheltering for the 2022-2023 winter season, with a goal of driving collaboration among the municipality, key stakeholders, and organizations in the homelessness response sectors such as emergency management and public health authorities. More specifically, the plan uses the following approaches:

- “Use up to 20 portable self-contained buildings provided to the Municipality, at no-cost by a community partner, as cold weather shelters. These 900-1000 square foot buildings will be placed at selected site(s) and have the potential to shelter 200-240 individuals”;
- “[d]evelop a program to provide micro-grants to churches, non-profits, and organizations throughout Anchorage who elect to become emergency shelter sites. These micro-grants will be funded by the Municipality”;
- “[p]rovide funding to extend operations at the Aviator Hotel as a non-congregate site through the end of December, with the option to extend through April”;
- “Use Municipality buildings as emergency shelter sites. The Spenard Recreation Center and Fairview Recreation Center have been selected as MOA emergency shelter sites. Using these buildings is the least preferred option identified by the Municipality. If portable self-contained buildings do not become available through necessary code changes, these sites will be activated from October [through] April.”

Further, Bronson’s administration has proposed changes to the code to permit the use of portable self-contained buildings as emergency shelters.

To read the full Emergency Cold Weather Sheltering Plan, visit muni.org/Departments/Mayor/PressReleases/Documents/Executive%20Summary%20Emergency%20Winter%20Shelter%20Plan%20FINAL.pdf.

The city also announced a micro-grant program to help churches, agencies, non-profits, and entities seeking to become an emergency shelter this winter participate in addressing this issue. More information about the grant-application process can be found at muni.org/Departments/health/HousingAndHomelessness/Pages/EmergencyShelter.aspx.

Source: muni.org

Connecticut

Stamford may revamp vacant buildings if comprehensive rezoning plan proceeds

Stamford, Connecticut’s Zoning Board is likely to pass a comprehensive rezoning plan (CRP) around the Stamford Transportation Center (STC), The Register Citizen reported recently. The board recently passed—by unanimous vote—the final part of the CRP covering the city’s Mill River Park and most of the area around the STC, the news outlet added.

For more information on the proposed Stamford Transportation Center rezoning plan, visit stamfordct.gov/home/showpublisheddocument/15506/637847572528000000.

Source: registercitizen.com

Illinois

Evanston examines equitable zoning

At a September 2022 virtual meeting to discuss how zoning in Evanston, Illinois impacts residents’ economic and overall well-being, Juan Geracaris, a city council member, said he looks forward to addressing the issue of affordable housing, Evanston Roundtable reported recently.

At the meeting, a Connections for the Homeless community organizer noted that analysis from 2021 by the ZoneCo consultancy showed that Evanston’s zoning code could use some improvements, in part because homelessness can be a byproduct of zoning restrictions. That representative said zoning amendments can help alleviate concerns over homelessness by allowing affordable housing to be built in areas that otherwise would have been restricted due to existing zoning code provisions.

To learn more about Connections for the Homeless or Evanston’s zoning code, visit connect2home.org and cityof
to build more housing and address the regional affordability crisis, support equitable and resilient neighborhoods, and shift to planning-led development.”

To learn more about the appointees (both at large and neighborhood organization seats), visit boston.gov/news/mayor-wu-announces-new-members-zoning-board-appeal.

Source: boston.gov

Washington, D.C

The Cato Institute National Survey results released

Public policy research think tank, The Cato Institute has released survey results on a poll YouGov conducted, which shows that zoning regulations have increased the cost of housing by $300,000 to $400,000 per quarter acre in places like Chicago, Seattle, and San Francisco. In New York, CATO notes, a zoning tax has resulted in estimate cost increases of more than $500,000 per quarter acre “near the urban core in 2018.”

The Cato Institute National Survey, conducted August 17-23, 2022, shows that Americans are concerned about housing costs. In the survey, 87% of respondents said they are at least “somewhat concerned” about housing costs, and 61% are either “very” or “extremely” concerned. “Roughly 69% are worried that their children or grandchildren will not be able to afford a home, and a majority of Americans do not believe they could afford to buy the house they live in today,” Cato reported.

For additional details about this survey, visit cato.org/sites/cato.org/files/2022-09/Toplines_Cato2022HousingSurvey.pdf.

Source: cato.org
# College Township Engineering Zoning Planning Update

**JANUARY 2023**

## LAND DEVELOPMENT PLAN COUNCIL ACTION DEADLINES

<table>
<thead>
<tr>
<th>Title</th>
<th>Submitted</th>
<th>Action Deadline</th>
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<tbody>
<tr>
<td>Rhodes Lane Condos</td>
<td>10/17/2022</td>
<td>February 17, 2023</td>
</tr>
<tr>
<td>Arize Federal Credit Union</td>
<td>12/19/2022</td>
<td>March 19, 2023</td>
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</tbody>
</table>

## LAND DEVELOPMENT PLAN ACTIVITY

<table>
<thead>
<tr>
<th>Title</th>
<th>Recording Deadline</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nittany Casino</td>
<td>RECORDED</td>
<td>90 day extension approved; 7/5/22 received UAJA intent to serve; 9/1 CTC approved 90-day ext.; app for water &amp; tapping fee done; surety estimate has been approved; Lindsay reached out to Louis about which plan to record; 11/22 request for 90-day ext. received, to CTC 12/1; 12/2 sent approval for extension; 12/5 signed plan picked up for recording; 12/27 received and confirmed surety; <strong>recorded 12/27</strong> waiting for copy of recorded plan</td>
</tr>
<tr>
<td>Stocker Body Shop</td>
<td>March 12, 2023</td>
<td>Surety received 6/20 expires 6/14/23; 9/1 CTC approved 90-day ext.; 11/16 ext. request received, to CTC 12/1; extension approval sent 12/2</td>
</tr>
<tr>
<td>Canterbury Crossing</td>
<td>February 1, 2023</td>
<td>9/19 Submitted; 9/20 Completeness review; 9/20 sent to all for full review (comments due 9/30); PC tentatively 10/18; PC recommended to Council; CTC 11/3, received conditional approval</td>
</tr>
<tr>
<td>All Nations Subdivision</td>
<td>March 1, 2023</td>
<td>9/26 submitted &amp; completeness review; 9/27 sent for full review (comments due 10/7); comments due 11/4 must contain a comment on defined line of driveway/ private drive; PC 11/15; 11/16 Reached out to Brock, missed PC presentation, new comments and needs to be present for CTC; CTC 12/1; 12/2 conditional approval letter sent; waiting for approval of planning module from DEP; 12/19 planning</td>
</tr>
</tbody>
</table>
module has technical deficiencies; 12/28 planning module revisions approved

Rhodes Lane Condos  
February 17, 2023  
10/17 submitted; 10/18 completeness review; 10/18 sent for full review (comments due 10/28); plan revisions came 11/7, accepted 11/14; P&R 11/14; PC 11/15; 12/1 plan tabled per PTE request, PTE granted review time extension

Arize Federal Credit Union  
March 19, 2023  
12/19 submitted & completeness review; 12/20 sent for full review; Comments due 12/30; revision due 1/9; to PC 1/17

MINOR PLANS

PSU Temporary Construction Trailer  
Expires 2/5/2023  
Submitted 11/7/2022  
11/14 sent to staff & Schnure, Bair & Boeckel; comments due 11/21; comments sent 11/21, Revision Due 12/2, 12/1 received revision, comments sent 12/9; revision due 12/16; 12/22 sent a request for a 30 day extension for review; extension accepted via email 12/23; 12/27 2nd revision received; sent Tania an email “no more comments” and Twp needs two copies of the plan signed by owners to be signed by ZO then recorded

OTHER

Pedestrian Facilities Masterplan  
Remand to PC, February 1, 2022 meeting; PC discussed on March 1, March 15, April 5, May 5; Flowchart approved by PC 5/18 with minor changes and addition of narrative; Staff in process of updating ordinance to implement Plan, Plan to be advertised on social media a second/final time, 2nd Public comment period to end in early fall with targeted public hearing 9/20. Plan needs to go to County PC and all contiguous municipalities prior to adoption; 8/18 to CTC for proposed changes to ordinances; 8/18 CTC remand back to PC; on PC agenda for 9/6 (to go back to CTC 9/15); 11/3 presented to CRPC; 11/17 Public Hearing to adopt plan and enact ordinances; to CTC 12/15 to adopt plan and enact ordinances

Dale Summit Area Plan  
PC made recommendation to Council January 18, 2022; Joint Council/PC meeting held March 28.; RFQ is on the website; Pre-submission meeting to be 7/14 (5 firms have signed up for pre-submission meeting); Deadline to submit proposals 8/1; to be reviewed by committee (2 Council members, 2 PC members; 1
CRPA; staff; committee established 8/4; submissions sent to committee members 8/9; member meeting 8/29 1-3pm Library; 9/7 follow up with interview candidates to request sealed quotes; interviews October 25th; DPZ is chosen firm; Contract to be reviewed by CTC 12/15

Oak Ridge LTAC

LTAC meeting January 12, 2022; consulting engineer discussion at February 3 Council meeting; Council remanded back to LTAC at their March 3 meeting; LTAC met on March 30; as of 7/27 in hands of NTCC; 9/28 had a public meeting; 10/26 public meeting; to present to CTC 11/3; Vote to take place possibly in January; 12/1 & 12/2 lines painted on Oak Ridge and Shamrock

Spring Creek Park Masterplan

Study group met February 17, 2022; draft plan to be presented to Council on March 17, 2022; Public meeting May 11 6:00-7:30 CT Council room FORMAL PRESENTATION AT 6:30PM; Meeting with Anne Toole 7/6; Draft to P&R and DCNR 10/10 then to CTC 11/3; Grant expires end of the year; draft dates have shifted; draft to be emailed to P&R on 10/10; Don, Amy & Shane to meet about deed; to be surveyed by outside surveyor; to present to CTC 11/3; to be submitted by the end of the year

Pike Street Traffic Calming

Bid opening 4pm March 11, 2022; bid awarded March 17 CTC meeting; Work starting week of May 16; Work to continue through November; 11/23 opened two-way traffic

Traffic Signal Technologies Grant (TSTG)

Frank is working with help of District 2 PennDOT; Application due September 30; resolution to be passed; Application submitted; 12/14 approved for $127,700

Maxwell DRI

Presented to CTC, remanded to PC; PC recommended approval pending DRI; met with staff about rezoning entire lot, decided to stick with original proposal; awaiting results from DRI; application submitted to CRPA, deemed incomplete, will be resubmitted

SURETY EXPIRING SOON

<table>
<thead>
<tr>
<th>Stuckey/Dale Summit (Road)</th>
<th>January 23, 2023</th>
<th>email in surety file (12/8; 12/9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stuckey Auto (Site)</td>
<td>January 26, 2023</td>
<td>email in surety file (12/8; 12/9)</td>
</tr>
</tbody>
</table>

*No surety to expire in February