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: 842 0152 4686  ● Passcode: 019779

*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:

OPEN DISCUSSION (items NOT on the agenda):

CONSENT AGENDA:    CA-1 April 4, 2023 Meeting Minutes (Approval)

PLANS:      P-1 The Pennsylvania State University Environmental Management Facility (Discuss/Action)

OLD BUSINESS:    OB-1 Zoning Amendment Consideration (Discuss/Action)
                   OB-2 Official Map & Ordinance Language (Discuss/Action)

NEW BUSINESS:

REPORTS:    R-1 DPZ CoDesign Update
             R-2 Council Update
STAFF INFORMATIVES:  
SI-1  Zoning Bulletin  
SI-2  EZP Update  

OTHER MATTERS:  

ANNOUNCEMENTS:  Next meeting will be Tuesday, May 2, 2023 at 7:00pm  

ADJOURNMENT:  

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

STAFF PRESENT: Mike Bloom, Assistant Township Manager
Don Franson, P.E., P.L.S., Township Engineer
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, 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 not people present via Zoom.

ROLL CALL: Mr. Forziat verified all Commissioners

OPEN DISCUSSION: None presented.

CONSENT AGENDA:
Mr. Hoffman moved to approve the March 21, 2023 meeting minutes as written. Mr. Fenton seconded. Motion carried unanimously.

PLANS: None presented.

OLD BUSINESS:
OB-1 Official Map
Mr. Forziat opened the topic for ten minutes for discussion and comments from the Parks and Recreation Committee. Mr. Spoonamore, volunteer representative from the Parks and Recreation Committee, stated he is present to answer questions of the Parks and Rec comments or bike paths. Mr. Forziat offered again ten minutes for discussion or comment. Mr. Spoonamore stated the discussion time could be closed.
Mr. Bloom introduced the Official Map and described the process. Provided in the PC packet was a spreadsheet from staff which outlined all of the Parks and Recreation Committee comments and clarifying notes, as well as a smaller version of the corresponding map. Staff also provided a Draft Official Map which could be provided to College Township Council. Mr. Bloom stated that staff is asking the Planning Commission to acknowledge the comments provided by the Parks and Recreation Committee and to review, revise, and provide feedback on the corresponding ordinance. He also asked that they provide a recommendation to Council to begin reviewing of the Draft Official Map as prepared by the Planning Commission and the Parks and Recreation Committee.

Mr. Forziat asked that any further Parks and Recreation Committee comments and clarity be packaged separately from the Planning Commission, should PC provide a recommendation at this time.

The Planning Commission began discussion of the comments and marginal clarity provided by the Parks and Recreation Committee. It was decided that the hashing throughout the map designating a fishing easements should be removed from all streams within the Township. Many members agreed to strike the matter of fact statements as they do not belong on the Township Official Map. The consensus was that the Planning Commission would like to see further clarification and general clean-up of the Parks and Recreation’s comments so they can more easily be incorporated into the recommendation to Council. Staff confirmed there is an established deadline of April 13, 2023 for the Parks and Recreation Committee to clarify all comments and add anything which may have been missed.

The Planning Commission discussed with staff the difference between a wish list and a recommendation. It was determined that feasibility should not be a factor at this moment and engineers and designers are the ones to decide if a structure, road, path, etc. is feasible. Staff reiterated that putting a feature on the Official Map will give the Township leverage when the time comes for development. The commissioners added that staff and Council should stay aware of the Pedestrian Facilities Master Plan.

**OB-2 Burkentine Rezoning Update/Zoning Amendment Consideration**

Ms. Schoch introduced the topic and explained the staff recommendation. Staff recommends multi-family residential (R-3) be added as an allowable use within the Planned Research and Business Park District (PRBD). This would be considered a minor interim change while the Township consulting firm, DPZ Codesign, works on a master plan for the entire Dale Summit area.

Mr. Forziat asked staff to explain what the intent of a PRBD is and why it doesn’t include R-3 as a use. Ms. Schoch read from the College Township Code what the intent of the PRBD is. She explained that adding R-3 as a use within the PRBD would show the Township adapting to the current time as well as the future.

The commissioners discussed Planned Residential Developments (PRD) and how these would fit into the PRBD area in question. Ms. Schoch clarified a PRD is not a district, but an allowable use within the R-3 district, if R-3 is an allowed use within the PRBD, then a PRD would be allowed within a PRBD.

Mr. Sharp stated that the PRBD is a uniquely developable area for businesses and is fearful that if R-3 is an allowed use within the PRBD the district will lose its original intent. He also stated that if a recommendation is made to include R-3 as an allowable use within PRBD, he will not be in favor.

Many other commissioner’s voiced their concerns and agreed that they would like to hear from the consulting firm prior to taking any further action on the consideration of a zoning amendment. One concern the Planning Commission had was that this topic is developer driven. Mr. Bloom stated that this is not developer driven, however, it is developer influenced and staff is trying to keep the ball rolling in the interim while DPZ works on the master plan and a form based code hybrid.

Mr. Forziat asked the newest commissioners if they were familiar with form based code. After some discussion Mr. Bloom suggested Ms. Schoch send some webinars to the Planning Commission, which had been provided previously, and prior to some commissioner’s acceptance to their current positions. Ms. Schoch agreed.
Mr. Sharp moved to table the consideration of Multi-Family Residential (R-3) uses being permitted within the Planned Research and Business Park District (PRBD), and initiating the process of amending the zoning text to include R-3 as an allowable use within the PRBD zoning district, and consideration should be taken by PC to consult with DPZ on the topic.

Mr. Hoffman seconded. Motion carried unanimously.

NEW BUSINESS: None presented

REPORTS: None presented.

STAFF INFORMATIVES:
SI-1 Zoning Bulletin
Nothing further discussed.

OTHER MATTERS: None presented.

ANNOUNCEMENTS: Mr. Forziat announced the next meeting will be Tuesday, April 18, 2023 at 7:00 p.m.

ADJOURNMENT: Mr. Darrah moved to adjourn. Mr. Forziat adjourned the meeting with no second.

Meeting adjourned at 9:57 p.m.

**Draft**

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning
Technical Memorandum

2400 Ansys Drive, Suite 403  Canonsburg, PA  15317  T: 724.514.5100  F: 724.514.5101

To: College Township Dept. of Engineering
   Attn: Sharon Meyers

From: Erminio Genoese, PE

Date: 03/17/2023

Re: Land Development Narrative
    PSU Environmental Management Facility “The Project”
    University Park, PA
    Langan Project No.: 250159001

Project Narrative

The project site is located at Parcel 19-003-100-0000, College Township, Pennsylvania. Specifically the site is located on the Pennsylvania State University (PSU) University Park Campus and is bounded by the Penn State Dairy Complex to the southwest and the Penn State Fleet Operations facility to the east. The site is owned and operating by PSU. Currently, the site is occupied by open space land used for agricultural activities. The total disturbed area coinciding with the NPDES permitted area will be approximately 3.12 acres. The project is planned to be completed with only one phase.

The Pennsylvania State University is proposing to construct a 9,400 square foot building. The building will be used as an environmental management and storage facility. The building is intended to improve the campus’s environmental health and safety, as well as combine and replace three existing facilities. The three existing facilities to be replaced are the Chemical Processing and Storage Building located on PSU’s University Park campus on Big Hollow Road, the Radiation Processing and Storage on University Park Campus in the Academic Projects Building, and the Universal Waste from the Bar Pit on Fox Hollow Road. The proposed site area will consist of impervious walkways and parking, the proposed building, pervious lawn space, and a Managed Release Concept (MRC) stormwater management facility.

The proposed site includes an asphalt driveway which can be accessed by a privately owned road. The proposed site includes a small four-spot parking lot and two truck loading bays. A traffic impact study was not completed for the project. The site is located within the privately owned PSU University Park Campus, and the proposed building is anticipated to replace three existing separate facilities. No additional increase in traffic volume is anticipated for the public R.O.W., thus a traffic impact study was deemed unnecessary.

In the proposed condition, there are no covenants, grants of easements, or other proposed restrictions to be imposed on the use of land, buildings, and structures. No parkland or recreational facilities and structures are proposed with the project. The entire site, including open
space, is privately owned and operated by PSU. Open space on site will be improved from the existing condition by installing lawn seeding, stormwater management planting media, and meadow mix soils, as well as 23 trees. Refer to the Landscape plans for additional soil and tree details.

Natural features in and around the site will be preserved to the greatest extent practicable using erosion and sediment control and stormwater management best management practices (BMPs). Some methods of preservation include the following:

- Preserve the integrity of stream channels and maintain and protect the physical, biological and chemical qualities of the receiving stream;
- Prevent an increase in the rate of stormwater runoff;
- Minimize any increase in stormwater runoff volume;
- Minimize impervious areas;
- Maximize the protection of existing drainage features and existing vegetation;
- Minimize land clearing and grading;
- Minimize soil compaction by limiting construction vehicle site access and utilizing filter socks to protect infiltration areas as shown in Erosion and Sediment Control Plan; and
- Utilize other structural or nonstructural BMPs that prevent or minimize changes in stormwater runoff.

The proposed development will cause earth disturbance and is therefore subject to the stormwater requirements set forth in the College Township Municipal Code. The proposed stormwater BMPs, including the MRC stormwater management facility, have been designed to meet the water quality and rate control requirements specified by Section 175-18 of the College Township Stormwater Ordinance and NPDES requirements. Additional details for design and implementation of stormwater management practices can be found in the Post-Construction Stormwater Management Narrative, dated March 2023, prepared by Langan Engineering.
Preliminary and Final Land Development Plans for
The Pennsylvania State University
Environmental Management Facility

Penn State University, State College, PA 16803

Utility Providers:

-nga State University
-Environmental Management Facility

Langan Engineering Drawings

Number Title

Received

April 2023

College Township Engineering Office

PRELIMINARY AND FINAL LAND DEVELOPMENT PLANS FOR

THE PENNSYLVANIA STATE UNIVERSITY
ENVIRONMENTAL MANAGEMENT FACILITY

Penn State University, State College, PA 16803

UTILITY PROVIDERS:

-Pennsylvania State University
-Environmental Management Facility

Langan Engineering Drawings

Number Title

Received

April 2023

College Township Engineering Office
SITE PROFILE
(CHEM AND WASTE FACILITY BUILDING CONNECTION TO EX-SAN MH)
SANITARY SEWER PROFILE
(AG BARN ROUTE OPTION 1 SAN MH-101 TO SAMH281)
To: Lindsay K. Schoch, AICP
From: Erminio Genoese, PE
Date: 04/10/2023
Re: Comment Response Letter
PSU Environmental Management Facility "The Project"
University Park, PA
Langan Project No.: 250159001

Dear Ms. Schoch,

Per your response dated Friday, March 31, 2023, please see below for the responses to your comments:

1. **Penn State submissions commonly incorporate UPD data in a tabular format.** Please provide the UPD chart updating total impervious, FAR, etc.

   Response: The UPD Table is provided on Drawing CS101. The UPD table identifies impervious area, FAR, and other relevant information.

2. **Note 5, Sheet CS001:** This note references a digital document that was not received in hardcopy format. Consider extricating paragraphs 2 and 3 from that document and adding the verbiage here.

   Response: The Pennsylvania State University Environmental Management Facility Land Development Narrative has been provided in this new submission, and paragraphs 2 and 3 have been included on the cover sheet, CS001.

3. **Sheets CD102, CS102 and others have several insets with match lines.** Consider providing an additional view that zooms out to provide a complete, master view of total disturbance to include offsite utility installations.

   Response: As requested, Drawings CD100, CS100, CE100, CE103, and CU100 have been provided as overall plan views.

4. **Topographic map, sheet CS001 references Mars, PA. Consider update.**

   Response: The reference to USGS Mars Quadrangle Map has been updated to reference the USGS State College Quadrangle Map.
5. The plan sets and permitting narratives reference a potential building expansion. The building expansion would impact parking and traffic flow, and therefore approval of a building expansion cannot be incorporated into this approval.

The future building expansion, when appropriate, shall resubmit to the Township for approval with revised parking and traffic flow geometry.

Response: This is for reference only. It is understood there is no approval of the future expansion in this submission and that PSU will need to submit for land development approval should they decide to expand the building.

6. College Township requires dedicated easements for stormwater basins (175-22). In lieu of dedicated easements, Penn State has developed an SOP to address basin modification in the future.
   a. Provide a statement on the cover sheet reflecting the language of 175-25B(24) that written permission from the Township is required prior to any modification.
   b. Provide a statement on the cover sheet reflecting the language of 175-37(B)(8, 9, 14, 15), 175-38.C and 175-39 to allow Township access, inspections, and corrective action, at Penn State expense, if necessary.

Response: As requested, statements reflecting language from 175-25B(24), 175-3(B)(8, 9, 14, 15), 175-38.C, and 175-39 have been added to Drawing CS001.

7. CD102, Bottom Inset: This sheet contains a note, “Demolish Section of Existing Sanitary Lateral Connection to Storm Pipe.”

If an active sanitary line is connected to the stormwater system, the Township strongly recommends Penn State move to immediately correct this situation and not wait for building construction. This comment will be provided to PSU staff via email to ensure cross-connections do not remain in place.

Coordination between the Township and Penn State staff (Jason Smith, Dave Swisher) on March 23, 2023 indicates this callout is likely inaccurate and revision is warranted.

Response: The note on Drawing CD102 referenced above has been updated to reflect “Ag Waste” pipe which is the actual case of the pipe in question.

8. CS101 notes “Abandon Ag Basins” Clarify that these are not regulated stormwater basins required to remain under the PSU SOP for DSAME reciprocity.

Response: The statement above has been updated to “AG Barn Manure Holding Tank”
9. **CS101, Zoning Plan Notes:** Density calculations for existing total 3.12 acres as noted throughout Narratives and in lower rows are consistent throughout documents. The proposed areas (1.16 acres impervious and 1.74 acre pervious) do not total 3.12 acres. Clarify the inconsistency.

   *Response:* The proposed areas in the UPD Table in the Zoning Plan Notes have been updated.

10. **CS101** identifies future building expansions conflicting with existing parking. See comment 5 above.

   *Response:* It is understood that if the future expansion were to be developed, the parking and drive isle would need to be revised in order to accommodate.

11. **CS102:** This sheet, among others, identifies Basis of Design (BOD) required work and potential Alternate Site Work. Clarify how Future Building Expansions and Alternate Site Work have been incorporated into stormwater and UPD Zoning calculations.

   *Response:* Alternate Site Work has been removed from the plan set. As mentioned in a previous comment, the future building expansion is for reference only. It is understood there is no approval of the future expansion in this submission. The stormwater condition of the site with additional impervious in the future expansion has been analyzed and found to be compliant with all volume and rate requirements. See the provided PCSM report for results.

12. **CE101:** Clarify the location of Filter Sock #24.

   *Response:* Filter Sock #24 was previously omitted from the plans; however, this omission was not reflected in the calculations spreadsheet. Filter Sock #24 has been removed from the calculations spreadsheet.

13. **CE103:** The southwest corner of the site drains to a new sub collection extension... not incorporated into stormwater calculations...

   *Response:* The southwest corner stormwater conveyance pipes are incorporated in the conveyance calculations. Please refer to Appendix C in the PCSM Report.

14. **CE502:** type M Sediment Trap Detail: Clarify the Inlet Crest Elevation (notes as 1149 here, 1149.60 on other documents).
Response: Inlet crest elevation has been modified from 1149 to 1149.60.

15. CE502: Vegetated Channel: Clarify the location of this 20.5 foot wide channel.

Response: The location of the vegetated channel has been noted and dimensioned on Drawing CE502.


Response: The reference to the City of Pittsburgh has been updated to reference College Township.

17. CU205: this sheet appears to identify a known utility conflict with no clear resolution.

Response: Drawing CU205 has been updated to identify a resolution. Contractor to field verify location of water line and adjust the water line elevation as noted on the plan.

18. CS503: This sheet must be recorded as part of the PCSM.

Response: Understood.

19. CS503: Stormwater Management Facility Detail: The top layer has two separate callouts, one for clean washed stone and the other for mulch. Clarify.

Response: The Stormwater Management Facility Detail has been updated to remove conflicting callout.

20. CS503: Stormwater Management Facility Detail: clarify whether the soil/pea gravel horizon at 1146.00 will have a permeable fabric layer to separate soil fines from clogging lower voids.

Response: The Stormwater Management Facility will not have a geotextile fabric layer, as they have been proven to clog over time. The purpose of the pea gravel layer is to provide a barrier between planting media and #57 stone.

21. CS503: Stormwater Management Facility Detail: Address whether clogging concerns exist for a water quality orifice of 0.5” diameter against adjacent vegetation.

Response: Maintenance notes are provided on Drawing CG102 and PCSM Report which address clogging. An apron of 2”-3” has also been placed around the trash rack for the
22. CS503: Stormwater Management Facility Detail: In general, are there clogging concerns with small diameter orifices of 0.4” and 0.5”?

Response: Please view response for Comment #21. In addition, the 0.4” orifice is located on a cap for the 6-in perforated pipe. The cap can be removed for cleaning and a cleanout has been provided to snake or vacuum the perforated pipe should clogging occur.

23. CS503: Stormwater Management Facility Detail: While the detail shows separation between the orifice at 1148.6 and 1148.8, the actual construction will place the top of one 2” from the bottom of the other
   a. Is there sufficient concrete thickness to prevent this price from breaking out?
   b. Should these be addressed under a common trash rack rather than separate trash racks?

Response: The Stormwater Management Facility Detail has been updated to show the two orifices in question in separate locations horizontally. The elevations of the orifices remain the same, and they still function the same; however, the new horizontal locations provides enough distance to maintain structural integrity of the CCS. The trash racks will remain separate.

24. Sheet L101 appears to be a blank “Alternate Bid.” While the Township makes no explicit directive on plantings, all plantings should be evaluated to prevent present or future conflicts with Township-required subsurface utilities.

Response: Drawing L101 alternate landscape plan has been removed from the set. Base Landscape Plan L100 have been evaluated for utility conflicts and clearances.

25. FP101 identifies material storage in the front left area, sprinkler protected (Note 5). CS101 identifies this area as an Outdoor Storage Area. Clarify the nature of this space and whether there’s risk of runoff from outdoor storage to the stormwater systems.

Response: Items being stored in the Outdoor Storage area are EMPTY metal and plastic 55 gallon drums and some wood pallets. The drums are filled and stored inside the building. There will never be any materials stored in this area that could runoff across the site.

26. In the Introduction/Executive Summary, consider the addition of 2 and 3 from the technical memo, clarifying why this project is necessary.

Response: As requested, additional project information has been added to the
Introduction/Executive Summary of the PCSM Report.

27. In the Introduction/Executive Summary, consider incorporating additional detail of site management, including, but not limited to, secure access, spill kit accessibility, and/or spill prevention/pollution control plans.

Response: As requested, additional information regarding site management, security, and pollution controls has been added.

28. Figures Tab: There are two (2) Figure 3's. Renumber figures as appropriate to add a Figure 2 and eliminate one of two Figure 3's.

Response: The figures have been renumbered.

29. Appendix A, Page 3: the Copy received incorporated an extra page citing Jackson Township and related ordinances and rainfalls.

Response: References to Jackson Township have been removed from Appendix A.

30. Appendix B, Page 3: The copy received incorporated an extra page citing Cranberry Township and related ordinances and rainfalls.

Response: References to Cranberry Township have been removed from Appendix B.

31. The Township acknowledges the designer’s preference to utilize the managed release concept (MRC) and to avoid infiltration in the area (175-18.A(11)(b) and (12)). The design approach satisfies 175-18.A(12)(f).

Response: Understood.

32. 175-18.A(2)(c) prohibits hydrograph combinations where timing differences are not justified.

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The 0.1 exceedance at the 100-year level may be acceptable to the Township dependent on the absent IAF analysis. However, repeating this exercise for the
future building expansion yields a 0.3 cfs increase. The building expansion cannot be approved without a more detailed accounting of impervious, including revised parking/traffic, and a revised MRC geometry.

Response: It should be noted that stormwater peak rates were calculated using methods outlined in the USDA Soil Conservation Service Publication TR-55, not the Modified Rational Method. The design storm used for the TR-55 study is the 24-hour SCS Type II cumulative rainfall distribution. As outlined in the PCSM Report, drainage areas, land cover, and Tc for existing and proposed conditions were modeled in HydroCAD.

The timing of peak rates is represented in the hydrographs provided based on Tc, land cover, as well as BMP intervention if applicable. In particular, the peak rate for DP001 in the proposed condition should be considered as "Total DP001," which adds the peak rates of "Undetained to DP001" and "Bioretention Area (MRC)" and incorporates timing of peak rates. The peak rates for the above drainage areas should not be just added together as indicated in Comment 32. As such, Table 7 in the PCSM Report outlines the peak flows for DP001 and shows a decrease in peak rate for both the proposed condition and proposed condition with building expansion.

It should also be noted the proposed building expansion condition is provided only for future consideration by the owner. It is understood there is no approval of the future expansion in this submission. The stormwater condition of the site with additional impervious in the future expansion has been analyzed and found to be compliant with all volume and rate requirements. See the provided PCSM report for results. It is also understood that these calculations will need re-evaluated and verified per the future revised geometry of the site.

33. Provide an analysis under the 50% clogged condition of 175-18A(23).

Response: An analysis of the 50% clogged condition has been provided in Appendix H. The 50% clogged condition represents BMP #1 outlet control as if the primary outfall route is 50% clogged and any secondary orifices are inactive.

34. Provide an Instantaneous Area Flashing analysis consistent with 175-18.A(28).

Response: An analysis of the Instantaneous Area Flashing condition has been provided in Appendix H.

35. Detail the elevations and construction of the Emergency Spillway (175-21.B(4)).

Response: An emergency spillway capable of conveying the 100-year flow to BMP #1 has been added to Drawing CG102 & Drawing CS503.
36. Detail the size and installation of the Anti-Seep Collars (175-21.B(5)).

Response: Anti-seep collar detail has been added to Drawing CS503, additional information for anti-seep collars have been added to Drawing CG202.

37. Provide evidence of Industrial Stormwater, Hazardous waste, Waste Management, or other approvals as may be necessary from the Department of Environmental Protection for this project (175-8, 175-16.B(5), 175-25.C(6)).

Response: It does not appear any additional permits through the DEP should be required. Various chemical, radioactive, and universal wastes will be temporarily stored in this building and packaged for final disposal at the appropriate regulated facilities. The building is designed with multiple secondary containment areas and does not have any drains or plumbing lines that could be contaminated leaving the building. Everything is kept in a closed loop system until materials are picked up for final disposal.

38. Provide evidence of NPDES/E&S Approval (175-19, 175-25.C(6)).

Response: The NPDES permit for this project is still currently under review. Approval will be provided once received.

39. General Information Form (GIF) indicates waste storage will occur, as does the project title. The GID refers to Appendix B, which addresses only sewage, no other wastes. Clarify what types of waste may be stored at this facility and what additional permitting (Industrial Stormwater, Waste Management, Radiation Program, etc.) may be required.

Consider addition of the digitally provided memo as an addition to Appendix B.

Response: Various chemical, radioactive, and universal wastes will be temporarily stored in this building and packaged for final disposal at the appropriate regulated facilities. The building is designed with multiple secondary containment areas and does not have any drains or plumbing lines that could be contaminated leaving the building. Everything is kept in a closed loop system until materials are picked up for final disposal.

Sincerely,
Langan Engineering and Environmental Services, Inc.

Erminio Genoese, PE,
Project Engineer
MEMORANDUM

To: College Township Planning Commission

Thru: Adam Brumbaugh, Township Manager

From: Lindsay K. Schoch, AICP | Principal Planner

Re: Zoning Amendment Consideration – Planned Research and Business Park District Properties

Date: April 14, 2023

In an effort to ensure the Planning Commission is on the same page with staff as we move forward with the updating of the zoning code in Dale Summit, staff is making a better effort to be transparent; therefore, we are sharing the weekly briefly reports that keeps track of the progress made to date. Henceforth, these materials will be provided under Agenda Reports.

DPZ CoDesign, specifically, Marina Khoury will attend via zoom to discuss the following questions:

1) The zoning amendment being requested is to add R3 as an allowable use within PRBD. Does DPZ believe this is an appropriate interim step toward future implementation of some variety of form-based code in the Dale Summit?

2) If the proposed zoning amendment is approved, one concern is the potential consumption of the PRBD by high density housing (EX. student housing). Does DPZ have suggestions that can be incorporated into any zoning amendment that would provide protections from that concern becoming a reality?

3) Does DPZ see any unintended consequences associated with this potential zoning amendment that would hinder the vision for the future of Dale Summit as you understand it at this time?

Staff Recommendation:

The Planning Commission should consider the foregoing and discuss comments and recommendations with staff. The Planning Commission should then recommend to Council R3 uses be permitted in the PRBD Zoning District and request Council move forward with the zoning text amendment process.
March 29, 2023

Lindsay K. Schoch  
Principal Planner  
College Township  
1481 East College Avenue  
State College, PA 16801  
lschoch@collegetownship.org

Re: Dale Summit

Dear Lindsay:

It is my understanding the College Township Planning Commission is considering rezoning the Dale Summit area. I want to point out a request from a developer should not be the sole basis for rezoning. A request may point to a need for a different or more varied use, but not be the sole reason for the change.

Spot zoning must also be avoided. Rezoning one parcel proposed for development would likely be evidence of spot zoning. The new zone should fit into the broader scheme of zoning.

The Planning Commission should seek specific advice on these and related issues from Township Planning staff and the DPZ consulting staff.

Sincerely,

[Signature]

Louis T. Glantz

LTG:ksr
Background:

As part of the implementation of Walkable College Township – A Pedestrian Facilities Master Plan, it was recommended that College Township’s Official Map be updated to include the Primary and Secondary Investment Corridors, along with the Greenway alignments, identified in the adopted plan.

College Township Council reviewed and provided revisions to the initial map, as proposed by staff, at their meeting on February 2, 2023. Council further directed Township Manager Adam Brumbaugh to issue a remand letter requesting that the College Township Planning Commission undertake the following tasks related updating the Township’s Official Map:

- Ensure that all required elements are contained within the ordinance and included graphically on corresponding map.

- Incorporate or otherwise denote any comments from Parks and Recreation Committee into the Planning Commission’s recommendation on the DRAFT Official Map.

- Return a final recommendation to Council for consideration within 45 days. Subsequently, Council granted an additional 45-day review period, which will conclude on May 3rd.

The DRAFT Official Map has been discussed by the Parks and Recreation Committee at their meetings on February 13th, March 13th and April 10th, and by the Planning Commission at their meetings on February 7th, February 21st, March 7th, March 21st and April 4th.

At the April 4th meeting, Planning Commission noted the complexity of the process, number of comments received, remaining ambiguity in some of the comments received and concern related to how best to capture comments in the draft mapping. Commission members also requested to revisit the comments that they had provided to staff at their meetings in February.

At the conclusion of the April 4th discussion, Planning Commission noted it was their goal to better develop and provide a clean, understandable and complete recommendation on the DRAFT Official Map to Council for their consideration. To that end, the Planning Commission opted to continue discussions at their April 18th meeting.
**Discussion Outline and Materials:**

In recognition of the concerns expressed and, in an attempt to achieve Planning Commission’s goal of a clean, understandable and complete recommendation on the Official Map, staff has prepared the following outline for discussion of the associated materials provided for this agenda item.

1) **Draft Official Map Ordinance (OB-2.a.)** – Staff is requesting that Planning Commission discuss the recommended revisions to the ordinance language as its first step on April 18th. The draft ordinance language, in particular, the definitions of the following categories of proposed facilities, informs the provided mapping portion of the DRAFT Official Map:

   a. Investment Corridors – Primary, Secondary and Potential State
   b. Bicycle/Pedestrian Path
   c. Road/Right-of-way – 60’ width with 10’ bikeway
   d. Land Reservation

2) **Planning Commission Comments Map & Spreadsheets (OB-2.b.)** – Per Planning Commission’s request, the attached documents summarize the comments that were initially provided by the Commission in February.

3) **Draft Official Map & Spreadsheets (OB-2.c.)** – In an attempt to align the comments received to date with the proposed facility definitions outlined in the ordinance, staff has developed a new mapping portion of the DRAFT Official Map. This new map includes sequential numbering, supported by spreadsheets, to further aid in Planning Commission’s discussion. Please note that the attachments also capture the following Planning Commission comments:

   a. Concern related to the proposed alignments and land reservations on private property and the degree of difficulty associated with acquisition of necessary property and/or the future construction of certain recommended facilities. This concern is addressed via a note in the Map Legend.
   b. Concern pertaining to comment/mapping of stream easements to accommodate fishing and other access. This concern is captured as a potential Planning Commission recommendation in the spreadsheet.

4) **Parks and Recreation Committee Narratives (OB-2.d.)** – Provided for your information. By a 6-1-1 vote at their April 10th meeting, the Parks and Recreation Committee approved forwarding the attached narrative documents to Council for their consideration during review of the DRAFT Official Map.

Further, the Committee also unanimously approved forwarding the following statement to Council:

“The Parks and Recreation Committee, wish to forward to Council that they recognize Planning Commission’s concerns and wish to promote that the Official Map recognize the need to secure options for non-motorized modes of transportation and other recreational opportunities to residents as a long term vision for the future.”

**Requested Tasks:**

Following review and discussion of the materials denoted above, it is requested that the Planning Commission undertake the following tasks:

1. Provide feedback and revisions, as needed, on the ordinance portion of the DRAFT Official Map
2. Provide further recommendations on any of the Proposed Facilities depicted in the mapping portion of the Draft Official Map.
3. Provide recommendations on any facilities, not already depicted in the mapping portion of the DRAFT Official Map, which the Planning Commission believes will provide a benefit to the community in the future.

**Requested Recommendation:**

In order to advance to the next steps in the Official Map Development Process, staff is requesting that the Planning Commission recommend that Council take the following actions:

- Undertake a detailed review of the DRAFT Official Map (map and ordinance); and,
- Set a Public Hearing; and,
- Authorize staff to commence the required 45-day Public Review period on the DRAFT Official Map.

**Next Steps in Official Map Development Process:**

1. Planning Commission makes a recommendation on the DRAFT Official Map (map and ordinance) to Council.
2. Council undertakes a detailed review of the DRAFT Official Map (map and ordinance).
3. Following review and importation of revisions to the DRAFT Official Map (map and ordinance), Council will set a Public Hearing and authorize staff to commence the required 45-day Public Review period on the DRAFT Official Map.
4. As part of the 45-day review, the DRAFT Official Map will be shared with the Centre Regional Planning Agency, the Centre Region Planning Commission, and any adjacent municipality in which any newly proposed streets, paths or other public land intersects or intends to lead.
5. Council conducts the Public Hearing and considers action on the DRAFT Official Map.
6. Upon Council approval, the Township has 60-days to record the Official Map with the Recorder of Deeds.

*End of memo*
COLLEGE TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. O-23-03
AMENDMENT TO CHAPTER 133 – OFFICIAL MAP

AN ORDINANCE OF THE TOWNSHIP OF COLLEGE, CENTRE COUNTY PENNSYLVANIA,
AMENDING CHAPTER 133, OFFICIAL MAP IN VARIOUS LOCATIONS

GENERAL REFERENCES
Planning Commission — See Ch. 52.
Streets and sidewalks — See Ch. 177.
Subdivision of land — See Ch. 180.
Zoning — See Ch. 200.

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code, Article IV, as
reenacted and amended, the Council of the Township of College adopted an Official Map Ordinance on
November 14, 1985 as Chapter 133 in Ordinance No. 83; amended in its entirety by Ordinance No. O-06-08; and

WHEREAS, the Council of the Township of College remanded to the Township Planning
Commission to review the existing Official Map, collect feedback from the Township Parks and
Recreation Committee on facilities desired within the Township, and prepared a proposed Official Map; and

WHEREAS, a new Official Map has been prepared by the Township that shows the locations
of desired bicycle and pedestrian facilities, streets, parks, pedestrian improvements, priority corridors, and
land reservations; and

WHEREAS, the Township has received recommendations of the College Township Planning
Commission, College Township Parks and Recreation Committee, Centre Region Planning Commission,
Centre County Planning Commission, as well as recommendations of adjacent municipalities that the
streets, parks, corridors, and other public facilities and improvements as designated on the Official Map
attachment hereto should be so located; and

WHEREAS, the Council of the Township of College has given due public notice of hearings of
the proposed Ordinance and has held such public meetings; and

WHEREAS, the Township desires to repeal the prior Official Map and adopt a new Official
Map for College Township.

Article I
General Provisions
§ 133-1 Title.
This chapter shall be known and may be cited as the "College Township Official Map Ordinance."

§ 133-2 Statutory authority.
This chapter is enacted and ordained under the grant of powers by the General Assembly of the
Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act of 1968, L.L.805,
§ 133-3 Purpose.
This chapter is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare;

to facilitate adequate provision of public streets and facilities;
to improve traffic circulation;
to provide for the recreational and open space needs of the community;
to protect and enhance water resources; and

to facilitate the subdivision of land and the use of land and watercourses; and

to provide, protect, and/or promote natural areas/nature preserves.

§ 133-4 Severability.
Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the chapter than the one so declared.

Article II
Establishment of Controls

§ 133-5 Official Map provisions.
A. The Official Map, as enacted by ordinance, and subsequently amended, shall identify the location of the lines or boundaries of:

1. Existing and proposed public streets, well sites, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings of same.

2. Existing public and proposed active recreation areas and natural/preservation areas.

3. Bicycle/pedestrian ways and easements.

4. Railroad and transit rights-of-way and easements.

5. Flood control basins, floodways and floodplains, stormwater management areas and drainage easements.

6. Support facilities, easements and other properties held by public bodies undertaking the elements described in Section 301 of the Pennsylvania Municipalities Planning Code.

7. Conservation easements and riparian buffers.

8. Primary, secondary, and state investment corridors.


B. At the time of enactment of this chapter, all existing property records, aerial photography, photogrammatic mapping or surveys designating the location of the lines of existing public streets, rights-of-way, watercourses and public grounds, including surveys prepared by government agencies or incorporated as part of a final recorded subdivision and land development plans duly approved by the College Township Council, shall, by reference, be deemed an attachment to the Official Map for the purpose of designating
the location of said existing lines. For the acquisition of lands or easements, boundary descriptions by
metes and bounds shall be made and sealed by a licensed surveyor registered in the Commonwealth of
Pennsylvania.

C. For the purpose of initially reserving land on the Official Map, property records, aerial photography,
photogrammetric mapping, or other methods sufficient for the identification, description and publication
of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements,
boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor, registered
in the Commonwealth of Pennsylvania.

D. The College Township Council, by amending ordinances, may make additions or modifications to the
Official Map or part thereof by adopting surveys, property records, aerial photography, or
photogrammatic mapping designating the location, the lines, or boundaries of public streets,
watercourses or public grounds to be so added or modified and may also vacate any existing or proposed
public street, watercourse or public ground contained in the Official Map or part thereof.

§ 133-6 Incorporation of Map; certification and changes.
The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by
reference into this chapter as if it were fully described herein.

A. Certification of the Official Map.

1. The Official Map shall be identified by the signatures of the College Township Council members,
attested by the College Township Secretary, under the following words: "This is to certify that this is the
Official Map of the Township of College adopted by Ordinance No. -- --- --- and referred to in Article II
of Ordinance No. -- --- --- of the Township of College, Centre County, Pennsylvania," together with the
date of enactment of this chapter. The Map shall be kept on file with the College Township Manager.

2. The Official Map and Official Map Ordinance have been adopted pursuant to the provisions provided in
Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and the
Official Map Ordinance of the Township of College, Centre County, Pennsylvania is recorded in the
Centre County Recorder of Deeds Office.

B. Changes in the Official Map. If, in accordance with the provisions of this chapter, changes are made to
the location of lines designating existing or proposed public streets, watercourses or public grounds,
such changes shall be entered promptly on said Map. All changes, except those resulting from
subdivision and land development plans as specified in § 133-11 below, shall be certified by initialing of
the Map by the Chairman of Council, together with the amending ordinance number and date of
enactment.

§ 133-7 Relationship to County Official Map.
The adoption of an Official Map by Centre County shall not affect the Official Map of College Township,
except that the Centre County Official Map shall govern as to county streets and public grounds of Centre
County in accordance with the Pennsylvania Municipalities Planning Code.

§ 133-8 Relationship to adjacent municipalities.
If the Official Map or amendment thereto shows any street intended to lead into any adjacent municipality, a
certified copy of the Official Map or amendment thereto shall be forwarded to such adjacent municipality.

Article III
Effect of Controls

§ 133-9 Construction within mapped streets, watercourses or public grounds.
For the purpose of preserving the integrity of the Official Map of College Township, no permit shall be
issued for any building within the lines of any street, watercourse or public ground shown or laid out on the
Official Map. No person shall recover any damages for the taking for public use of any building or
improvements constructed within the lines of any street, watercourse or public ground after the same shall
have been included in the Official Map, and any such building or improvement shall be removed at the
expense of the owner.

§ 133-10 Special encroachment permit.
A. Application. When the property of which the reserved location forms a part that cannot yield a
reasonable return to the owner unless a permit shall be granted, the owner may apply to the College
Township Council for the grant of a special encroachment permit to build on said property. Before
granting any special encroachment permit authorized in this section, the College Township Council may
submit the application for a special encroachment permit to the College Township Planning
Commission and allow the Planning Commission 30 days for review and comment and shall give public
notice and hold a public hearing at which all parties of interest shall have an opportunity to be heard.

B. Appeal. A refusal by the College Township Council to grant the special encroachment permit applied
for may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the
same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planning Code in
accordance with Article V of this chapter.

§ 133-11 Reservations.
College Township shall designate reservations as follows:

A. Size and location. The size and location of a reservation shall be determined as follows:

(1) Reservations shown on the Official Map which are shown as constituting an entire property shall be the
same size and the same location as that of the property designated on the Official Map.

(2) Reservations shown on the Official Map which are shown as constituting only a portion of a property
shall be sized and located based on the approximate size and location of the designation as shown on the
Official Map.

(3) Reservations shown on the Map as corridors or rights-of-way, such as bicycle/pedestrian ways or
streets, shall be of a sufficient width to allow for the designated purposes. Rights-of-way for streets shall
be in conformance with Chapter 177, Streets and Sidewalks, and bicycle/pedestrian ways shall be at
least five feet wide for pedestrian ways or 10 feet wide for off-street bicycle ways, plus a buffer on both
sides of the path which would amount to a twenty-foot wide easement or right-of-way.

(4) At the Council's discretion, the size and/or location may deviate from the requirements listed above if it
determines that the new size and/or location will allow sufficient size and access for the proposed public
use and that new size and/or location will meet the intent of the reservation.

B. Public access. Public access shall be granted for all reservations shown on the Map except for those
properties designated as "riparian buffers" on the Official Map. The Council may require public access
as part of the acquisition of riparian buffers shown reserved on the Official Map if one of the following
conditions is met:

(1) The tract of land in question is proposed to be subdivided, as defined in Chapter 180, Subdivision of
Land, into four or more lots, or

(2) The tract of land in question is proposed for a land development as defined in Chapter 180, Subdivision
of Land.

C. Bicycle/pedestrian ways. The Official Map shall designate bicycle/pedestrian ways to be located and
provided for as follows:

1. Those bicycle/pedestrian ways designated as within the right-of-way or public utility easement shall be located within said right-of-way or easement. No land shall be acquired from individual property owners unless there are physical site constraints, in which case the acquisition of additional right-of-way for the bicycle/pedestrian way shall be necessary and permitted.

2. Those bicycle/pedestrian ways designated as on private property shall require the acquisition of such land necessary from those properties reserved on the Official Map. The location of the acquired land shall be similar to that shown on the Official Map.

3. Those bicycle/pedestrian ways designated as undetermined shall be located in a manner that limits the need for acquiring private property. Preference shall be given to routes that are within or directly adjacent to rights-of-way and shall be located as to limit the impact to private property as much as possible.

D. Exemptions. Any modifications to a single-family house involving actions listed in § 133-11A which constitute an addition of 25% or less area of the structure or impervious coverage shall be exempt from the provisions of this chapter. The percentage increase shall be measured from the area existing at the time of adoption of the College Township Official Map.

§ 133-12 Reservation period.
The College Township Council shall fix the time for which streets and public grounds shown on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds including riparian buffers shall lapse and become void after the owner of such property has submitted a written notice to the Council announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation, or made formal application for an official permit to build a structure for private use unless the College Township Council shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the following reservation periods as measured from the date of the written notice or made formal application to the Township:

A. Single-family houses. The reservation period for any action which requires a driveway permit, building/zoning permit and/or a zoning change of use permit for a single-family house shall be 90 days unless exempt pursuant to § 133-11D.

B. Land development, subdivisions, conditional use permits. The reservation period for any action which requires land development and/or subdivision approval pursuant to Chapter 180 of the College Township Code or conditional use permit pursuant to Chapters 86, 87 and 88 of the College Township Code shall be one year.

§ 133-13 Effect of Official Map on mapped streets and other public grounds.
The adoption of any street or street lines as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes, nor shall it obligate College Township to improve or maintain any such street. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by College Township.

§ 133-14 Release of damage claims or compensation.
A. Any releases or agreements, when properly executed by the College Township Council and the owner and recorded, shall be binding upon any successor in title.

B. The College Township Council may designate any of its agencies or Township Solicitor to negotiate with the owner of land under the following circumstances:
(1) Whereon reservations are made;
(2) Whereon releases of claims for damages or compensation for such reservations are required; or
(3) Whereon agreements indemnifying the College Township Council from claims by others may be required.

Article IV
Adoption and Amendment

§ 133-15 Procedure.
Prior to the adoption of any survey of existing or proposed public streets, watercourses or public grounds as the Official Map or part thereof, or any amendments to the Official Map, the College Township Council shall refer such surveys and amendments to the College Township Planning Commission, the Centre Regional Planning Commission and the Centre County Planning Commission for review. The Commissions shall report their recommendations on said proposed Official Map, part thereof or amendment thereto within 45 days unless an extension of time shall be agreed to by the College Township Council. If, however, the Planning Commission(s) fails to act within 45 days, College Township Council may proceed without its recommendations. Centre County and adjacent municipalities may offer comments and recommendations during said forty-five-day review period. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to College Township Council or Planning Commission if requested by same during the said forty-five-day review period. Before voting on the enactment of the proposed Official Map, part thereof or amendment thereto, the College Township Council shall hold a public hearing thereon after giving public notice of such hearing.

§ 133-16 Recording.
Following adoption of the chapter and Official Map, or part thereof or amendment thereto, a copy of same, verified by the College Township Council, shall be submitted to the Recorder of Deeds of Centre County and shall be recorded within 30 days of the effective date. The fee for recording and indexing ordinances and amendments shall be paid by College Township and shall be in the amount prescribed by law for the recording of ordinances by the Recorder of Deeds.

§ 133-17 Amendment by subdivision plan.
After adoption of the Official Map or part thereof, all streets, watercourses and public grounds on final recorded subdivision and land development plans which have been duly approved by the College Township Council shall be deemed amendments to the Official Map. Notwithstanding any other terms of this chapter, no public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plan which has been duly approved by the College Township Council.

Article V
Violations, Penalties and Appeals

§ 133-18 Notice of violation.
Whenever any person, partnership or corporation shall have violated the terms of this chapter, the College Township Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this chapter within seven days or such additional period, not to exceed 30 days, as the Manager shall deem reasonable, and further the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, College Township may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply. Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.
§ 133-19 Violations and penalties.

Any person, partnership or corporation who fails to comply with this chapter within the period stated in the notice of the Manager shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty as set forth by resolution by the College Township Council. Each and every day of continued violation shall constitute a separate violation.

A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this chapter within the time specified by the Manager, College Township may take any actions necessary to correct the violation. The costs for correction of the violation shall be in addition to any penalties for violations for failure to comply.

B. In addition to the fines for violations, costs and penalties provided for by this section, College Township may institute proceedings in courts of equity to prevent, restrain, correct or abate such building, structure or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.

C. The cost for removal, fines and penalties hereinabove mentioned may be entered by College Township as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

§ 133-20 Appeals.

Any appeal from a decision or action of the College Township Council or of any officer or agency of College Township in matters pertaining to this chapter shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

Article VI
Definitions

§ 133-21 Word usage.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used or occupied" include the words "intended, designed, maintained or arranged to be used or occupied."

§ 133-22 Terms defined.

Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

ACTIVE RECREATION AREAS

Public grounds which would be used for the purposes of providing for activities such as sports, walking, running, biking and play areas. For the purposes of the Official Map, active recreation areas would be
parks that are envisioned to be improved to build facilities such as playgrounds and sports fields/courts.

**BICYCLE/PEDESTRIAN WAYS**

A pathway used for the purposes of providing travel options for bicyclists and/or pedestrians. For the purposes of the Official Map, bicycle and pedestrian ways shall be implemented as easements or through fee simple ownership and typically will be 20 feet wide if not adjacent to an existing right-of-way such as a street.

**BUILDING**

A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

**CONSERVATION EASEMENT**

A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property.

**PRIORITY CORRIDOR**

A passageway, route, and/or street where the municipality would like to see future developments in the pedestrian facilities network.

*Primary Investment –* passageway, route, and/or street identified and/or created based of their high potential for pedestrian traffic within the Township; aimed at closing gaps within the Core System to provide the basic level of connectivity needed.

*Secondary Investment –* passageway, route, and/or street identified as the path of least resistance to overcome an existing significant barrier such as, engineering barriers, policy barriers, and/or private property barriers; the alignment for the connection may not be direct, but represents a more feasible linkage.

*State Investment -* passageway, route, and/or street identified as being owned by the Commonwealth of Pennsylvania and recognized by the Township to be significant in providing connectivity throughout the pedestrian facilities network.

**EASEMENT**

A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which stated in the easement in the form of a document recorded with the Recorder of Deeds of Centre County.

**GREENWAY**

A passive, less developed corridor that provides opportunities for both recreation and connectivity; likely to have limited maintenance and as such should not be considered commuter routes in the traditional sense.

**NATURAL/PRESERVATION AREAS**

Public grounds reserved on the Official Map for the purpose of preserving or protecting environmentally sensitive areas, scenic vistas or to provide open space. For the purposes of the Official Map, natural/preservation areas are envisioned to remain unimproved and provide for passive recreation activities such as hiking or mountain biking.

**PUBLIC**

Owned, operated or controlled by a government agency.
PUBLIC ACCESS
A means of physical approach to and through a property made available to the general public.

PUBLIC GROUNDS
A. Parks, playgrounds and other public areas.
B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE
Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 14 days from the date of the hearing.

LAND RESERVATION
A tract of land or portion of which is demarcated for public benefit on the College Township Official Map and thus is considered reserved for the purposes of this chapter. Reservations on the College Township Official Map include active recreation areas, natural/preservation areas, riparian buffers, bicycle/pedestrian ways and roads.

RIGHT-OF-WAY
A corridor of land set aside for use, in whole or in part, by a street. The surface of and space above and below any real property in the Township of College in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, bike path, shared-use path or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes but excluding lands other than streets that are owned by the Township. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

RIPARIAN BUFFER
A portion of land adjacent to a body of water which is used to filter stormwater runoff, shade and cool streams, and stabilize stream banks or shorelines. Riparian buffers consist of natural elements, such as trees, shrubs and grasses, and can be used for the purposes of the Official Map as a conservation easement or to allow public access or both.

STREET
A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians. A strip of land or part thereof within the right-of-way, whether dedicated or not, that is intended or used for vehicular and pedestrian traffic. The phrase "in the (a) street(s)" means in, on, over, along, above and/or under the (a) street(s).

TOWNSHIP
The Township of College. County of Centre, Commonwealth of Pennsylvania.

WATERCOURSE
A stream of surface water, including river, stream, creek or run, whether or not intermittent.

Attachments:
Attachment 1 - Official Map
<table>
<thead>
<tr>
<th>MAP ID</th>
<th>Proposed Facility</th>
<th>Comment</th>
<th>Input Committee</th>
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<tr>
<td>10</td>
<td>Road</td>
<td>Path</td>
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<td>Greenway</td>
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<td>13</td>
<td>Road</td>
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<td>Planning Commission</td>
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<td>Road</td>
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<td>Planning Commission</td>
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<td>Shared Use Path</td>
<td>connect through the park</td>
<td>Planning Commission</td>
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<tr>
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<td>Shared Use Path</td>
<td>connect farmhill to ivy hill</td>
<td>Planning Commission</td>
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<tr>
<td>17</td>
<td>Shared Use Path</td>
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<td>Planning Commission</td>
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<td>Planning Commission</td>
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<td>Shared Use Path</td>
<td>Connect to Slab Cabin</td>
<td>Planning Commission</td>
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<td>Road</td>
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<td>Shared Use Path</td>
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<td>59</td>
<td>Shared Use Path</td>
<td>Oak Hall Quarry Rail Trail (2)</td>
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<td>Map #</td>
<td>Proposed Facilities</td>
<td>Description</td>
<td>PC Recommendation (Retain/Revise/Remove)</td>
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<td>Potential State Corridors</td>
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<td>Orchard to Porter (existing on current official map)</td>
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<td>Proposed Bicycle/Ped Path</td>
<td>Boalsburg Rd Rail Bed Path (existing on current official map)</td>
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<td>Proposed Bicycle/Ped Path</td>
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<td>Stream Access (50' Buffer on Spring Creek and Slab Cabin)</td>
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<td>Land Reservation</td>
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<td>48</td>
<td>Land Reservation</td>
<td>Preserved Land (from received comments)</td>
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General Overview Comments to CT Official Map

All of the little segments of bicycle/pedestrian trails that have accumulated on the College Township Official map over decades do not connect into a coherent transportation network. What we have on these maps is a start at identifying some existing and potential routes. It is a placeholder for our future development and there is much more work that needs to be done if the goal is to provide a connected, low stress, accessible transportation network for mainstream users.

Bicyclists and pedestrians like to be able to use their feet or bicycles to take them to the places they want to go, just like drivers use roads to enable them to get to where they want to go.

It’s nice to have a little piece of paved path near your home where your children can safely ride their bicycles with trainer wheels, but most of these pieces do not link up to a more comprehensive and viable transportation system.

When planning for for bicycle/pedestrian facilities the overarching goal should be to create a coherent and safe transportation network that allows bicycling or walking safely and efficiently to any place in College Township and further connecting to facilities that allow travel to anyplace in Centre county.

Our community, like many others in America, has made a start in our efforts to create and identify potential bicycle/pedestrian networks and facilities. This is a step in the right direction, but the reality is that most people do not ride a bicycle or walk regularly because of the lack of safe, accessible connected infrastructure for both adults and children. Currently our streets are built and rebuilt to address the needs of the motorized vehicle user, ie increase traffic flow and speeds with little to no regard for the needs of people not in cars.

Much research and expertise is out there pointing to the need to provide protective measures like dedicated bike lanes and ultimately physically segregated bikeways that allow for safe, efficient connectivity that appeals to mainstream users. When such networks exist in communities, studies have clearly shown that residents use the facilities with proven higher levels of population health, mobility, quality of life and happiness compared to communities lacking such amenities. Children who have access to these facilities score higher in measures of self confidence, independence, way-finding ability, security and community involvement.

When thoughtful consideration is given to designing and building streets and bike/pedestrian paths that address people’s tolerance for stressful traffic situations, more people will use and support such facilities. It is my hope that our community leaders and members embrace the abundance of bicycle/pedestrian research and best practices available, and use this information to help them find the way forward to a connected, safe and reliable bicycle transportation network for all.
I have ridden my bike multiple times on every listed bikeway on the College Township maps and updated the spreadsheet with a couple of details and notes for the bike portions.

The zoning and planning spreadsheet is a good list, but the priorities are not understandable, and I appreciate there are several lists of inputs from different sources - all numbered, which are hard to unpack.

This is a narrative capturing the spreadsheet notes and adding context and elements the spreadsheet lacks.

The terms BikePath and BikeRoute are used interchangeably in College Township to indicate a place the Township thinks Bikes can go. For this report I divide our routes into two categories. This division is used by PENNDOT when developing state routes and evaluations.

A BikeWay is a route physically safe for anyone using a Bike. In most cases it is fully separated from cars. If shared with cars it is signed below 25mph. Any rider including Kids Biking to School can safely ride a BikeWay.

College Township has four high quality Bikeways. Two large. Two small.
- Large Assets: The Nittany Expressway Path and Puddintown Path.
- Small Assets: Fogelman Field Connector - Brandywine / Dead End Pass through

We sort of have a fifth Bikeway asset. The Innovation Park route, but it has some issues listed below.

A Sharrow (Shared Narrow Roadway Strip) is a strip of pavement on a roadway at least 36" in which cars are expected to share with bikes. Sharrows are sometimes marked with paint and/or signs. No beginning adult riders, nor kiddos can safely use a Sharrow without an Expert rider guard riding with them.

College Township’s Sharrows are mostly useable. Two, in my view, should be removed from the map, they are just road shoulders.

Over the last two weeks I re-biked all pathways on the Proposed Map listed for cyclists, and revisited some, but not all, of the improvised solutions cyclists actually use which should be on the map.

Bike Assets or Proposed Bike Assets on the Official Map.

Orchard Road - is listed as a separated bikeway (Solid Green). It is not. It is a Sharrow useful for an experienced rider. The Township should place curb sections over the white dividing line on one side of the road. The solar panel side, making Hospital access possible would be better. Then it will be a kiddo safe Bikeway. If no separation curbs are being placed, it should be relabeled on maps as a dotted green route, not solid green.
PROPOSED: Orchard Road Shared Road Connector to Porter Road. This path would be a prized connection from Puddintown Bikeway to Campus, but Bike Funding should not be spent unless agreements have been worked out to make sure it is open 24/7/365. The current route has fences from PSU. If built, this would get daily commutes AND connect Aspen Heights to campus. This is a very valuable small asset. Just making a quarry chip Bikeway would vastly improve biking - allowing kiddos to ride from the existing Bikeways directly to events on Campus without Car Sharrow.

HOSPITAL Connection. Students who only use a bicycle, or walk, risk being hospitalized to get to the Hospital. The safe BikeWay is via the football tailgating area when it is open at the top of Orchard Rd. When the tailgating lot is closed (which is often) or if the ground is too wet, cyclists have to dare a ride on the 45+mph tiny shoulder along Park Ave. Then enter into the Hospital Way with roadway traffic, then either stay in the Traffic Lane or dismount and lift the bike onto high curb style sidewalks. If on the sidewalks, Cyclists must then mount and dismount three times because of the high curb design.

Getting to the Hospital safely by Bike should be required in the upcoming renovations. (At an on campus input session 5 students came and asked for this specific feature - Bikeway to the Hospital.)

Puddintown completion to E. College. The biggest missing link.. This is currently marked as a solid or dotted green line on some maps. On others it’s marked as a “planned corridor”. It is a narrow road with no shoulder which often has speeders and people driving on cell phones. A paved extension of the bikeway from the Millbrook Marsh parking lot, along the walking path in back of the two houses on the Millbrook side of the route reconnecting to Puddintown Rd. or along the roadway to get to the tiny Car dealer parking lot at E. College.

From there, it's a Danger Zone ride to Downtown via E. College - there is no safe way to bike since 2022 removed the usable shoulder for the Aspen Turn Lane. Try it. More on that below.

YBC Access Rd via Thompson Woods to Downtown.

The new Thompson Woods Bridge approach, and the bridge are not bikeable. It requires dismounting and hauling a bike over large stone gravel and then up the stairs, but the connection exists to the Dirt Road.

The Dirt Road through Thompson Woods is ridable but bone-jarring. 3-5 loads of quarry chips would make this route into an important Bike Way connecting the Township to the Borough.

I am aware of the shared asset aspect with the Borough, but the Township could set a good example and make the approach to the new bridge rideable.
Elmwood Hill Crest - Perhaps the CHEAPEST and EASIEST addition or safety and access.

The west side of Elmwood connects Lemont to E. College. It is used by dozens of riders a day. It is the only viable route connecting numerous housing areas around the base of Mt. Nittany to the campus or downtown. The west shoulder from E. College, across the Expressway Bridge is over 3’ wide EXCEPT for apx. 200’ from the crest of the hill across from Lemont Elementary to Shady Drive. This section has no shoulder and is blinded by the hill crest when approaching from Lemont.

If the township can Finish a 3’ wide Sharrow from Shady Drive to College Avenue? this would improve safety for hundreds of trips per week, and make the route safe enough additional riders would be willing to use it.

Shady Drive and Glenn Park through to the connecting streets.

This is the primary route for kids getting around the neighborhood to access Shady Drive and Glenn Park and on from there to Slab Cabin and Spring Creek Park. Kids mostly ride the route of the demised lane on the Eastern Edge of Glenn Park. The two property owners affected would likely be amenable to making a more formal Quarry chip route, they also use the route.

I am aware the map has a “someday” lane on E.Branch. That has been on the planning map since the 1970’s. A 300’ quarry chip path along Glenn Park along the old alley would solve 50% of that planned route.

Build The Lemont Granary Rail Trail

All of the remaining railbed available should be converted to multi use path. It is currently just a hazard to walkers. Used by one guy for his private track car hobby once or twice a year. For 11 months in 2021 and 2022 it was blocked by downed trees and unused. It was cleared briefly and used for several years providing “speeder” rides, for the Strawberry Festival. It was blocked by downed trees for a few months this winter.

I appreciate there is a legacy fascination that there was once a railway here. There isn’t one now. But there is a huge possible asset in making a shared path that would get a large range of users and add real connectivity for bike-commutes.

First Ave to Carolean/Industrial Way to the Mall.

This is the actual route used by cyclists to get to the Mall Area. Speed limits should be dropped on the entire route to 25mph, it could then marked with signage and marked with a dashed green line. No roadway paint is needed.

If the proposed road extension (#14 on the planning map) to Daleview is built, A SEPARATED BIKEWAY should be put along the new roadway and on the Industrial Way connection to the
Mall/Casino. First Ave. would become much more heavily trafficked by Daleview’s future residents making the 25mph change a safety requirement.

**THE BAD NEWS - TWO KEY BIKE ROUTES on our map are just road shoulders.**

**E. College had a** Bike-able shoulder. It was REMOVED in 2022 to allow a high-speed turn lane onto Squirrel Drive. (Storm Sewer, Sanitary Sewer, Car Sewer - all infrastructure terms meant to speed unwanted materials through an area). This is an example of a Bike Route being taken away and replaced by a Car Sewer. There is no longer a safe way to get from The Township to the Downtown via E. College.

Cyclists who want to do this have two choices. Ride AGAINST the flow in the new car sewer lane, which enrages car-sewer users, or cross over E. College multiple times, with no marked crossings, and use the Right Shoulder which is often less than 24” wide and has numerous damaged sections and even mail boxes cut into the sidewalks and shoulders. There are cyclists - all expert - who do this dangerous commute every day - but it’s wrong that they must.

While the Township applied for State funds for the “Demised Old College Ave.” Route, but other possible solution, build a shared use path from Hampton Inn Sidewalk to Puddintown, via LIFELink. Bikeways don’t need to be paved. This route could be quarry chips.

I will note, when the Aspen Heights Right Turn Car Sewer was proposed, multiple cyclists commented in multiple public meetings that this would remove the only bikeable route from the township to downtown. We were assured Cycle Improvement and Access would be maintained. That was clearly untrue.

**Fox Hollow Road.** This is not a Sharrow. It is a road shoulder with a couple of bicycle paintings.

In some places the shoulder is less than 2’ and has galvanized guard rails (for cars to crash into) on one edge.

Any cyclist using Fox Hollow has enjoyed high-speed near side-swipes. Cars on this route are often driving over 45mph. The cars use the shoulder to take corners faster. I have never ridden it where all drivers respect giving cyclists 3’. This route is also loaded with modern “Bloat-sized” Pickups driving in narrow vehicle lanes. Many just use the shoulder as part of the lane. With multiple housing complexes being built out by the Airport, until upgrades can happen, Fox Hollow should be removed as a bikelane on maps. It’s not safe.

And when that upgrade comes. Bike-passable Storm Grates. Multiple parallel bar Storm Sewer Grates take up the entire shoulder marked for bikes. At these Storm Sewer grates, cyclists have to choose between merging into the Car Sewer, or plunging a wheel into the Storm Sewer. At night, any cyclist who does not have the locations of the Storm Sewers memorized is in serious trouble.
I appreciate most people don’t bike, so imagine if the Township added 10’ deep pits twice as wide as car tires at frequent intervals along all Car lanes on Fox Hollow Road.

Would we then explain to Car people they can just “dodge around them”?

Finally on Fox Hollow it has a well earned reputation as Road Rage Trails. It is a route loaded with vanity/bloat trucks who do deliberate sideswipes of bikes. Fox Hollow also has a strangely high percentage of drivers / passengers who enjoy screaming at cyclists as they pass. Last year I personally had a bloat-vanity truck lay on the horn, do a near sideswipe in the sharrow, while screaming at me AND as a bonus, they threw a water bottle out of a car window at me.

If you ride a bike full time, if you get to meet a lot of fine people.

BUT ON THE UPSIDE, THERE IS AN EXISTING IMPROVISED BIKEWAY!! FORMALIZE IT!!!

Innovation Park Sharrow Road Connection from Fox Hollow Road/Orchard Rd. Extension
- This is a great example of a SAFE multi use way in which farm-equipment, commercial and bikes can share infrastructure, because they all are traveling below 25mph. Oddly, the Orchard Extension side is not listed with green dots on CT maps, it should be. The route has no markings or signs, it needs them. It is used daily by cyclists. Cyclists come UP from the Orchard Road Sharrow, cross Park Ave, and then go up Orchard Park Extension Rd. which should be added as a dashed green route, then (hopefully) to the Innovation Park access bikeway. This route is actively used by multiple bikers as a commuter route. But there is another issue with this route. PSU sometimes closes it. Not sure when or why. I and other cyclists have dismount and go around/under/over barriers multiple times. Bikeways that don’t have 24/7/365 access - are not bikeways.

AN UPGRADE OPTION - Off Fox Hollow when it’s not soaking wet,

Bikes take BIG HOLLOW Rd. take the dirt road connecting to the backside of Innovation Park Arboretum-Spring Creek Trail or into Innovation Park. This route is on a 2004 BikeWay Plan but seems to have been dropped. But the route is used, safe and if developed would be useful year round and allow Fox Hollow to just be a road shoulder.

You can see the track on Google Maps Sat View, but not on the maps. It solves multiple route, access and safety problems. Headed to Toftrees, from College Township this is the route most cyclists take. You then cross Fox Hollow and head up Lion’s Hill Rd. and into Toftrees from the backlots. This part of the route is mostly not in College Township, but the Big Hollow and dirt road connection is.

FWIW - I should not single out Vanity/Bloat Truck Drivers as they are not the only dangerous road-ragers locally here in the State College Area. We have a strangely large number of Angry Moms in SUVs and Minivans who seem to think nothing of cutting off, turning in front of and
yelling at Cyclists, usually while driving one handed, and yelling at someone else on their cell phones.

**A Governing Logic.**

College Township's primary public asset is paved surface area.

90%+ of these assets are used to speed cars through the Township. They are Car Sewers.

We live on a planet that must stop burning fossil fuels. Fast.

The easiest way for most people to stop: Get on a Bike.

The US DOT survey indicates only 4% of adults are willing to ride a bike in a Sharrow. 50% are willing to ride if there are “no cars”.

Any city, small or large, that puts in real Bikeways, see them fill. It soon begins converting pavement from Car Sewer to BikeWays lined with Cafe’s and Pocket Parks.

NYC had no Bikeways and a tiny number of expert riders in 1986. It completed two routes in 1998. They filled. They built 5 more by 2004. The filled. They closed Broadway to Cars in 2008. It’s now full of Bikes. They closed a Car Lane on the Brooklyn Bridge in 2020. Now a Bikeway. They will close Park Ave to Cars next year. Bike trips last year were EQUAL to car trips. 1.55M NY Metro residents now regularly bicycle. Just one access route, the 1998 Manhattan Bridge Bikeway and parallel 2021 Brooklyn Bridge Bikeway carry a combined 95,000-385,000 commuters per month.

Wooster Ohio (similar to State College) had no Bikeways in 2004 and just a handful of expert riders. In 2010 it completed a 4 mile Bikeway from Downtown to the College and on to the Hospital. In 2008 it extended the route to the Regional High School, VocTech Center and Junior High. In 2015 it extended to the Mall Area. It now carries 15% of daily traffic on the route. A second route is being built to connect the industrial park with “Western” side of town. The Bike Commission there believes 20% of total traffic in the city will be on Bikeway by 2030. The Bikeways make up less than 3% of the total paved assets.

Amsterdam is famous for deciding in 1972 to change from Car Sewer to Bikes. Bikes are now 85% of all traffic.

Paris was 1% cycle in 2010 and committed to create a “Bike Grid” of BikeWays and committed to close 2% of their pavement to cars - making it bike only. By 2015 they upped it to 5%. In 2021 they voted to close another 10%. The city is now 30% cyclist on 15% of the infrastructure - AND car traffic is less on the remaining 85% … because so many people are on bikes.
Chicago and Cleveland are starting down the Amsterdam/Paris/NYC Bike Grid/ Bikeway path.

I ride a bike for apx 50% of my local trips. Many of those trips are on routes unsafe by design. This should be fixed.

At present 99.6% of the Township’s owned pavement is designed to speed up Cars and Trucks. And over 90% of those cars and trucks are not being driven by College Township Residents.

College Township should be creating assets and value for residents of College Township. No cars from somewhere else going to somewhere else

Our paved surfaces are other people’s car sewers. Just infrastructure moving Cars-sewage THROUGH the township as quickly as possible.

Let’s set a goal and ONLY invest in College Township Residents. Take back existing pavement for BikeWays. Add a few chips and bits to connect them. Build no more Car Sewage, until we can safely travel by BikeWay to the Hospital, PSU, Downtown, the Mall area and Every School.

That is the Opposite Goal of what has been invested in for the last few decades - except for the 45 yards of bikeway connecting Puddingtown to Orchard. Which is a valuable bit.

If you do this, you will be shocked by the results. People will bike. Just as they do in every city and town that makes it safe to do so. Car Sewage Capacity already built will no longer be needed, and you can take back more existing pavement to make more BikeWays.

College Township will then improve life at all levels, planetary climate scale, local mental and physical health, financial scale (biking is WAY cheaper than automoting, neighborhood scale and personal scale.)
### Briefing Paper – DPZ CoDesign Form-Based Code in Dale Summit
Prepared by: Lindsay K. Schoch, AICP | Principal Planner

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<tr>
<th>Date</th>
<th>Topic</th>
<th>Status</th>
<th>Next Steps</th>
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<td>Week of February 27, 2023</td>
<td>Overview of where we visit on the bus tour; general discussion of Dale Summit and future visions of the area; initial goals and objectives; identification of areas in which the Township can develop ourselves; existing projects currently happening in Dale Summit</td>
<td>DPZ in town Monday – Wednesday morning. Currently waiting for the To Do lists they will provide for staff. Lindsay will defer tasks as necessary.</td>
<td>Charrette Planning</td>
<td>Eric, Dustin, Ed, Bob, Bill, Adam, Mike, Don, Mark, Amy, Shane, Marina, Mike, Peter, Jennifer, Lindsay</td>
<td>Township Library. Olde NY, Nittany Mall, Corning, Rogers Tract, Drive-in, Walmart/Sam’s Club, Innovation Park, North Atherton, Colonnade, R1 in Dale Summit, Corning backside of property</td>
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<td>Week of March 20, 2023</td>
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**Meeting Notes:**

**Overview of the Bus Tour:** DPZ Comments: Hodge podge of uses; most buildings are in okay shape; back/front issues; big box stores; lack of residential open space; hard to access; PennDOT roads; frontage roads; nice views; South of College Avenue has nice facades; a lot of vacant parcels; overwhelmed by parking.

**Tuesday Afternoon Tour:** Downtown, North Atherton, Colonnade; Innovation Park, Independence Place and Gerald Street area;

**Considerations:** layer away from the main drag; town center focused on Barns and Nobel; reorganize retail; stormwater facility in front of McDonalds; identify catalyst sites; identify development sites; Burkentine, introduce basic principles of Place Making, their project would be beneficial to use to show how their first design changed once DPZ made suggested changes;
**Community Engagement:** identify those in the community who may have reservations about the process; key property owners; local professional development community; architects; engineers; land use attorneys; school district; people who Council would want us to work with (their constituents/fundraisers/donors; Paul Takac; citizen champions; consider where the opposition will come and work to engage those people; first DSAP committee members; Shaner;

**Potential Contacts:** Jim Saylor (CRPA); Ara/Heddy; Tim Houser; Chris Kunes; Heidi Nicholas; Jennifer Landry; Mall Manager; Julie/Ed Maxwell; Nature’s Pantry owner; Dolche Vida owner; Tom/Tommy Songer; HOA/CA’s at Independence Place; Fred/Lee Metzger; Dan Hawbaker/Corning representative; Penny Hane at Channel Communications; Regina Bowers/Corning; John Sepp; Tony Vida/daughter; Greg Welteroff; Gene Stocker; Fritz Smith; Love It Boutique owner; Lezzer Lumber Owner; CBICC; staff members as necessary: Frank, Shane, Don, Amy, Mark, Mike, Adam, Council, PC; Eric Pearson (or staff); Neighbors; business associations.

**Charrette Needs:** 2,500 square feet; tables; trash cans; chairs; projector; blank wall/screen; robust internet access; small printer.

**Charrette Location Confirmed:** College Township Municipal Building. The Council room as the main room and the library as a satellite area in case of overflow.

**Charrette Considerations:** Sunday, June 18 – Friday, June 23. Monday evening 1st presentation, Thursday evening final presentation. Food. Something good and easy to be brought in. Kitchen upstairs is beneficial.

**Overall Comments/Takeaways:** Staff feels positive and enthusiastic after DPZ’s first visit. Marina, Peter, Jennifer, and Mike all seem engaged and excited about the prospects of this area and the opportunity to implement a program that will change Dale Summit; making it a Place people will consider a destination. Other than PSU, Trout Fishing, what else brings people to College Township? I spoke of the events related to the university, what else?
## Briefing Paper – DPZ CoDesign Form-Based Code in Dale Summit

Prepared by: Lindsay K. Schoch, AICP | Principal Planner

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<tr>
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<tbody>
<tr>
<td><strong>Week of February 27, 2023</strong></td>
<td>Overview of where we visit on the bus tour; general discussion of Dale Summit and future visions of the area; initial goals and objectives; identification of areas in which the Township can develop ourselves; existing projects currently happening in Dale Summit</td>
<td>DPZ in town Monday – Wednesday morning. Currently waiting for the To Do lists they will provide for staff. Lindsay will defer tasks as necessary.</td>
<td>Charrette Planning to provide Lindsay with To Do Lists.</td>
<td>Eric, Dustin, Ed, Bob, Bill, Adam, Mike, Don, Mark, Amy, Shane, Marina, Mike, Peter, Jennifer, Lindsay</td>
<td>Township Library, Olde NY, Nittany Mall, Corning, Rogers Tract, Drive-in, Walmart/Sam’s Club, Innovation Park, North Atherton, Colonnade, R1 in Dale Summit, Corning backside of property</td>
</tr>
<tr>
<td>Week of March 6, 2023</td>
<td>Fulfilled Data Request and sent materials to DPZ for review.</td>
<td>Sent</td>
<td>Meeting on Tuesday to discuss Burkentine</td>
<td>Lindsay and Shane</td>
<td>N/A</td>
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<tr>
<td>Week of March 13, 2023</td>
<td>Burkentine Rezoning Request</td>
<td>In-progress</td>
<td>Lindsay and Mark</td>
<td>N/A</td>
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<tr>
<td>Week of March 20, 2023</td>
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**Meeting Notes:**

**Week of March 6 – 10:**

Worked with Shane to gather all data for DPZ.

Reached out to DPZ with the Burkentine Rezoning request information as a result of the Planning Commission’s request for DPZ input. Set up meeting with DPZ to discuss Burkentine on Tuesday, March 14.

Requested DPZ to prepare an Ad for the Newsletter regarding the Charrette.

Changed Charrette Opening Presentation to Tuesday, June 20 to avoid Juneteenth.

Materials Provided:
List and Contacts of Steering Committee:

Jim Saylor, Principal Transportation Planner @ Centre Regional Planning Agency (CRPA); jsaylor@crcog.net

Ara/Heddy (wife) Kervandjian (HFL) property and business owners; 814-238-4000

Robert Stewart, owns property in Dale Summit; 814-280-1488

Tim Houser, owns property in Dale Summit; 814-280-0686

Chris Kunes, Commercial and Residential developer/contractor; 814-234-5828 814-571-4283

Heidi Nicholas; heidi@nicholasdev.com; (814) 880-2084

Jennifer Landry; jennleighlandry@gmail.com; (210) 332-0432

Mall Manager; JASON SMACK, GM 814-238-8038 JASON@SHOPNITTANYMALL.COM

Julie/Ed Maxwell; EMAXWELL@MAXWELLINC.COM

Nature’s Pantry owner; MICHELE BRIGGS

Dolce Vida owner; MICHELE BRIGGS  NATURESPANTRY@GMAIL.COM 814-861-5200

Tom/Tommy Songer; 814-231-2800 X1  CINDY WOODRING X2

HOA/CA’s at Independence Place;

Fred/Lee Metzger; 814-360-4572 xLEE

Dan Hawbaker/Corning representative; Regina Bowers/Corning; 814-238-7022  REGINA GOH - 814-237-1444 DAN HAWBAKER OFFICES

Penny Hane at Channel Communications; PENNY HAIN 814-238-9485

John Sepp, local land development engineer; jsepp@pennterra.com

Tony Vida/daughter, property owner; 973-227-5233

Greg Welteroff, local property owner; JAKe 570-279-0092

Gene Stocker, local business man; CORY & GENE STOCKERS 814-954-7320

Fritz Smith; fritzs@happyvalley.com

Love It Boutique owner; 814-308-8246 DEBBIE LOVE  DLOVE2133@YAHOO.COM

Lezzer Lumber Owner; 814-236-0220 PO BOX 217  CURWENSVILLE  PA  16833

CBICC; (814) 234-1829

List of Users who should have access to online 3D mapping tool:
Current and On-going Projects:

http://www.collegetownship.org/167/Proposed-Plans

Trail/Bike System:

Link to the Pedestrian Facilities Master Plan and Updated Subdivision and Land Development Ordinance which implements the Ped Plan (2023):

Link to the Centre Region Bike Plan, amended 2022:
https://www.crcog.net/vertical/Sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A636348%7D/uploads/Centre_Region_Bike_Plan_Amended_03-28-2022_with_Appendices_for_web.pdf

Casino Economic Impact Analysis:

Link to Casino Impact Report:

Link to Casino Traffic Impact Report:

Catalyst / Priority Redevelopment Sites:

A link to the Story Map showing three (3) potential Catalyst sites: https://arcg.is/0jS9au0
Briefing Paper – DPZ CoDesign Form-Based Code in Dale Summit  
Prepared by: Lindsay K. Schoch, AICP | Principal Planner

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<tbody>
<tr>
<td>Week of March 13, 2023</td>
<td>Burkentine Rezoning Request</td>
<td>In-progress</td>
<td>Report DPZ input to PC RE Rezoning</td>
<td>Lindsay and Mark</td>
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<td>Interim Zoning Changes</td>
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Meeting Notes:

Week of March 13 – March 17

DPZ Meeting Notes, Tuesday, March 14, 2023 via Zoom:

Re: Burkentine Rezoning Request  
Development is setting the tone for Dale Summit  
Rezonings come with the anticipation of negotiations and can benefit the community financially.

DPZ would perform a design exercise using the first submitted plan from Burkentine, or they could use one of their recent cases as an example.

I reached out to John Sepp requesting he share the development plan in which DPZ commented. He plans to share new plans with us mid-week next week.

Questions for John and Burkentine:

1. How much of a hurry?
2. What if the offer was for more than the required 22 units per acre?
3. Would you be willing to allow this development to be the test case as the plan and ordinance are being written/work concurrently with staff as the plan is developed?

Options:

1. Option 1 - moratorium on development greater than X acres, until the Dale Area Summit Plan & FBC are adopted (or close to) so that the property owner can move forward with the same regulations other developers will be held to. Density bonus likely to be provided. Approx. 12 months.

2. Option 2 - become the code tester to establish and test code standards, provide input in process too. DPZ can provide plans that meet their program and the Township’s requirements too. Density bonus likely to be provided and their permit process expedited for working with DPZ through the draft code process. Approx. 6 months. (If we want to guarantee a density bonus for working with us through the process that is fine if the Board accepts it – Need solicitor’s advice)
3. Option 3 - proceed with request for rezoning now but understand significant changes will be required as the plan does not meet the spirit of the intended vision for the Dale Area Summit Plan. Approx. 3 months.

DPZ doesn’t want to step on any toes, but is more than happy to take a stab at the plan and make it the Flagship/Catalyst/Demonstration project.

The Burkentine request could be a Special Design exercise at the Charrette. Will look at the block level and prepare a street network plan, while err on the side of caution.

“Leaving Money on the Table” was discussed in reference to Burkentine not taking full advantage of a form of form based code.

A Rezoning can take up to 90-days. The Charrette is in June. If we move forward with the rezoning request, there would be about a 30-day difference if we wait for the Charrette.

We should not be allowing business as usual. We hired this firm to help us, any development in Dale Summit has to be a part of the bigger decision.

If this is the test case, how can Burkentine benefit?

Request Burkentine give DPZ the parameters (number of units, etc.) and DPZ will prepare a plan which would be more compact, less wasted space and double sided streets.

Charrette June 18-23.

Requested a one-page write-up about the Charrette. DPZ will get that to us by mid-week next week.

Staff Notes: LKS AB MG

Reached out to John Sepp: Assuming zoning is changed and Burkentine can development under the PRD, how soon do you anticipate a submission for plan review?

Overall discussion of PRD and how it can relate to FBC.

Mark and Lindsay to study the PRD Ordinance

How do you negotiate a PRD? What do we negotiate to make more Form Based?

Transitional project.

Reported to DPZ that we are discussing this among staff.

Also requesting DPZ to take a close look at the PRD ordinance to assist in the considerations of negotiations with a PRD.
Week of March 20 – March 24

Review of the Council Remand to PC regarding the request for rezoning.

Received options from DPZ. Reviewed on staff level to determine this is not really what we are looking. Instead, request DPZ take a look at the PRD ordinance and identify elements of the PRD that can be applied toward FBC. Anticipate minor changes to the PRD to ensure FBC can be practical. Review of the PRD may get us close to what may ultimately be recommended.

Critical Path: Find appropriate Zoning District (R3 or Residential Office) which allows for the application of a PRD | Rezone the properties zoned PRBD (both sides of Shiloh Road) note, PRBD will still exist at Innovation Park. | Remind the Planning Commission that this is a rezoning to consider the entire area for a change toward form based zoning in Dale Summit. The opportunity also exists for a new development, but should be made clear, the change is to benefit not only the Rogers tract, but also the others in the area. | Land Development Plan Submission or Sketch Plan Submission for PC review as per usual process.

Request a letter from Louis that better conveys to the PC what is Spot Zoning and why this process, as we move forward, will not be considered spot zoning.

Spot Zoning

“Spot zoning” – a singling out of one lot or small area for different treatment from that accorded to similar surrounding land from which it is indistinguishable in character for the economic benefit (or detriment) of the property owners. For example, an individual desiring a use for his or her property that is not permissible within the zoning district might request a zoning amendment. If the request would treat this property differently from the surrounding land from
which it is physically indistinguishable, and if the proposed use would be detrimental to public health, safety, and welfare, the request should be denied; grant of the request would result in unlawful spot zoning.
Week Ending March 31, 2023

Received Spot Zoning Letter from Louis, provided to the Planning Commission for their review along with the zoning change topic. Further PC Prep/Memo preparation.

Sent Marina the PRD Ordinance. She is going to look over it and send tracked changes. The PRD should be enough to hold us over until such time the FBC for Dale Summit is prepared and ready to administer.

Updated Charrette Schedule confirmed.
Week Ending April 7, 2023

PC meeting held to discuss a new approach to amending the zoning in Dale Summit to permit residential development in the Planned Research and Business Park District.

PC requested DPZ input.

Staff reached out to DPZ via email and is awaiting a response.

DPZ completed their review of the PRD Ordinance.

Marina is out of town and we plan to meet next week to go over their changes.

Requesting their attendance at the April 18 PC meeting to further discuss interim zoning changes.

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<tbody>
<tr>
<td>Week of April 3</td>
<td>Amending Zoning in Dale Summit to Permit Residential developments</td>
<td>In-Progress</td>
<td>DPZ updated (tracking changes) to PRD Ordinance; April 18, 2023 PC presentation and memo</td>
<td>Lindsay/Marina</td>
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<tr>
<td>Interim Zoning Changes</td>
<td>In-Progress</td>
<td>April 18, 2023 PC presentation and memo</td>
<td>Lindsay/Mark</td>
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Week Ending April 14, 2023

Reviewed all PRD Ordinance changes.

Can see how the changes to the ordinance are shaping the ordinance for form based code!

Marina agreed to attend 4.18.23 PC meeting to discuss three questions:

1) The zoning amendment being requested is to add R3 as an allowable use within PRBD. Does DPZ believe this is an appropriate interim step toward future implementation of some variety of form-based code in the Dale Summit?

2) If the proposed zoning amendment is approved, one concern is the potential consumption of the PRBD by high density housing (EX. student housing). Does DPZ have suggestions that can be incorporated into any zoning amendment that would provide protections from that concern becoming a reality?

3) Does DPZ see any unintended consequences associated with this potential zoning amendment that would hinder the vision for the future of the Dale Summit as you understand it at this time?

Prepared memo for PC outlining the questions and indicating DPZ will be present to discuss the potential to move forward with a zoning change in Dale Summit.
Variance

Concerned citizens appeal order upholding ZHB’s decision to grant variance authorizing construction of cell tower

Citation: Citizens of Upper Woodmont Group v. Upper Yoder Township Zoning Hearing Board, 2022 WL 17840205 (Pa. Commw. Ct. 2022)

Woodmont Group (Woodmont) appealed a court order upholding the Upper Yoder Pennsylvania Township Zoning Hearing Board’s (ZHB) decision to grant Vogue Towers’ (Vogue) application for a variance to construct a 195-foot wireless telecommunications tower on property the local school district in the township owned.

The township’s school district owned land that was both in the township and in Westmont Borough. According to the permit application, which the school district and Vogue submitted, Vogue intended to construct the tower on land it leased from the school district.

The zoning officer denied the application, finding they needed a variance due to the height of the proposed tower under an old zoning ordinance.

Vogue submitted the variance application. A portion of the proposed site was located in an R-4 one-family residential district under that ordinance. Specifically, the ordinance stated that permitted uses in the district were limited to: “one-family detached dwellings and appurtenant private swimming pools; churches and other places of worship; public, non-commercial, recreation areas; public or private schools; municipal and necessary public utility facility buildings; farm or truck operations; temporary construction structures; and community unit plan development by special exception.”

Also, there was a height restriction for church steeples and towers of 75 feet. Further, the ordinance stated “radio towers or necessary mechanical appurtenances may be erected to [a] height above the limitations of the district, but not to exceed 15 feet over such limitations.”

A hearing took place to discuss the matter. The town’s police chief testified in favor of the tower, outlining a lack of communication in the area since there wasn’t another cell tower nearby. Others testified as to safety concerns at the school because without proper cell service, first responders could have trouble in the event of an emergency and to the fact that other school districts in the county were without cell service due to a lack of a cell tower.

Some residents also expressed support for the cell tower. One of them had gathered more than 1,000 signatures in support of the tower.

A second hearing ensued. A Vogue representative testified that the company
had looked at many sites and already had more than 5,000 towers constructed. She said they decided on this particular site due to the topography, proximity to the school, and access to the tower.

Based on the testimony, which the ZHB found to be credible, it granted the application. It concluded that:
- the property was located in an R-4 Residential District under the ordinance;
- the request for the height variance, use variance, and the right for cell phone carriers and internet companies to install equipment and generators at the site should be granted;
- the height variance for the cell tower and fence included the ability to install their own equipment, including generators, after the tower was completed;
- the most credible testimony was from Vogue’s representatives, the school district, the emergency personnel from the police and fire departments, and the 911 administrator rather than those in opposition to the application; and
- a convalescent home, apartments, and the high school were all in the area and were subject to the same problems with cell phone and emergency phone service.

Woodmont challenged that decision in court. It argued additional evidence needed to be heard on whether the cell tower site was situated in the neighboring borough and not the township, which would mean the ZHB would not have had jurisdiction to decide the matter.

The court had to decide the boundary line between the borough and the township; where the cell tower site was situated in relation to it; and whether or not the ZHB had possessed jurisdiction to dispose of the variance application in the first instance.

The bottom line: The lower court was supposed to receive additional relevant evidence if it deems such evidence was necessary and re-evaluate the case.

Then, in August 2020, the township enacted a new zoning ordinance (ZO). This replaced the old ordinance and defined a telecommunications tower, which wasn’t defined previously, as “a structure supporting equipment that receives and/or transmits signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or other electromagnetic system.” It provided for “[s]mall site telecommunications facilities as a permitted use in the R-4 One-Family Residential District.” Telecommunications towers were not non-permitted uses in the R-4 District. And, the ZO outlined the criteria required for the grant of a variance to the ZO’s provisions.

DECISION: Vacated; case sent back for further proceedings.

There wasn’t substantial evidence to support the ZHB’s decision.

The court found the ZHB hadn’t considered each requirement.

The court sent the case back for the following considerations:
- the location of the boundary line between the township and the borough;
- where the original tower site was situated in relation to that municipal boundary line; and
- whether the ZHB had jurisdiction to adjudicate the original application.

“Notwithstanding this plain directive, the trial court failed to engage in any proceedings aimed at addressing any of the foregoing determinations. Simply, the [ZHB] lacked jurisdiction to consider and dispose of the original application, and the lack of jurisdiction should have ended the matter without proceeding on any further consideration,” the court found. Thus, the lower court should have overturned the variance approval and directed Vogue to
file a new independent application for a variance under the new ZO.

A CLOSER LOOK

The district’s mailing address was within the township. But, variance applications attachments called into question “whether or not the cell tower site [was] located in the [b]orough and not the [t]ownship,” the court noted. “More specifically, when the dashed line on the [c]ounty’s GIS map showing the boundary between the [b]orough and the [t]ownship, [was] compared with the site plans for the tower, it appear[ed] that the cell tower w[ould] be constructed within the [b]orough and not within the [t]ownship,” the court added.

Therefore, the court found the lower court erred or abused its discretion in denying Woodmont’s request to receive additional evidence relating to the location of the proposed cell tower on the alternate bases that they did not have standing to question the ZHB’s jurisdiction or that the issue of whether its jurisdiction was waived by their failure to properly raise and preserve the issue before the ZHB.

Notice

Land court rules on whether procedural notice requirements met in case involving ZBA’s decision to grant variance

Citation: Moraski v. Whatbarn, LLC, 2023 WL 166318 (Mass. Land Ct. 2023)

The Pembroke (Massachusetts) Zoning Board of Appeals (ZBA) granted variances and approvals to Whatbarn LLC (Whatbarn). Denise Moraski challenged the decision in court.

The law governing notice M.G.L. chapter 40A section 17 stated that anyone appealing a decision of a municipal board of appeals had to provide notice to the “city or town clerk so as to be received within twenty days” of the date the board decision [was] filed with the municipal clerk.

Here, Moraski had timely served the complaint on the Town of Pembroke Assistant Town Manager within the 21-day jurisdictional period but failed to provide notice to the Pembroke Town Clerk within that time.

Thus, the question for the Massachusetts Land Court was whether Moraski could proceed since their notice was partly deficient.

DECISION: Case dismissed.

Moraski, who had proceeded with the case “pro se”—that is, without legal counsel—had been advised of notice requirement and had failed to meet it.

Section 17’s notice requirement was “a jurisdictional prerequisite to the court’s ability to hear an appeal of a local [ZBA] and cannot be waived,” the court ruled. It was imperative for a plaintiff to provide “effective notice of the judicial appeal to the municipal clerk within the [21-day] period,” it added.

This wasn’t a case where the town clerk had actual notice of Moraski’s claim within the 21 days period and she just hadn’t “strictly” complied with the section 17 notice requirement. This case was distinguishable from other cases where the notice provided wasn’t “perfect” in accordance with the law but was still permitted to stand. “Here, the record shows, that the Pembroke Town Clerk did not learn of the Land Court appeal until after the [21]-day jurisdictional period had expired. Affidavits submitted by the Pembroke Town Clerk and the Pembroke Assistant Town Manager corroborate[d] each other, and provide[d] evidence that the clerk was not given timely notice of—and within the [applicable period], had no actual knowledge of—the appeal of the [ZBA’s] decision in favor of Whatbarn LLC.”

A CLOSER LOOK

After the time ran out, the municipal clerk, upon request of Whatbarn, issued a certificate under the statute that no appeal had been lodged, which then permitted the recording of the ZBA decision along with that certificate in the Plymouth Registry of Deeds—as legally required for exercise of rights under the variances and approvals granted by the board’s decision. “The clerk would not have been permitted under law to issue that certificate of no appeal had she acquired knowledge during the pendency of the twenty days that [Moraski’s] had filed a judicial appeal. Indeed, that is a principal purpose of the statutory requirement of notice to the clerk—to ensure that municipal clerks accurately certify the absence of appeal, and to allow the permit recipient, lenders, and others interested to rely on the permit when it is recorded and exercised,” the court wrote.

Special Permit

After town issues special permit approval, residents and community-protection organization file suit

Citation: Committee to Protect Rural Kent, LLC v. Town of Kent Planning & Zoning Commission, 2023 WL 142339 (Conn. Super. Ct. 2023)

The Committee to Protect Rural Kent LLC (committee) and two residents, Dorothy Yeyer, and David Yeyer (collectively, the Yewers), filed a complaint against the Town of Kent (Connecticut) Planning and Zoning Commission (commission), Arthur H. Howland & Associates P.C. (Arthur), and North Main Kent LLC (the applicant).

The Yewers owned 119 North Main Street, Kent, Connecticut, which abutted the disputed property in this lawsuit. The committee, a Connecticut limited liability company whose members included the Yewers, was empowered under Chapter 124 of the state’s General Statutes to approve special permits and site plans.
Arthur represented the applicant, who applied for a special permit and site plan review for a development in the Town of Kent.

**DECISION: Appeal dismissed.**

The record showed the commission had evaluated “the long-term viability of the project based on facts,” and the court couldn’t “adjudicate those facts as long as the findings of the commission were supported by substantial evidence.”

The facts showed the commission’s decision that the application satisfied the Kent Zoning Regulations was supported by “substantial evidence and [was] not arbitrary, unreasonable, or illegal.”

**MORE ON THE FACTS**

On May 19, 2021, Paul Szymanski P.E., the director of client experience for Arthur, filed applications for a special permit and site plan review with the commission on behalf of the applicant, who sought approval for a Conservation Development of 13 units at 0 North Main Street (the subject property), which the applicant owned.

Following public hearings the commission issued a conditional resolution of approval on the application. In doing so it stated “[t]he commission considers the factual representations made by the applicant and its agents, representatives and consultants with regard to the nature, scope, location, extent, timing, frequency and all other aspects of the proposed use to have been critical in the determination that the Special Permit could properly be approved. Therefore, this approval incorporates by reference all such factual representations as though expressly made conditions of this approval, except as may be modified by subsequent condition of this resolution.”

The resolution also listed 15 conditions for approval. The committee and the Yewers challenged two of the conditions. One of those conditions provided that “prior to the issuance of a Certificate of Zoning Compliance, proof that additional test pits were conducted during construction to confirm the suitability of the basins as designed be presented to the Land Use Office.” The other condition stated that “the Declaration of Covenants, Conditions and Restrictions (or ‘CC&Rs’), the Bylaws, the Articles of Incorporation, and the Rules be submitted to and approved by the Planning and Zoning Commission prior to the issuance of Zoning Permit(s) and any Certificates of Compliance.”

The bottom line: The committee and the Yewers were concerned about long-term maintenance of the road, shoulder mowing, infiltration basins, even though the plan was for the applicant to be responsible for those.

**BACK TO THE COURT’S RULING**

The committee and the Yewers claimed the commission’s decision should be overturned because a failure to require dig test pits prior to issuing a certificate of zoning compliance went against the applicable regulations (found in the Connecticut Stormwater Quality Manual). Also, they contended, the regulations required the commission to consider the long-term maintenance of the development.

**Practically Speaking:**

The court found that “the Yewers never raised the distinct and precise claim that the failure to finish the test pits prior to the granting of the permit violated the commission’s duty under [the applicable section] of the Kent Zoning Regulations and the Connecticut Stormwater Quality Manual.” “In fact, no party raised this specific claim. Rather, to the contrary, the record indicates that the town’s reviewing engineer herself [had] contemplated test pits being conducted during construction,” the court noted.

And “[a]t no time did the Yewers or any other party distinctly or precisely articulate to the commission that the applicant was obligated to complete the test pits before the special permit could be granted.” Further, even if they had raised the construction of test pits to the commission, their appeal still had to be dismissed because the state’s highest court had ruled “that requiring the installation of test wells was a precautionary measure that was an entirely appropriate condition for the inland wetlands agency to attach to a permit. Accordingly, the applicant did not act illegally, arbitrarily or abuse its discretion in approving the special permit and site plan application.”

Also, the Yewers were concerned about the long-term maintenance if the developer failed to complete the project and the town was left with a partially built housing community. But the court found the “record and modifications to the application demonstrate[d] that the commission [had] evaluated the long-term viability of the proposed project and reasonably concluded that the project was viable.”

**Site Plan Approval**

Court weighs in on whether ZBA’s decision concerning self-storage facility was consistent with zoning ordinance

Citation: *NSC Walker, LLC v. City of Walker, 2022 WL 17724288 (Mich. Ct. App. 2022)*

NSC Walker LLC (NSC) appealed a court decision affirming the City of Walker, Michigan’s Zoning Board of Appeals (ZBA) decision precluding a use of NSC’s property. The court found the ZBA’s decision was consistent with the city’s zoning ordinance and a site-plan-approval condition. NSC appealed.

**DECISION: Reversed; case sent back for further proceedings.**

The lower court “misconstrued the plain language of the site-plan-approval condition.”

“In barring long-term trailer or vehicle parking or stor-
age, the planning commission’s condition plainly and un-
ambiguously require[d] a focus on individual vehicles and
trailers and whether they [we]re being parked or stored
long-term on the property. Repeated short-term rentals
[we]re not prohibited by the clear language of the site-
plan-approval condition,” the court added.

MORE ON THE FACTS

The property was located in a C-1 local commercial
zoning district. In 2017, when Everkept Storage Inc.
(Everkept) owned the property, the ZBA had approved
the property for use as an indoor self-storage facility. Al-
though an indoor self-storage operation did not constitute
an express permitted principal use for a C-1 zoning
district, the ZBA found that it was sufficiently similar to
such a use and compatible with the intent of the zoning
district.

The ordinance provision on which the ZBA relied in
granting Everkept permission to operate an indoor self-
storage business stated “Principal uses. Except as ex-
pressly otherwise permitted by this chapter, no building
or part of a building in the ‘C-1’ district, local commercial,
shall be used, erected, altered or converted or land used,
in whole or in part, except for: (1) Food stores, grocery
stores, meat markets, bakeries, coffee shops, delicatessens
and restaurants.” The ordinance also identified some
businesses that didn’t expressly include indoor self-
storage, and stated “Other retail business or service uses
determined by the board of zoning appeals to be similar
to the permitted principal uses in this zoning district and
compatible with the intent of the zoning district.”

The ZBA’s decision to authorize Everkept’s planned
indoor self-storage operation was subject to a site-plan
review by the city’s planning commission. The planning
commission subsequently granted approval of Everkept’s
business subject to, in pertinent part, a condition that there
could be “[n]o long-term trailer parking or storage, long-
term vehicle parking or storage, or outdoor storage of any
material.” Everkept accepted the condition, along with
other conditions, so it was allowed to operate its indoor
self-storage facility.

In 2018, while Everkept still owned the property, the
city amended its zoning ordinance to add indoor self-
storage as a “special exception” use within the C-1 district
permissible upon review and approval by the planning
commission.

Then, in 2020, Everkept sold its property to NSC,
which continued to operate an indoor self-storage facility.
NSC added additional service so that customers could rent
U-Haul trucks and trailers that were shuttled back and
forth from the property on an as-needed basis. This meant
the property was being used as a pick-up and drop-off
point for the trucks and trailers, the lower court had ruled.

Citizens complained, and the city’s code enforcement
specialist sent a violation notice and order to abate to
NSC. The notice and order indicated that the local ordi-
nance did not permit “the use of a rental truck business
(U-Haul) or the open storage of commercial vehicles” on
the property.

NSC challenged the notice and order with the city’s
ZBA. It argued that running the U-Haul business in con-
nection with the indoor self-storage facility constituted
a permitted accessory use under the applicable ordinance
because a provision in the ordinance stated that “[a]ny
use customarily incidental to the permitted principal uses
in the C-1 district shall be a permitted accessory use.”

The ZBA, following a public hearing, found that:

- a truck rental use was not customarily incidental or
  accessory to a self-storage use;
- truck rental and open outdoor storage of vehicles,
  trucks or trailers were uses that weren’t permitted
  by right or by special exception in the C-1, Local
  Commercial zoning district;
- a property owner didn’t have the right to commence
  an activity or use that was customarily accessory to
  a special exception principal use without prior Planning
  Commission approval;
- a truck rental operation as a principal OR accessory
  use was one that could be reasonably judged similar
to uses permitted by right or by special exception in
  the C-4, Outdoor Commercial zoning district;
- the long-term outdoor storage of vehicles on the
  subject site was specifically prohibited per the
  conditional site plan approval granted by the planning
  commission; and
- truck rental was not a use consistent with the munici-
pality’s master plan and the future land use and
  community character designations of the neighbor-
  hood where it was located.

BACK TO THE COURT’S RULING

The appeals court found the lower court had misinter-
preted the subject ordinance (the Walker Ordinance
section 94-176(b)) and applied the wrong legal principles to
the case.

“With respect to the site-plan-approval condition
precluding any ‘long-term trailer parking or storage, long-
term vehicle parking or storage, or outdoor storage of any
material,’ we note there was evidence that U-Haul trucks
and trailers are parked on NSC’s property at times and to
some extent stored on the property. But the parking or
storage must be long-term to violate the site-plan-approval
condition,” the court explained. “Because the operation of
an indoor self-storage facility would necessarily entail
customer’s employing cars, trucks, and trailers to transport
items to and from the facility, the planning commission’s
condition clearly sought to allow short-term parking and
storage of vehicles and trailers,” it added.

The bottom line: The lower court had erroneously
found that “NSC was doing repeated ‘short-term’ rental
of trucks and trailers in such a way that the storage and
parking became ‘long-term,’ or at least could reasonably
be construed as such.” Even if the wait between uses by
two customers was an hour, “the U-Haul truck cannot be
characterized as being stored or parked on the property.
long-term. Where the line [wa]s crossed would need to be assessed on a case-by-case basis,” the court added.

PRACTICALLY SPEAKING

The court, however, noted that its ruling was “subject to a determination by the circuit court regarding whether operating the U-Haul component of NSC’s business [wa]s ‘customarily incidental’ to operating the indoor self-storage facility such that the U-Haul aspect of the business qualify[ed] as an ‘accessory use’ under [the] Walker Ordinance.” “The ZBA determined that the U-Haul business [wa]s not ‘customarily incidental’ to operating an indoor self-storage business. The circuit court did not address this issue in light of its rulings on the other matters. Therefore, we remand the case to the circuit court for consideration of the issue,” it added.

Case Note:
At any given time there would typically be three or four trucks and trailers on the property, which were either reserved for rental or returned and waiting for pick-up by U-Haul. NSC claimed 75% of the U-Haul customers were also customers of the self-storage.

RLUIPA

Allegations that right to build a synagogue was unlawfully denied surface

Citation: Bais Brucha Inc. v. Township of Toms River, 2023 WL 128812 (D.N.J. 2023)

Bais Brucha Inc. and Rabbi Mordechai Sekula (collectively, the plaintiffs) wanted to amend a complaint against the Township of Toms River, New Jersey and its Zoning Board of Appeals (collectively, the defendants) in a case alleging they were denied the right to build a synagogue on their property located in Toms River.

DECISION: Case dismissed.

The court lacked subject matter jurisdiction to hear the case.

WHY THE CONTESTION AROSE

The plaintiffs owned property at 1191 and 1181 Hickory Street in Toms River, New Jersey. They claimed the township enacted discriminatory land use regulations in violation of their civil rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Free Exercise and Equal Protection Clauses of the U.S. Constitution, and the New Jersey Law Against Discrimination.

The property was located in the township’s “Rural Residential” (RR) zoning district, and the plaintiffs bought it with the purpose of constructing a small synagogue, or shul, for Orthodox Jews, there.

In response to a rising Orthodox Jewish population in Toms River, the defendants allegedly engaged in an orchestrated campaign to prevent the growth of the Orthodox Jewish community by passing targeted and discriminatory zoning regulations to prevent synagogue construction. The plaintiffs also contended the township maintained a significant hostility toward Orthodox Jews.

In August 2020, Bais Brucha applied with the township for a zoning permit to construct a shul on a vacant lot adjacent to the subject property. A month later, its zoning application was denied on the basis that it was a “Use not permitted in RR Zone.”

The Zoning Board of Appeals (ZBA) affirmed the denial, which was a final decision without additional avenues of administrative appeal within Toms River.

Around this time, the U.S. Department of Justice (DOJ) completed an investigation of the township’s zoning and land use practices under RLUIPA and authorized the filing of a complaint in federal district court against the township alleging discriminatory zoning laws against houses of worship.

In February 2021, the plaintiffs filed the initial complaint in this civil action. In March 2021, the DOJ and the township entered into a consent order, which required the township to amend its land use regulations to comply with RLUIPA.

Later that year, the township enacted Ordinance 4700-21, which amended various zoning regulations. The plaintiffs alleged the amended zoning regulations violated the consent order and continued to discriminate against houses of worship and the Orthodox Jewish population.

So, in April 2022, the plaintiffs sought to amend their complaint to add new allegations related to the DOJ complaint, consent order, and the amended ordinance. The DOJ then notified the township that its amended regulations didn’t comply with the consent order.

Subsequently, the township passed Ordinance 4752-22, which amended regulations concerning parking places for places of worship, off-tract parking for non-residential uses, and ground signs. The plaintiffs claimed Ordinance 4752-22 did not change the parking requirements for places of worship, but rather changed the parking requirements for other non-religious land uses to make the requirements on those other uses as burdensome as the requirements are for places of worship. They also claimed the township’s amended regulations continued to discriminate against places of worship.

That’s when the plaintiffs filed another action seeking leave to amend the complaint to include allegations concerning the township’s recent zoning amendments. The township asserted that the proposed amendments to the plaintiff’s complaint was futile because the ordinance they sought to challenge had yet to be applied to their particular property because they hadn’t applied under either amended ordinance.

The township also alleged the plaintiffs’ proposed amendments were barred under RLUIPA’s “Safe Harbor” provision.
Zoning News Around The Nation

Maryland
Anne Arundel County has new planning & zoning director

Jenny Jarkowski has moved into the role of director of office of planning and zoning for Anne Arundel County, Maryland. Jarowski started in the new role on January 19, 2023.

"Jenny Jarkowski has a proven track record of engaging community members and modernizing planning processes," said County Executive Steuart Pittman. "She was the clear choice to lead our team as we implement the recommendations of Plan2040 and work to create a greener, smarter, and more equitable future for Anne Arundel County," Pittman added.

Previously, Jarkowski was the director of the Harford County Department of Planning and Zoning and chief of staff for Maryland’s Department of Planning.

"I am honored to serve the residents of Anne Arundel County, and I am energized to implement Plan2040," said Jarkowski. "I look forward to engaging with the vibrant, diverse communities of Anne Arundel County," Jarowski added.

Source: aacounty.org

Massachusetts
City council member wants to ‘fast track’ proposal to address housing shortages in Worcester

Worcester City Councilor George Russell (District 3) wants the city of Worcester to fast track the approval process for in-law apartments so that the city can better address its housing shortages. Spectrum 1 reported that the city council unanimously supported the proposal, which would allow occupancy within owner-occupied single-family homes by special permit. If the proposal goes through, this would mean that spaces, such as finished basements could be used as apartments, the news outlet reported.

Source: spectrumnews.com

New Mexico
FY24 executive budget recommendation focuses on housing, economic development, more

New Mexico Gov. Michelle Lujan Grisham recently released the executive budget recommendation for FY24. "Today, we have a historic opportunity for change in the state of New Mexico," said Gov. Lujan Grisham. "This budget builds upon the immense progress and success of the last four years, continuing to improve the lives of the people of New Mexico by funding programs, policies and initiatives that we know are working. It also empowers the state to continue to take on new and innovative strategies that are disrupting the status quo, that help our children, our families, our schools, our small businesses and our entire economy to grow and prosper.”

Specifically, the plan is aimed at addressing housing and homelessness in the state, with a proposed $25 million in funding for rental assistance and eviction prevention, $13 million for incentivizing development and zoning updates, and $6 million for a comprehensive landlord support program.


Source: governor.state.nm.us

New York
Plans pitched to turn underused office space into housing in the Big Apple

New York Mayor Eric Adams wants to convert underused offices into housing based on recommendations of the city-led Office Adaptive Reuse Task Force (OARTF), which released a study that contains 11 recommendations to make changes to state laws and city zoning requirements so that office space could more easily be converted into housing.

"While property owners will make determinations whether to convert their buildings, with these recommendations in place and current city and state regulations, office conversions could potentially create as many as 20,000 homes in the next decade, enough to house up to 40,000 New Yorkers," a mayor’s office press release noted.

"With this study, we have a roadmap to deliver on a vision for a more vibrant, resilient, prosperous, and affordable city," said Mayor Adams. "The need for housing is desperate, and the opportunity offered by underused office space is clear—we know what we need to do. These concrete reforms would clear red tape and create the incentives to create the housing we need for New Yorkers at all income levels," he added.

Deputy Mayor for Economic and Workforce Development Maria Torres-Springer added that permitting more offices to be converted into housing "will help [the city] bring back [its] commercial districts while also addressing [its] housing supply crisis." "The recommendations in this report will set us on the path to achieving these critical goals," Torres-Springer added.

OARTF's study outlines ways to meet goals set forth in an action plan the mayor, along with New York Gov. Kathy Hochul released in December 2022 (“‘New’ New York: Making New York Work for Everyone,” which highlights ways to “reimagine the city’s commercial districts as vibrant 24/7 destinations, making Midtown Manhattan and other business districts more mixed-use and flexible, and expanding the city’s supply of housing.”


To learn more about OARTF, which the city's planning director, Dan Garodnick, leads visit nyc.gov/site/planning/plans/office-reuse-task-force/office-reuse-task-force.page. And to read its report, visit nyc.gov/assets/planning
Gov. Hochul announces statewide strategy to build 800,000 new homes

New York Gov. Kathy Hochul recently announced plans to build 800,000 new homes over a decade to address housing shortages. “The New York Housing Compact, a comprehensive, multi-pronged strategy, includes local participation requirements and incentives to achieve housing growth in every community so that every part of the State is a partner in solving this urgent crisis. The plan will also require municipalities with MTA rail stations to locally rezone for higher density residential development,” Gov. Hochul’s office stated.

“New York faces a housing crisis that requires bold actions and an all-hands-on-deck approach,” Gov. Hochul said. “Every community in New York must do their part to encourage housing growth to move our State forward and keep our economy strong. The New York Housing Compact is a comprehensive plan to spur the changes needed to create more housing, meet rising demand, and make our state a more equitable, stable, and affordable place to live.”

Compact specifics include to:

- “require all cities, towns, and villages to achieve new home creation targets on a three-year cycle”;
- “make available a $250 million Infrastructure Fund and $20 million Planning Fund to support new housing production statewide”;
- “require that localities with rail stations run by the MTA undertake a local rezoning or higher density multifamily development within half a mile of the station unless they already meet the density level”;
- give municipalities that fall short on targets to take good faith ‘Preferred Actions’ to spur development for another 3-year cycle in which the fast-track approval process will not apply.”

To learn more about other Compact priorities, visit governor.ny.gov/news/governor-hochul-announces-statewide-strategy-address-new-yorks-housing-crisis-and-build-800000.

Source: governor.ny.gov

Ohio

Cincinnati survey obtains public input into zoning updates and land-use policies

The city of Cincinnati has completed its public survey as it works on updating zoning and land use policies. “From Day One, our mission has been to craft policies that build connected, accessible communities,” Mayor Aftab said. “For too long, our city has been designed to segregate neighborhoods and concentrate poverty. We have to move forward, and as with all our work, empowering residents in the process is critical,” the mayor added.

Councilmember Reggie Harris, the chair of the equitable growth and housing committee, said, “As we face head on some of the city’s greatest issues—housing, pedestrian safety, supporting our small businesses—now is the time we set our vision for how we will grow. Housing is a key tool to achieve our boldest goals, and this survey will help us build a sustainable, forward-thinking, and responsive plan to drive a more sustainable future.”

Its Connected Communities Survey asked residents questions about “current and past experiences, where they would like to see an increase in the diversity of housing options, and where they would like to see changes made to parking requirements.”

Source: cincinnati-oh.gov
## 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>May 8, 2023</td>
</tr>
<tr>
<td>PSU – EHS Chem. Rad.</td>
<td>3/20/2023</td>
<td>June 18, 2023</td>
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## LAND DEVELOPMENT PLAN ACTIVITY

<table>
<thead>
<tr>
<th>Title</th>
<th>Recording Deadline</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Stocker Body Shop</td>
<td>June 10, 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; 2/15 sent email for 90 day ext (to CTC 3/2) must be recorded prior to Arize FCU recording; must be recorded prior to minor plan submission</td>
</tr>
<tr>
<td>Canterbury Crossing</td>
<td>May 2, 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; working with Jere on surety; CTC 1/19 for 90-day extension, approval sent 1/24; 3/20 verified with PTE no outstanding review fees, getting everything together for signatures and recording</td>
</tr>
<tr>
<td>Rhodes Lane Condos</td>
<td>May 8, 2023</td>
<td>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&amp;R 11/14; PC 11/15; 12/1 plan tabled per PTE request, PTE granted review time extension; 12/29 revised plan submitted, comments due 1/13; to P&amp;R 1/9; revision 4 received 1/19, comments due 1/27; revision due 2/6; P&amp;R 2/13 as staff informative; 2/20 tabled by PTE; to PC 2/21 tabled; review period extended by PTE</td>
</tr>
<tr>
<td>Arize Federal Credit Union</td>
<td>May 17, 2023</td>
<td>12/19 submitted &amp; completeness review; 12/20 sent for full review; Comments sent 12/30; revision received 1/9, comments due 1/13;</td>
</tr>
</tbody>
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comments sent 1/13; to PC 1/17; revision due 2/6; comments due 2/10; to CTC 2/16; conditional approval 2/16, letter sent 2/17; revision due 3/1

MNMC – Bed Tower
July 5, 2023
2/21 submitted, letter sent 2/22; comments due and sent 3/3; revision due 3/13; to PC 3/21; to CTC 4/6; conditionally approved; 4/7 sent conditional approval letter

State College Food Bank
July 5, 2023
2/21 submitted, letter sent 2/22; comments due and sent 3/3; revision due 3/13; to PC 3/21; to CTC 4/6; conditionally approved; 4/7 sent conditional approval letter

PSU – Environmental Health & Safety Chemical & Radiation Waste Accumulation Facility
June 18, 2023
3/20 submitted, comment request sent 3/21; comments due 3/31; revision due 4/10; to PC 4/18; comments due 4/14; revision due 5/8

MINOR PLANS

Bilger Minor Re-Plot
Submitted 1/17/2023
Expires 5/2/2023
1/17 sent to staff & Schnure, Bair & Boeckel; comments due 1/27; revision due 2/6; 1/30 asked for plan for signatures; 2/6 received plan for signatures (plan & letter ready to go), 3/7 requested 45 day ext from Zach Gay, received approval of ext.; waiting on deeds to review; 3/23 Zach picked up plan for recording; 4/3 RECORDED, waiting for copy

Lot 6ER-2 (former Maxwell)
Submitted 1/31/2023
Expires 4/1/2023
1/31 sent to staff & Schnure, Kauffman & Boeckel; comments due 2/10; letter sent 3/17 (plan auto-denied after 30 days; 4/16)

Winfield Heights Lots 18&19
Submitted 3/20/2023
Expires 5/19/2023
3/20 sent to staff & Schnure, Kauffman, Boeckel; comments due 3/31; revision due 4/10

OTHER

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; 1/11 DPZ okayed contract and scope; to CTC 1/19 for approval; DPZ will be present 2/27-3/1, with a tour on 2/27; Charrette to take place 6/18-6/23

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; 12/1 & 12/2 lines painted on Oak Ridge and Shamrock; meeting 1/11; ballots due 2/3; meeting 2/8; CTC 2/16; CTC gave go ahead to prepare bid packet; Bid opening 4/27 2pm

Pike Street Phase 3
Surveying to begin in January; letter sent to residents, surveying started 1/11; 1/18 traffic calming maps removed from Council room; before pictures are complete (may take after pictures of traffic calming phase)

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; need RFP for traffic engineering services; 3/28 RFP submission deadline

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; to PC 1/17; to CTC 2/16; CRPC 3/2 recommended approval; property to be posted on or before 4/10; General Forum 3/27

Official Map
Council remanded to PC 2/2; 2/7 PC received maps for homework; 2/21 PC discussion; 3/7 PC request time extension and paper copies of map; 3/21 PC tabled until 4/4 meeting; P&R to submit explanations to staff for PC by 3/29

Burkentine Rezoning
Council remanded to PC 2/16; 3/7 PC introduced to rezoning consensus is to wait for DPZ; to PC 4/4

Zoning Hearing
Aspen Heights – tree buffer planting 4/13

ENGINEERING BOND/LOC SURETY EXPIRING SOON

*No surety to expire in May
Jake’s Fireworks (June 8th)
Stocker Body Shop (June 14th)

**LDP’s UNDER CONSTRUCTION**

Aspen Heights
Canterbury Crossing
Evergreen Heights
Jake’s Fireworks
Steve Shannon
Winfield Heights