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: 823 6929 5640  ● Passcode: 260406

*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 August 1, 2023 Meeting Minutes (Approval)

PLANS:  P-1 Medlar Field – Weight Room and Hitting Tunnels Land Development Plan (Discuss/Recommend)
P-2 Summit Park Subdivision Plan (Discuss/Recommend)

OLD BUSINESS:  OB-1 Shiloh Road Rezoning (Discuss/Recommend)

NEW BUSINESS:

REPORTS:  R-1 DPZ CoDesign Updates
R-2 Council Meeting Report
STAFF INFORMATIVES:  SI-1  Council Meeting Minutes
                      SI-2  Zoning Bulletin
                      SI-3  EZP Report

OTHER MATTERS:       OM-1  Correspondence received August 8, 2023 from Daniel Materna
                      OM-2  Correspondence received August 8, 2023 from Daniel Materna

ANNOUNCEMENTS:      Next regular meeting will be Tuesday, September 5, 2023 at 7:00pm

ADJOURNMENT:
COLLEGE TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
In Person and Via Zoom

August 1, 2023 7:00 p.m.
1481 East College Avenue, State College, PA 16801
www.collegetownship.org

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

EXCUSED:                  Bill Sharp

STAFF PRESENT:            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 no people present via Zoom and reviewing
the zoom protocol was unnecessary.

ROLL CALL: Mr. Forziat verified Mr. Sharp was excused from the meeting.

OPEN DISCUSSION: None presented.

CONSENT AGENDA: There was a lengthy discussion of the minutes and amendments made to reflect the accuracy of
discussions which took place during the meeting on July 18, 2023.

Mr. Darrah moved to approve the July 18, 2023 meeting minutes as amended. Mr. Fenton seconded.
Motion carried unanimously.

PLANS: None presented.
OLD BUSINESS:

**OB-1  Shiloh Road Rezoning**

Ms. Schoch introduced the topic and stated that there is a brief powerpoint presentation which can be referenced during discussion after the presentation. Ms. Schoch stated the Planning Commission was previously tasked to become subject matter experts on form-based code so as to be able to create a type of hybrid code. She also spoke on the municipal planning code and Dale Summit Area Plan vision. The Planning Commission was asked to keep in mind that Council would like to continue moving forward and staff is asking for their technical expertise and their recommendation. Ms. Schoch continued by presenting uses in the PRBD through conditional use and prohibited uses and explained why certain uses are prohibited. Definitions were also provided per the Planning Commission’s request during their July 18th meeting.

Mr. Toumayants questioned why are culture, education, recreation, government, transit, municipal parking, all defined and why religion is excluded. Ms. Schoch explained that places of assembly are permitted and religion or places of worship are considered places of assembly. Mr. Toumayants questioned, “prominent spaces are to be reserved for civic buildings”, why is religion not part of that. Ms. Schoch stated that it is a good question and she will look into it.

Ms. Khoury asked if the Planning Commission is to recommend approval of the definitions presented, as she objects to some of the definitions presented. Mr. Forziat stated that the Planning Commission has the ability to recommend changes of the definitions and ordinance to Council. However, sometimes the definitions given are broader to give latitude. Mr. Fenton asked if religion could be considered part of the word culture within some definitions, it was determined it could.

Mr. Darrah questioned mixed-use buildings. He stated that the definition for nonresidential as is states, a mixed-use building would be considered nonresidential if the first floor is nonresidential, even if all other floors are residential. Staff explained that the definition before them was taken from Chapter 170, Signs, and that definition is only relevant when signage is the topic of discussion. After some discussion it was determined that a definition for nonresidential should be added to Chapter 200, Zoning.

Mr. Forziat asked why the process of allowing some R-3 uses within the Planned Research and Business Park District is to be through conditional use. Staff explained that the conditional use process gives the Township an opportunity to set reasonable conditions. Mr. Darrah stated that the conditional use process will make it more difficult for developers. After much discussion staff verified that the Planning Commission was in consensus to allow R-3 uses in the PRBD by right not conditional use. It was also determined through more discussion that the commissioners would like to see changes made to the PRBD ordinance instead of referencing other ordinances and adding confusion to an already confusing matter.

Also discussed was the loneliness epidemic in the country and that the Township should consider requiring developers, when proposing a mixed-use development, to provide public facilities such as churches, community centers, libraries, and other places of assembly. Staff stated there are open space requirements built into the ordinances and many of the more recent developments have included club clubhouses in the plans. Mr. Toumayants stated that the provided clubhouses are not large enough for larger groups of people to gather. It was discussed further that the development of higher density residences will trigger the development of public type spaces and amenities.

The Planning Commission discussed and came to a consensus that the Shiloh Road Rezoning project needs to be thought of as a catalyst project and not an interim step. They also determined that a recommendation to Council would not be made at this meeting as they would like to see a draft of an all-inclusive ordinance to try and prevent confusion. Mr. Forziat stated at the August 15th meeting the Planning Commission will be tasked with diving into the ordinance and determining which statements should be “may” and which statements should be “shall”.


NEW BUSINESS: None presented

REPORTS:
   R-1   DPZ CoDesign Update
         Ms. Schoch gave a brief update and stated a draft of the revised code has been sent to the Township and is currently being reviewed by staff. Mr. Forziat suggested that staff reach out the community members present during the Charrette and invite them to the public hearing when the code will be discussed. Ms. Schoch stated that is a good idea and added that the staff also received the marketability study which is now available on the website. Mr. Forziat asked if that could be shared with the Commissioners. Ms. Schoch verified that a link to the website can be sent to the Planning Commission.

   R-2   Council Meeting Update
         Ms. Khoury stated that she had sent her report to the Commissioners and asked if there were any questions. Mr. Toumayants stated that he hopes the no parking signs to be posted at Spring Creek Park won’t discourage people from using the park. There were questions asking who made complaints, and why is the Township concerned after so many years of that being the norm? Mr. Gabrovsek stated that the parking is a hazard and the Township has been fortunate that there haven’t been any major accidents due to the parking issues.

STAFF INFORMATIVES:
   SI-1   Council Meeting Minutes
          No further discussion.
   SI-2   Planned Research and Business Park District Ordinance
          No further discussion.
   SI-3   Planned Residential Development Ordinance
          No further discussion.

OTHER MATTERS: None presented

ANNOUNCEMENTS:
   Mr. Forziat announced the next meeting will be Tuesday, August 15, 2023 at 7:00 pm, and asked if Commissioner’s are unable to attend that they let him know in advance if possible.

ADJOURNMENT: Mr. Hoffman moved to adjourn. Mr. Fenton seconded. Motion carried.

Meeting adjourned at 8:59 p.m.

** Draft **

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning
July 7, 2023

Dan Wesdock  
Resource Conservation Coordinator  
Centre County Conservation District  
Willowbank Office Building  
414 Holmes Street, Suite 4  
Bellefonte, PA 16823-1488

Re: PSU: Medlar Field @ Lubrano Park  
Notice of Major Modification for NPDES Application #PAD140092

Dear Mr. Wesdock:

Enclosed for your review are documents for a major modification to the NPDES Permit for the Medlar Field at Lubrano Park Project. The original permit was submitted for replacing the collector and ancillary pipes underneath Medlar Field for the purpose of site drainage. The system is being replaced and restored to existing conditions. Therefore, no change would occur from pre-development to post development conditions for the baseball field project.

The major modifications are for proposed work outside of the baseball field adjacent to Medlar Field. Modifications were made to the NPDES Permit Boundary and Limit of Disturbance. The increases in the permit boundary and total disturbance are summarized below. The proposed additional work will include construction of a hitting tunnel addition, expansion of the existing paved parking lot, concrete walkways, and stormwater drainage adjacent to Medlar Field. The proposed work will increase the total impervious surface. We’ve analyzed the increase of rate and volume due to the land use changes from pre-development to post-development conditions. The increases will be managed by two stormwater vaults and stormwater drainage system. We are submitting updated plan sheets, worksheets and stormwater calculations to reflect these changes. A detailed summary of these documents is listed below.

NPDES Permit Boundary: 3.46 Acres (Original) + 0.52 Acre (Modification)  
Limit of Disturbance: 3.42 Acres (Original) + 0.48 Acre (Modification)  
Increase in Impervious Surface: 0.00 (Original) + 0.13 Acres (Modification)

Revisions:  
1. NOI  
a. Page 1  
i. General Information  
ii. Project Information  
b. Page 3  
i. Earth Disturbance Information
c. Page 4
   i. Stormwater Discharge Information

2. Check Attached for Permit Fee
   a. Disturbance Fee included for additional 0.48 acres

3. Municipal and County Notification Act 14
   a. Municipal and County Act 14s have been updated and revised.

4. PNDI
   a. PNDI was updated to include additional disturbed area

5. Erosion and Sediment Control Module 1
   a. Entire Module was updated for additional disturbed area
   b. E&S worksheet 1

6. PCSM Module 2
   a. Entire Module was updated for additional disturbed area
   b. DEP PCSM Spreadsheet was revised for additional disturbed area
   c. PCSM Narrative
      i. Appendix E was updated with Stormwater Calculations for additional disturbed area
      ii. Appendix F was added to include the Pre-Development and Post Development Drainage Area Maps.

7. Antidegradation Module 3
   a. Entire Module was updated for additional disturbed area

8. Plan Set
   a. The Plan Set was updated to show the proposed work in the additional disturbed area.

If you have any questions or require additional information, please contact me at 814-205-4012 or mvaow@stahlsheaffer.com.

Respectfully submitted,

Michael R. Vaow
Project Manager, Stahl Sheaffer Engineering

cc:
PRELIMINARY / FINAL LAND DEVELOPMENT PLAN

MEDLAR FIELD - WEIGHT ROOM AND HITTING TUNNELS

THE PENNSYLVANIA STATE UNIVERSITY

UNIVERSITY PARK CAMPUS

COLLEGE TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

JULY 17, 2023

OWNER’S CERTIFICATION
I, JEFFERY R. BAUGHMAN, PE, HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT SYSTEM IN THIS PLAN MEETS ALL DESIGN STANDARDS AND CRITERIA OF THE COLLEGE TOWNSHIP AND IS MAINTAINED IN ACCORDANCE WITH THE APPROVED OWNERSHIP AND MAINTENANCE PROGRAM. I, THE LANDOWNER, ACKNOWLEDGE THAT THE STORMWATER MANAGEMENT SYSTEM IS TO BE MAINTAINED IN ACCORDANCE WITH THE APPROVED OWNERSHIP AND MAINTENANCE PROGRAM.

I, JEFFERY R. BAUGHMAN, PE, HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT SYSTEM IN THIS PLAN MEETS ALL DESIGN STANDARDS AND CRITERIA OF THE COLLEGE TOWNSHIP AND IS MAINTAINED IN ACCORDANCE WITH THE APPROVED OWNERSHIP AND MAINTENANCE PROGRAM. I, THE LANDOWNER, ACKNOWLEDGE THAT THE STORMWATER MANAGEMENT SYSTEM IS TO BE MAINTAINED IN ACCORDANCE WITH THE APPROVED OWNERSHIP AND MAINTENANCE PROGRAM.

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DESIGN ENGINEER STORMWATER CERTIFICATION
I, ROBERT BUSH, PE, HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT SYSTEM IN THIS PLAN MEETS ALL DESIGN STANDARDS AND CRITERIA OF THE COLLEGE TOWNSHIP AND IS MAINTAINED IN ACCORDANCE WITH THE APPROVED OWNERSHIP AND MAINTENANCE PROGRAM.

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MUNICIPAL STORMWATER CERTIFICATION
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COLLEGE TOWNSHIP COUNCIL
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NOTE: THE BASE FIGURES PRESENTED IN THIS TABLE ARE FROM THE "PSU-BEAVER STADIUM-GATE C" UPGRADES PROJECT NO. 9,692 S.F.

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PROJECT MANAGER PRINCIPAL

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AND 287. NO BUILDING MATERIALS OR WASTES OR UNUSED BUILDING MATERIALS SHALL BE BURNED, BURIED.

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EVENT. PERMANENT BMP'S NEEDING REPAIR OR MAINTENANCE MUST BE ADDRESSED IMMEDIATELY.

MOISTURE CONTENT

SOLUBLE SALT CONCENTRATION

CONTROL BMP'S.

X:\PSU\21-445 Medlar Field\02 Draw\01 Production\Medlar Batting Cages\21-445 - Batting Cages - DESIGN-NoWall.dwg

CD

NOT TO SCALE

COMPOST FILTER SOCK

12

CONTROL DETAILS

SECTION

NON-PERMEABLE MEMBRANE

FT ON CENTER (#6 REBAR CAN BE USED IF

SCALE

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IN)

DATE

AND DISPOSED IN THE MANNER DESCRIBED ELSEWHERE IN THE PLAN.

3.

PARTICLE SIZE

" SIEVE

3

30%-60%

ORGANIC PORTION

NOTE:

6.07.2023

ISSUE 05 - BID ADDENDUM No. 2

ISSUE 06 - CONFORMED SET

102

TWO-PLY SYSTEMS

EXISTING CONTOURS

1000 HR

100% AT

STABILITY %

FUNCTIONAL

INLET PROTECTION SHALL NOT BE REQUIRED FOR INLET TRIBUTARY TO SEDIMENT BASIN OR TRAP.

BERMS

• THEY

STABILIZED

AND

SOIL

SILT

RUNOFF ARE AS FOLLOWS:

MEASURES OR CONTROLS USED DURING CONSTRUCTION TO PREVENT OR MINIMIZE THE INCREASED STORMWATER

BY THE END OF EACH WORK DAY AND DISPOSED IN A MANNER DESCRIBED IN THIS PLAN. IN NO CASE SHALL THE

SEDIMENT TRACKED ONTO ANY PUBLIC ROADWAY OR SIDEWALK SHALL BE RETURNED TO THE CONSTRUCTION SITE

DISTRICT OR THE DEPARTMENT, FULLY IMPLEMENTED PRIOR TO BEING ACTIVATED.

11.

E&S BMPS SHALL REMAIN FUNCTIONAL UNTIL ALL AREAS TRIBUTARY TO THEM ARE PERMANENTLY STABILIZED OR

REPLACED.

12.

THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ANY MATERIAL BROUGHT ONTO THE SITE IS CLEAN FILL.

13.

DISTURBED AREAS, THE OWNER AND/OR OPERATOR SHALL CONTACT THE LOCAL CONSERVATION DISTRICT FOR AN INSPECTION

UPON COMPLETION OF ALL EARTH DISTURBANCE ACTIVITIES AND PERMANENT STABILIZATION OF ALL DISTURBED

AREAS TO BE STABILIZED BY VEGETATION. EACH STOCKPILE SHALL BE PROTECTED IN THE MANNER SHOWN ON THE

APPENDIX D (HDMFPP) DOCUMENTING THE SPECIFICATIONS FOR EACH STRUCTURE AND ITS LOCATION.

14.

ALL OCCURRENCE DATES WILL BE REVIEWED AND CHANGED AS NEEDED TO ACCOMMODATE ANY ADDITIONAL OR CONSEQUENT

CHANGES FOR REVIEW AND APPROVAL AT ITS DISCRETION. THE REVIEWING AGENCY MAY REQUIRE A WRITTEN SUBMITTAL OF THOSE

CHANGES.

15.

THE DEPARTMENT OF TRANSPORTATION (DOT) WILL PERMIT ACCOUNTABLE BMP'S TO BE POSTED TO THE SITE FOR

CONSTRUCTION. EACH STAGE SHALL BE COMPLETED AND IMMEDIATELY STABILIZED BEFORE ANY FOLLOWING STAGE IS

EXECUTED. A階段 WILL BE COMPLETED AND IMMEDIATELY STABILIZED BEFORE ANY FOLLOWING STAGE IS

EXECUTED.

16.

DISTURBED AREAS WILL BE GUARDED AS REQUIRED TO PROTECT VEGETATION; THE MAIN PURPOSE OF THE

DISTURBED AREAS WILL BE TO GUARD THE VEGETATION FROM EXCESSIVE TRAFFIC, TREAD, OR DISTURBANCE.

17.

AFFIRMATIVE ACTION PLANS/FMPS

18.

CIVIL RIGHTS COMPLIANCE

19.

CIVIL RIGHTS COMPLIANCE

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CIVIL RIGHTS COMPLIANCE

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AFFIRMATIVE ACTION PLANS/FMPS

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CIVIL RIGHTS COMPLIANCE

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AFFIRMATIVE ACTION PLANS/FMPS

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CIVIL RIGHTS COMPLIANCE

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AFFIRMATIVE ACTION PLANS/FMPS

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AFFIRMATIVE ACTION PLANS/FMPS

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CIVIL RIGHTS COMPLIANCE

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AFFIRMATIVE ACTION PLANS/FMPS

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CIVIL RIGHTS COMPLIANCE

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AFFIRMATIVE ACTION PLANS/FMPS

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STORM SEWER 24" MANHOLE INSPECTION PORT FRAME & COVER

STORM SEWER MANHOLE

1. Type M Inlet Top
   - 15' x 20' x 5.15 H' Underground Vault

2. Trash Rack
   - 15" Ø Outlet Pipe
   - Concrete Outlet
   - Control Wall with Discharge Orifices
   - Trash Rack
   - Concrete Detention System
   - Penndot Pub 408, Sec 605
   - Penndot Pub 72, "Standards for Roadway Construction"

3. Steps
   - Access Steps per Penndot
   - 18" from the Top of Manholes and Inlets Deeper Than 4 FT
   - Reinforcement Provided in Accordance with Penndot Pub 408
     to Meet H-20 Loading

4. Joint Seal
   - Offset Two Strips of Tapered Ribs
   - Neoprene Gasket or "O" Ring

5. Mounting Brackets
   - Open Bottom 30" Three 1.5" Ø Orifices

NOTES:
- Provide Neoprene Gasket or "O" Ring
- Concrete Compressive Strength 4000 PSI at 28 Days
- BID Package 3 - New Addition
- Minimum Manhole Diameter is 4 FT
- Storm Sewer Manhole
- BID Addendum No. 1
- BID Addendum No. 2
- Issue 01 - Design Development
- Issue 02 - CD - Final Review Package
- Issue 03 - Construction Documents
- Issue 04 - BID Addendum No. 1
- Issue 05 - BID Addendum No. 2
- Issue 06 - Conformed Set

PROJECT ARCHITECT
ROBERT BUSH
CRAIG SCHMITT, RA

CONSULTANTS
MILLENIUM SPORTS TECHNOLOGIES, INC.
814.205.4012   |   www.stahlsheaffer.com

STAHL SHEAFFER ENGINEERING CONSULTANTS
100 North 6th Street
Clearfield, Pennsylvania 16830
DECIDUOUS TREE PLANTING

MASTER LANDSCAPE SCHEDULE

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>TYPE</th>
<th>PLANT SPACING (FT. O.C.)</th>
<th>MINIMUM CALIPER AT INSTALL (IN.)</th>
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<tbody>
<tr>
<td>RED OAK</td>
<td>Container</td>
<td>AS SHOWN</td>
<td>1.5</td>
<td>NA</td>
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<tr>
<td>HACKBERRY</td>
<td>Container</td>
<td>AS SHOWN</td>
<td>2.0-2.5</td>
<td>6.0</td>
<td>45.0</td>
<td>12.0</td>
</tr>
<tr>
<td>RED OAK</td>
<td>Container</td>
<td>6.0</td>
<td>1.5</td>
<td>4.0</td>
<td>8.0-10.0</td>
<td>8.0-10.0</td>
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NOTES:
1. PLANTS MULCHED WITH 2" X 2" X 8' POINTED CEDAR VERTICAL STAKES: BEFORE THE PERMANENT SEED, MULCH AND FERTILIZER IS APPLIED.
2. PLANTS EMBRACED WITH 4" MULCH FINELY SHREDDED BARK MULCH; REMOVE ALL NYLON TAPES.
3. IF PLANTING IS TO BE DONE BETWEEN APRIL 30TH AND SEPTEMBER 25TH, THE PLANTING DATE AND STAKES SHOULD BE RETURNED TO THE SUPPLIER AND REPLACED WITH ACCEPTABLE STOCK.
4. OTHER DETRIMENTAL PEST. ANY TREE AND SHRUBS EXHIBITING ANY OF THESE CHARACTERISTICS WITH NO OPEN WOUNDS. TREE SHOULD NOT BE VISIBLY AFFECTED WITH FUNGUS, INSECT OR LIMBS SHOULD BE PLIABLE, GREEN AND WITHOUT DRY OR DEAD TWIGS. BARK SHOULD BE INTACT UPON DELIVERY ALL TREES AND SHRUBS SHALL BE INSPECTED FOR HEALTH AND VIGOR. TREE SHOULDN'T BE VISIBLY AFFECTED WITH FUNGUS, INSECT OR LIMBS SHOULD BE PLIABLE, GREEN AND WITHOUT DRY OR DEAD TWIGS. BARK SHOULD BE INTACT UPON DELIVERY ALL TREES AND SHRUBS SHALL BE INSPECTED FOR HEALTH AND VIGOR.

LANDSCAPING NOTES & DETAILS:
- RED OAK TREES ARE SPECIFIED TO REPLACE THE RED OAK TREES THAT REQUIRED REMOVAL TO PROVIDE FOR THE PARKING LOT ADJUSTMENT. THE HACKBERRY TREE IS BEING SPECIFIED TO REPLACE THE HACKBERRY TREE THAT LANDSCAPING DESIGN CONSIDERATIONS.
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MEMORANDUM

To: Michael Vaow
    Stahl Sheaffer Engineering
    301 Science Park Road, Ste. 333
    State College, PA 16803

From: Sharon Meyers, Sr. Support Specialist – Engineering/Planning

Re: The Pennsylvania State University – Medlar Field – Weight Room and Batting Tunnels

Date: Friday, July 28, 2023

Attached are comments from staff and county regarding the above-referenced preliminary/final land development plan: The revision of this plan, with comments addressed is due no later than **Monday August 7, 2023 by noon**. I will need six (6) full size paper sets, and a digital copy of the revised plan. Please also include nine (9) half-size (11x17) paper sets of the revised plan for College Township Planning Commission meeting packet. Please email to smeyers@collegetownship.org.

The scheduled review before Planning Commission is **Tuesday, August 15, 2023 at 7:00 p.m.**

The tentative review before College Township Council is **Thursday, September 7, 2023 at 7:00 p.m.**

Should you have any questions, please do not hesitate to reach out.

Thank you.
MEMORANDUM

To: Michael Vaow
Stahl Sheaffer Engineering, LLC
301 Science Park Road, Suite 333
State College, PA 16803

From: Donald M. Franson, P.E., P.L.S., Township Engineer | Jere Northridge, P.E., Assistant Township Engineer | Lindsay K. Schoch, AICP, Principal Planner | Mark Gabrovsek, Zoning Officer

Re: The Pennsylvania State University – Medlar Field – Weight Room and Batting Tunnels

Date: July 28, 2023

As a result of your submission of the above referenced plan dated June 23, 2023, with revisions dated July 17, 2023, please find comments below from the Assistant Township Engineer:

1. The plan set cover sheet indicates no change in impervious surface, but the NOI page 3 indicates a 5,663 square foot increase in impervious; the NPDES charts indicate a 6,100 square foot increase (0.17 acre), and the cover letter to CCCD indicates a 0.13 acre increase.

   Clarify the additional square footage of impervious area. Verify the value is consistent through all charts and calculations.

2. Provide the most recent version of the Bathgate chart, incorporating new impervious, into the plan set cover sheet.

3. Plan Set, Cover Sheet, Owner’s Certification Block: Revise the 2021 date. Review all documents and notes to verify accuracy throughout the plan set.

4. Cover Sheet: Site Information: B. Tax Parcel: Medlar Field is unique among PSU facilities showing its own tax parcel number (19-003-100-005). This tax parcel (-005) is not 1,607 acres as indicated in Note D. This proposed major amendment appears to impact the surrounding tax parcel (19-003-100). The tax parcel number cited in the narrative Notifications is different from the plan set.

   Expand/clarify this tax parcel subsection as necessary to reflect all impacts.

5. Include the Subdistrict 9 zoning chart consistent with the Letterman’s Plaza submission.

6. Stormwater narrative, General: Several pages are cropped beyond the page edge, omitting pertinent details. Upon resubmission of the narrative, verify all pages are printed within margins.

7. Stormwater narrative, NOI page 5: Penn State holds their own MS4 permit. The Penn State MS4 permit ultimately discharges to the College Township MS4 system.
8. PCSM Narrative pages 4-5 attempt to utilize the 0.2, 0.4, and 1.0 credits on multiple sub-basins. This approach is not acceptable.

   On the assumption that the calculations herein are acceptable (see also Comment 6 above), the redundant use of this credit is not necessary. The sum of basin outflows is satisfactorily less than the allowable credits.

9. PCSM Narrative, page 6, Post-Development Rate: Clarify whether the 2-year rate is 2.10 cfs as listed or 2.54 cfs.

10. Plan Sheet C103, ADA Parking Area: Clarify whether a Detectable Warning Surface (DWS) is required at the new sidewalk access ramp.

11. Plan Sheet C103, ADA Parking Area: Verify acceptance of a stormwater inlet within an ADA Parking stall. Because the vault is 8’ x 8’, consider re-orientation and curb cut to remove inlet from ADA area.

12. Plan Sheet C103, Storm Manhole 3: Identify waterline elevation, likely beneath storm line in this area.

13. Plan Sheet C103, ADA Walkway / Water line conflict: Consider specifying water valve locations to avoid tripping hazards within ADA spaces and walkways.

14. PCSM Plan Sheet C109, Vault Details: Verify with Owner that 24” access lid is sufficient for confined space entry/safety. Consider larger access where appropriate.

15. Plan Sheet C105: Please reference site planting schedule and planting details found on plan sheet C110.

16. Plan Sheets C105 & C110: Verify plant quantities are the same on both sheets.

General Comment: Please provide a lighting plan sheet with revised submission.

Due to the nature of these comments presented herein, the Township reserves the right to make additional comments on future submissions.
MEMORANDUM

Date: July 21, 2023

To: Lindsay Schoch, AICP
Principal Planner
College Township

From: Mark Boeckel, AICP
Principal Planner

RE: Medlar Field Weight Room and Hitting Tunnels Land Development Plan – Centre Regional Planning Agency Review

The Centre Regional Planning Agency (CRPA) received the Medlar Field Weight Room and Hitting Tunnels Land Development Plan on July 18, 2023. This review is intended to fulfill the requirements of the Centre Region’s Agreement of Relationship (dated March 16, 1982) with the Centre County Planning Commission, relative to the provisions of the Pennsylvania Municipalities Planning Code.

The land development plan proposes construction of a hitting tunnel addition, expansion of paved parking, and walkways.

Based on our review, the CRPA finds that the land development plan is consistent with the 2013 Centre Region Comprehensive Plan Update. The CRPA offers the following advisory comments for your consideration:

1. The cover sheet states that there is no change to impervious coverage despite additional coverage being proposed.

If you have any questions regarding the supplied comments, please contact the CRPA at (814) 231-3050.

cc: CCPCDO
LETTER OF ACKNOWLEDGEMENT

College Township Council
Don Franson, Township Engineer
1481 East College Avenue
State College, PA 16801

RE: Preliminary / Final Land Development Plan -- The Pennsylvania State University -- Medlar Field at Lubrano Park - - Weight Room and Hitting Tunnels; Plan Dated: July 17, 2023 (last revised: none referenced); College Township

CCPCDO FILE NO: 100-23

CCPCDO DATE RECEIVED: July 18, 2023

Dear Mr. Franson:

The Centre County Planning and Community Development Office acknowledge receipt of the above-referenced proposal.

Per our previous agreement with the Centre Regional Planning Commission Office, the County Planning and Community Development Office’s responsibility concerning its review and comment function (as required by Section 502(b) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended) will be assumed by the Centre Regional Planning Office.

For your official records, please be advised that this Letter of Acknowledgement is intended to satisfy the County Planning and Community Development Office’s review and comment responsibilities.

If you have any questions concerning the above, please feel free to contact me.

Respectfully submitted,

Christopher D. Schnure
Subdivision and Land Development Planner

/cds

Copies: College Township Planning Commission -- Peggy Ekdahl, Secretary
College Township Zoning Officer -- Mark Gabrovsek
Centre Regional Planning Agency
July 28, 2023

Lindsay Schoch  
Principal Planner  
College Township  
1481 East College Avenue  
State College, Pennsylvania 16801

RE: Medlar Field Weight Room & Batting Tunnels Land Development Plan

Dear Ms. Schoch,

I have reviewed the above referenced land development plan and have no comments on the plan as it does not impact refuse and recycling infrastructure at the facility.

I appreciate the opportunity to review the plans to ensure proper refuse and recycling containers, locations, access and sizes. The Centre Region COG is the designated agent for the Townships of Benner, College, Ferguson, Harris and Patton for the Centre Region Refuse and Recycling Program. If you have any questions, please let me know.

Sincerely,

Shelly G. Mato  
Refuse and Recycling Administrator, Centre Region Council of Governments
TO: Sharon Meyers, Sr. Support Specialist – Engineering/Planning
College Township
1481 East College Avenue
State College, PA 16801

FROM: Michael Vaow
Stahl Sheaffer Engineering
800 Leonard Street
Clearfield, PA 16830

DATE: August 4, 2023

RE: Response to Township Comment Letter, PSU Medlar Field – Weight Room and Batting Tunnels Preliminary/Final Land Development Plan

Dear Ms. Meyers,

This memo is in response to the Township’s review of the Medlar Field Weight Room and Batting Tunnels Preliminary/Final Land Development Plan submission completed by Stahl Sheaffer Engineering (SSE). The comments and responses are listed below.

**Medlar Field – Weight Room and Batting Tunnels**

**Township Comments From 7/28/2023**

1. The plan set cover sheet indicates no change in impervious coverage, but the NOI page 3 indicates a 5,663 square foot increase in impervious; the NPDES charts indicate a 6,100 square foot increase (.017 acre), and the cover letter to CCCD indicates a 0.13 acre increase.

   Clarify the additional square footage of impervious area. Verify the value is consisted through all charts and calculations.

_SSE RESPONSE:_ The plan set cover sheet and NPDES charts were updated to match the cover letter to CCCC to show a 0.13 acre increase in impervious.

2. Provide the most recent version of the Bathgate chart, incorporating new impervious, in the plan set cover sheet.

_SSE RESPONSE:_ We were unable to obtain the updated Bathgate chart at this time. According to another project the net remaining impervious was over 5 acres. This site is only adding 0.13 acres of impervious.

3. Plan Set, Cover Sheet, Owner’s Certification Block: Revise the 2021 date. Review all documents and notes to verify accuracy throughout the plan set.

_SSE RESPONSE:_ The date has been updated throughout the plan sets.
4. Cover Sheet: Site Information: B. Tax Parcel: Medlar field is unique among the PSU facilities showing its own tax parcel number (19-003-100-005). This tax parcel (-005) is not 1,607 acres as indicated in Note D. This proposed major amendment appears to impact the surrounding tax parcel (19-003-100). The tax parcel number cited in the narrative Notifications is different from the plan set.

Expand/clarify this tax parcel subsection as necessary to reflect all impacts.

SSE RESPONSE: The tax parcel cited on the cover and documents was updated to tax parcel 19-003-100- which is owned by Pennsylvania State University.

5. Include the Subdistrict 9 zoning chart consistent with the Lettermans Plaza submission.

SSE RESPONSE: The Subdistrict 9 zoning chart was added to the cover.

6. Stormwater narrative, General: Several Pages are cropped beyond the page edge, omitting pertinent details. Upon resubmission of the narrative, verify all pages are printed within margins.

SSE RESPONSE: The stormwater narrative has been printed within the margins.

7. Stormwater narrative, NOI page 5: Penn State holds their own MS4 permit. The Penn State MS4 Permit ultimately discharges to the College Township MS4 system.

SSE RESPONSE: The name of storm sewer owner/operator on NOI page 5 was updated to Penn State University.

8. PCSM Narrative pages 4-5 attempt to utilize the 0.2, 0.4, and 1.0 credits on multiple sub basins. This approach is not acceptable.

On the assumption that the calculations herein are acceptable (see also Comment 6 above), the redundant use of this credit is not necessary. The sum of the basin outflows is satisfactorily less than the allowable credits.

SSE RESPONSE: The calculations were updated for the overall site and combined into one summary table. The sum of the basin outflows is less than the allowable credits.

9. PCSM Narrative, page 6, Post-Development Rate: Clarify whether the 2-year rate is 2.10 cfs as listed or 2.54 cfs.

SSE RESPONSE: The rate is 2.10 cfs as shown in the Post-Development Rate column in the Rate Summary table on Page 5 of the narrative.

10. Plan Sheet C103, ADA Parking Area: Clarify whether a Detectable Warning Surface (DWS) is required as the new sidewalk access ramp.

SSE RESPONSE: A Detectable Warning Surface (DWS) is not required.

11. Plan Sheet C103, ADA Parking Area: Verify acceptance of a stormwater inlet within an ADA Parking stall. Because the vault is 8' x 8' consider re-orientation and curb cut to remove inlet from ADA area.
SSE RESPONSE: The client requested the vault be positioned there for maintenance purposes and the inlet will not have an impact on the ADA parking stall.

12. Plan Sheet C103, Storm Manhole 3: Identify waterline elevation, likely beneath storm line in this area.

SSE RESPONSE: The waterline elev. will be field verified by the contractor to avoid conflicts with the storm line

13. Plan Sheet C103, ADA Walkway / Water line conflict: Consider specifying water valve locations to avoid tripping hazards within ADA spaces and walkways.

SSF RESPONSE: The water valve locations will be placed in specific locations to avoid tripping hazards within ADA spaces and walkways.

14. PCSM Plan Sheet C109, Vault Details: Verify with owner that 24" access lid is sufficient for confined space entry/safety. Consider larger access where appropriate.

SSE RESPONSE: The owner has verified that 24" access lids are sufficient for safe entry to the stormwater vaults.

15. Plan Sheet C105: Please reference site planting schedule and planting details found on plan sheet C110.

SSE RESPONSE: A note referencing the site planting schedule and planting details found on Sheet C110 was added on Sheet C105 directly under the legend.

16. Plan Sheets C105 & C110: Verify plant quantities are the same on both sheets. General Comment: Please provide a lighting plan sheet with revised plan submission.

SSE RESPONSE: The plant quantities have been updated on Sheet C110 and the values match the plants shown on Sheet C105. We were unable to obtain the Lighting Plan at this time. We will submit this to the Township as soon as it becomes available to us.

Centre Regional Planning Agency Comments From 7/21/2023

1. The cover sheet states that there is no change to impervious coverage despite additional coverage being proposed.

SSE RESPONSE: The plan set cover sheet was updated to match the cover letter to CCCD to show a 0.13 acre increase in impervious.

Please contact me at (814) 857-6324 or by email at mvaow@stahlsheaffer.com should you have any questions or require additional information.

Sincerely,

Michael R. Vaow
Project Manager
Stahl Sheaffer Engineering

Enclosed:
6 copies of Land Development Plan (full size, bound)
9 copies of Land Development Plan (half size)
Summit Park Subdivision
Project Narrative

Dale Summit Acquisitions, L.P. are currently the owner of Tax Parcel Number 19-002-029c and are proposing a subdivision consisting of 12 lots within the Summit Park Industrial Revitalization Area (IRA).

Road Network: The development will dedicate the right-of-ways for Summit Industrial Drive and Stewart Drive that are located within Tax Parcel Number 19-002-029C after they have been constructed and accepted by College Township. Within the development, the roads will be constructed to be 24' wide with concrete curbing on both sides of road. The right-of-ways for Stewart Drive & Shiloh Road on the Stewart Property, west of this proposal, were dedicated to College Township on August 11, 1997 (RB. 950, PG. 762). The Township accepted the dedicated right-of-ways without having the roads being constructed, which is not a common practice. Typically townships do not accept roadway dedications until the roads have been constructed and accepted by the township. Dale Summit Acquisitions, L.P. are proposing to improve the missing portion of Stewart Drive within the previously dedicated right-of-way to provide a connection from the existing Stewart Drive that terminates at the access driveway to Cleveland Brothers Equipment to Summit Industrial Drive within the proposed development. Within the existing unimproved right-of-way the developer proposes to construct a 24' paved cartway with two (2) feet gravel shoulders to "match" the existing portion which is 22'-23' in width. The township will have the ability to required additional improvements to this section of Stewart Drive when the adjacent lots are developed in the future.

Sidewalks: Sidewalks are being proposed on both sides of Summit Industrial Drive and Stewart Drive within Tax Parcel 19-002-029C. The sidewalks will be constructed as each lot is being developed to avoid damage and to allow for connection to utilities. Sidewalks are not being proposed within the unimproved previously dedicated right-of-way for Stewart Drive within the Stewart property west of this proposal since the existing portion of Stewart Drive currently does not have sidewalks. The northern side of the existing Stewart Drive is unlikely to have sidewalks constructed since these parcels have already been developed. The township will be able to require the future lot owners of the undeveloped parcel to construct the sidewalks once all the utilities have been installed.

Utilities: Sanitary sewer service will be provided to all the lots within the development by University Area Joint Authority (UAJA). Water service will be provided by College Township Water Authority for all the newly created lots while Lot 1, the former Corning Building has an existing connection to the Bellefonte Borough system that is located along Transfer Road. Natural gas, electric, telecom services will be extended throughout the proposed development.
# Project Prioritization Matrix

**Proposed Project Location:** SUMMIT PARK SUBDIVISION

## CORRIDOR CRITERION

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## ACCESSIBILITY CRITERION

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**TOTAL SCORE:** 16
August 7, 2023

College Township Council
1481 East College Avenue
State College, PA 16801

Reference: Summit Park Preliminary Subdivision Plan
College Township, Centre County

Dear Council:

On behalf of Dale Summit Acquisitions LP we would like to request a formal deferral from constructing sidewalks and planting street trees during the initial construction (i.e. road, utilities, etc.) of the proposed subdivision. Sidewalk and street trees will be constructed and planted by the individual lot owners when each lot is being developed. All sidewalks and street trees shall be completed upon 80% development or within five (5) years of approval regardless of individual lot development schedule.

If you need any other information or have any questions, please feel free to give us a call at (814) 571-2646.

Sincerely,

Robert E. Myers, PE, PLS
Project Manager
rem2@hawbakerengineering.com

/rem
To: Robert Myers  
    Hawbaker Engineering  
    1952 Waddle Road, Ste. 201  
    State College, PA 16803  

From: Sharon Meyers, Sr. Support Specialist – Engineering/Planning  

Re: Summit Park Preliminary Subdivision Plan  

Date: July 31, 2023  

Attached are comments from staff and county regarding the above-referenced preliminary subdivision plan: The revision of this plan, with comments addressed is due no later than Monday August 7, 2023 by noon. I will need six (6) full size paper sets, and a digital copy of the revised plan. Please also include nine (9) half-size (11x17) paper sets of the revised plan for College Township Planning Commission meeting packet. Please email to smeyers@collegetownship.org.

The scheduled review before Planning Commission is Tuesday, August 15, 2023 at 7:00 p.m.

The tentative review before College Township Council is Thursday, September 7, 2023 at 7:00 p.m.

Should you have any questions, please do not hesitate to reach out.

Thank you.
MEMORANDUM

To: Robert Myers, P.E., P.L.S., Project Manager
Hawbaker Engineering
1952 Waddle Road, Ste. 201
State College, PA 16803

From: Donald M. Franson, P.E., P.L.S., Township Engineer | Lindsay K. Schoch, AICP, Principal Planner | Mark Gabrovsek, Zoning Officer

Re: Summit Park Preliminary Subdivision Plan

Date: July 31, 2023

As a result of your submission of the above referenced plan dated July 14, 2023, please find comments below from the College Township staff:

1. Sheet 1: Correct address for owner record and property address.
   Zoning District and Setbacks: Please revise to proper Zoning District and Setbacks
   Proposed Uses: to include “non-industrial uses”
   When referring to “commercial” uses, please use the term “non-industrial” in all references.
   Narrative Statement – Sidewalks: Please include “construction of ALL sidewalks to be completed upon 80% development or within five (5) years of approval regardless of individual lot development schedule.”
   Please submit a formal deferral of sidewalks request, including the proposal of when they will be constructed.
   Please note the Planning Commission and Council will have the opportunity to discuss sidewalks.
   Note 18: see above narrative statement – sidewalks
   Note 19: Please add the following to note 19: “and a maximum of 49% non-industrial uses.”

2. Sheet 2: Please provide copies of notifications to abutting properties.

3. Sheet 26: Tree Planting Notes – Please revise lettering under number 1 to match note 2.B.

4. Show all road names on Location Map.

5. Check the spelling of “Bussiness” in the tables.

6. Consider naming the Old Waste Landfill differently.
7. Is there an opportunity to use the Old Waste Landfill as Open Space, consider a walking path or other passive recreational activities for the use of the tenants and others working in the Business Park?

8. Planting note eight – confirm with the Township when the owner accepts the planting materials.

9. Although not a requirement, staff requests the Preliminary Plan be recorded.

10. Street addressing as necessary.

General Note: Please provide a note on the plan as follows: “Preliminary approval shall not authorize construction or the issuance of any building permit. However, in the case of subdivision of land, the preliminary approval may permit the developer to construct the public improvements per Chapter 180-8 of College Township Code.”

Due to the nature of these comments presented herein, the Township reserves the right to make additional comments on future submissions.

Please find comments from Acting Fire Director, Shawn Kauffman, below:

1. Final land development for Summit Park Subdivision Plan shall show proposed fire hydrants in accordance with College Township section 180-20.1 and fire apparatus access roads in accordance with College Township section 180-16.2.

Please find comments from Centre Region Code Administration Plans Examiner, Robert Wagner, below:

1. A building permit shall be obtained for the demolition of each existing building that will be demolished upon approval of the land development plan.
MEMORANDUM

To: Robert Myers  
Hawbaker Engineering  
1952 Waddle Road, Ste. 201  
State College, PA 16803

From: Jere Northridge, P.E., Assistant Township Engineer

Re: Dale Summit – Preliminary Subdivision Plan

Date: July 31, 2023

As a result of your submission of the above referenced plan dated July 14, 2023, with no revision dates noted, please find below comments below from the Assistant Township Engineer:

Stewart Drive improvements, west of the site: Create a sheet specific to Stewart Drive and include the following:

1. Right-of-way profile
2. Signage plan, to include Stop, No Parking, and Speed Limit
3. A note indicating “All sidewalks, curb, and street trees shall be the responsibility of the adjacent owner at the time lots develop.”
4. A note to include a required proof roll of Stewart Drive prior to the addition of base course.
5. Clarify headwall, outlet geometry at the stormwater cross pipe (17+20).

General Comments:

6. Revise all references to 19mm base course to 19mm binder.
7. The site has attained a DEP Act 2 Clearance for commercial/industrial uses stemming from prior pollution. Add any relevant notes regarding and deed restrictions or relevant restrictions on fill or groundwater pumping as may be applicable due to this prior land use and remediation.
8. The Landfill Area often has a “No Build Area” callout. Clarify on the plan whether soil borrow, staging, or other activity may occur here. The stormwater narrative notes fill, but not cutting, as permissible.
9. Provide a draft DSAME for review. Record DSAME prior to recording the plan and include the DSAME recording reference on the plan.
10. Obtain NPDES approval.

11. Provide financial security consistent with the MPC. Draft estimates should be provided to the Engineering Department for initial review.

Plan Comments:

12. Plan Sheets, General: Identify required roadway signage locations (No Outlet, No Parking, Speed Limit, Stop) and provide appropriate details.

13. Plan Cover Sheet, General Note 18: Sidewalk Construction shall be guaranteed by Developer Surety. Consider revising Note 18 to include a sunset provision (i.e., all sidewalks shall be completed within five (5) years of initial construction, regardless of lot occupancy).

14. Plan Cover Sheet, Street Trees: Clarify who is responsible for street tree installation and timing. Consider a note similar to Note 10 above.

15. Sidewalk, street trees, tree root barrier: See also Sheet 26: Clarify the referenced/missing tree root barrier detail, and/or incorporate into Sidewalk detail. Clarify whether tree root barrier shall be installed as an integral form to the full length of sidewalk, as sidewalk installation typically precedes tree placement and tree placement is unknown and may vary with lot development.

16. Plan Cover Sheet, General Note 20: Consult with the zoning officer on whether a Preliminary Plan approval may create a non-conformance on Lots 3 and 4.

17. Plan Cover Sheet, General Note 21: Revise or otherwise clarify the 50’ right-of-way statement.

18. Plan Cover Sheet, General Note 21: Street trees on Summit Industrial Drive cul-de-sac appear to be located within this easement, contradicting Note 21.

19. Plan Set, Sheet 22, General Road profile: Note street trees on the general road profile are inconsistent with the balance of the plan and Cover Sheet Note 21.

20. Plan Cover Sheet, Municipal Stormwater Certification block: Remove and replace Mr. Franson’s name with: Jeremiah Northridge, P.E.; College Township Assistant Engineer.

21. Plan Sheet 2: Act 287/Pa One Call: Consider the addition of College Township Water Authority to this information block.

22. Plan Sheet 8: A consistent font is utilized for each Lot and is identical to the font referencing the “Old Waste Landfill.” Consider revising the “Old Waste Landfill” font or incorporating a clarifier (“Inclusive to Lot 1”) such that this specific area does not appear as an independent lot. (See also Sheet 12, others)

23. Plan Sheet 8: An access road integral to Lot 1 exists between Lots 4 and 5. Clarify whether this parcel will receive a naming convention. The Township notes that businesses in the rear of Lot 1 are not accessible via GPS directions. A naming convention for access roads may improve delivery and emergency service abilities to locate the rear occupants.

24. Plan Sheet 9: The 10’ utility easement referenced on the Cover Sheet, Note 21, appears only on the east side of Summit Industrial Drive. Clarify whether this utility easement will exist on the west side of Summit Industrial Drive, along Stewart Drive on the subdivided parcel, and/or within Access Roads (such as the access between Lots 4/5).

25. Plan Sheet 9, linetypes: Incorporate all linetypes into legend where not otherwise identified (reuse water, easement boundaries, etc.)
26. Plan Sheet 9, others: It is unclear whether the street trees impact sight distance at intersections. Clarify whether each intersection has appropriate sight distance.

27. Plan Sheet 9: A crosswalk exists across Stewart at the Summit/Stewart intersection, but no crossing exists across Summit. Clarify whether a crossing would be appropriate here and incorporate any necessary ramps, delineations, and/or signage.

28. Clarify the hydrant coverage of future developable lots. Clarify where re-use water or Bellefonte hydrants may be located and define their related coverage area, flow, and pressure.

29. Plan Sheet 13, Grading Plan: Identify topographic/geologic features just off-site upslope (southwest) above Lot 9 and address how these features may impact the site. The stormwater narrative references sinkhole prevalence within the area.

30. Plan Sheet 18: Summit Industrial Drive, Station 7+10: Consider adding 5-8’ horizontal separation between hydrant and storm sewer. If hydrant were located upslope of storm sewer, flushing operations could utilize the storm sewer.

31. Plan Sheet 18: Summit Industrial Drive, Profile: Identify UAJA facilities (size, type).

32. Plan Sheet 18: Summit Industrial Drive, Station 14+80: Clarify this condition. Is there a sinkhole within the utility easement on Lot 8?

33. Plan Sheet 22: Clarify acceptability of Stewart Road profile with Township Engineer.

34. Plan Sheet 23: Consult Public Works director and Township Engineer regarding weep hole AASHTO #57 on all sides of inlet. All aggregate within rights-of-way should be sufficiently compacted to prevent future settlement. This design is not a College Township standard.

35. Plan Sheets 22-23: Clarify whether the curb is placed atop the 19mm or 25mm base. Clarify the same within Pavement Sump/Curb Inlet detail.

36. Plan Sheet 25: Fire Hydrant Installation Detail: Add a note to the detail, “Contractor to adjust spool lengths to avoid interference of hydrant with sidewalk.”

37. Plan Sheet 24: Discuss constructability of outlet structure with 6” high opening (invert 1107.20; top of opening 1107.70) and a top of grate 1107.95. Is there sufficient concrete to support the grate along the orifice facing?

38. Plan Sheet 24: Clarify whether a trash rack or similar structure will be attached to the outlet structure.

Stormwater Narrative

39. Add notes to the recorded plan reflective of the Analysis notes 1 & 2 regarding Lot 6 impervious allocation.

40. Pre- and Post- drainage area maps are difficult to read at the reduced 8.5x11 scale. Please provide a full size set for our file.

41. The stormwater concept is reliant on restoration of certain areas from impervious to Meadow conditions as a credit/offset against the added impervious. Add notes to the PCSM and E&S Staging requiring meadow restoration to precede the addition of added impervious within these sub-drainage areas. The timing will prevent a non-compliant condition whereby impervious is added without meadow established, compounding the runoff condition.
42. Assumptions re IAF waivers are only valid where the above condition re: staging is met.

43. Provide all Tc calculations.

44. Calculations for Post-5B indicate an area of 15.07 acres; hydrographs utilize 14.220 acres. Clarify discrepancy.

Comments above are indicative of Township requirements and design considerations and may not be exhaustive in their nature. College Township reserves the right to make additional comments upon resubmission of the plan.
MEMORANDUM

Date: July 20, 2023

To: Lindsay Schoch, AICP
   Principal Planner
   College Township

From: Mark Boeckel, AICP
   Principal Planner

RE: Summit Park Preliminary Subdivision Plan – Centre Regional Planning Agency Review

The Centre Regional Planning Agency (CRPA) received the Summit Park Preliminary Subdivision Plan on July 18, 2023. This review is intended to fulfill the requirements of the Centre Region’s Agreement of Relationship (dated March 16, 1982) with the Centre County Planning Commission, relative to the provisions of the Pennsylvania Municipalities Planning Code.

The preliminary subdivision plan proposes subdividing Tax Parcel 19-2-29c, which is 94 acres in size, into 12 lots for commercial and industrial uses.

Based on our review, the CRPA finds that the land development plan is consistent with the 2013 Centre Region Comprehensive Plan Update. The CRPA offers the following advisory comments for your consideration:

1. The zoning district information on sheet #1 appears incorrect. The property is located in the General Industrial district.

If you have any questions regarding the supplied comments, please contact the CRPA at (814) 231-3050.

cc: CCPCDO
LETTER OF ACKNOWLEDGEMENT

College Township Council
Don Franson, Township Engineer
1481 East College Avenue
State College, PA 16801

RE: Preliminary Subdivision Plan for Summit Park; Plan Dated: July 14, 2023 (last revised: none provided); College Township

CCPCDO FILE NO: 101-23
CCPCDO DATE RECEIVED: July 18, 2023

Dear Mr. Franson:

The Centre County Planning and Community Development Office acknowledge receipt of the above-referenced proposal.

Per our previous agreement with the Centre Regional Planning Commission Office, the County Planning and Community Development Office's responsibility concerning its review and comment function (as required by Section 502(b) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended) will be assumed by the Centre Regional Planning Office.

For your official records, please be advised that this Letter of Acknowledgement is intended to satisfy the County Planning and Community Development Office's review and comment responsibilities.

NOTE: Since the above proposal represents a Preliminary Plan that will not be placed on record in the Centre County Recorder of Deeds Office, please provide this office written confirmation that the proposal has been approved by the Township prior to formal submission of a Final Plan.

If you have any questions concerning the above, please feel free to contact me.

Respectfully submitted,

Christopher D. Schnure
Subdivision and Land Development Planner

CDS/cds

Copies: College Township Planning Commission -- Peggy Ekdahl, Secretary
College Township Zoning Officer -- Mark Gabrovsek
Centre Regional Planning Agency
July 28, 2023

Lindsay Schoch
Principal Planner
College Township
1481 East College Avenue
State College, Pennsylvania 16801

RE: Summit Park Preliminary Subdivision Plan

Dear Ms. Schoch,

I have reviewed the above referenced land development plan and have no comments on the plan at this point.

I appreciate the opportunity to review the plans to ensure proper refuse and recycling containers, locations, access and sizes. The Centre Region COG is the designated agent for the Townships of Benner, College, Ferguson, Harris and Patton for the Centre Region Refuse and Recycling Program. If you have any questions, please let me know.

Sincerely,

Shelly G. Mato
Refuse and Recycling Administrator, Centre Region Council of Governments
August 7, 2023

College Township Council  
Don Franson, Township Engineer  
1481 East College Avenue  
State College, PA 16801

Reference: Summit Park Preliminary Subdivision Plan  
College Township, Centre County

Dear Don:

Please find attached the following revised documents:

1. Formal sidewalk deferral request  
2. Notifications to abutting properties  
3. 1 copy – Draft DSAME  
4. 6 copies (full size) - Preliminary Subdivision Plan for Summit Park, dated July 14, 2023 and last revised August 7, 2023."  
5. 9 copies (11x17) - Preliminary Subdivision Plan for Summit Park, dated July 14, 2023 and last revised August 7, 2023."  
7. Construction Cost Estimate

Once all stormwater comments have been addressed, please provide a stormwater consistency letter that can be provided to the Centre County Conservation District to meet the requirements for the NPDES submission.

Notes previously located on Sheet 1 of the initial plan have been relocated to Sheet 2 of the revised plan set.

The above plans and documents have been revised per the initial review memorandum dated July 31, 2023 by Donald M. Franson, P.E., P.L.S., Township Engineer, Lindsay K. Schoch, AICP, Principal Planner & Mark Gabrovsek, Zoning Officer. Below are the following responses to the initial review memorandum:

1. Sheet 1: Correct address for owner record and property address.
   
   Addresses were revised accordingly.  
   
   Zoning District and Setbacks: Please revise to proper Zoning District and Setbacks
   
   The Zoning District and Setbacks were revised to match the regulations.
Proposed Uses: to include “non-industrial uses”

This section was revised as noted.

When referring to “commercial” uses, please use the term “non-industrial” in all references.

Non-industrial replaced “commercial” as requested.

Narrative Statement – Sidewalks: Please include “construction of ALL sidewalks to be completed upon 80% development or within five (5) years of approval regardless of individual lot development schedule.”

The Narrative Statement was revised as noted.

Please submit a formal deferral of sidewalks request, including the proposal of when they will be constructed. Please note the Planning Commission and Council will have the opportunity to discuss sidewalks.

A formal deferral request has been included in the resubmission package (see separate request letter).

Note 18: see above narrative statement - sidewalks

Note 18 was revised as indicated.

Note 19: Please add the following to note 19: “and a maximum of 49% non-industrial uses.”

Note 19 was revised as indicated.

2. **Sheet 2: Please provide copies of notifications to abutting properties.**

   The abutting properties notification letters have been provided as part of this resubmission package. The certified return receipts that have been returned to date are copied on the back of each corresponding letter.

3. **Sheet 26: Tree Planting Notes – Please vise lettering under number 1 to match note 2.B.**

   Tree Planting Notes were revised as noted above.

4. **Show all road names on Location Map.**

   Summit Industrial Drive was labeled on the Location Map.

5. **Check the spelling of “Bussiness” in tables.**

   The spelling of Business was revised in the tables.

6. **Consider naming the Old Waste Landfill differently.**

   The Old Waste Landfill was renamed Former Residual Waste Landfill (Inclusive to Lot 1).
7. Is there an opportunity to use the Old Waste Landfill as Open Space, consider a walking path or other passive recreational activities for the use of the tenants and other working in the Business Park?

At this time the partnership is not interest in a walking path or other passive recreational activities in the area of the former landfill.

8. Planting note eight – confirm with the Township when the owner accepts the planting materials.

Note 8 was revised as follows:

Guarantee all plant material for 365 calendar days from the date of final acceptance by the owner and College Township.

9. Although not a requirement, staff requests the Preliminary Plan be recorded.

We will discuss recording the Preliminary Plan with our client.

10. Street Addressing as necessary.

Centre County 911 is hesitant to assign addresses since the location of the buildings and driveways are not known or final at this time.

General Note: Please provide a note on the plan as follows: “Preliminary approval shall not authorize construction or the issuance of any building permit. However, in the case of subdivision of land, the preliminary approval may permit the developer to construct the public improvements per Chapter 180-8 of College Township Code.”

See Note 23.

Please find comments from Acting Fire Director, Shawn Kauffman, below:

1. Final land development for Summit Park Subdivision Plan shall show proposed fire hydrants in accordance with College Township section 180-20.1 and fire apparatus access roads in accordance with College Township section 180-16.2.

All proposed fire hydrants are shown on the revised plans and are all adjacent to a dedicated street.

Please find comments from Centre Region Code Administration Plans Examiner, Robert Wagner, below:

A building permit shall be obtained for the demolition of each existing building that will be demolished upon approval of the land development plan.

See Note 22.
The above plans and documents have been revised per the initial review memorandum dated July 31, 2023 by Jere Northridge, P.E., Assistant Township Engineer. Below are the following responses to the initial review memorandum:

Stewart Drive improvements, west of site: Create a sheet specific to Stewart Drive and including the following:

1. **Right-of-way profile**
   
   A typical right-of-way section was created on sheet 23 of the revised plan set.

2. **Signage plan, to include Stop, No Parking, and Speed Limit.**
   
   Signage was added and labeled on the geometry plans of the revised plan set.

3. **A note indicating “All sidewalks, curb, and street trees shall be the responsibility of the adjacent owner at the time lots develop.”**
   
   A note was added to the new typical right-of-way section created on sheet 23 of the revised plan set.

4. **A note to include a required proof roll of Stewart Drive prior to the addition of base course.**
   
   A note was added the new typical right-of-way section created on sheet 23 of the revised plan set.

5. **Clarify headwall, outlet geometry at the stormwater cross pipe (17+20).**
   
   The following note was added to the grading plan:

   HDPE end sections are proposed at both the entrance and exit of the existing pipe. Short pipe extensions are also proposed. In the event the extensions are too short, install HDPE end section directly on the end of the existing pipes and adjust road side slopes accordingly.

General Comments:

6. **Revise all references to 19mm base course to 19 mm binder.**

   Revised as noted above.

7. **The site has attained a DEP Act 2 Clearance for commercial/industrial uses stemming from prior pollution. All any relevant notes regarding and deed restrictions or relevant restrictions on fill or groundwater pumping as may be applicable due to this prior land use and remediation.**

   See Note 25.
8. The Landfill Area often has a “No Build Area” callout. Clarify on the plan whether soil borrow, staging, or other activity may occur here. The stormwater narrative notes fill, but not cutting, as permissible.

See Note 26.

9. Provide a draft DSAME for review. Record DSAME prior to recording the plan and include the DSAME recording reference on the plan.

A draft copy of the DSAME is include as part of the resubmission package.

10. Obtain NPDES approval.

The NPDES approval from the Centre County Conservation District will be provided once it has been received.

11. Provide financial security consistent with the MPC. Draft estimates should be provided to the Engineering Department for initial review.

See attached the draft construction estimate.

Plan Comments:

12. Plan Sheets, General: Identify require roadway signage locations (No Outlet, No Parking, Speed Limit, Stop) and provide appropriate details.

Applicable signage has been added to the plan sheets with labels on the 60 scale geometry sheets.

13. Plan Cover Sheet, General Note18: Sidewalk Construction shall be guaranteed by the Developer Surety. Consider revising note 18 to include a sunset provision (i.e., all sidewalks shall be completed within five (5) years of initial construction, regardless of lot occupancy.)

Note 18 on the revised plan set was revised as follows:

Concrete sidewalks proposed on this plan shall be installed by the individual lot owners of each lot during the construction of an approved land development plan. Construct of all sidewalks shall be completed upon 80% development or within five (5) years of approval regardless of individual lot development schedule.

14. Plan Cover Sheet, Street Trees: Clarify who is responsible for street tree installation and timing. Consider a note similar to Note 10 above.

See Note 24.
15. Sidewalk, street trees, tree root barrier: See also Sheet 26: Clarify the referenced/missing tree root barrier detail, and or incorporate into sidewalk detail. Clarify whether tree root barrier shall be installed as an integral form to the full length sidewalk, as sidewalk installation typically precedes tree placement and tree placement is unknown and may vary with lot development.

A tree root barrier was added to Sheet 26 of the plan set. Notes were also added to the Concrete Sidewalk Detail on Sheet 22 of the revised plan set.

16. Plan Cover Sheet, General Note 20: Consult with the zoning officer on whether a Preliminary Plan approval may create a non-conformance on Lots 3 and 4.

Note 20 on Sheet 2 of the revised plan set was revised to the following:

The existing buildings on Lots 3 and 4 of this proposal are currently rented. These buildings will not be removed during the preliminary subdivision plan to allow the tenants time to relocate to another lease area. The buildings must be demolished prior to submitting the final plan of the subdivision or the subdivision must be phased to not officially create these lots until a later time.

17. Plan Cover Sheet, General Note 21: Revise or otherwise clarify the 50’ right-of-way statement.

The width of the right of way was removed and replaced with public right-of-way since the right-of-way widths vary at different locations throughout the site.

18. Plan Cover Sheet, General Note 21: Street trees on Summit Industrial Drive cul-de-sac appear to be located within this easement, contradicting Note 21.

The right-of-way around the cul-de-sac was enlarged to allow for the installation of the street trees within the public right-of-way.

19. Plan Set, Sheet 22, General Road profile: Note street trees on the general road profile area inconsistent with the balance of the plan and Cover Sheet Note 21.

The detail was revised to match the plan view.

20. Plan Cover Sheet, Municipal Stormwater Certification block: Remove and replace Mr. Franson’s name with: Jeremiah Northridge, P.E.; College Township Assistant Engineer.

Certification block was revised as noted above.

21. Plan Sheet 2: Act 287/PA One Call: Consider the addition of College Township Water Authority to this information block.

College Township Water Authority was added as recommended.
22. Plan Sheet 8: A consistent font is utilized for each Lot and is identical to the font referencing the "Old Waste Landfill." Consider revising the "Old Waste Landfill" font or incorporating a clarifier ("inclusive to Lot 1") such that this specific area does not appear as an independent lot. (See also Sheet 12, others)

The font and the clarifier were added to help ensure it is not considered a standalone lot.

23. Plan Sheet 8: An access road integral to Lot 1 exists between Lots 4 and 5. Clarify whether this parcel will receive a naming convention. The Township notes that businesses in the rear of Lot 1 are not accessible via GPS directions. A naming convention for access roads may improve delivery and emergency services abilities to locate the rear occupants.

As of Friday, August 4, Centre County 911 is going to work on applying the road name of Freedom Drive to the existing driveway around the back of the former Corning Building. From there, they will assign 911 addresses as necessary.

24. Plan Sheet 9: The 10' utility easement referenced on the Cover Sheet, Note 21, appears only on the east side of Summit Industrial Drive, along Stewart Drive on the subdivided parcel, and/or within Access Roads (such as the access between Lot 4/5).

The utility easement has been added along all public right-of-ways except a small portion of Lot 8 in the area of the existing closed depression.

25. Plan Sheet 9, linetypes: Incorporate all linetypes into legend where not otherwise identified (reuse water, easement boundaries, etc.)

Additional linetypes were added to the geometry plan sheets of the revised plans.

26. Plan Sheet 9, others: It is unclear whether the street trees impact sight distance at intersections. Clarify whether each intersection has appropriate sight distance.

A painted stop bar was added to the plan 10' from the edge of the intersecting street. Since the stop intersection is on the outside of the curve, the street trees do not impact the site distance in either direction.

27. Plan Sheet 9: A crosswalk exists across Stewart at the Summit/Stewart intersection, but no crossing exists across Summit. Clarify whether a crossing would be appropriate here and incorporate any necessary ramps, delineations, and/or signage.

Since the fencing around the electric sub-station blocks direct access to Lot 5, we don't feel that a painted crosswalk is warranted at this location.

28. Clarify the hydrant coverage of future developable lots. Clarify where re-use water or Bellefonte hydrants may be located and define their related coverage area, flow, and pressure.

A 600' circle was added to the existing fire hydrants in proximity to the proposed subdivision. Flow rates and pressures were added to the fire hydrants where testing has been completed. This information is noted on the geometry plans of the revised plan set.
29. **Plan Sheet 13, Grading Plan:** Identify topographic/geological features off-site upslope (southwest) above Lot 9 and address how these features may impact the site. The stormwater narrative references sinkhole prevalence within the area.

There are several closed depressions that are located on lots 8 & 9 and also upslope of lots 9 & 10. These closed depressions have been labeled on the grading plans. There was not any visual evidence indicating that these closed depressions became full and bypassed flow. A large portion of the upland area from the site is full of closed depressions based on the one (1) foot LIDAR contours. Site conditions seem to indicate that the closed depression do in fact capture runoff without overflowing during rain events. We are not proposing to impact any of these features to construct the initial improvements. Care shall be taken when working in close proximity to these features to ensure they function as they currently do.

30. **Plan Sheet 18: Summit Industrial Drive, Station 7+10:** Consider adding 5-8’ horizontal separation between hydrant and storm sewer. If hydrant were located upslope of storm sewer, flushing operations could utilize the storm sewer.

The hydrant was relocated to be 10’ upslope of the proposed inlet so the inlet would catch water during flushing operations of the fire hydrant.

31. **Plan Sheet 18: Summit Industrial Drive, Profile:** Identify UAJA Facilities (size, type).

The proposed UAJA Facilities were added to Sheet 18 of the revised plan set.

32. **Plan Sheet 18: Summit Industrial Drive, Station 14+80:** Clarify this condition. Is there a sinkhole within the utility easement on Lot 8.

The utility easement was revised to stop short of the closed depression on both sides of the frontage on Lot 8. See revised plan.

33. **Plan Sheet 22:** Clarify acceptability of Stewart Road profile with Township Engineer.

See Stewart Road Cross-Section on Sheet 23 of the revised plan set.

34. **Plan Sheet 23:** Consult Public Works director and Township Engineer regarding weep hole AASHTO #57 on all sides of inlet. All aggregate within rights-of-way should be sufficiently compacted to prevent future settlement. This design is not a College Township standard.

The weep holes were removed from the all sides of the inlets as directed.

35. **Plan Sheets 22-23:** Clarify whether the curb is place atop the 19mm or 25mm base. Clarify with same within pavement Sump/Curb Inlet detail.

Extruded Concrete Curbing is placed on top of binder course. Details were revised accordingly.
36. **Plan Sheet 25: Fire Hydrant Installation Detail**: Add a note to the detail, “Contractor to adjust spool lengths to avoid interference of hydrant with sidewalk.

Note was added to the detail on Sheet 26 of the revised plan set.

37. **Plan Sheet 24**: Discuss constructability of outlet structure with 6” high opening (invert 1107.20; top of opening 1107.70) and a top of grate 1107.95. Is there sufficient concrete to support the grate along the orifice facing?

The grate was raised to provide six (6) inches of concrete above the rectangular orifices. This should provide ample room to mount a trash rack if deemed necessary by the township in the future.

38. **Plan Sheet 24**: Clarify whether a trash rack or similar structure will be attached to the outlet structure.

No trash rack is currently being proposed since the basin is located in an industrial setting. The following note was added to the plan (see Note 30 on Sheet 2):

College Township reserves the right to require a trash rack or similar structure over the outlet orifices on the outlet structure in the event the township deems it necessary in the future.

**Stormwater Narrative:**

39. **Add Notes to the recorded plan reflective of the Analysis notes 1 & 2 regarding Lot 6 Impervious allocation.**

Notes were added as Note 27 & Note 28 on Sheet 2 of the revised plan set.

40. **Pre- and Post- drainage area maps a difficult to read at the reduced 8.5x11 scale. Please provide a full size set for our file.**

Full size drainage area maps for both Pre & Post Development were included in the revised PCSM Reports included in this resubmission package.

41. **The stormwater concept is reliant on restoration of certain area from impervious to meadow conditions as a credit/offset against the added impervious. Add notes to the PCSM and E&S Staging requiring meadow restoration to precede the addition of added impervious within these sub-drainage areas. The timing will prevent a non-compliant condition whereby impervious is added without meadow established, compounding the runoff condition.**

Note 29 was added to the revised LDP as follows:

It is imperative that the existing gravel, pavement & other impervious areas shown to be removed, must be removed in each sub-drainage area and restored to meadow condition prior to the installation of any new impervious areas in each sub-drainage areas to avoid non-compliance during the construction of the site.
This note was also added to Note #10 of the staging of activities on the E&S Plans.

42. **Assumptions re IAF waivers are only valid where the above condition re: staging is met.**

Staging notes were added to the revised plan to insure that assumptions referencing IAF waivers are followed during construction.

43. **Provide all Tc Calculations.**

Hydraflow Hydrograph does not provide calculations for Time of Concentration calculations so we will provide the Tc calculations from VTPSUHM. Any differences or design assumptions will be noted on the Tc calculations for each individual drainage area sheet. The Tc calculations were provided in the revised copy of the PCSM report.

44. **Calculations for Post-5B indicate an area of 15.07 acres; hydrographs utilize 14.220 acres. Clarify discrepancy**

The hydrographs was revised to match the area and corresponding CN.

If you need any other information or have any questions, please feel free to give me a call at (814) 272-0786.

Sincerely,

**Hawbaker Engineering LLC**

[Signature]

Robert E. Myers, PE, PLS
Project Manager

rem2@hawbakerengineering.com

/rem
MEMORANDUM

To: College Township Planning Commission
From: Mike Bloom, Assistant Township Manager
Re: OB-1: Shiloh Road Rezoning
Date: August 8, 2023

Based upon review of the August 1st meeting, staff is confident that the Planning Commission is poised to prepare a recommendation on the proposed Planned Research & Business Park District (PRBD) Zoning Amendment at the upcoming meeting on August 15th.

To assist Planning Commission in crafting its recommendation to Council, staff has prepared the following attachments that reflect both the process and requests made to date by Planning Commission and will further aid individual members in organizing their thoughts in advance of the August 15th meeting.

1) OB-1.a. – Council Remand Letter dated June 23, 2023

Included for reference, the attached remand letter outlines Council’s expectations of Planning Commission pertaining to this review:

<table>
<thead>
<tr>
<th>Council's expectation is that Planning Commission will undertake the following tasks:</th>
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</thead>
<tbody>
<tr>
<td>1. Determine that the proposed revisions will properly enable R3 uses to develop in the PRBD through the Conditional Use process, consistent with the Municipalities Planning Code (MPC), Township Code and the vision for the Dale Summit Redevelopment Plan.</td>
</tr>
<tr>
<td>2. Ensure that one of the conditions imposed on any proposed R3 use within the PRBD is that the development must proceed as a Planned Residential Development (PRD), which will enable mixed use development.</td>
</tr>
<tr>
<td>3. Confirm that the proposed revisions to PRD, as provided by DPZ CoDesign and embedded within the proposed revisions to the PRBD, are consistent with the Municipalities Planning Code (MPC), the vision for the Dale Summit Redevelopment Plan and the progression toward some type of Form-Based Code.</td>
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2) OB-1.b. – PRBD Zoning Amendment Recommendation Worksheet

This attachment will be the focus of the August 15th meeting and provides for a line-by-line review of the pertinent elements specific to Form Based Code elements as provide by DPZ to be considered in the proposed ordinance revisions. This proposed process will allow Planning Commission to gradually build toward a comprehensive recommendation at the conclusion of the discussion.
Staff is requesting that in advance of the meeting, Planning Commission members work through this Worksheet individually and complete the following tasks:

- **Select a Primary Recommendation from the two options.**
  - As noted in the attached, at the August 1st meeting, Planning Commission seemed to be building consensus around the Primary Recommendation listed as Potential Planning Commission Recommendation.

- **Select an answer to the 22 individual Secondary Conditions.**
  - These 22 items consider the **Shall (required)** and **May (optional)** statements from the proposed revised ordinance language.

- **Provide a rationale behind your respective selections under the Shall and May statements.**
  - The rationale provided by Planning Commission for each of these recommendations will be critical information for Council’s consideration as they begin their deliberations on the proposed amendment.

Staff has taken the liberty to provide its recommendation and rationale for the Primary Recommendation and each of the Secondary Conditions outlined in the Worksheet for Planning Commission member’s reference.

Additionally, Staff provides the following **Definitions** to aide members in their review:

- **Nonresidential Areas:** Specific to the PRD, this includes those that are not related to residential dwelling units, parking areas of those units, and land surrounding the dwelling units not designated as common open space.

- **Place of Assembly:** The use of land or structures where people assemble for a common purpose, such as a social, cultural, and/or religious purposes, in an organized manner. Places of assembly includes any place of worship, community center, auditorium, exhibition/assembly hall, club, fraternal organization and the like.

- **Civic:** in the context of zoning generally refers to land use and development that is oriented toward public and community-based purposes. Civic uses are those that contribute to the public good, enhance the quality of life for residents, and promote community engagement. These uses are typically intended to serve the broader community rather than private individuals or entities.

**3) OB-1.c. – PRBD Ordinance allowing Duplexes, Townhouses and Multi-Family Residences as a use-by-right with specific required conditions.**

The attached ordinance is provided for review and reference as Planning Commission members work through the Worksheet in advance of the August 15th meeting.

As prepared, this potential ordinance amends Chapter 200 (Zoning), specifically the section pertaining to PRBD to allow Duplexes, Townhouses and Multi-Family Residences as a use-by-right in the District with specific required conditions. This reflects the Potential Planning Commission Recommendation as understood following the August 1st meeting and outlined on Page 1 of the Worksheet.

The most notable condition being applied in this instance is requiring any proposed residential development in the PRBD to be completed as a PRD. Requiring development as a PRD is consistent with the second expectation provided by Council in their June 23rd Remand. The additional conditions consist of the Shall (required) and May (optional) statements that relate to elements of Form Based Code as provided by DPZ.
Please Note: Should Planning Commission ultimately prepare a comprehensive recommendation around this proposed ordinance, it will achieve Expectations #2 and #3 from the Council’s Remand letter. However, it will fall short of Expectation #1, specifically utilizing Conditional Use, which Council views as a means to ensure a more in-depth, deliberative development review process.

Actions Requested on August 15th:

Staff is requesting that Planning Commission utilize the PRBD Zoning Amendment Recommendation Worksheet to establish a consensus comprehensive recommendation comprised on the following items:

- Primary Recommendation with rationale
- Secondary Recommendations (Shall and May conditions) with rationale

Potential Motion:

Move to recommend that College Township Council amend Chapter 200 (Zoning), specifically the section pertaining to PRBD to allow Duplexes, Townhouses and Multi-Family Residences as a use-by-right in the District with the following specific requirements:

Any proposed residential development in the PRBD shall be developed as a PRD with the following conditions:

- In a planned residential development, there SHALL - MAY be no minimum area requirements for individual lots or building sites.
- A minimum of 30% of the land in the development SHALL - MAY be designated by a plan for nonresidential uses. Land devoted to nonresidential uses SHALL - MAY be deemed to include driveways, parking areas and yards which primarily service nonresidential uses but SHALL - MAY not, for purpose of calculation, include common open space.
- Nonresidential buildings SHALL - MAY not be located closer than 50 feet to residential buildings.
- Spacing SHALL - MAY be provided between buildings to ensure privacy and sufficient light and air. Each development SHALL - MAY provide reasonable visual and acoustical privacy for dwelling units. Fences, insulations, walks, and landscaping SHALL - MAY be used, as appropriate, for the protection and aesthetic enhancement of property, the privacy of its occupants, the screening of objectionable views or uses and the reduction of noise.
- A minimum 5 feet wide sidewalk is required along both sides of all public streets. A building SHALL - MAY be located further from the street so long as the sidewalk increases in width, 1 foot for each additional 5 feet of setback until a reaching a maximum sidewalk width of 10 feet.
- A building SHALL - MAY be setback a minimum of 5 feet from the edge right-of-way.
- Nonresidential uses SHALL - MAY provide a 10 feet wide sidewalk.
- All planned development surrounded by public right-of-ways on all sides SHALL - MAY incorporate a block structure in its design.
- Each block SHALL - MAY have a maximum perimeter of 1,400 feet measured along the street right-of-way perimeter. Blocks that include civic spaces and environmental or topographic challenges, may be exempt from the maximum perimeter requirements.
- On-street parking SHALL - MAY be provided along streets. 10 spaces per 500 linear feet of public street.
- Block faces SHALL - MAY exceed 500 feet in length. Block faces that exceed 500 feet, SHALL - MAY provide a pedestrian path of no less than 10 feet wide.
- One block face SHALL - MAY be bound by a non-vehicular pedestrian street. If provided, the pedestrian streets SHALL - MAY have a dedicated right-of-way of no less than 25 feet.
- Development SHALL - MAY not exceed the maximum height permitted in the adjoining residential district.
• When the building is located within 120 feet of more than one adjoining zoning district, the height \textbf{SHALL - MAY} not exceed the lowest maximum height allowed in either district.

• The PRD \textbf{SHALL - MAY} be designed to avoid adverse influences and impacts on surrounding properties.

• Buildings \textbf{SHALL - MAY} be oriented so that the principal façade is parallel to the principal street it faces.

• Surface parking lots are not permitted along street facing frontages between the right-of-way/property line and principal building face. Parking lots \textbf{SHALL - MAY} be provided in the rear of the lot.

• Surface parking lots \textbf{SHALL - MAY} be screened in accordance with Chapter 200 Zoning, Landscape and Buffer Requirements.

• Street-facing townhouses \textbf{SHALL - MAY} be rear loaded.

• Prominent sites \textbf{MAY/SHALL} be reserved for Civic Buildings.

• A minimum of 30\% of the gross area of the planned residential development \textbf{SHALL - MAY} be devoted to public or common open space.

• At least 50\% of the required public or common open space \textbf{SHALL - MAY} include open space fronted by public streets on at least 2 sides.
MEMORANDUM

To: College Township Planning Commission

From: Adam Brumbaugh, Township Manager

Re: Council Remand: Zoning amendment to permit R3 in PRBD as a Conditional Use

Date: June 23, 2023

At their June 15, 2023 meeting, College Township Council remanded to Planning Commission the review of the proposed ordinance revisions to permit Multifamily Residential (R3) in the Planned Research and Business District (PRBD) as a Conditional Use, as further informed by the Dale Summit Area Redevelopment Plan Charrette process held June 19-22.

Council’s expectation is that Planning Commission will undertake the following tasks:

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<tr>
<td><strong>1.</strong></td>
<td>Determine that the proposed revisions will properly enable R3 uses to develop in the PRBD through the Conditional Use process, consistent with the Municipalities Planning Code (MPC), Township Code and the vision for the Dale Summit Redevelopment Plan.</td>
</tr>
<tr>
<td><strong>2.</strong></td>
<td>Ensure that one of the conditions imposed on any proposed R3 use within the PRBD is that the development must proceed as a Planned Residential Development (PRD), which will enable mixed use development.</td>
</tr>
<tr>
<td><strong>3.</strong></td>
<td>Confirm that the proposed revisions to PRD, as provided by DPZ CoDesign and embedded within the proposed revisions to the PRBD, are consistent with the Municipalities Planning Code (MPC), the vision for the Dale Summit Redevelopment Plan and the progression toward some type of Form-Based Code.</td>
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Council previously identified that a key element in this zoning amendment would be the revisions to the PRD regulations, which are now proposed to be included in the PRBD, and enabled as a component of the Conditional Use. The proposed zoning amendment, along with its integral PRD revisions as proposed by DPZ, are collectively viewed as an important interim step toward the eventual transition from traditional Euclidean zoning to some type of Form-Based Code or hybrid thereof in Dale Summit. You’ll recall this was initially recommended in the DRAFT Dale Summit Area Plan and was, once again, confirmed during the Charrette process.

As outlined during the course of this ongoing dialogue between Council and Planning Commission, these tasks are remanded to Planning Commission with the expectation that you’ll consider these proposed revisions to the PRBD within the unique context of the broader vision for the future of the Dale Summit. Council further encourages Planning Commission to fully leverage the added capacity and expertise of the DPZ team, where appropriate, during your deliberations on a recommendation.

In order to move toward a timely conclusion of this effort, Council requests that Planning Commission provide their recommendations on the proposed zoning amendment in advance of Council’s meeting on Thursday, July 20th. This provides Planning Commission with two meetings to review the proposed revisions and offer recommendations.

Council appreciates Planning Commission lending its experience and expertise to this matter and looks forward to reviewing your recommendations in the near future.

*End memo*
**PRBD Zoning Amendment Recommendation Worksheet**

**Intent of this worksheet:**
To assist Planning Commission and staff in crafting a comprehensive recommendation to Council pertaining to remanded task of developing interim amendments to the Planned Research and Business Park District (PRBD), and other associated ordinances as needed, to allow duplexes, townhouses and multi-family residential uses to develop in the district. These interim amendments shall be developed in a manner that is consistent with and providing momentum toward the Township’s plan to eventually implement a Form Based Code (FBC) or a Hybrid thereof, which implements a number of pertinent elements of a FBC.

**A) Primary Recommendation:**
Based on the August 1st Planning Commission Meeting, there appears to be some level of consensus around a primary recommendation to permit duplexes, townhouses and multi-family residential uses into the PRBD with specific, required conditions. This would be done without utilizing Conditional Use, as prescribed in Council’s remand letter.

The potential Staff and Planning Commission recommendations are listed below, with the understood rationale for each.

**Action Needed:**
Planning Commission is asked to review each option below and their corresponding rationale, and through consensus, select one to serve as Planning Commission’s primary recommendation to Council.

<table>
<thead>
<tr>
<th>Staff Recommendation</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>Amend Chapter 87 (Conditional Use) by including duplexes, townhouses and multi-family residential uses in the PRBD by Condition Use.</td>
<td>At Council’s direction, staff was instructed to work with Planning Commission on crafting ordinance revisions that would allow duplexes, townhouses and multi-family residential uses in the PRBD as a Conditional Use, with one of the prescribed conditions being that any residential development in the PRBD occur as a Planned Residential Development (PRD) to ensure mixed uses. The key behind Council’s direction was that the utilization of Conditional Use and application of the PRD condition would ensure a more deliberative, flexible and public process for any development proposing residential uses in the PRBD.</td>
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<tr>
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<tbody>
<tr>
<td>Amend Chapter 200 (Zoning) to permit duplexes, townhouses and multi-family residential uses in the PRBD with a number of specific required conditions.</td>
<td>As discussed at the 8/1 meeting, Planning Commission was seeking to streamline the ordinance and application thereof by any developer to ensure better understanding and ease of use. This would be achieved by eliminating the conditional use process and limiting multi-ordinance references. Alignment with the proposed elements of the FBC, as provided by DPZ, would be achieved by prescribing specific conditions, most notably requiring residential development to occur as PRD, within the PRBD ordinance itself.</td>
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B) Supporting Conditions:

A number of Shall/May statements were included amongst the proposed ordinance amendments offered by staff at the 8/1 meeting. These statements are intended to differentiate between required and optional elements that are more specific to the FBC elements to be enforced as part of any ordinance amendment.

As Planning Commission will recall, the original draft of the ordinance revisions presented at the 7/18 meeting had most, if not all, of these statements listed as Shall (required). Based on comments received by Planning Commission, staff revised a number of those statements to read May (optional) to reflect the expressed intent of this amendment conforming more to a hybrid type of FBC.

The following section will list each of the individual Shall/May statements, referenced to their Line Number and Page in the Proposed PRBD Ordinance, which pertain primarily to those FBC elements. These statements will be followed by the Staff Recommendation and Rationale. An additional box will be provided for Planning Commission members to complete providing their respective recommendation and rationale.

Action Needed:

At the 8/15 meeting the Planning Commission will be asked to review each Shall/May statement and their corresponding rationale, and through consensus, provide a recommendation to Council on whether the statement should be Shall (required) or May (optional) within the proposed amendment. Each of these decisions will serve as a Supporting Condition to the Planning Commission’s Primary Recommendation.

Density and Intensity

Line #730-731, Page 19:

In a planned residential development within the planned research and business park district, there ______ be no minimum area requirements for individual lots or building sites.

<table>
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<th>Staff Recommendation:</th>
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<td>MAY (optional)</td>
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<tr>
<th>Rationale:</th>
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<tr>
<td>Provides for flexibility in lot/site design and could serve to limit bland uniformity in overall aesthetics of the PRBD as part of the overall Dale Summit.</td>
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<tr>
<th>Planning Commission Recommendation:</th>
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<tr>
<td>Choose One: Shall (required)</td>
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A minimum of 30% of the land in the development _1st_ be designated by a plan for nonresidential uses. Land devoted to nonresidential uses _2nd_ be deemed to include driveways, parking areas and yards which primarily service nonresidential uses but _3rd_ not, for purpose of calculation, include common open space.

**Staff Recommendation:**

1st: SHALL (required)
2nd: MAY (optional)
3rd: MAY (optional)

**Rationale:**

The minimum percentage for nonresidential uses establishes the minimal amount of the overall property that must be dedicated to something other than residential uses. Staff believes this aids in ensures mixed use development, which is an integral component supporting the vision for the future of Dale Summit.

The supporting statements are left as optional for the purposes of design flexibility. The appropriateness of each element is subject to a debate that staff would encourage during a Conditional Use/PRD process, should that be part of the final ordinance amendment(s).

**Planning Commission Recommendation:**

1st: Choose One: ☐ SHALL (required) ☐ MAY (optional)
2nd: Choose One: ☐ SHALL (required) ☐ MAY (optional)
3rd: Choose One: ☐ SHALL (required) ☐ MAY (optional)

**Rationale:**

Spacing

**Line #762, Page 20:**
Nonresidential buildings ______ not be located closer than 50 feet to residential buildings.

**Staff Recommendation:**

MAY (optional)

**Rationale:**

Requiring nonresidential buildings to be 50 feet or greater from residential buildings seems counterintuitive to the concepts of mixed use and walkable communities. While compatibility between certain nonresidential and residential uses is subject to a debate that staff would encourage during the Conditional Use/PRD process, should that be part of the final ordinance amendment(s).
Line #763-767, Page 20:
Spacing **1st** be provided between buildings to ensure privacy and sufficient light and air. Each development **2nd** provide reasonable visual and acoustical privacy for dwelling units. Fences, insulations, walks, and landscaping **3rd** be used, as appropriate, for the protection and aesthetic enhancement of property, the privacy of its occupants, the screening of objectionable views or uses and the reduction of noise.

**Staff Recommendation:**
MAY (optional) for all

**Rationale:**
Staff left each of these spacing elements as optional for the sake of flexibility in design. The appropriateness of each spacing/screening element is subject to a debate that staff would encourage during a Conditional Use/PRD process, should that be part of the final ordinance amendment(s).
A minimum 5 feet wide sidewalk is required along both sides of all public streets. A building **may** be located further from the street so long as the sidewalk increases in width, one foot for every 5 feet increased setback with a maximum sidewalk width of 10 feet.

**Staff Recommendation:**
MAY (optional)

**Rationale:**
Staff left this as optional for the sake of flexibility in design. The critical element in this statement is how the building setback results in sidewalk adjustments.

**Planning Commission Recommendation:**
Choose One: [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**

---

A building **shall** be setback a minimum of 5 feet from the edge right-of-way.

**Staff Recommendation:**
SHALL (required)

**Rationale:**
Statement establishes the minimum setback from the right-of-way, which is a critical design element.

**Planning Commission Recommendation:**
Choose One: [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**
Nonresidential uses ____ provide a 10 feet wide sidewalk.

**Staff Recommendation:**
SHALL (required)

**Rationale:**
Requires wider sidewalks to accommodate higher foot traffic volumes as anticipated with nonresident uses.

**Planning Commission Recommendation:**
Choose One:  [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**

---

**Block Standards**

All planned development surrounded by public right-of-ways on all sides ____ incorporate a block structure in its design.

**Staff Recommendation:**
SHALL (required)

**Rationale:**
There is some nuance in this statement, as the element that triggers basic block standards is the public right-of-ways on all sides on the development. The basic concept is “create the box, build the block.”

**Planning Commission Recommendation:**
Choose One:  [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**
Each block have a maximum perimeter of 1,400 feet measured along the street right-of-way perimeter. Blocks that include civic spaces and environmental or topographic challenges, may be exempt from the maximum perimeter requirements.

**Staff Recommendation:**
MAY (optional)

**Rationale:**
Block standards, in particular the maximum perimeter and use of alleys, appeared to be a major area of concern for the Planning Commission. To alleviate that, each standard beyond the first statement is left as optional. Block standard dimensions would also be a subject for debate in a Conditional Use/PRD process.

### Planning Commission Recommendation:
Choose One: [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**

On-street parking be provided along streets. 10 spaces per 500 linear feet of street. 10 spaces per 500 linear feet of street.

**Staff Recommendation:**
SHALL (required)

**Rationale:**
Staff contends that on-street parking would be an important amenity for the mixed use type developments envisioned under this potential amendment. The on-street parking serves as a contributing streetscape element and offers some traffic calming benefits. Additionally, it could be used as a means to reduce development surface parking requirements.

### Planning Commission Recommendation:
Choose One: [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**
Line # 780-781, Page 21:
Block faces _1st_ exceed 500 feet in length. Block faces that exceed 500 feet, _2nd_ provide a pedestrian path of no less than 10 feet wide.

**Staff Recommendation:**

1st: MAY (optional)
2nd: SHALL (required)

**Rationale:**
In an attempt to lessen the rigid nature of the block structure, staff is allowing block faces to exceed 500 feet. The second point attaches a requirement that larger block structures exceeding 500 feet provide, at minimum, 10 foot pedestrian path. This would also be a subject for debate in a Conditional Use/PRD process.

**Planning Commission Recommendation:**

1st: Choose One: ◯ SHALL (required) ◯ MAY (optional)
2nd: Choose One: ◯ SHALL (required) ◯ MAY (optional)

**Rationale:**

---

Line #782-783, Page 21:
One block face _1st_ be bound by a non-vehicular pedestrian street. If provided, the pedestrian streets _2nd_ have a dedicated right-of-way of no less than 25 feet.

**Staff Recommendation:**

MAY (optional) for both

**Rationale:**
Left as optional for the purposes of flexibility in design. This would also be a subject for debate in a Conditional Use/PRD process.

**Planning Commission Recommendation:**

1st: Choose One: ◯ SHALL (required) ◯ MAY (optional)
2nd: Choose One: ◯ SHALL (required) ◯ MAY (optional)

**Rationale:**
Height

Line #784-785, Page 21:
Development _____ not exceed the maximum height permitted in the adjoining residential district.

**Staff Recommendation:**

SHALL (required)

**Rationale:**

Staff contends that this height requirement aids in achieving some measure of development consistency and minimizes negative impacts of adjacent buildings with incompatible heights.

**Planning Commission Recommendation:**

Choose One:  
☐ SHALL (required)  ☐ MAY (optional)

**Rationale:**


Line #785-786, Page 21:
When the building is located within 120 feet of more than one adjoining zoning district, the height _____ not exceed the lowest maximum height allowed in either district.

**Staff Recommendation:**

SHALL (required)

**Rationale:**

Staff contends that this height requirement aids in achieving some measure of development consistency and minimizes negative impacts of adjacent buildings with incompatible heights.

**Planning Commission Recommendation:**

Choose One:  
☐ SHALL (required)  ☐ MAY (optional)

**Rationale:**


**Perimeter**

**Line #789-791, Page 21:**
The Planned Residential Development (PRD) within the PRBD _____ be designed to avoid adverse influences and impacts on surrounding properties.

<table>
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<tr>
<th>Staff Recommendation:</th>
<th>SHALL (required)</th>
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<tbody>
<tr>
<td><strong>Rationale:</strong></td>
<td>Similar to the proposed height requirements, Staff contends that making this a required element would aid in achieving some measure of development consistency and minimizes negative impacts on surrounding properties.</td>
</tr>
</tbody>
</table>

**Planning Commission Recommendation:**
Choose One:  [ ] SHALL (required)  [ ] MAY (optional)

<table>
<thead>
<tr>
<th>Rationale:</th>
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**Frontage Standards**

**Line #801, Page 21:**
Buildings _____ be oriented so that the principal façade is parallel to the principal street it faces.

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<tr>
<th>Staff Recommendation:</th>
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<tbody>
<tr>
<td><strong>Rationale:</strong></td>
<td>Staff views orientation of building facades as a fundamental element of any type of future code that embeds FBC principles. Situation of building and how they interface with the streets will be key in ensuring that any interim developments in the Dale Summit don’t appear inconsistent with the future code.</td>
</tr>
</tbody>
</table>

**Planning Commission Recommendation:**
Choose One:  [ ] SHALL (required)  [ ] MAY (optional)

<table>
<thead>
<tr>
<th>Rationale:</th>
</tr>
</thead>
</table>
Surface parking lots are not permitted along street facing frontages between the right-of-way/property line and principal building face. Parking lots ____ be provided in the rear of the lot.

**Staff Recommendation:**

SHALL (required)

**Rationale:**

Much like the previous statement, staff views the location of surface parking lots as a fundamental element of any type of future code that embeds FBC principles. Rear situated parking allows for better form and more human-scale appearing developments.

---

**Planning Commission Recommendation:**

Choose One: [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**

---

Surface parking lots ____ be screened in accordance with Chapter 200 Zoning, Landscape and Buffer Requirements.

**Staff Recommendation:**

SHALL (required)

**Rationale:**

Screening of parking is important to the overall aesthetic of a new development and the holistic look/feel of the Dale Summit in the future.

**Planning Commission Recommendation:**

Choose One: [ ] SHALL (required) [ ] MAY (optional)

**Rationale:**
**Staff Recommendation:**
SHALL (required)

**Rationale:**
Consistent with previous statements pertaining to orientation of building facades and parking. Front loading townhouse contradict the vision of human-scale and walkable communities by building to favor access to vehicles.

**Planning Commission Recommendation:**
Choose One:  
- [ ] SHALL (required)  
- [ ] MAY (optional)

**Rationale:**

---

**Staff Recommendation:**
MAY (optional)

**Rationale:**
While consistent with the vision for the Dale Summit and a fundamental element of FBC, staff is nonetheless recommending that this item remain optional for the sake of flexibility in development design at this time.

**Planning Commission Recommendation:**
Choose One:  
- [ ] SHALL (required)  
- [ ] MAY (optional)

**Rationale:**
## Open Space

**Line #812-813, Page 21:**
A minimum of 30% of the gross area of the planned residential development within the planned research and business park district must be devoted to public or common open space.

<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
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<tbody>
<tr>
<td><strong>Rationale:</strong></td>
<td>Consistent with the vision for the future of Dale Summit. Future developments are expected to devote a portion of the property to public or common open space. This provides opportunities for community gathering and may provide the green spaces that are sorely lacking in the Dale Summit today.</td>
</tr>
</tbody>
</table>

### Planning Commission Recommendation:

Choose One:  
- [ ] SHALL (required)  
- [ ] MAY (optional)

<table>
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**Line #814-815, Page 21:**
At least 50% of the required public or common open space must include open space fronted by public streets on at least 2 sides.

<table>
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<tr>
<th>Staff Recommendation:</th>
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</table>
| **Rationale:**         | Consistent with the vision for the future of Dale Summit. Future developments are expected to devote a portion of the property to public or common open space. This provides opportunities for community gathering and may provide the green spaces that are sorely lacking in the Dale Summit today.  
This statement in particular is aimed at ensuring the developer devotes prominent locations in the proposed development to open space to ensure those spaces meet the intent and vision. |

### Planning Commission Recommendation:

Choose One:  
- [ ] SHALL (required)  
- [ ] MAY (optional)

<table>
<thead>
<tr>
<th><strong>Rationale:</strong></th>
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§ 200-27.1 Planned Research and Business Park District.


A. Intent.

(1) It is the intent of the Planned Research and Business Park Districts (PRBD) to provide for development of research and business parks that, while meeting applicable building, health and safety standards, also foster innovative building and open space massing resulting in an aesthetically attractive working environment; provide for the preservation and protection of natural resources and the effective use of land and materials; foster internal and external educational, business and research relationships to enhance the economic stability of the center region; and provide the flexibility to adapt to changes in markets and technologies; and to increase the availability of a greater variety and mixture of housing types.

(2) In addition, the PRBD District is intended to achieve the following objectives:

(a) To provide for screening, landscaping, signing and lighting.

(b) To provide efficient, safe and aesthetic land development.

(c) To provide for adequate light and air, proper building arrangements and minimum adverse effect on surrounding property and to preserve existing topography, trees, amenities, landmarks and natural features.

(d) To develop proper safeguards to minimize the impact on the environment, including but not limited to minimizing soil erosion and sedimentation, air and water pollution and noise levels.

(e) To ensure the provision of adequate water supply, drainage and stormwater management, sanitary facilities and other utilities and services.

(f) To provide this type of development with infrastructure and services supplied by the Township and public authorities.

(g) To provide for duplexes, townhomes, and multifamily planned residential developments.

B. General requirements.

(1) Design and improvements. The design and physical improvements to the property being developed shall be provided by the developer as shown on the approved plan in accordance with the requirements of this chapter. Unless specifically waived or superseded by this chapter, all parks must comply with all requirements of Chapter 180, Subdivision of Land; Chapter 175, Stormwater Management; Chapter 177, Streets and Sidewalks; and other ordinances and regulations of College Township, as amended.

(2) Location. A park can be constructed in districts so designated on the Official Zoning Map, and such park shall be adjacent to and have the primary vehicle access to an arterial street.

(3) Size. A proposed park shall have no maximum acreage limit but shall contain no less than 35 acres of total land area. The unit of analysis for a development shall be a land planning unit with a maximum size of 300 acres. The land planning unit establishes the maximum size for the calculation of FAR.


(4) Ownership. All land contained in a proposed park must be filed by a single landowner and be developed as a single entity. The lands of a proposed park may be subdivided into lots smaller than 35 acres and...
may be sold or leased to entities other than the developer. [Amended 3-19-2015 by Ord. No. O-15-03]

(5) Plan requirements. A land development and/or subdivision plan shall be submitted for the entire area of the established land planning unit pursuant to Article IV of Chapter 180, Subdivision of Land. However, if a master plan is submitted, reviewed, and approved by College Township pursuant to § 200-27.1H, land development and/or subdivision plans can be submitted for each individual building, including expansion thereof. [Added 3-19-2015 by Ord. No. O-15-03]

C. Permitted uses. Land and structures in a park may only be used for the following:

(1) Primary uses:

(a) Public and private institutions of higher education.

(b) Research, engineering, and testing laboratories. [Amended 6-17-2010 by Ord. No. O-10-02; 3-19-2015 by Ord. No. O-15-03]


(d) Business incubators.


(f) Pilot plants, given that they do not exceed 75,000 square feet in gross floor area for any given pilot plant. [Amended 6-17-2010 by Ord. No. O-10-02]

(g) Data centers. [Amended 3-19-2015 by Ord. No. O-15-03]


(j) Any other facilities reasonably related to the intent of the PRBD as established by the property owner, provided that these uses are specifically reviewed and approved by both the property owner and College Township Zoning Officer. [Added 3-19-2015 by Ord. No. O-15-03]

(k) Duplexes, townhouses, and multifamily residential development shall be developed as a planned residential development using regulations found within the planned research and business park district ordinance.

(2) Limited uses. Limited uses constructed in any phase cannot exceed the maximum for the total proposed FAR as noted on the approved preliminary plan or master plan for the park. [Amended 6-17-2010 by Ord. No. O-10-02; 3-19-2015 by Ord. No. O-15-03]

(a) Hotels, motels, inns, and similar public lodging facilities.

(b) Conference facilities, meeting rooms and places of assembly.

(c) Eating and drinking establishments.

(d) Retail and service establishments.

(e) Child and adult day-care centers; see § 200-11E. [Amended 2-18-2016 by Ord. No. O-16-02]
(f) Indoor recreational facility.

(g) Limited uses shall be restricted to a maximum of 35% of the total FAR shown on the approved preliminary plan.

(3) Accessory uses.

(a) Open space improvements and facilities.

(b) Active recreational structures and fitness facilities.

(c) Caretaker residences.

(d) Other incidental operations required to maintain or support a primary or limited use, such as but not limited to maintenance shops, central energy facilities, solar energy systems, and wastewater treatment facilities. [Amended 8-18-2016 by Ord. No. O-16-04]

(4) **Drive** Drive-through facilities as either a primary, limited or accessory use are prohibited. [Added 6-17-2010 by Ord. No. O-10-02; amended 3-19-2015 by Ord. No. O-15-03]

D. Dimensional requirements.

(1) Density. There shall be no minimum area requirements for individual lots or building sites contained in a land planning unit. However, the density of development shall not exceed 0.40 FAR in any land planning unit.

(2) Maximum coverage.

(a) Maximum building coverage. The total ground floor area of all buildings and structures shall not exceed 35% of the total land area of the park.

(b) Maximum impervious surfaces shall in developments of 50 to 100 acres, not to exceed 60%, and in developments of 100 plus acres, not exceed to 65% of the total land area of the park.

(3) Height. The height of all buildings within 200 feet of the boundary of the park shall not exceed the maximum height permitted in any adjoining zoning district. When the building is located within 200 feet of more than one adjoining zoning district, the height shall not exceed the lowest maximum height allowed in either district.

(4) Perimeter requirements. The park shall be designed to avoid adverse influences and impacts on surrounding properties. Required setbacks from perimeter boundaries shall be 50 feet for structures and 25 feet for parking areas. Entry features are excluded from set back requirements, provided that they meet requirements of this chapter and Chapter 180, Subdivision of Land, as amended. [Amended 6-17-2010 by Ord. No. O-10-02]

(5) Interior setbacks. Interior setbacks must be proposed by the developer and shown on the preliminary plan and will be approved by College Township Council, as a part of the preliminary plan approval. These setbacks must be consistent with the park's design and intent. Different setbacks may be established for building and/or parking.

E. Open space requirements.

(1) A minimum of 30% of the gross area of the park shall be devoted to open space.

(2) At least 50% of the required open space shall be contiguous.
The Township Council may accept dedication all or part of the open space shown on plan, provided that:

(a) The land so dedicated is contiguous.

(b) The Council may require that no less than 50% of the land so dedicated shall be located outside of a floodplain shall not be subject to seasonal flooding and shall have a finished grade not exceeding an average existing grade of the land.

For purposes of calculating required acreages specified herein, open space shall not include land occupied by streets, driveways, parking spaces and buildings or structures, other than recreational structures.

Environmental design. The environmental design scheme of the park shall be laid out in such a fashion so that all of the elements listed below are incorporated into a harmonious and aesthetically pleasing design. Consideration should be given to the overall character of the development and its visual effect on adjacent uses as well as the tenants of the development, residents of the Township and Centre Region at large.

(1) Existing trees should be inventoried and preserved whenever possible. Existing stands of mature, healthy trees, hedgerows, waterways historic sites, scenic points, views and vistas and other community assets and landmarks should be preserved.

(2) The park should be designed to minimize grading and other changes to the natural terrain. All graded slopes should blend with the surrounding terrain and development.

(3) All landscaping shall be in conformance with an overall landscaping plan and unifying concept for the development.

(4) The park shall conform to the regulations contained in this chapter concerning floodplain conservation, slope controls, nuisance standards, outdoor storage, waste and sewage disposal, illumination, landscaping, historic properties and temporary uses.

(5) The park shall conform to the regulations on erosion and grading control contained in Chapter 180, Subdivision of Land, as amended.

(6) The park shall conform to the requirements of Chapter 175, Stormwater Management, as amended.

Traffic, parking and pedestrian access.

(1) A park shall have an internal system of public streets with the major access to the site be linked to a designated arterial street, such link shall be based on the size and classification warranted by the landowner's transportation impact report.

(2) All streets in the park shall conform to all standards contained in Chapter 177, Streets and Sidewalks, and Chapter 180, Subdivision of Land, as amended, prior to dedication to the Township.

(3) The need for secondary access for emergency vehicle use will be shown at the time of preliminary plan approval and can be provided by a second entrance or an approved alternative solution to the park.

(4) Parking.

(a) Motor vehicle access and off-street parking shall be provided as required in this chapter to correspond with the development phases specified in the preliminary plan, with the exception of parking requirement ratios listed in Subsection G(4)(d) below, within the park. Parking requirements for
institutions of higher education shall be based upon the principal use of the building or structure.

(b) Reservation and siting of the excepted parking areas shall be recorded as a condition in the preliminary plan but may be constructed in stages to correspond with employment growth at the site. Submissions shall contain the landowner's plan for phasing and monitoring of employment growth. All parking as required in this section shall be constructed within five years following final plan approval; however, an amendment to the parking phasing may be granted to extend the accepted parking phasing.

c) The applicant may also submit a plan for alternative on-site and/or off-site parking locations for the limited uses, as defined, which provide shared or substitute parking for up to 25% of the required parking. Plans should include methods of transportation linkage to alternative location and means of implementing and monitoring off-site parking. All approved plans for alternative parking shall be recorded as a condition in the preliminary plan in the form of declarations of covenants.

d) Excepted parking shall be provided according to the following ratios:

1. Conference center: four spaces per 1,000 gross square feet. [Amended 4-9-1992 by Ord. No. O-92-05]
2. Research and development uses, including laboratories, offices and other facilities for basic and/or applied research; business incubators; and pilot plants: one space per 550 gross square feet.
3. Light manufacturing and production or assembly of prototype products: one space per 625 gross square feet.

(e) In order to provide flexibility in parking lot landscaping, foster innovative design and create an aesthetically attractive working environment that reduces heat glare, and visual expansiveness, the parking lot landscaping requirements may be varied. The amount of landscaped open space and materials used shall not be less than what is required in this chapter. The parking lot landscape design shall be at the discretion of the Township pursuant to an approved preliminary plan. [Added 4-9-1992 by Ord. No. O-92-05]

5. Pedestrian access. A system of pedestrian access, in the form of paved sidewalks or interior walkways, shall be provided to allow walking between every use, structure or recreational facility and shall be connected with existing sidewalks and walkways adjacent to the park. Sidewalks shall be designed in conformance with the construction standards in Chapter 177, Streets and Sidewalks, and Chapter 180, Subdivision of Land, as amended. At the discretion of the Council, interior walkways may be constructed from materials other than those outlined in Chapter 180, Subdivision of Land.

6. Bike path. Bike paths shall be required along arterial and collector streets within and adjacent to the development. The bike path must connect to an internal network of bike paths, which are separate from the walkway system mentioned above, servicing the development.

H. Master plan. A developer has the option of submitting a master plan for a park prior to submitting land development/subdivision plans. If a master plan is submitted, the developer will not be required to submit land development and/or subdivision plans for the entire land planning unit. The following information shall comprise the content of a master plan pursuant to the following: [Added 3-19-2015 by Ord. No. O-15-03]

1. Content.

(a) Narrative statement. A written statement, including the following:

[1] A statement of the ownership of all of the land within the park, including items such as plans to lease or
subdivide land.


[4] A description of the form of organization proposed to own and maintain the open space recreational facilities and structures or other facilities, if any.

[5] A description of proposals to preserve natural features and existing amenities, and a statement of conceptual landscaping designs.


(b) A site plan identifying the following:


[2] Identification of developable areas and required open space areas.

[3] Identification of approximate location of internal private and/or public street networks, including pedestrian and bicycle travel patterns.

[4] Identification of buildable areas, including potential gross floor area and height (in floors) of buildings.

[5] Approximate locations of parking lot and/or structure locations, including approximate number of spaces.

[6] Perimeter setbacks. In addition, setbacks and/or building separations should be listed and shown on the site plan.

(c) Overall square footage of proposed buildings, including a list of proposed uses broken into primary or limited uses.

(d) Phasing schedule.

(2) A stormwater management plan identifying areas of detention, retention and infiltration of stormwater. In addition, Council may require stormwater calculations showing that the areas identified are sufficient to meet the stormwater requirements of Chapter 175 of this Code for the purpose specified in this plan.

(3) A transportation impact report shall be required as part of the master plan. The content of such shall be that which identifies overall potential traffic volumes on adjacent streets and intersections. The report shall also study any internal impacts to public streets.

(4) Review of the master plan shall be done in the same manner as that described for the preliminary plan pursuant to § 180-8.

(5) Master plan compliance. Individual preliminary/final land development or subdivision plans shall be permitted to vary from the master plan. The following shall be thresholds that, if exceeded, shall constitute the need for a revised master plan:

(a) The area of the open space delineated on the master plan is reduced by 5% or more (as percentage of total open space);

(b) The location of the open space is changed in an amount that exceeds 5% as a percentage of total open space.

Page 6 of 27
space;

(c) Gross floor area of all buildings exceeds that which was approved on the master plan by 5% or more; or

d) The location of access points onto a public collector or arterial street is changed.

(6) Master plan revisions. Land developments and/or subdivisions that exceed the thresholds listed above for master plan compliance will necessitate submittal of revised master plan documents potentially including traffic and stormwater reports.

I. Phasing and scheduling.

(1) A phase of a park shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land uses, even if the remainder of the park were to be discontinued and the plan abandoned.

(2) If a park is to be developed in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall not exceed the maximum allowed density of the total park.

J. Planned residential development within the planned research and business park district

(1) Establishments of control

In their interpretation and application, the regulations set by this chapter shall be held to be the minimum requirements adopted for the promotion of the purposes of this chapter.

(a) Types of control. This chapter contains regulations governing the following: procedures for establishing a planned residential development within the planned research and business park district; graphic and written information to be submitted under such procedures; and regulations governing allowed uses and densities, layout of streets and structures, the reservation of land for common or public open space, the provision of recreational facilities and pedestrian access, protection of the natural environment and the avoidance of impacts on surrounding areas.

(b) New planned residential developments within the planned research and business park district. Upon application by a landowner, the Township Council may, according to the provisions of this chapter, establish a planned residential development on contiguous parcels of land under common ownership of the applicant within the planned research and business park district.

(c) Relationship with other restrictions. The provisions of this chapter are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that, where this chapter imposes a greater restriction than that imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this chapter shall control, except that, for any development governed by this chapter where a provision of this chapter conflicts with Chapter 200, Zoning, or Chapter 180, Subdivision of Land, the provisions of this chapter shall control.

(2) Definitions. Refer to § 145-6 Definitions.

(3) Plan review procedures

(a) General.

Tentative plans for planned residential developments within the planned research and business park district, all or part of which are situated in the Township, shall be reviewed by the Township Planning Commission and the Centre Regional Planning Commission and shall be approved or not approved by the Township Council in accordance with the procedures specified in this chapter. All plans shall be reviewed
in two stages, tentative and final.

(b) Preapplication conference.

A potential applicant for planned residential development within the planned research and business park district may request a conference with the Planning Commission for the purpose of discussing or reviewing such proposed development and for obtaining advice on the preparation of the tentative plan.

[1] The preapplication conference shall not be mandatory and shall not be regarded as a formal application for planned residential development within the planned research and business district. The filing of any report, sketch plan, plat or map prior to or at such conference shall not constitute submission of a plan or application for planned development, nor shall such materials be binding on subsequent submissions by the applicant.

[2] Any report, sketch plan, plat or map to be considered by the Planning Commission at such conference shall be provided by the potential applicant in three copies, and the Township Secretary shall distribute a copy of the same to the Township Planning Commission and the Centre Regional Planning Commission for informational purposes only.

[3] The Planning Commission may, at its sole discretion, make or refuse to make recommendations as the result of the preapplication conference. Any recommendations made by the Planning Commission at or in response to the preapplication conference shall not be binding upon the applicant or upon the Planning Commission in its review of the plan after formal application.

(c) Review of tentative plan.

All applications for Township approval of planned residential development within the planned research and business park district plans shall commence with the official submission of a plan and all required supplementary data to the Township Secretary. The application for tentative approval of the development plan shall be filed by or on behalf of the landowner. At any time during the review process, the applicant may amend the originally submitted plan solely for the purpose of correcting minor deficiencies in the original plan to the extent necessary to meet the requirements of this chapter.

[1] A tentative plan shall be deemed to have been submitted for review when the applicant has furnished to the Township Secretary the following documents:

[a] One copy of a completed application for planned residential development within the planned research and business park district, plus payment of all application fees.

[b] Nine prints of the plan, which shall fully comply with (4) of this chapter.

[c] Twenty-one prints of a narrative, which shall fully comply with (4) of this chapter.

[d] Twenty-one prints of the proposed tentative master plan, which shall include but shall not be limited to the following items: the proposed placement of all building footprints within the PRD within the PRBD, all proposed land uses within the PRD within the PRBD, including phasing of development and lot numbers, acreage of each phase, common open space within each phase, number and type of dwelling units within each phase and the total floor area of all dwelling units, floor area of all nonresidential uses by phase and overall density of each phase; location of all proposed street rights-of-way, walkways, common open spaces and stormwater facilities; location of all roads and/or motor vehicle access points within 500 feet of the perimeter boundaries of the property; the location of all off-street parking and North point, location map, date of initial submission and all revision dates, legend and graphic scale. The scale of said master plan shall be one inch equals 100 feet or greater.

[2] Upon receipt of the above, the Township Secretary shall immediately forward one copy of the plan and the narrative to the Township Council; the College Township, Centre Regional and Centre
County Planning Commissions; the Fire Chief; the Township Engineer; the College Township Parks and Recreation Committee, and if the proposed subdivision or land development is to have direct access to a state or federal highway, the district office of the Pennsylvania Department of Transportation in Clearfield, Pennsylvania. The Township Engineer, the County Planning Commission and its designated agent and the Centre Regional Planning Commission may review the plan to determine its conformance with the provisions contained in these regulations.


[a] At its next regular meeting following the receipt of the application for tentative approval, provided that such application was made at least 14 days prior to the meeting, or at a special meeting called for that purpose after receipt of the tentative plan, the Planning Commission shall review the plan to determine its conformance with the provisions contained in these regulations.

[b] The Planning Commission shall notify the Township Council, in writing, of any recommended action, changes or modifications to the plan after such decision is made, provided that the Planning Commission shall make such recommendations within 45 days after the date the application for tentative approval was filed. The Planning Commission shall make no recommendations on such application until reports from the County or Centre Regional Planning Commission and the Township Engineer are received or until expiration of 30 days from the date the plan was forwarded to the county, whichever comes first.

[c] If review by the Township Planning Commission results in an unfavorable recommendation because the requirements of this chapter have not been met, notification to the Township Council should specify the defects found in the plan and describe the requirements which have not been met and should cite the provisions of this chapter from which such defects or requirements originate.

[4] Review by the Township Council. Upon receipt of the recommendations from the Planning Commission or upon failure to receive said recommendations 45 days after submittal, and in no event later than 60 days from the date of application for tentative approval of the planned residential development, the Township Council shall hold a public hearing for the purposes of public comment and review of the plan. Owners of abutting properties should individually receive written notice of the public hearing. The hearing shall be held in the manner provided by the Pennsylvania Municipalities Planning Code, as amended. The governing body may continue the hearing from time to time and may refer the matter back to the Township Planning Commission for a report; provided, however, that all public hearings shall be concluded within 60 days after the date of the first public hearing.

[a] The Council shall review the plan and the written reports thereon of the Township Planning Commission, the Centre County Planning Commission, the Centre Regional Planning Commission, the Fire Chief and the Township Engineer to determine if the plan meets the provisions contained in these regulations. Prior to approval of a tentative plan for which off-site sewer or water service is proposed, the Council shall require, as a condition of approval, that the applicant furnish written confirmation from the appropriate bodies that such service is and will be made available to the planned residential development.

[b] Approval or denial.

{1} The Council, within 60 days following the conclusion of the public hearing, shall, by official written communication to the applicant, either:

[a] Grant tentative approval of the development plan as submitted;

[b] Grant tentative approval subject to the applicant meeting specified modifications to the development plan as submitted; or
Deny tentative approval to the development plan.

The official written communication shall be certified by the Secretary of the Township Council and shall be filed in his office, and a certified copy shall be mailed to the landowner.

In accordance with the Pennsylvania Municipalities Planning Code, Article VII, Planned Residential Development, Section 709(b), the grant or denial of tentative approval by official written communication shall include, with the conclusions, findings of fact related to the reasons for the approval, with or without conditions, or for the denial. The findings shall specify in what respects the development plan would or would not be in the public interest, which may include but shall not be limited to the following:

1. Those respects in which the development plan is or is not consistent with the adopted Township Comprehensive Plan.

2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential community.

4. The physical design of the development plan and the adequacy of provisions for public services, controls over vehicular traffic and amenities of light, air, recreation and visual enjoyment.

5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

In the case where a planned residential development is projected over a period of years, the Council may authorize final review of the plan by sections, stages or phases of development, subject to such requirements or guaranties as to improvements in future sections, stages or phases of development as it finds essential for the protection of any tentative approved section, stage or phase of development. In such case, a schedule showing the proposed times within which applications for final approval of all sections, stages or phases of the development are intended to be filed shall be included with the tentative plan. The schedule may be revised annually by the Council if requested to do so by the landowner or developer. A landowner or developer who requests a change in scheduling shall submit a letter to the Council requesting said change along with the reasons for the change. The Council may, at its discretion, require the landowner or developer to follow the procedures required herein for tentative plan approval. The phasing of a tentatively approved PRD may be revised annually by the Council upon application of the landowner or developer following the procedures required herein for tentative plan approval.

The Council may set forth in the official written communication a period of time, not less than three months, within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, within which an application for final approval of the development plan for the first phase shall be filed. In no case shall the time between the grant of tentative approval and the submission of application for final approval be more than 12 months, or, in the case of a plan which provides for development over a
period of years, the time between tentative approval and submission of application for final approval of the first phase shall not be more than 12 months; provided, however, that the Council may extend for a single twelve-month period the filing of the final plan if requested in writing, by the applicant. If the final plans are not submitted within the time limits set above, the tentative plan will be deemed to be abandoned unless reestablished by full tentative approval procedures, as set forth in this section.

[f] Failure of the Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the tentative plan in terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation or communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

[g] In the event that tentative approval is granted subject to conditions, the owner may, within 30 days after receiving a copy of the official written communication of the governing body, notify the Council of his refusal to accept all of said conditions, in which case, the Council shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Council of his acceptance of all of said conditions, tentative approval of the development plan shall be deemed to have been denied.

[h] The location and boundaries of planned residential developments which have received tentative approval shall be shown on the College Township Official Zoning Map.

[i] Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permit.

[j] In the event that a development plan is given tentative approval and, prior to final approval, the landowner shall elect to abandon said development plan by so notifying the Township, in writing, or in the event that the owner shall fail to file application or applications for final approval within the required period of time, the tentative approval shall be deemed to be revoked, and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto, and the same shall be noted in the records of the Township Secretary, and the planned residential development designation for that portion shall be removed from the College Township Official Zoning Map.

[k] A development plan which has been given tentative approval as submitted or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval) shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided that an application for final approval is filed or, in the case of development over a period of years, provided that applications are filed within the periods of time specified in the official written communication granting tentative approval.

(d) Review of final plan.
A plan, including all the land in an approved tentative plan or a section thereof according to an approved schedule for development over a period of years, shall be officially submitted to the Township Secretary for final approval. All plans which have received tentative approval shall be entitled to final approval, in accordance with the terms of the approved tentative plan, for a period of 12 months from the date of preliminary approval. The Township Council may extend for 12 months the period for filing the final plan. No construction or installation of structures or improvements shall occur in any phase of the development and no zoning or building permits shall be issued before final approval is given. No occupancy permits shall be issued for any phase of the development until required improvements are installed and all conditions of final approval have been met.
[1] All applications for final approval shall be acted upon by the Township Council within 45 days following the date the application is filed.

[2] Final official submission of the plan to the Township Council shall consist of eight black- or blue-on-white prints of the plan, and the conditions for which the plan received tentative approval, plus financial security, all offers of dedication and deeds of easements to the Township and all other required documents.

[3] Upon receipt of all required materials, the Township Secretary shall forward one copy of the plan to the Township Council, the Centre Regional and Centre County Planning Commissions, the Fire Chief, the Township Engineer and, if the proposed development is to have direct access to a state or federal highway, the district office of the Pennsylvania Department of Transportation in Clearfield, Pennsylvania. The County Planning Commission and its designated agent, the Centre Regional Planning Commission and the Township Engineer may review the final plan to determine its conformance to the provisions contained in these regulations. The Township Council shall take no official action on such application until reports from the above are received or expiration of 30 days from the date the application is filed, whichever comes first.

[4] The final review of the plan shall be conducted by the Township Council and shall be limited to determining if the plan conforms to the plan which received tentative approval, including all conditions and modifications required by the Township Council, and if the requirements for final plan approval as listed under (f) plan requirements, of this chapter have been met. If the plan submitted for final approval varies from the plan granted tentative approval, it shall be the responsibility of the applicant or his representative to bring such changes to the attention of the Council. Failure of the applicant to bring said changes to the attention of the Council shall constitute an abandonment of the tentatively approved plan.


[a] In the event that the development plan as submitted contains variations from the development plan given tentative approval, the Council may refuse to grant approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner, in writing, of said refusal, setting forth in said notice the reasons why the plan is at variance with that which received tentative approval. In the event of such refusal, the landowner may either:

(1) Refile his application for final approval without the variations objected; or

(2) File a written request with the Council that it hold a public hearing on his application for final approval.

[b] If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event that the owner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the owner, and the hearing shall be conducted in the manner prescribed for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Council shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this chapter.
As a condition of approval, the applicant shall permit the Township Engineer to make periodic site inspections of such nature and extent as is necessary to ensure that the required improvements are being installed and constructed in conformity with the design standards contained herein or otherwise specified in the tentative approval of the plan. The Township Engineer shall make inspections and report on required improvements as specified in Chapter 180, Subdivision of Land, and the Council shall notify the landowner of the results as specified therein.

In order to guarantee the completion of any improvements required as a condition for final approval of the plan, the Council shall require deposit of a corporate bond or other form of financial security, prior to approval of the plan, in an amount sufficient to cover the costs of any improvements which may be required, regardless of whether or not such are intended to be dedicated to the municipality. Such bond or security shall take the form and shall be enforceable as specified in Chapter 180, Subdivision of Land. The Council may require maintenance guarantees as specified in Chapter 180, Subdivision of Land.

In the event that a development plan or section thereof is given final approval and thereafter the landowner abandons the plan or section and the landowner notifies the Council, in writing, or if the landowner falls to commence and carry out the plan within 12 months from the date of final approval, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to the College Township Zoning Ordinance or until a tentative development plan and final plan are resubmitted and approved under the procedures set forth in this chapter.

(e) Record plan.

After completion of the procedures required by these regulations and after final approval by the Council, all endorsements shall be so indicated on the approved plan and on as many other copies of the plan as may be desired by the governing body. Upon approval and signing of the plan by the Council, a record plan shall be recorded in the office of the Recorder of Deeds of Centre County by the applicant within 90 days of such approval and signing. Such recording shall be otherwise in conformity with the Pennsylvania Municipalities Planning Code. Within 10 days after the Recorder of Deeds has properly recorded the planned residential development plan, a copy of such shall be forwarded to the Township Secretary by the applicant, including the endorsement of the Recorder of Deeds. Upon filing of the record development plan, zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. All record plans shall be exact replicas of the final plan approved by the College Township Council. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan or part thereof, as finally approved, shall be made, except with the consent of the Council in accordance with provisions specified herein.

(f) Plan requirements


All plans submitted for tentative review shall be drawn to a scale of one inch equals 50 feet or larger (e.g., one inch equals 30 feet) and shall contain the following information:

[a] General data.

(1) Name of proposed planned residential development.

(2) North point.

(3) Graphic scale and legend describing all symbols shown on the plan.

(4) Day, month and year the plan was prepared and/or revised.
(5) Name and address of the owner and deed book and page numbers of the deeds conveying the property to the owner.

(6) Name and address of the individual or firm preparing the plan.

(7) Names of abutting property owners and their deed book and page numbers.

(8) Key map showing the location of proposed planned residential development and all roads within 1,000 feet therefrom.

(9) Centre County tax parcel numbers of all parcels included in the planned residential development.

(b) Existing features.

(1) Perimeter boundaries of the total property, showing bearings to the nearest minute and distances to the nearest hundredth of a foot.

(2) Total acreage of the property and total square feet within each lot of the development.

(3) Current zoning district, as stipulated in the Chapter 200, Zoning.

(4) Natural features.

(a) Sinkholes, watercourses, tree masses and unique vegetation or natural features.

(b) Floodplain and steep slopes, as defined by Chapter 200, Zoning.

(c) Topographic contour lines at vertical intervals of two feet for land with average undisturbed slope of 4% or less and at intervals of five feet for land with average natural slopes exceeding 4%, including source of topographic data.

(5) Approximate location of man-made features in or within 50 feet of the property, including:

(a) Sewer lines.

(b) Water mains and fire hydrants.

(c) Electrical lines and poles.

(d) Culverts and bridges.

(e) Railroads.

(f) Buildings.

(g) Streets, including right-of-way and cartway widths and approximate grades.

(c) Proposed development.

(1) The approximate location, total ground floor area, total floor area, height and use of buildings and other structures (all area dimensions shall be indicated in square feet).

(2) The approximate location and area of driveways and parking and loading areas.

(3) The property lines of lots to be subdivided, measured to the nearest foot.
The approximate locations of sidewalks and walkways, including widths, surfacing materials and ramps for the handicapped.

The approximate location of utility and drainage easements.

The approximate location and pipe diameter of sewer and water mains.

The following regional fire protection requirements:

(a) The applicant shall contact the Water Authority to obtain fire flow rates for the water system serving the proposed subdivision or land development. These flow rates shall be provided as a note on the plan submitted to College Township.

(b) All plans shall provide the size of all existing and proposed water lines and fire hydrants in, and adjacent to, the proposed subdivision or land development.

(c) The location, construction detail(s) and ownership information of any water storage system shall be provided in the plan detail sheets. (Approved design specifications for underground storage tanks may be obtained from the Centre Region Fire Administrator.)

(d) Setbacks and/or building separations shall be graphically noted on all plans.

(e) Details for all existing and proposed fire apparatus access routes.

(f) Details for all existing and proposed Fire Department connections and hydrants.

(g) The plan shall provide a note indicating if any structure within the proposed development will have a built-in fire suppression system, including but not limited to automatic fire sprinkler systems.

Perimeter setbacks and required buffer yards.

Street information, including:

(a) Location and width of rights-of-way and cartways.

(b) Proposed street names.

(c) Approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one inch equals 50 feet horizontal and one inch equals five feet vertical.

(d) Vegetation to be planted between the curb or shoulder and the right-of-way line.

A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.

A general grading plan showing any major alterations to the topography of the site.

A plan showing the general location and type of all stormwater conveyance and detention and/or retention facilities designed to serve more than one lot or to collect stormwater from streets and common areas.

Property owners' association requirements as set forth in § 180-9A(17) of the College Township Code.

A transportation impact report pursuant to § 180-9B(18).
[d]  Common open space.

1. The location and area of the proposed common open space.
2. The proposed use and improvements of common open space.
3. The location and use of common recreational facilities.
4. The location and area of land to be dedicated for public purposes.

[e]  Density calculation.

1. A table shall be included on the plan describing each phase or section with quantitative data, including the following:
   a. The total area of the development and of each phase or section.
   b. The total area devoted to residential uses, the total number of dwelling units, the number of each type of unit and the total residential floor area in the development and in each phase or section. Residential uses include all dwelling units, parking areas for said units and those lands surrounding the dwelling units not designated as common open space.
   c. The number of dwelling units per acre in the development and each phase or section.
   d. The area of streets, parking, sidewalks and walkways and the total area paved and percent of area paved or covered by structures in the development and each phase or section.
   e. The total acreage and percent of acreage in common open space in the development and each phase.
   f. The total area devoted to planned recreational use throughout the entire development and in each phase.
   g. The total area devoted to nonresidential uses and total floor area of nonresidential buildings in the development and in each phase.

[f]  Narrative statement. A written statement, including the following:

1. A statement of the ownership of all of the land included within the planned residential development.
2. An explanation of the character and intent of the planned residential development and the reasons why the development would be in the public interest and consistent with the objectives in the Township Comprehensive Plan.
3. A statement describing any proposed innovative design concepts included in the plan.
4. The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities.
5. A description of the form of organization proposed to own and maintain the common open space, recreational facilities or other common facilities.
6. A statement of the proposed use and improvement of common open space and recreational facilities.
7. A description of proposals to preserve natural features and existing amenities and a statement of conceptual landscaping designs.
A statement describing the stormwater management methods to be employed.

Development schedule. When a planned residential development is proposed to be submitted for final approval in sections or phases over a period of years, the following shall be included with the application for tentative approval:

1. The stages in which the development will be submitted for final approval and the approximate date when each phase will be submitted for final approval.

2. The approximate date when the development and each phase will be completed.

Signature.

1. Signature(s) and seal(s) of a licensed engineer and/or architect or landscape architect who prepared or supervised the preparation of the plan.

2. Signed, notarized statement by the owner certifying ownership of the property.

3. Space for approval signatures by the Chairman and Secretary of the Council, including date of such approval.

Fire protection plan procedures.

1. College Township will provide all subdivision and land development plans, whether preliminary or final, to the Fire Chief at the time they are provided to the Centre Regional Planning Agency (CRPA) for review. The deadline for the review and comment by the Fire Chief shall be the same as the deadline for review and comment by the College Township Zoning Administrator and the CRPA. The Fire Chief shall review the plans for the following fire protection features:

   a. Fire flow and/or water supply available for fire fighting.

   b. The location and available flow of fire hydrants.

   c. The location, design and capacity of water storage facilities.

   d. Fire apparatus access.

   e. The location of fire lanes, if needed.

   f. The location of any Fire Department connections provided.

   g. The presence of any built-in fire suppression systems.

2. The Fire Chief shall provide written comments on the plan to the applicant and College Township within 10 business days.

3. If any revisions are made to the plan following the Fire Chief’s initial review, the plan will be provided to the Fire Chief three business days prior to the meeting where the plan will be considered for approval by the College Township Council.

4. The Fire Chief shall provide written comments on any revised plans to the applicant and College Township.

5. If the plan is not recommended by the Fire Chief, the Council may:

   a. Deny or conditionally approve the plan based on the conditions listed in the Fire Chiefs comments; or
{b} Determine that the applicant has adequately addressed water supply and/or fire apparatus access and approve the plans.

[j] Workforce housing. If any dwellings are voluntarily or required to be designated as workforce housing within a planned residential development, the requirements of § 180-9C shall be met at time of submittal of the tentative plan.

(g) Contents of plans submitted for final review.

[1] Plans submitted for final review shall include all information required in §200-27.1J(3)(f) above. Where applicable, the final plan for the development shall meet the plan requirements contained in the following Township ordinance sections, as amended:


c] Should a developer desire to incorporate a sign(s) at a main entrance to a planned residential development within the planned research and business park district which does not conform to the criteria outlined in Chapter 170, Signs, said sign(s) shall be submitted as part of the application for the planned residential development within the planned research and business park district. This section is intended to encourage innovativeness, creativity and aesthetic consideration in the development of signs at the main entrances to planned residential developments within the planned research and business park district only. Should the Council find that the proposed sign(s) does not lend itself to the intents of this section and that said sign should not be included in the planned residential development, then the location and design of the sign(s) will be governed by the criteria stipulated in Chapter 170, Signs.

(h) Record plans.

All record plans shall meet the requirements of Chapter 180, Subdivision of Land, as amended, and shall be exact replicas of the final plan approved by the Township Council.

(4) General requirements.

(a) Design and improvements. The design and physical improvements to the property being developed shall be provided by the developer as shown on the approved plan in accordance with the requirements of this chapter.

(b) Location. A planned residential development within the planned research and business park district may be established in the following districts as designated by Chapter 200, Zoning, on the Official Zoning Map: Planned Research and Business Park District.

(c) Size. A proposed planned residential development within the planned research and business park district must contain no fewer than 16 dwelling units and no less than thirty-five acres of total land area.

(d) Ownership. All land contained in a proposed planned residential development within the planned research and business park district must be controlled by a landowner and be developed as a single entity.

(5) Permitted uses.
Land and structures in a planned residential development within the planned research and business park district may only be used for the following:

(a) Duplex, townhouses, and multi-family residences developed as planned residential developments within the planned research and business park district only.

(b) Nonresidential uses. The following nonresidential uses, as defined in Chapter 200, Zoning, may be permitted by the Council:

[7] Research, engineering or testing offices and laboratories.

(c) Motor-vehicle-oriented business, as herein defined, shall not be allowed in planned residential developments.

(d) Existing farm uses. If an approved PRD within the PRBD contains farm uses which were in existence prior to tentative approval of the PRD within the PRBD, said farm uses may continue, provided that when development of the PRD within the PRBD encroaches upon the farm use, the farm use will not be permitted to continue within 150 feet of any residential use or lot.

(6) Density and intensity.

(a) In a planned residential development within the planned research and business park district, there shall/may be no minimum area requirements for individual lots or building sites. However, the following are the maximum number of dwelling units allowed per gross acre of the planned residential development within the planned research and business park district:

- Duplex: 16 dwelling units per acre
- Townhouse: 22 dwelling units per acre
- Multi-family: 36 dwelling units per acre

(b) Land within the planned residential development within the planned research and business park district devoted to nonresidential uses shall not be included in the gross planned residential development acreage used to calculate gross residential density in Subsection (a) above. A minimum of 30% of the land in the development may/shall be designated by a plan for nonresidential uses. Land devoted to nonresidential uses shall/may be deemed to include driveways, parking areas and yards which primarily service nonresidential uses but shall/may not, for purpose of calculation, include common open space. The total floor area of all nonresidential uses shall not exceed 30% of
the total floor area of all buildings in a planned residential development within the planned research
and business park district.

(c) The Council may refuse to allow the maximum density permitted within each zoning district or may
refuse to allow certain permitted nonresidential uses if the development would:

[1] Create unsafe vehicle access to the planned residential development within the planned research and
business park district.

[2] Create traffic which exceeds the level of service of public streets which adjoin the planned residential
development within the planned research and business park district.

[3] Place an excessive burden on utilities, parks, schools or other public facilities which serve or are
proposed to serve the planned residential development within the planned research and business park
district.

[4] Adversely affect existing uses on adjacent lands which are different from the nearby uses in the
planned residential development within the planned research and business park district.

(d) Spacing. The Council may allow the reduction in lot size, lot width, spacing and side and rear yard
setback requirements previously required in the zoning district to promote innovative design, provided
that:

[1] Front yard setback distances (measured from the right-of-way line) shall be required as follows:

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Local and Collector Streets</th>
<th>Arterial Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-family and multifamily dwellings</td>
<td>30 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>5 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

[2] Nonresidential buildings shall/may not be located closer than 50 feet to residential buildings.

[3] Spacing shall/may be provided between buildings to ensure privacy and sufficient light and air. Each
development shall/may provide reasonable visual and acoustical privacy for dwelling units. Fences,
insulation, walks, and landscaping shall/may be used, as appropriate, for the protection and aesthetic
enhancement of property, the privacy of its occupants, the screening of objectionable views or uses
and the reduction of noise.

[4] A minimum 5 feet wide sidewalk is required along both sides of all public streets. A building
may/shall be located further from the street so long as the sidewalk increases in width, one foot for
every 5 feet increased setback with a maximum sidewalk width of 10 feet.

[5] A building shall/may be setback a minimum of 5 feet from the edge right-of-way.

[6] Nonresidential uses shall/may provide a 10’ sidewalk.

(e) Block Standards.

[1] All planned development surrounded by public right-of-ways on all sides may/shall incorporate a
block structure in its design.

[2] Each block may/shall have a maximum perimeter of 1,400 feet measured along the street right-of-
way perimeter. Blocks that include civic spaces and environmental or topographic challenges, may be
exempt from the maximum perimeter requirements.
On-street parking shall/may be provided along streets. 10 spaces per 500 linear feet of street.

Block faces may/shall exceed 500 feet in length. Block faces that exceed 500 feet may/shall provide a pedestrian path of no less than 10 feet wide.

One block face may/shall be bound by a non-vehicular pedestrian street. If provided, the pedestrian streets may/shall have a dedicated right-of-way of no less than 25 feet.

Block faces that exceed 500 feet may/shall provide a pedestrian path of no less than 10 feet wide.

Height. Development shall/may not exceed the maximum height permitted in the adjoining residential district. When the building is located within 120 feet of more than one adjoining zoning district, the height shall/may not exceed the lowest maximum height allowed in either district. The Council may allow higher buildings beyond 120 feet from the perimeter in such a manner so as not to create any adverse impact on adjoining lands.

Perimeter requirements. The planned residential development within the planned research and business park district shall/may be designed to avoid adverse influences and impacts on surrounding properties.

Residential structures located adjacent to the perimeter boundary of the planned residential development may be required to conform to the setback and yard regulations of the adjoining district as described in Chapter 200, Zoning, when necessary to ensure compatibility of land uses.

Nonresidential structures adjacent to the perimeter boundary of the planned residential development shall conform to the buffer setback and buffer yard requirements contained in Chapter 200, Zoning.

Additional buffer yards, which conform to the specifications contained in Chapter 200, Zoning, may be required where the planned residential development is adjacent to existing dwellings or neighborhoods.

Frontage Standards.

Buildings shall/may be oriented so that the principal façade is parallel to the principal street it faces.

Surface parking lots are not permitted along street facing frontages between the right-of-way/property line and principal building face. Parking lots shall/may be provided in the rear of the lot.

Surface parking lots shall/may be screened in accordance with Chapter 200 Zoning, Landscape and Buffer Requirements.

Street-facing townhouses shall/may be rear loaded.

Outdoor storage, service areas and building utility equipment screened in accordance with Chapter 200 Zoning.

Prominent sites may/shall be reserved for civic buildings.

Open space requirements.

A minimum of 30% of the gross area of the planned residential development within the planned research and business park district shall/may be devoted to public or common open space.

At least 50% of the required public or common open space shall/may include open space fronted by streets on at least 2 sides.

The Township Council may accept all or part of the common open space in dedication, provided that:
[1] The land so dedicated is contiguous; and

[2] The Council may require that no less than 50% of the land so dedicated shall be located outside of a floodplain, shall not be subject to seasonal flooding and shall have a finished grade not exceeding 5%.

(d) For purposes of calculating required acreages specified herein, common open space shall not include land occupied by streets, driveways, parking spaces and buildings or structures, other than recreational structures for the use by all residents of the development or by the public.

(e) All common open space shall be improved for its intended use. Up to half of the common open space may be left in its natural state to preserve unique natural features and amenities or to avoid excessive grading or removal of trees. At least 50% of the common open space shall be devoted to recreational or leisure-time activities, freely accessible to residents, property owners and tenants of the planned residential development within the planned research and business park district.

(f) All residents, property owners and tenants of the planned residential development within the planned research and business park district shall have access to the common open space. The common open space shall be on land owned by a property owners' association or on privately owned land when an open space easement and access easement has been granted to the property owners' association.

(8) Environmental design.

The environmental design scheme of the planned residential development within the planned research and business park district shall be laid out in such a fashion so that all of the elements listed below are incorporated into a harmonious and aesthetically pleasing design. Consideration should be given to the overall character of the community and its visual effect on the uses and residents of the planned development as well as the residents of the Township and Centre Region at large.

(a) Existing trees should be inventoried and preserved whenever possible. Existing stands of mature healthy trees, waterways, historic sites, scenic points, views and vistas and other community assets and landmarks should be preserved.

(b) The planned residential development within the planned research and business park district should be designed to minimize grading and other changes to the natural terrain. All graded slopes should blend with the surrounding terrain and development.

(c) All landscaping shall be in conformance with an overall landscaping plan and unifying concept for the development.

(d) All planned residential developments within the planned research and business park district shall conform to the regulations contained in Chapter 200, Zoning, concerning floodplain conservation, slope controls, nuisance standards, outdoor storage, waste and sewage disposal, illumination, landscaping, historic properties and temporary uses.

(e) All planned residential developments within the planned research and business park district shall conform to the regulations on erosion and grading control contained in Chapter 180, Subdivision of Land.

(f) All planned residential developments within the planned research and business park district shall conform to the requirements of Chapter 175, Stormwater Management.

(9) Traffic and pedestrian access.
(a) A proposed planned residential development within the planned research and business park district shall have direct access to a public collector or arterial street. Planned residential developments within the planned research and business park district which propose multiple lots shall provide direct access from each lot by either a public street or private street designed and constructed in conformance with the appropriate regulations of Chapter 177, Streets and Sidewalks, and Chapter 180, Subdivision of Land.

(b) All public streets in the development shall be dedicated to the Township and shall conform to all standards contained in Chapter 180, Subdivision of Land, concerning the design of streets.

(c) A system of pedestrian access, in the form of paved sidewalks or interior walkways, shall be provided to allow walking between every use, structure or recreational facility and shall be connected with existing sidewalks and walkways adjacent to the planned residential development. Sidewalks shall be designed in conformance with the construction standards in Chapter 177, Streets and Sidewalks, and Chapter 180, Subdivision of Land. At the discretion of the Council, interior walkways may be constructed from materials other than those outlined in Chapter 180, Subdivision of Land.

(d) Parking shall be provided as required in Off-street parking. All development within a planned residential development shall provide off-street parking as required in § 200-38, Off-street parking, with the following exceptions:

[1] If the number of residents residing in a dwelling unit exceeds three unrelated individuals pursuant to § 200-11Z, one off-street parking space shall be required for each bedroom within the dwelling unit. In addition, spillover parking shall also be supplied pursuant to § 200-38C(2)(b).

(e) Motor vehicle access. Every lot within a planned residential development shall have motor vehicle access to a public street directly or via a private street in accordance with § 200-37, Motor vehicle access, with the following exceptions:

[1] Setbacks from property lines. Motor vehicle access via a driveway shall be set back from side and rear property lines as follows:

[a] All uses: 10 feet.

[b] Two adjoining property owners may locate their driveways closer to the lot line, or joined to each other, if the following condition is met: The two adjoining property owners shall mutually agree to a driveway setback-encroachment and/or common driveway in such form and manner acceptable for recording in the office of the Recorder of Deeds of Centre County, Pennsylvania, binding their heirs and assigns to the easement so created.

[2] Setbacks from street intersections. Motor vehicle access via a driveway shall be set back a distance from intersecting public streets as follows:

[a] Driveways providing motor vehicle access for uses other than duplexes shall enter a public street right-of-way at least 100 feet from its intersection with another public street, except for intersections of two or more arterial streets in which case the minimum distance shall be at least 200 feet.

[b] Driveways providing motor vehicle access for duplexes shall enter a public street right-of-way at least 50 feet from its intersection with another public street of any classification.

[c] In all cases cited above, the distance in which access is prohibited shall be measured from the tangent of the curb return of the intersecting street cartway to the tangent of the curb return of the driveway, but shall not include, in measurement, any portion of either curb return as illustrated below:
[3] If two or more driveways on the same lot enter a public street right-of-way, the distance between the entrances of the driveways shall be at least 50 feet. Distance between driveways shall be measured in the same manner as described above in subsection [c]. The distance between two driveways may be reduced to 10 feet if the following conditions are met:

[a] The driveways are located on a public street classified as either a local or neighborhood street pursuant to Chapter 177, Streets and Sidewalks,

[b] Each individual driveway provides vehicle access to no more than one dwelling unit and its associated off-street parking spaces,

[c] The total number of driveways permitted on a particular street frontage regardless of setbacks shall not exceed a number equal to the length of said street frontage divided by 50.

(10) Utilities, easements and markers.

(a) Sanitary sewage disposal. All buildings in a planned residential development located in the designated service area of the Centre County Comprehensive Water and Sewer Plan, 1970, as revised, or in any residential zoning district, as designated by Chapter 200, Zoning, shall connect to the public sewer system.

(b) Water supply.

[1] All planned residential developments within the planned research and business park district shall connect to public water authority/company mains. All water mains and laterals shall meet the design and installation specifications of said water authority/company.

[2] Fire hydrants shall be installed with the extension of water mains in locations approved by the Council which assure adequate accessibility of fire equipment and personnel. Fire hydrants shall be placed in such a manner that no building so served shall be further than 600 feet from the hydrant. The Council may, at its discretion, submit copies of the proposed development plan to the local Fire Chief for review. The Fire Chief, during the course of his review, shall consider the location of all fire hydrants and fire lanes as well as any other factors that may impede adequate fire protection to the residents of the development and the Township.

(c) Easements. Utility and drainage easements shall be provided in conformance with the requirements of Chapter 180, Subdivision of Land.

(d) Monuments and markers. Monuments and markers shall be installed for all land subdivisions in the planned residential development and for the perimeter boundary in conformance with Chapter 180, Subdivision of Land.

(11) Phasing and scheduling.

If a planned residential development is to be developed in phases, over a period of years and according to an approved schedule, the following requirements shall be met:

(a) The gross residential density of any phase, or in combination with previously developed phases, shall not exceed the maximum allowed density of the total planned residential development.

(b) Common open space intended to be devoted to recreational or leisure-time activities as designated on the approved tentative plan shall be improved as part of the first phase of development, including all planned means of access thereto.
(c) No nonresidential development other than that permitted in common open space shall be constructed until after 30% of the housing units have been constructed.

(d) All through streets designed to ensure adequate access to and within the PRD may be required to be provided concurrent with final approval of the first phase of the tentative plan.

(12) Workforce housing.

Upon the provision of workforce housing as defined by Chapter 200, Zoning, the requirements of this chapter may be modified pursuant to § 200-38.4.

(13) Permits and fees.

The College Township Council or its duly appointed representatives shall have the duty and authority for the administration and general enforcement of the provisions of this chapter, as specified herein. Permits required by the Township for the erection or alteration of buildings, the installation of sewage disposal systems or for other appurtenant improvements to or use of the land shall not be issued by any Township official unless in accordance with the procedures specified herein.

(a) Fees. The Council may establish, by resolution, a schedule of fees and a collection procedure for review and inspection of all applications for approval of a planned residential development plan.

[1] All such fees shall be payable to College Township.

[2] No plan shall be considered as having been filed or accepted for review, inspection or approval unless and until all fees are first paid in full.

(b) Zoning permit. In a planned residential development, a zoning permit shall be required prior to the erection, extension or alteration of any structure and prior to the use or change in use of a structure or land, as required by Chapter 200, Zoning, including § 200-50, Residential site plan review.

(c) Occupancy permit. Upon completion of the erection, extension or alteration of a structure in a planned residential development for which a zoning permit was issued, the applicant shall apply for an occupancy permit, as required by Chapter 200, Zoning.

(14) Violations and penalties.

No changes, including changes in use, bulk and location of structures, quantity and location of open space and density of residential uses, shall be made in the approved final plan, except upon application to the Township under the procedures set forth in this chapter. Any person, partnership or corporation who or which, being the owner or agent of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, stormwater sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon or who sells, transfers or agrees or enters into an agreement to sell any land in a planned residential development, whether by reference to or by other use of a plan of such development, or erect any building thereon, unless and until a plan has been prepared and approved in full compliance with the provisions of this chapter, shall be subject to those penalties prescribed by Sections 515 and 616 of the Pennsylvania Municipalities Planning Code, as amended, which penalties provide for the imposition of fines and other penalties.

(a) The Township may initiate and maintain civil action:

[1] To obtain injunctive relief against the owner or agency who attempts the improper sale or conveyance of land;

[2] To set aside and invalidate any conveyances of land made prior to plan approval of any planned residential development; or
[3] To enforce, at law or in equity, any of the provisions of this chapter.

(b) Nothing herein shall prevent the Township from taking such other action necessary to prevent or remedy any violation.

(15) Property owners' association.

(a) A property owners' association shall be established for the ownership and maintenance of common open space, recreation facilities and other common facilities not dedicated to the municipality.

(b) The requirements and functions of the property owners' association shall be set forth in covenants, restrictions and grants of easements and shall comply with the following:

[1] The property owners' association shall be legally established before any properties are sold.

[2] Membership shall be mandatory for each property owner and any successive buyer.

[3] The common open space shall be guaranteed by restrictive covenants or easements describing the open space and its maintenance by the residents of the development.

[4] The association shall be responsible for all costs of the common elements, including liability insurance, local taxes and the maintenance of facilities.

[5] Property owners shall pay their pro rata share of the costs in the form levied by the association, which can become liens on properties.

[6] The association shall be able to adjust the financial responsibility of its membership to meet changing needs.

(c) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the planned residential development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Township shall not constitute a taking of said common open space nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned residential development, to be held by the Council or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Council or its designated agency shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Council or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a
reasonable condition, the Township may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Council or its designated agency shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, as amended.

(d) The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the prothonotary of Centre County upon the properties affected by the lien within the planned residential development.

(16) Amendments.
Provisions of this chapter may, from time to time, be amended through action of the Council in the manner provided by the Pennsylvania Municipalities Planning Code, as amended.
# Briefing Paper – DPZ CoDesign Form-Based Code in Dale Summit

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Status</th>
<th>Next Steps</th>
<th>Staff/Others</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Interim Zoning Changes in Dale Summit</td>
<td>Topic on August 1, 2023 Planning Commission Agenda and the August 3, 2023 Council Agenda</td>
<td>Staff meeting to discuss changes and how a hybrid approach can be taken at this interim point.</td>
<td>CTC / PC / Lindsay / Mark / Don / Adam / Sharon</td>
</tr>
<tr>
<td></td>
<td>Market Analysis</td>
<td>Market Analysis added to website.</td>
<td>Share Market Analysis with staff, PC, Council</td>
<td>CTC / PC / Lindsay Mike / Adam</td>
</tr>
<tr>
<td>Week Ending</td>
<td>Mapping – Gridics</td>
<td>Continue to work with Gridics to ensure all necessary elements are included in the program.</td>
<td>Use Gridics for reports and zoning analysis of sites being considered/studied.</td>
<td>Lindsay / Shane / Frank / Susan</td>
</tr>
<tr>
<td>July 28, 2023</td>
<td>Plan &amp; Code Preparation</td>
<td>DPZ submitted first Draft for staff review (7/28)</td>
<td>Staff to review code and provide feedback regarding the new regulations, what will work and what may not work.</td>
<td>Lindsay / Mark / Don / CRPA / Adam</td>
</tr>
<tr>
<td></td>
<td>Tour of towns based upon New Urbanism</td>
<td>Gauging CTC, PC, and staff interest in the trip.</td>
<td>Confirm a date(s) during September. Consider staff member(s) spending time in Maryland to review code with DPZ.</td>
<td>CTC / PC / Staff</td>
</tr>
</tbody>
</table>
ATTENDED BY –
COUNCIL:
Dustin Best, Chair
D. Richard Francke, Vice Chair
L. Eric Bernier
Susan Trainor
Anthony Fragola

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

CALL TO ORDER: Mr. Dustin Best, Acting Chair, called to order the July 20, 2023, Regular Meeting of the College Township (CT) Council at 7:01 PM, which followed the Public Hearing for Ordinance O-23-04 Centre Region Rental Housing & Building Safety Code.

ANNOUNCEMENT: With the resignation of Ms. Carla Stilson, Mr. Anthony Fragola was appointed to serve on Council at the June 15, 2023, CT Council meeting and sworn into office on July 12, 2023.

COUNCIL REORGANIZATION: Mr. Best called for nominations for Council Chair.

Mr. Bernier nominated Mr. Best for Council Chair.
Ms. Trainor seconded the nomination.
Mr. Bernier moved to close the nomination.
Motion to nominate Mr. Best as Chair carried unanimously.

Chair Best took the gavel and called for a nomination for Council Vice Chair.

Mr. Bernier nominated Mr. Francke for Council Vice Chair.
Ms. Trainor seconded the nomination.
Mr. Bernier moved to close the nomination.
Motion to nominate Mr. Francke as Vice Chair carried unanimously.

PUBLIC OPEN DISCUSSION: Nothing brought forward.

NEW AGENDA ITEMS: Nothing brought forward.
PLANS: P-1 University Area Joint Authority Land Development Plan

Ms. Lindsay Schoch, AICP, Principal Planner, offered a presentation on the University Area Joint Authority (UAJA) Biosolids Upgrade Project preliminary/final land development plan. The project aims to replace and expand the existing composting facility with an anaerobic digestion and sludge drying process, with the intention to have the capability of receiving and processing imported sludge from other regional wastewater treatment facilities as well as organic wastes to be diverted from landfills. The address of the project is 1576 Spring Valley Road in State College on Tax Parcel 19-002-008E.

The Planning Commission reviewed the plan at the June 27, 2023, PC meeting and recommended approval of the plan. They offered feedback on the risk of toxins in the CT wellhead, truck traffic, and odor control.

Michelle Aukerman, Rettew Associates, answered questions from Council regarding the size and capacity of the odor control system. With the upgrades, the system in larger than necessary.

After the discussion, the following motion was made.

Mr. Bernier made a motion to approve the preliminary/final land development plan of the University Area Joint Authority Biosolids Upgrade Project dated May 19, 2023, and last revised June 16, 2023, subject to the following conditions:
1. Within ninety-days form the date of the approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must be recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety-day recordation time requirement will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments from Staff.
4. Fully comply with College Township Code Section 180-12.
5. Provide proof of NPDES/E&S approval.
6. Provide proof of all necessary permits and approval thereof.
7. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.
Mr. Francke seconded the motion.
Motion carried unanimously.

REPORTS:

a. Manager’s Update

Mr. Brumbaugh, Township Manager, reported that the Dale Summit Area Planning Charrette was successfully completed. A series of weekly updates from DPZ Co-Designis included in the Manager’s Update. He offered the PC would be discussing the modified rezoning request for Shiloh Road.

Mr. Brumbaugh reported that CT partnered with Delta Development and the State College Borough to submit a new $1 million Transportation Alternative Set Aside program grant application (federal) for the Path to Campus. Delta Development is planning to layer grants to cover updated project cost of $3.3 million.
A pre-construction meeting was held for the Centre Hills Village Traffic Calming project. Construction to begin the week of July 31, 2023. Council asked that the Neighborhood Traffic Calming Committee be notified of the project start date.

Mr. Brumbaugh added that included in the Manager’s Report is the project summary report for the Whitehall Road Regional Park – Phase 1A.

b. COG Regional, County, Liaisons Reports

COG Climate Action Sustainability (CAS) Committee: Mr. Fragola reported that the CASC met on July 10, 2023 and discussed the Climate Action and Adaptation Plan dashboard for municipal action and food waste diversion pilots updates.

COG Finance Committee: Mr. Francke reported the Finance Committees met on July 13, 2023, and discussed the Classification and Compensation Study results, budget guidelines, Interim Finance Director consulting fees, and the General Forum Room A/V service agreement.

COG Executive Committee: Chair Best offered the Executive Committee met on July 18, 2023, and discussed the Classification and Compensation Study results and General Forum A/V service Agreement.

Spring Creek Watershed Commission (SCWC): Chair Best offered the SCWC met on July 19, 2023, and discussed Spring Creek Monitoring Project and the 2024 Budget. The budget includes a 0.05-cent increase in municipal contributions. CT contributions to increase from $1,076 to $1,614.

College Township Industrial Development Authority (CTIDA): Ms. Trainor reported the CTIDA met on June 21, 2023, and July 19, 2023, and continue to discuss the Executive Director search, an independent review of CTIDA loan agreements that are held in partnership with the CBICC Revolving Loan Committee and potential clients.

Centre County Metropolitan Planning Organization: Mr. Bernier reported the CCMPO Coordinating Committee met on June 20, 2023. They discussed the State College Area Connector (SCAC) project; the State College Urban Area Boundary update, the 2023-2026 Centre County Transportation Improvement Program (TIP) revisions, the CCMPO Strategic Plan, the Centre County Active Transportation Plan, the 2025-2028 TIP, the FY 2024-2025 Unified Planning Work Program and the CCMPO Long Range Plan 2055.

c. Staff/Planning Commission/Other Committees

Planning Commission (PC): The PC met on July 18, 2023. See Manager’s Update above.

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

Mr. Mike Bloom, Assistant Township Manager, directed attention to the website for a full listing of DEIB upcoming events.

CONSENT AGENDA:

CA-1 Minutes, Approval of
  a. June 15, 2023, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
  a. Centre County Recycling and Refuse Authority Monthly Newsletter, June 2023
  b. Email from David Kolasa, dated June 18, 2023, regarding Dale Summit Area
c. Email from John Pitterle, dated June 18, 2023, regarding Dale Summit Area

d. Email from Anthony Koehle, dated June 19, 2023, regarding Casino

e. Email from Jean T. Witmer, dated June 18, 2023, regarding Casino

f. Email from David Hatfield, dated June 19, 2023, regarding Dale Summit Area

g. Email from Mardi Frye, dated June 19, 2023, regarding Pickleball at Nittany Mall

h. Email from Bob Hohn, dated June 19, 2023, regarding Zoning

i. Email from David Werner MD, dated June 21, 2023, regarding Casino

j. Email from Debbie Harrison, dated June 22, 2023, regarding Dale Summit Area

k. Email from Susan Young, dated June 22, 2023, regarding Dale Summit Area

l. Email from Carol Hine, dated June 22, 2023, regarding Dale Summit Area

m. Email from Jonathan Moore, dated June 21, 2023, regarding Nittany Mall Planning

n. Email from Hollis G. Zelinsky, dated June 21, 2023, regarding Dale Summit Area

o. Email from Jan and Roger Snyder, dated June 20, 2023, regarding Casino

p. Email from Paul and Barbara Ruskin, dated June 20, 2023, regarding Dale Summit Aquatic Center

q. Email from Tsultrim Datso, dated June 20, 2023, regarding Dale Summit Area

r. Email from Sue Smith, dated June 21, 2023, regarding Dale Summit Area Charrette

s. Email from Paul Ruskin, dated June 21, 2023, regarding Traffic Implications of Proposed Casino

t. Email from Phyllis Gardner, dated June 21, 2023, regarding Casino

u. Letter from Penn Terra Engineering, dated June 30, 2023, regarding Time Extension for Rhodes Lane Condominium to October 31, 2023

v. Letter from John Gibson, dated June 30, 2023, regarding Dale Summit Area

w. Email from Judith Sierra-Rivera, dated June 19, 2023, regarding Dale Summit Area

x. Email from Horacio Perezblanco, dated June 19, 2023, regarding Dale Summit Area

y. Email from Chris Byrne, dated June 19, 2023, regarding Dale Summit Area

z. Email from Ileen Carter, dated June 19, 2023, regarding Dale Summit Area

aa. Letter from Langan, dated July 5, 2023, regarding Time Extension for the PSU Environmental Management Facility Project to October 31, 2023

bb. Email from Alex Verseput, dated July 3, 2023, regarding resignation as College Township representative on the C-NET Board of Directors

cc. Letter from Mr. Thomas Fountaine, SC Borough, dated March 28, 2023, regarding Speed Reduction Request-University Dr. between Friends School/Atherton St.

**CA-3 Action Item, Approval of**

a. On-line auction for the sale of surplus equipment

b. Project 23-03 Street Resurfacing bid awarded to HRI, Inc. in the amount of $167,336.50

c. Project 23-10 Storm Sewer CIPP not awarded due to no bids received

d. Request letter, Classic Cones Ice Cream Truck, dated 7/14/23, regarding §171-8.A.(4)

Council asked to pull CA-2.j., CA-2.y., CA-2.cc., and CA-3.b. from the Consent Agenda.

Mr. Bernier made a motion to accept the July 20, 2023, Consent Agenda minus CA-2.j., CA-2.y., CA-2.cc., and CA-3.b.

Mr. Francke seconded the motion

Motion carried unanimously.

**CA-2.j.** Mr. Bernier offered that there is a Trampoline Park in State College and they do have special hours for toddlers only.

**CA-2.y.** Mr. Bernier offered that he appreciates all of the feedback regarding the Dale Summit Area Plan. He offered that many of these suggestions are market driven. A number of suggestions would come from private funding and not public funding.
CA-2.cc.: Mr. Brumbaugh offered the Township received a request letter from the State College Borough Manager asking CT to request a traffic study be completed on University Drive from the intersection of Atherton St. to the Friends School. Council agreed to support this request.

CA-3.b.: Mr. Bernier offered that the contractors in past years were very diligent in accommodating the neighbors while they were completing the resurfacing projects. He hopes this year will not be an exception. Ms. Kernor offered that she sends notification announcements to all neighborhoods in the resurfacing area.

Mr. Bernier made a motion to accept CA-2.j., CA-2.y., CA-2.cc., and CA-3.b. recognizing the acceptance of CA-2.cc. authorizes the Township Manager to write a letter of support to the Borough for the Traffic Study on University Drive. Ms. Trainor seconded the motion. Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-23-04 Centre Region Rental Housing & Building Safety Code

Mr. Brumbaugh, Township Manager, reported that a Public Hearing for Ordinance O-23-04 was held prior to the start of this July 20, 2023, Regular Council Meeting. Ordinance O-23-04 is the mechanism that will be used to repeal and replace the previously adopted (2017) Code with the 2023 version of the Code. If adopted, the 2023 Code standards will become part of Chapter 152 – Property Maintenance and Fire Code in the CT Code.

Council offered no additional comments. The following motion was made.

Ms. Trainor made a motion to approve Ordinance O-23-04 amending Chapter 152, Property Maintenance and Fire Code of College Township. Mr. Bernier seconded the motion. Motion carried unanimously.

OB-2 College Township Official Map

Mr. Mike Bloom, Assistant Township Manager, offered that Council reviewed the Draft Official Map at the May 4, 2023, CT Council meeting. At that meeting, Council directed Staff to prepare a Final Draft Official Map that included the following:

- Any carryover items from existing Official Map;
- State Investment Corridors; and
- Primary and Secondary Investment Corridors and Greenways, as identified in the Pedestrian Facilities Master Plan.

In addition to these three (3) additions to the map, Staff is also recommending Council consider inclusion of the following:

- A path to connect the sidewalk at Hospital Drive to the existing Orchard Road Bike Lanes;
- A path connecting Houserville Road to Puddintown Road through Spring Creek Park; and
- The existing quarry property as a land reservation.
Council asked that Staff move the definition section in the Ordinance to the beginning of the ordinance. They also asked that Staff make a note for the next Official Map review to include a pedestrian path/path from the hospital grounds to Orchard Road.

Mr. Francke made a motion to set a Public Hearing for September 21, 2023, and authorize the Staff to commence the required 45-day Public Review period on the Final Draft Official Map.
Ms. Trainor seconded the motion.
Motion carried unanimously.

**OB-3 Residential Rental Ordinance**

Ms. Lindsay Schoch, AICP, Principal Planner, offered that at the May 18, 2023, CT Council Meeting, Council directed Staff to prepare a remand letter to the Planning Commission (PC) to review the revised intent section of the Residential Rental Ordinance. The PC reviewed the intent section at the June 6, 2023, and the June 27, 2023, PC Meetings.

Staff prepared the proposed Final Draft of the Residential Rental Ordinance O-23-06 with recommendations from the PC, which is before Council for discussion.

Council had no questions or comments regarding the proposed Final Draft Ordinance O-23-06.

Ms. Trainor made a motion to set a Public Hearing for changes to Chapter 160 – Residential Rentals, for September 7, 2023, and authorize Staff to move forward with advertising the ordinance and the Public Hearing.
Mr. Francke seconded the motion.
Motion carried unanimously.

**NEW BUSINESS**

**NB-1a. Parking: R-23-19 Spring Creek Park Puddintown Road Entrance.**

Ms. Amy Kerner, P.E., Public Works Director, offered that several complaints have been received from residents along Spring Creek Lane regarding parking problems associated with events scheduled in Spring Creek Park, more specifically vehicles being parked along the north side of Spring Creek Lane opposite to the head-in parking of the parking lot. A meeting was held on June 9, 2023 between Staff and Centre Region Parks Staff to discuss the various issues. Other parking issues were identified including parking in the grass along the south side of Spring Creek Lane near the park entrance and parking along both sides of Puddintown Road, adjacent to the access road.

Staff recommended several options to Council to control parking:
- Post “No Parking Anytime” signs along the north side of Spring Creek Lane
- Post “No Parking Anytime” signs on the west side of Puddintown Road through the access drive intersection of PSU property.
- Post “No Parking Anytime” signs along the east side of Puddintown Road from the driveway of 111 Spring Creek Lane to the bridge over Spring Creek.
- Strategically place large rock/boulders near the entrance of Spring Creek Lane to prohibit parking on the grass.
Staff prepared Resolution R-23-19, which if approved by Council will authorize Parking Prohibited areas and revise Ordinance #100 Chapter 190 Vehicles and Traffic Section 190-21.

Council offered the following comments:
- If we eliminate parking, this will create parking issues in other areas surrounding the park.
- Optional/additional parking locations if parking is eliminated.
- Posting signs will allow the police to take action for parking violations.
- Large boulders should be placed in areas to support the no parking signage.
- Pictures in the memorandum were helpful to understand the parking issues.
- Staff should give notice to organizations that utilize the park so they can share with their group.
- State College Borough Police should be notified to increase enforcement.

Mr. Bernier made a motion to approve Resolution R-23-19 to establish areas of No Parking Anytime along the north side of Spring Creek Lane and portions of the east and west sides of Puddintown Road.
Mr. Francke seconded the motion.
Motion carried unanimously.

NB-1.b. Parking: Mount Nittany Road

Ms. Kerner, P.E., Public Works Director, offered that as a follow-up to the June discussion regarding parking along Mt. Nittany Road, Staff has prepared a map with the locations of the existing and proposed directional and No Parking Signs for Council consideration. Most of the proposed signs are near the Bell property.

Council offered the following suggestions to Staff:
- Signs not necessary on the east side of the road.
- Add a sign near Pearl Lane that states Trailhead Parking Ahead. Follow Signs.
- Add No Parking Beyond This Point even though there are a few parking spaces near the start of the trail. Parking to be directed to the shale pit parking lot.

NB-2 COG Program Plan

Mr. Brumbaugh, Township Manager, offered Council is to provide consensus comments and potential consensus ranking of the Centre Region Council of Governments (COG) Program Plan. Chair Best led the discussion following the 2024 Program Plan – Municipal Comment Guide.

Office of Administration Budget: CT supports findings of the Compensation Study. Need to bring impacted employees to minimums in one or more years as practicable. Compensation Study underscores need for COG to utilize the BLS standard in calculation of CPI.

Centre Region Code Administration: CT unanimously supports (4) new fire and life safety inspectors/firefighters. Appreciate creative approach to funding position.

Centre Region Planning Agency: CT supports an AmeriCorp Program Sustainability position to assist in providing capacity to the Agency.

Centre County Metropolitan Planning Organization (CCMPO): CT supports adding the 2055 Long Range Transportation Plan to the 2024 CCMPO Budget to provide capacity to MPO. After intense discussion, a consensus of CT to supports adding a CCMPO Transportation Grants Specialist before securing Consultant Support for the Development of Transportation Funding applications. Consulting Services delayed until otherwise practicable.
Parks and Recreation Operating Budget: CT supports a full-time Staff Assistant with time split between Active Adult Center and CPRP Administration. CT can support a full-time Park Specialist I if position is more broadly defined, i.e. position has a primary responsibility at Millbrook Marsh, but available to assist elsewhere. CT cannot make a determination on a Part-Time Rec Aide without more context. CTC supports a full-time seasonal position for the CRPR Parks Operations Division.

Non-Capital Studies & Consultants: CT supports $150,000 to be added to the 2024 budget to support the development of COG Master Facility Plan. CT suggests investigating the potential to fund over two years in 2024 and 2025.

Five-Year Staffing and Study Plans: CT supports 2025 Grant Writer/Administrator if position provides grant writing assistance to all GOG agencies. CT understands the need for a 2025 Deputy Executive Director if there is municipal consensus to fund.

Additional CTC Comments:
- Incorporate COG-wide priorities into rankings in addition to Agency priorities.
- Note that when we commit to capital projects, we commit to the care and upkeep of those facilities.
- New Fire & Life Safety Inspectors/Firefighters must be added in 2024 and some, if not all of the Compensation Study recommendations must be added in 2024. While new positions and thus new spending is justified – unless COG elected officials are supportive of municipal real estate tax increases, program expectations will need to be pared-back for 2024.

NB-3  Multimodal Grant Resolution R-23-20

Mr. Bloom, Assistant Township Manager, offered that College Township continues to pursue funding support for a shared use path to connect from Puddintown Road onto campus of Penn State University, terminating at an existing path near Hastings Road. CT and the State College Borough, with consulting support from Delta Development, intend to pursue multiple grant applications to bring this project to fruition including a PennDOT Transportation Alternatives Set-Aside (TASA) and a Commonwealth Financing Authority Multimodal Transportation Fund (MTF) grants to fund the project, which is now estimated at $3.3 million.

The MTF grant applications are due July 31. In order to apply, a resolution and a letter of funding commitment that indicate both the intent and local support of the project, must be submitted.

Mr. Francke made a motion to approve Resolution R-23-20, in support of the MTF grant request of $1,000,000.
Mr. Bernier seconded the motion.
Motion carried unanimously.

Mr. Francke made a motion to authorize a letter of funding commitment in the amount of $800,000 in local matching funds for the project.
Mr. Bernier seconded the motion.
Motion carried unanimously.

STAFF INFORMATIVES:

No Staff Informatives were pulled for discussion.
OTHER MATTERS:

Mr. Brumbaugh offered that Brandywine Drive pavement is completed. This long awaited connection is now complete.

ADJOURNMENT:

Chair Best called for a motion to adjourn the meeting.

Mr. Francke moved to adjourn the July 20, 2023, Regular College Township Council Meeting.
Chair seconded the motion.

The July 20, 2023, Regular College Township Council Meeting was adjourned at 10:56 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
Building Permits

Developer appeals after ZBA affirms building inspector's decision to deny permits

Citation: BMG Monroe I, LLC v. Village of Monroe Zoning Board of Appeals, 215 A.D.3d 954, 2023 WL 3083087 (2d Dep't 2023)

BMG Monroe I, LLC (BMG) owned close to 80 acres of land in the town and village of Monroe, New York. BMG wanted to develop 181 residential units on the property.

In August 2015, the Village of Monroe Planning Board, which was the lead agency under the State Environmental Quality Review Act (SEQRA), adopted a resolution granting “cluster subdivision approval, conditional final use approval, [and] conditional final site plan approval for the project (hereinafter the resolution).” The resolution, incorporated by reference the SEQRA findings statement, and “required . . . that the siding for the residential units ‘consist of shingles, shiplap, stucco, stone, or brick siding materials,’ that the main rooflines ‘be steeply sloping with 12 on 12 pitch or greater,’ and that the units ‘follow a strict architectural code . . . ensuring that the constructed homes will, to the extent practicable, reflect the architectural styling of the drawings presented in the Draft Environmental Impact Statement.’ ” The resolution also incorporated the plans accompanying the Draft Environmental Impact Statement, which included an architectural drawing called the typical rear elevation drawing.

In 2018, the village’s building inspector denied BMG’s applications for two building permits on the grounds that the building plans did not comply with the conditions in the resolution and the SEQRA findings statement. The inspector determined that the rear elevation of the units as reflected in the building plans did not comply with the typical rear elevation drawing listed in the SEQRA findings statement, the roof pitch of the main roof line submitted on the building plans varied between “12 on 12 to 3 on 12,” and the proposed vinyl siding material was not one of the permitted siding materials.

BMG appealed the determination to the Village of Monroe Zoning Board of Appeals (ZBA). Following a public hearing, the ZBA denied the appeal and affirmed the determination.

BMG then appealed to the court, which dismissed the “Civil Practice Law & Rules Article 78” proceeding, so BMG appealed to the appellate division of the Supreme Court of New York.

DECISION: Affirmed.

The lower court properly dismissed the case because the ZBA’s decision hadn’t been illegal, arbitrary and capricious, or an abuse of discretion.

In an Article 78 proceeding, a court would conduct a limited review of a ZBA’s determination. Specifically, “judicial review [wa]s limited to ascertaining
whether the action was illegal, arbitrary and capricious, or an abuse of discretion.""

Here, "[t]he ZBA concluded that the building permit applications did not comply with the conditions set forth in the resolution and the SEQRA findings statement with respect to the proposed rear elevation of the subject units, the proposed siding materials, and the proposed pitch of the main rooflines," the appeals court noted. This finding "was rational and supported by the record," so the court wouldn't disturb it.

Practically Speaking:
The court reviewed the ZBA's decision to determine if it was illegal, arbitrary and capricious, or an abuse of discretion. If it was none of these things, the decision would stand.

Contributors
Laura Scott, Esq.

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Jurisdictional Issues

Question of whether planning or zoning board had authority to make decision concerning variance request arises


The Silverman Group owned property located at 54-74 South Street, 76-80 South Street, and 10 Pine Street in Morristown, New Jersey, which consisted of 1.8 acres and contained buildings used as offices, restaurants, and retail stores. On April 22, 2019, Silverman filed an application with the Planning Board for approval of a project constructing two floors of additional office space and a new mechanical parking garage on the property.

A month later, the Morristown planning board's planner wrote a memo to the town's land use administrator and zoning officer. The planner opined that the application fell within the exclusive jurisdiction of the Morristown Zoning Board of Adjustment under a specific provision of the New Jersey code because the application required a variance from the maximum floor-area-ratio standard and the mechanical parking garage might require additional relief.

In a letter dated May 31, 2019, Silverman's counsel explained to the planner why Silverman disagreed with the conclusion that the application required a variance for floor-area-ratio or for the parking garage.

In a June 5, 2019 letter, the planner advised Silverman that the application had been deemed incomplete and that several aspects of the application that required revision or supplementation, separate and apart from the jurisdictional issue.

The planner also advised Silverman that it could appeal the incompleteness decision to the Zoning Board within 20 days. Instead of appealing the incompleteness decision to the Zoning Board, in an August 6, 2019 letter to the planner, Silverman, through its attorney, responded to the June 5 memorandum and requested the planning board deem the application complete.

In an August 30, 2019 memorandum to the planner, the attorney evaluated "outstanding jurisdictional issues" and concluded the proposed project exceeded the maximum permitted floor-area-ratio and, consequently, required variance relief. Because only the zoning board could grant that relief, the attorney recommended that the planning board administratively transfer the application to the zoning board.

A November 15, 2019 letter from the attorney then advised the planner that although Silverman maintained the objection about the analysis that the application required a floor-area-ratio variance, it had reduced the square footage of the project and had revised its floor-area-ratio calculation and site plans to eliminate any possible need for a variance. The attorney asked the planning board to deem the application complete, which would enable it to conduct a hearing regarding the application.

In a January 2020 memo, the planner provided supple-
In a February 24, 2021, the planning board attempted to schedule a hearing regarding Silverman’s application. The attorney claimed the board waited until the time period to appeal the January 8, 2021 order had expired on February 23, 2021 and then suggested the hearing take place during one of the planning board’s regularly scheduled meetings on February 25 or March 25, 2021.

The attorney communicated that February 25 was not possible and that she needed to confer with her clients. The planning board took this to mean the attorney would reach out with a proposed date.

Then, Silverman filed another lawsuit, seeking a declaration that the planning board had failed to act on the application in accordance with state law and that the application was approved in its entirety.

The lower court directed the planning board to conduct a hearing and render a decision on outstanding jurisdictional and completeness issues concerning Silverman’s redevelopment application. On appeal, Silverman claimed the court had erred in dismissing the complaint instead of recognizing that it was entitled to automatic approval of the application because on the planning board’s failure to conduct a hearing and decide the application within the 120-day period outlined in New Jersey law (N.J.S.A. 40:55D-61).

DECISION: Affirmed.

There was still a threshold issue for the planning board to decide concerning this matter.

“If the [planning] board has no jurisdiction over the application, [Silverman does] not have a cognizable claim,” the court wrote. “Because the [planning] board must first decide that threshold issue, the trial court appropriately remanded this case, with a specified return date for a hearing on that issue. Because that date has passed, we direct the trial court to confer with the parties and issue an order with a new date,” the court added.

A CLOSER LOOK

The issue here was whether Silverman’s application fell within the planning board’s jurisdiction. Under the MLUL, local zoning boards had the authority to grant variances for “departure[s] from regulations,” which included variances for “an increase in the permitted floor-area-ratio.” “Because zoning boards have the statutory authority to grant variances, ‘a planning board would lack jurisdiction to hear a development application’.” “A planning board cannot usurp authority granted exclusively to zoning boards by the Legislature in the MLUL, and any attempt to do so would be ultra vires,” the court added.

The bottom line: Silverman wanted the court to apply N.J.S.A. 40:55D-61’s “automatic approval provision” even though the planning board might not have jurisdiction over the application. “That cannot be,” the court ruled. “A planning board’s authority to grant or deny an application . . . is premised on the planning board having jurisdiction over the application. A planning board—by its action or inaction—cannot grant or deny an application over which it has no jurisdiction. And nothing in the language of [the applicable law] bestows on a planning board jurisdiction it does not otherwise have.”
Since the planning board hadn’t “yet made the required threshold jurisdictional determination,” the complaint had been properly dismissed.

Comprehensive Permits

Residents challenge decision of zoning board in neighboring town concerning development abutting their properties

Citation: Griffith v. Wright, 2023 WL 3003802 (Mass. Land Ct. 2023)

The plaintiffs owned homes in the Cranberry Meadows subdivision in Franklin, Massachusetts. Hidden Meadow II Realty Trust and its trustee (collectively, Hidden Meadow) were looking to develop a project that abutted their properties in neighboring Bellingham, Massachusetts.

The issue for the Massachusetts Land Court (MLC) to decide was whether the Bellingham Zoning Board of Appeals’ (ZBA) decision to grant Hidden Meadow a comprehensive permit to build an affordable housing on the land in Bellingham was proper.

MORE ON THE FACTS

The sole means for accessing the subject property was over Sunken Meadow Road in Franklin’s Cranberry Meadows subdivision, so the plaintiffs challenged the ZBA’s decision. They raised the question of whether Hidden Meadow had a right to use Sunken Meadow Road for anything since—in their view—the Hidden Meadow project constituted a modification of the Cranberry Meadows subdivision and pursuant to the modification provisions of the Subdivision Control Law, the project may not go forward without their consent and the approval of the Franklin planning board.

The plaintiffs also alleged the project violated Franklin’s zoning bylaw because the zoning district in which Sunken Meadow Road was located did not allow multi-unit residential development like the one approved for Hidden Meadow’s land in Bellingham.

Hidden Meadows contended that it had an express easement in Sunken Meadow Road that provided lawful access to its land. It argued that all of the plaintiffs’ legal theories were merely a disguise for a zoning appeal under state law (G.L. chapter 40A section 17) to annul the comprehensive permit. Under its theory that this was nothing more than a zoning appeal, Hidden Meadows asserted that the plaintiffs lack standing to contest the Bellingham Zoning Board’s decision, so the case should be dismissed.

DECISION: Granting of comprehensive permit upheld.

The Bellingham Zoning Board acted under proper authority in issuing the permit.

The plaintiffs contended an affordable housing development would overburden the Sunken Meadow Road easement because that use could not have been contemplated by the parties that created the easement. They also claimed the 28-lot project approved by the comprehensive permit was denser than what was permitted by zoning and, thus, the easement would be overburdened by the project.

“That argument takes too narrow a view of the settled caselaw,” the MLC wrote. “The Sunken Meadow Road easement was created by reservation in 1987 for the purpose of benefitting the Bellingham land for future development,” the court explained.

Further, “[t]he language used to describe the easement contained no express restrictions or limitations on use. Rather, it created a general right of way to be used by the owner of the Bellingham land for such purposes as would be reasonably necessary for the full enjoyment of land.” The purpose was “further confirmed by the layout of Sunken Meadow Road depicted on the approved subdivision plan, which was 56 feet in width, with a paved width of 28 feet. At the time of its creation, the land in Bellingham was zoned residential so it was reasonable to infer that the use intended for Sunken Meadow Road included access to a residential development in Bellingham, subject to Bellingham zoning bylaws and subdivision rules and regulations.” Further, “Chapter 40B, enacted in 1969 for the purpose of creating affordable housing, existed and permitted the construction of affordable housing on land like the Bellingham land,” the MLC added.

A CLOSER LOOK

Based on the evidence presented at trial, three things were evident:

- the physical characteristics of the easement;
- the general language used to describe its purpose; and
- Cranberry Meadows residents’ knowledge that Sunken Meadow Road could someday be extended into Bellingham for the purpose of further development.

“The Sunken Meadow Road easement was created by reservation in 1987 for the purpose of benefitting the Bellingham land for future development.”

The bottom line: The MLC found the development project wouldn’t overburden the easement. “While the project was denser than permitted as of right in Bellingham or Franklin, it was a reasonable use of Sunken Meadow Road based on the language of the easement and Hidden Meadow’s right to full enjoyment of the Bellingham parcel.”

Case Note:
The plaintiffs also asked the MLC to review the Bellingham Zoning Board’s decision and alleged several legal theories as to why the proposed Hidden Meadow project lacked adequate easement rights in Sunken Meadow Road to support access to the project.
Short-term Rentals

Property owner claims township's finding that short-term rental operations violated zoning resolution erroneous

Citation: Purple Munky Property Co., LLC v. Walnut Township, Fairfield County, Ohio, 2023 WL 3069752 (S.D. Ohio 2023)

Purple Munky Property Co. (Purple Munky) owned homes on or near Buckeye Lake, Ohio. It wanted to make the properties available for short-term rental through online platforms like Airbnb and VRBO.

In January 2023, Purple Munky received final notice letters from the Walnut Township (Ohio) zoning inspector stating that the intended rental activity would violate the Walnut Township Zoning Resolution of 2015. Each notice stated it couldn’t operate the properties as “tourist homes” because the residential districts in which the properties were located weren’t zoned for tourist home use.

Purple Munky sought a preliminary injunction to require the township to allow it to rent the properties on a short-term basis.

DECISION: Request for injunction denied.

Purple Munky hadn’t established a strong likelihood of success on the merits.

Purple Munky contended that:

- The zoning resolution on its face didn’t bar it from using the properties as STRs;
- The zoning inspector’s interpretation of the resolution as barring STRs violated the Dormant Commerce Clause; and
- The resolution, as applied, constituted a violation of the Takings Clause.

PURPLE MUNKY’S BURDEN

A preliminary injunction was available when a movant could establish:

- a strong likelihood of success on the merits; and
- they would suffer irreparable injury absent a stay.

A court considered additional factors, too:

- whether granting the stay would cause substantial harm to others; and
- whether the public interest would be served by granting it.

It was Purple Munky’s burden as the party seeking the injunction to justify relief. And while none of the above factors was controlling if the movant couldn’t demonstrate a likelihood of success on the merits that would generally be fatal to the request. Also, “[t]he movant must further show that ‘irreparable injury [was] likely in the absence of an injunction.’ In other words, ‘[a] mere possibility of injury [was] not enough.”

A CLOSER LOOK

Zoning resolution’s silence on STRs—Purple Munky claimed that because the resolution was silent on STRs, its desired use should be permitted. While it was “correct that the [resolution] . . . did not contain any reference to STRs,” it was “incorrect” to interpret “that silence” to indicate “permission.”

A preliminary injunction was available when a movant could establish a strong likelihood of success on the merits; and they would suffer irreparable injury absent a stay. A court considered additional factors, too: whether granting the stay would cause substantial harm to others; and whether the public interest would be served by granting it.

“The Resolution expressly provide[d], ‘Any unlisted use shall be prohibited,” the court noted. And Purple Munky hadn’t “pointed to any other provisions . . . which would undermine the clear language . . . that unlisted uses are prohibited.”

Dormant Commerce Clause—Under the Commerce Clause, Congress had the power to regulate commerce among states, foreign nations, and with Indian tribes. It was also interpreted as barring states from unjustifiably discriminating against or burdening “the interstate flow of articles of commerce.”

Thus, “[t]he dormant Commerce Clause was driven by concern about ‘economic protectionism—that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.”

Here, Purple Munky hadn’t “demonstrated how the dormant Commerce Clause would apply to the facts of the case. In the typical dormant Commerce Clause scenario, out-of-state parties challenge a state or local regulation which favors local interests.” In this case, Purple Munky owners resided in Ohio and either owned property or worked in Walnut Township.

Further, it wasn’t alleged that the zoning resolution was discriminatory on its face or purposefully discriminated against out-of-state competitors. For instance, it wasn’t alleged that “Walnut Township allowance[s] property owners who [were] Ohio residents to offer short-term rentals but prohibit[ed] non-resident, out-of-state property owners from making short-term rentals.”

In the end, the Dormant Commerce Clause argument also failed because the Purple Munky couldn’t show that the zoning resolution “impose[d] an undue burden on interstate commerce because it prevent[ed] [owners] from hosting interstate travelers.” “Local land use regulations do not impose a burden on interstate commerce merely because they disappoint would-be visitors from out of state or cause
a loss in tourism business to the local economy,” the court noted.

**Takings Clause**—Under the Takings Clause, private property could not be taken for public use without just compensation. The court explained there were two types of takings:

- actual, physical; and
- regulatory.

Here, Purple Munky owners didn’t allege actual, physical takings. Thus, this case hinged on whether a regulatory taking had occurred with the “government ‘go[ing] too far’ in restricting land use.”

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“The Resolution expressly provide[d], ‘Any unlisted use shall be prohibited,’” the court noted. And Purple Munky hadn’t “pointed to any other provisions . . . which would undermine the clear language . . . that unlisted uses are prohibited.”

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The bottom line: At this early stage, the takings claim failed on procedural and substantive grounds. The court found the claim was unripe because Purple Munky had received final notices of violations, which advised it of the right to apply for a re-zoning of their properties. Also, it hadn’t shown it “reasonable investment-backed expectations which were disrupted by Walnut Township.”

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**FINAL NOTE**

The court explained when the properties were purchased they were “subject to the zoning district and permitted uses which [were] currently in effect—neither STRs nor tourist homes were permitted or conditional uses when they acquired their properties.”

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**Case Snapshot:**

*This case examined whether a property owner was likely to succeed on the merits of their claim that a local zoning resolution, which didn’t expressly bar STRs, therefore permitted them.*

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**Zoning News Around The Nation**

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**Idaho**

Boise’s planning and development staff recommend approval of new code text and comprehensive plan amendments

The City of Boise, Idaho seeks to amend its development code and associated zoning map. In addition to the proposed code text amendment, it seeks to make a comprehensive plan amendment to ensure that the comprehensive plan accurately reflects new zoning districts, Boise’s Planning and Development Services wrote in a newly published report.

In the report, the Planning and Development Services staff recommend approval.

In support of its decision concerning the code text amendment, the staff wrote, “To successfully implement the City of Boise’s comprehensive plan and define a clear path forward that will allow our city to protect the things that make it special, a modern zoning code and new zoning map are necessary.” “The proposed development code will provide modern tools to implement the city’s long range planning goals and create a city for everyone by allowing people to have a choice in where they live, how they move throughout the city, where they are employed and shop, and ensure they are surrounded by safe and healthy environments.” The staff added that the proposed code complies with city code approval criteria.

Concerning the comprehensive plan amendment, staff wrote, “For the comprehensive plan to effectively define the general vision for our community’s long-term future through the creation of goals, objectives, policies, and our Future Land Use Map, the language and terminology within the comprehensive plan, the development code, the zoning map, and the Local Land Use Planning Act must be consistent and support one another.” They added that “The proposed comprehensive plan amendment provides that clarity and complies with the [city code] approval criteria.”


Source: *cityofboise.org*

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**Indiana**

Purdue University’s Extension Land Use Team studying commercial solar and wind county ordinances

The Purdue University Extension Land Use Team, in collaboration with the Indiana Office of Energy Development, is publishing renewable energy reports to foster discussion of renewable energy land-use regulations.

The announcement of the reports came after the Indiana General Assembly passed Senate Bill 411 in 2022, which creates voluntary commercial solar and wind regulation standards. A Purdue press release explained communities in the state of Indiana that plan to qualify as Indiana “solar or wind energy ready communit[ies]” must evaluate how their county ordinances compare with the Indiana state voluntary standards.

For more information on the studies, which compare voluntary state standards to current Indiana county zoning ordinances using Indiana Renewable Energy Community Planning Survey and Ordinance Inventory Summary data the Land Use Team completed in 2021, visit *extension.purdue.edu/cdext/thematic-areas/community-planning/collaborative-projects/indiana-renewable-energy-community-planning-study-and-ordinance-inventory-summary.html*.

Source: *purdue.edu*

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**Massachusetts**

Nantucket seeks to amend STR regulations, a move that could result in fewer available rental units

At its May 2023 Annual Meeting, the Town of Nantucket,
Massachusetts was slated to consider “Article 60,” a proposed zoning bylaw amendment concerning short-term rental (STR) accessory use. According to the meeting warrant, the town is considering whether to Chapter 139 of its current ordinance so that it contains a new provision that would “authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative to” short-term rentals being permitted on owner-occupied properties.

Further, the warrant noted that “In residential districts, Short-Term Rentals are permitted on Owner Occupied properties. For purposes of this section 139 only, the duration of Owner Occupied shall be at least six months in each calendar year. For non-Owner Occupied properties in residential districts, a Short-Term Rental shall be considered a permitted accessory use provided (1) the primary dwelling and secondary dwelling, if applicable, are each used for long-term residential use more than short-term rental use; and (2) the Short-Term Rental is registered with the Town in accordance with General Bylaw [section] 123.” “All other STRs in residential districts are prohibited,” it added.

To read the warrant, visit nantucket-ma.gov/DocumentCenter/View/42840/2023-Annual-Town-Meeting-and-Election-Warrant-as-adopted-by-the-Select-Board-PDF.

Source: nantucket-ma.gov

Pennsylvania

Nonprofit concludes new zoning rules are helping curtail rent growth and increase housing options in four metro areas

The Pew Charitable Trast, which relies on data to address challenges facing areas such as conservation, community, finance and the economy and more, recently concluded that zoning changes in four metropolitan areas—Minneapolis; New Rochelle; New York; Portland; Oregon; and Tysons, Virginia—have allowed for more housing, which has curtailed rent growth, leading to savings for tenants.

“Higher rents have helped push up inflation because housing costs make up one third of the inflation index,” the nonprofit explained. “In recent years, more states, cities, and towns have reformed their zoning—that is, rules dictating what can be built where—and now allow far more housing than before. The Pew Charitable Trusts examined the changes in these four jurisdictions because they all have received attention for revising their formerly restrictive zoning codes and allowing more housing.”

For more information, including a breakdown on how these jurisdictions, which relaxed zoning, have kept rent growth in check, visit pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents.

Source: pewtrusts.org

Virginia

Alexandria’s Zoning for Housing/Housing for All initiatives explained

The City of Alexandria, Virginia’s city council voted in November 2022 to go forward with consolidating and accelerating remaining “Zoning for Housing/Housing for All” initiatives included in the adopted FY 2023 Interdepartmental Long Range Planning Work Program in support of the production of market and affordable housing.

“Safe and affordable housing is still a challenge for many Alexandrians due to a lack of supply and because of institutional barriers to equitable access,” its website stated, explaining that Zoning for Housing constitutes robust zoning reform proposals focused on expanding housing production and affordability and addressing past and current barriers to equitable housing access.

In addition to exploring solutions to long-standing challenges through proposed zoning ordinance amendments, the initiatives will explore the impacts of past discrimina-
tory housing policies on people of color and/or those who are low-income. The initiatives will also examine setting equity goals and metrics for zoning policies.

Proposed 2023 Zoning for Housing Initiatives concern:

- historic development patterns;
- coordinated development districts and affordable housing;
- expanded housing opportunities in single family zones;
- industrial zoning analysis;
- expansion of transit oriented development;
- residential multi-family zone analysis;
- townhouse zoning analysis;
- office to residential conversions; and
- bonus height text amendment.

For links to information about upcoming meetings, a community comment form, overall project schedule, and more, visit https://www.alexandriava.gov/planning-and-zoning/zoning-for-housinghousing-for-all.

Source: alexandriava.gov

Washington, D.C.

Urban Institute releases study on land-use reforms, housing costs

The Urban Institute has authored a study “Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability?” where the study’s authors generated “the first cross-city panel dataset of land-use reforms that increase or decrease allowed housing density and estimate their association with changes in housing supply and rents” using machine-learning algorithms to search U.S. newspaper articles from 2000 and 2019 that were manually coded for accuracy. That data was merged with U.S. Postal Service information based on per-city counts of addresses and Census data on demographics, rents, and units affordable to households of different incomes.

The authors concluded that “reforms that loosen restrictions are associated with a statistically significant 0.8% increase in housing supply within three to nine years of reform passage, accounting for new and existing stock,” the abstract stated.

To read the abstract on this study, visit journals.sagepub.com/doi/10.1177/00420980231159500. And for more on the Urban Institute, visit urban.org/research/publication/land-use-reforms-and-housing-costs.

Source: urban.gov
LAND DEVELOPMENT PLAN COUNCIL ACTION DEADLINES

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<tr>
<th>Title</th>
<th>Submitted</th>
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<tr>
<td>Summit Park Subdivision</td>
<td>7/17/2023</td>
<td>October 15, 2023</td>
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<tr>
<td>Medlar Field LDP</td>
<td>7/17/2023</td>
<td>October 15, 2023</td>
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LAND DEVELOPMENT PLAN ACTIVITY

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<th>Recording Deadline</th>
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<td>Stocker Body Shop</td>
<td>September 8, 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; 5/17 sent email detailing extension request and fee; 6/1 extension approved, sent letter 6/2; 8/8 plan delivered for signatures, need recorded DSAME</td>
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<td>Rhodes Lane Condos</td>
<td>October 31, 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; 4/17 revision submitted, comments due 4/21; to CTC 5/4; conditional approval sent 5/5; 5/18 received and approved surety estimate; 6/30 received ext. request, to CTC 7/20, approval letter sent 7/21</td>
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<td>Arize Federal Credit Union</td>
<td>August 15, 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; comments sent 1/13; to PC 1/17; revision due 2/6; comments due 2/10; to CTC 2/16;</td>
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MNMC – Bed Tower          October 3, 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; 6/9 90-day ext requested; 6/15 extension approved, 6/16 approval sent to Kirsch and Saville; grubbing permit may be issued prior to recording and surety; surety estimate being discussed.

PSU – Environmental Health & Safety Chemical & Radiation Waste Accumulation Facility October 31, 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; to CTC 5/4; conditional approval sent 5/5; 6/30 sent email for ext. request, spoke w/ Erminio; 7/6 received ext. request, to CTC 7/20, approval letter sent 7/21; addressing meeting 8/8, decided building title is acceptable at this point, to be addressed w/ 911 Jan 2024.

UAJA Biosolids Upgrade Project October 18, 2023  5/22 submitted, comment request sent 5/22; Comments due 6/2; revision due 6/12 (unable to make the revision deadline, extended to 6/19); revision received 6/16; to PC 6/27; to CTC 7/20; conditional approval letter sent 7/21, accepted 7/27.

Summit Park Subdivision          October 15, 2023  7/17 submitted, comment request sent 7/18; comments due 7/28; revision due 8/7; comments due 8/11; to PC 8/14.

Medlar Field LDP          October 15, 2023  7/17 submitted, comments request sent 7/18; comments due 7/28; revision due 8/7; comments due 8/11; to PC 8/14.

MINOR PLANS

Wendle Subd/Lot Addition Submitted 7/13/2023  send to Schnure, Kauffman, Boeckel; comments
Bonfire BBQ

Expires 9/25/2023
Submitted 7/27/2023
sent to Schnure, Kauffman, Boeckel; comments due 8/4; revision due 8/14

Expires 9/11/2023
due 7/21; comments sent 7/21; revision due 7/31; recorded 8/3, waiting for deeds to be recorded

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; 1/11/2023 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; 5/3 Stakeholders identified, pre-charrette May 24; Charrette to take place 6/19-6/23, supplies being collected, possible dry run 6/16; Charrette successfully took place 6/19-6/22; Market analysis under staff review, sent to PC 8/3

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; LTAC meeting 1/11/2023; ballots due 2/3; meeting 2/8; CTC 2/16; CTC gave go ahead to prepare bid packet; Bid opening 4/27 2pm; Bid to CTC 5/4 (4 options to be presented); Bid rejected, re-bid advertised 5/11 & 5/15; Bid opening 5/26 2pm; to CTC 6/1, awarded to Mid-State Paving; 6/2 award letter sent, original signed agreement contract due 6/16; contract received & signed, emailed and mailed hard copy original and bid bond 6/19; Don to set pre-construction meeting; precon meeting 7/14; to mark out tentatively week of 7/24; construction to begin tentatively 7/31; 8/9 humps constructed, painting week of 8/14

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); dedication of traffic calming 4/21; ongoing

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; 5/3 consultant chosen; PO for Adam to sign and return to Nick; meeting 8/9

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 (4/13); PC should wrap up at 4/18 meeting; PC recommendations and DRAFT to CTC 5/4; CTC reviewing in detail; CTC to set public hearing after revisions made (update OMap & include Ped Plan info); to CTC 7/20, public hearing set; as of 8/9 public process is underway; ongoing

Zoning Amendment Consideration
Council remanded to PC 2/16; 3/7 PC introduced to rezoning consensus is to wait for DPZ; to PC 4/18, recommends waiting for Dale Summit Master Plan (12 months); to CTC 5/18, Council considered PC recommendation and staff recommendation; PRBD to allow R-3; two draft ordinances to be presented to CTC 6/15 (R-3 as limited use/R-3 as conditional use); to PC 6/27, consensus to wait for all PC members to be present to discuss; to PC 7/18, 8/1, 8/15; to CTC 8/3 8/17?

ENGINEERING BOND/LOC SURETY EXPIRING SOON

*No surety to expire in September

Aspen Heights (October 8th)
Gaslight Circle (Barnbridge Subdivision) (October 31st)

LDP’s UNDER CONSTRUCTION

Aspen Heights
Canterbury Crossing
Evergreen Heights
Jake’s Fireworks
Steve Shannon
Winfield Heights
C3 Phases 1 & 4
State College Area Food Bank
IN THE COMMONWEALTH COURT OF PENNSYLVANIA

STADIUM CASINO RE, LLC, :  

Petitioner, :  

v. :  DOCKET NO.: 249 MD 2021  

PENNSYLVANIA GAMING CONTROL BOARD, :  

SC GAMING OPCO LLC, :  

and :  

IRA LUBERT, :  

Respondents. :  

PRAECIPE PURSUANT TO PENNSYLVANIA RULE OF APPELLATE PROCEDURE 751 TO TRANSFER THE PARTIES’ CROSS-MOTIONS FOR JUDGMENT ON THE PLEADING RELATIVE TO THE PENNSYLVANIA GAMING CONTROL BOARD’S COUNTERCLAIM TO THE PENNSYLVANIA SUPREME COURT

On April 10, 2023, the Pennsylvania Gaming Control Board (“Board”) filed an Answer to the Petition for Review filed by Stadium Casino RE, LLC (“Stadium”). The Answer included a counterclaim seeking a declaratory judgment regarding the applicability of Section 1308(c) of the Pennsylvania Race Horse Development and Gaming Act (“Gaming Act”), 4 Pa.C.S. § 1308(c).
On May 10, 2023, Stadium filed an Answer to the counterclaim and an Application for Summary Relief which challenged the constitutionality of this provision.

Pursuant to 4 Pa.C.S. § 1904, the Pennsylvania Supreme Court has “exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning the constitutionality of” any provision of the Gaming Act. Accordingly, the Board respectfully requests, pursuant to Pennsylvania Rule of Appellate Procedure 751, Pa.R.A.P. 751, that the Prothonotary transfer consideration of the Board’s counterclaim to the “court of appropriate jurisdiction,” the Pennsylvania Supreme Court.

Specific Facts Requiring Transfer of this Dispute to the Supreme Court

In further support of this Praecipe, the Board avers as follows:

1. At issue are four (4) paragraphs of the Board’s April 10, 2023 Answer, New Matter and Counterclaim in Response to Stadium Casino RE, LLC’s Petition for Review in the Nature of a Complaint for Declaratory Judgment and in Mandamus Seeking Injunctive and Other Equitable Relief (“Board Counterclaim”) filed in this matter, repeated verbatim, as follows:

---

1 The factual and procedural history between the parties to this litigation is lengthy and involves ongoing disputes in both this Court and the Pennsylvania Supreme Court. For the sake of brevity and expediency, this Praecipe provides only the needed facts, procedure and legal authority to support the Board's clear right to have the pending cross-motions for judgment on the pleadings transferred to the Pennsylvania Supreme Court, as only that court has jurisdiction to hear same.
Section 1308(c) of the Gaming Act, 4 Pa.C.S. § 1308(c) states:

(c) Adverse litigation.—Notwithstanding any law to the contrary, the Board and the commissions shall not consider any application for a license if the applicant or any person affiliated with or directly related to the applicant is a party in any ongoing civil proceeding in which the party is seeking to overturn or otherwise challenge a decision or order of the board or commissions pertaining to the approval, denial or conditioning of a license to conduct thoroughbred or harness horse race meetings respectively with pari-mutuel wagering or to operate slot machines. This subsection shall not be interpreted to affect the rights of applicants to seek judicial enforcement of mandatory obligations of the board as may be required by this part.

4 Pa.C.S. § 1308(c) (emphasis added).

Section 7532 of the Declaratory Judgments Act, 42 Pa.C.S. § 7532, grants “[c]ourts of record,” the “power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” The provision further states that “[n]o action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect, and such declarations shall have the force and effect of a final judgment or decree.” Id.

Various entities and persons affiliated with or directly related to Stadium have applied, or in the future will apply, for a license with the Board. This includes the Slot Machine Licenses awarded for the operation of Live! Philadelphia and Live! Pittsburgh, as well as
employees, principals, or key employees of Stadium’s two licensed facilities or other related individuals or entities.

114. The Board respectfully requests that the Court enter a declaratory judgment determining whether, under 4 Pa.C.S. § 1308(c), the Board is prohibited from considering any application for a license by any person affiliated with or directly related to Stadium in light of Stadium’s challenges in the instant Petition for Review.

2. The Board raised this counterclaim seeking the Court’s guidance as to the applicability of 4 Pa.C.S. § 1308(c) because this case is unique in that a Board licensed slot machine licensee (Stadium) has commenced a lawsuit against the Board, outside of SC Gaming’s licensing proceedings, challenging the Board’s authority to consider SC’s Gaming application.

3. As one would expect, on May 10, 2023, Stadium filed an Answer to Respondent Pennsylvania Gaming Control Board’s New Matter and Counterclaim challenging the applicability of Section 1308(c) to its actions.

4. Simultaneously, Stadium filed an Application for Summary Relief in the Nature of a Motion for Judgment on the Pleadings on the Board’s Counterclaim (“Motion for Judgment on the Pleadings”) wherein it challenges the constitutionality of Section 1308(c), under the United States Constitution stating it has:
“. . . serious constitutional concerns inherent in conditioning Stadium’s and its affiliates’ ongoing gaming operations in the Commonwealth upon Stadium forfeiting its First Amendment right to seek judicial redress against the Board.” Motion for Judgment on the Pleadings at Pg 3.

and

“. . . serious constitutional concern that application of Section 1308(c) would create an unconstitutional condition for license applicants who seek to exercise their First Amendment rights. Simply put, the Court should not countenance the Board’s inappropriate efforts to punish Stadium for exercising its right to challenge what it believes to be ultra vires governmental conduct. Id at Pg. 9.

and

“. . . serious concerns over the provision’s constitutionality. Id at Pg. 19.

And, further stating that

“A government agency may not deny a benefit to a person on a basis that infringes his constitutionally protected interests – especially, his interest in freedom of speech.” (citing Perry v. Sindermann, 408 U.S. 593, 597 (1972)(internal quotes omitted). Id at Pg. 19.

and that

“the government may not “deny a benefit to a person because of his constitutionally protected speech or associations. Otherwise, his exercise of those freedoms would in effect be penalized and inhibited.” citing Perry and Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595, 595 (2013)(internal quotes omitted). Id at 20.

5. Stadium also challenges Section 1308(c) under the Pennsylvania Constitution, stating:
“The Pennsylvania Constitution provides equally broad, if not broader, protections as the First Amendment of the United States Constitution” \textit{Id} at 20.

and


6. Stadium ultimately closes its Motion for Judgment on the Pleadings arguing that “Stadium cannot be punished for exercising its constitutional right to bring a lawsuit challenging \textit{ultra vires} governmental conduct.” \textit{Id} at 21.

7. On May 24, 2023, the Board filed a Cross-Motion for Judgment on the Pleadings relative to the applicability of Section 1308(c), agreeing with Stadium that the question was one of law, not reliant on any facts in dispute.

8. Thereafter, on June 7, 2023, Stadium filed a \textit{Response to the Pennsylvania Gaming Control Board’s Cross-Application for Summary Relief in the Nature of a Motion for Judgment on the Pleadings} (“Response”), ostensibly backing off of its constitutional claims against Section 1308(c), and going so far as to title a section of its Response as “Stadium Does Not Ask the Court to Decide The Constitutionality of Section 1308(c).” Response at Pg. 13.
9. Upon closer review, however, Stadium does not walk away from these claims at all, suggesting instead that it be allowed to argue non-constitutional related claims regarding Section 1308(c) to this Court and, if not successful, that it get a second bite at the apple arguing constitutional claims regarding Section 1308(c) before the Pennsylvania Supreme Court at some later time stating “of course, if this Court accepts the Board’s new interpretation of Section 1308(c), Stadium reserves the right to separately bring a constitutional challenge to the statute in the Supreme Court’s original jurisdiction.” Response FN 3.

10. On June 30, 2023, this Honorable Court ordered that the cross-motions for judgment on the pleadings be listed for oral argument during the September term of the Court.

**Specific Legal Basis Requiring a Transfer to the Supreme Court**

11. Section 1308(c) is a provision found in The Pennsylvania Race Horse Development and Gaming Act. 4 Pa.C.S. §1101, 1308(c).

12. In its Motion for Judgment on the Pleadings, Stadium challenges the constitutionality of Section 1308(c) under both the United States Constitution and the Pennsylvania Constitution and Stadium never withdrew that challenge, suggesting instead that this matter be bifurcated into two separate proceedings, one with the Commonwealth Court deciding
non-constitutional related challenges to Section 1308(c), and another with the Supreme Court deciding constitutional challenges.

13. In fact, having now read Stadium’s arguments as to why Section 1308(c) is unconstitutional, the Board seeks a judicial review of the constitutionality of Section 1308(c).

14. Section 1904 of The Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §1904 reads as follows:

“The Pennsylvania Supreme Court shall have exclusive jurisdiction to hear any challenge to or render a declaratory judgment concerning the constitutionality of this part.” Id. (emphasis added).

15. This Honorable Court does not have jurisdiction to entertain any constitutional challenges to Section 1308(c). As a result consideration of the cross-motions for judgment on the pleadings – both of which are interested in determining whether Section 1308(c) is constitutional - must be transferred to the Pennsylvania Supreme Court for consideration.²

16. The Pennsylvania Rules of Appellate Procedure provide that “if an appeal or other matter is taken to or brought in a court . . . which does not have jurisdiction . . . the court . . . shall transfer the record thereof to the proper court of this Commonwealth.” Pa.R.A.P. 751(a). Moreover, the “matter

² Pursuant to Pa.R.A.P. 741, the Board’s failure to object to the jurisdiction of this Honorable Court in the matter at hand risks it waiving any such claim.
may be transferred from a court to another court under this rule by order of the court or by order of the prothonotary . . .” Pa.R.A.P. 751(b). See also the Pennsylvania Rules of Civil Procedure at Pa.R.C.P. 213(f) and 1032(b), providing similar mechanisms by which matters can be transferred between courts.3

WHEREFORE, for the forgoing reasons, the Board respectfully requests consideration of the cross-motions for judgment on the pleadings, and all filings related thereto, be immediately transferred to the Pennsylvania Supreme Court and that oral argument on said motions scheduled before this Honorable Court during its September term be cancelled.

Respectfully submitted:

/s/ Stephen S. Cook
Stephen S. Cook
Chief Counsel
PA Attorney ID No. 77807

Chad W. Zimmermann
Deputy Chief Counsel
PA Attorney ID No. 314872

Daniel Straszynski
Assistant Chief Counsel
PA Attorney ID No. 208866

Attorneys for Respondent
Pennsylvania Gaming Control Board

Dated: August 4, 2023

3 Pa.R.A.P. 106 and 1517 provide that the Pennsylvania Rules of Civil Procedure can be used when an appellate court is sitting in original jurisdiction, as is the case instantly.
CERTIFICATE OF COMPLIANCE

I certify this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Dated: August 4, 2023

/s/ Stephen S. Cook
Stephen S. Cook
Chief Counsel
CERTIFICATE OF SERVICE

I, Stephen S. Cook, hereby certify that on this 4th day of August 2023, I caused a true and correct copy of the foregoing Praecipe to be served via the Court’s PACFile system, upon the following:

Mark A. Aronchick, Esquire
Jason A. Levine, Esquire
Gianni M. Mascioli, Esquire
Cary L. Rice, Esquire
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, PA 19103
Attorneys for Stadium Casino RE, LLC

Stephen J. Kastenberg, Esquire
Adrian R. King, Jr., Esquire
Michael D. Fabius, Esquire
Thomas W. Hazlett, Esquire
Brian N. Kearney, Esquire
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
Attorneys for SC Gaming OPCO, LLC and Ira Lubert

/s/ Stephen S. Cook
Stephen S. Cook
Chief Counsel
PA Attorney ID No. 77807
Pennsylvania Gaming Control Board
### DOCKET ENTRY

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<td>Answer to New Matter Aronchick, Mark Alan Levine, Jason A. Rice, Caroline Layne</td>
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## SESSION INFORMATION

- **Journal Number:** 47-09-2023
- **Consideration Type:** En Banc Argument
- **Listed/Submitted Date:** September 13, 2023