MEETING MINUTES
CENTRE COUNTY PLANNING COMMISSION
November 21, 2006

Members Present: Robert Corman, Chairman; Freddie Persic, Vice Chairman; Kevin Abbey, Secretary; Tom Hoover; Jack Shannon and Cecil Irvin

Members Absent: Tom Poorman

Staff Present: Bob Jacobs; Chris Price; Anson Burwell; Chris Schnure; Dennis Bloom; Linda Marshall and Mary Wheeler

Others Present: John Sepp, PennTerra, Inc.; Marty Meiser & Wayne Engle, Knapka Surveying; Ann Danahay, CDT Reporter; Lou Hoover, Community Development Block Grant Planner for State College Borough; Jim Martin, Cleveland Brothers Equipment; Al Pauline, Manager of Design, R.A. Lamb, Inc. and Rex Mattern, Developer

1. **Call to Order – Pledge of Allegiance**

Chairman Corman called the meeting to order at 6:00 p.m.

2. **Citizen Comment Period**

None

3. **Approval of Minutes**

A motion was made by Mr. Irvin to approve the minutes of October 17, 2006, seconded by Mr. Abbey. Motion carried.

4. **Planning Commission Member Updates**

None

5. **Old Business**

None
6. **New Business**

- **Centre County MPO Update – Mike Bloom**

  Mr. Bloom reviewed Attachment #1 with the Planning Commission members.

  Mr. Bloom stated that Michelle Barbin is now the Snow Shoe Borough Representative for the Mountaintop Planning Region of the CCMPO Technical Committee. She attended her first meeting on November 1, 2006. Also, Jadine Reese, Worth Township Supervisor volunteered to serve as the Upper Bald Eagle Planning Region’s Representative to the MPO Coordinating Committee. As of today she has received 5 out of the 6 confirmations and the final confirmation should be received shortly.

  MPO Technical Committee meeting dates and times have changed for 2007 to 9:30 a.m. on the second Wednesday of the month. The next meeting is scheduled for Wednesday, January 10, 2007 at 9:30 a.m. and the location has yet to be determined.

  The MPO website has changed to www.ccmpo.net.

- **Affordable Housing Economic Toolkit – Erica S. Belser, Penn State Graduate Student**

  Linda Marshall introduced Ms. Belser, a Penn State Graduate Student in the Agricultural Economics and Rural Sociology Department’s Community and Economic Development program. As part of her Masters Degree requirements, Ms. Belser is working with the Centre County Affordable Housing Coalition on developing an affordable housing toolkit for municipal officials and developers.

  Ms. Belser reviewed a powerpoint presentation with the Commission members (Attachment #2).

  Affordable Housing is defined as “paying no more than 30% of a household’s gross income on housing costs, with the 70% remaining to go to all other expenses; groceries, clothing, transportation, health care, repairs, debt payments, etc.”

  Discussion ensued.

  Chairman Corman requested that any comments and updates to the Toolkit document that were provided for the Commission’s review be forwarded on to Ms. Marshall so they may be incorporated into the finished project.
7. **Review / Approval of Subdivision and Land Development Plans** – Anson Burwell & Chris Schnure

Per change in the meeting agenda --- citizen’s comments specific to Subdivision and Land Development issues.

Developer’s request to have the CCPC officially accept plan submission without ‘letters of intent to provide service’ from the SBWJA.

Mr. Burwell stated that at last month’s meeting Mr. Jacobs shared correspondence from Marty Meiser of Knapka Surveying regarding the requirements for a complete submission package relative to formal acknowledgment of a plan that is being submitted. Of specific concern was the requirement for a letter of intent to provide sewer service, particularly with regards to the Spring Benner Walker Joint Authority (SBWJA) system. At issue is the current inability to produce such a letter due to SBWJA’s self imposed moratorium.

This concern was discussed with the Planning Commission members. Staff was directed to correspond to Ms. Meiser, explaining the process and how staff would be willing to accept draft submissions, do in house reviews, start a file and work hand-in-glove in trying to get up to speed without an actual formal recognition of a submission due to the inadequacy of the submission package. In addition, Mr. Jacobs was to contact both the SBWJA and the Bellefonte Borough and all other applicable parties and offer to intercede and try to help get movement on this issue.

Marty Meiser of Knapka Surveying pointed out that the moratorium is self-imposed by Spring-Benner-Walker Joint Authority that has nothing to do with their ability to provide service or the Bellefonte Treatment Plant’s ability to process sewage. There seems to be a squabble between both parties and SBWJA has initiated the self-imposed moratorium to have a bargaining chip with the Borough. She indicated that there are EDU’S available and once the moratorium is lifted they will be made available. There are letters making requests for EDU’s, and the Borough is willing to issue a letter saying that the EDU’S will be issued. SBWJA said that they received her request and they will keep it on file and when the moratorium is lifted, they will consider the request again. They didn’t come right out and say she could have the EDU’S, but verbally that is what Warren Miller, of the SBWJA is telling her. The County Policy (which she understands is not a requirement by the MPC) is to have letters of intent to provide service. This moratorium and the County policy prevents them from submitting a plan which not only affects large land developers, but also any small mom and pop operation that proposes a subdivision that requires a EDU. Anyone that is in the sewer service area of SBWJA will be affected. It is also affecting her company because staff provides work and service in this area and if plans can’t be submitted, it hurts the company. Ms. Meiser stated that they did receive a letter from the Planning Office proposing a compromise to accept plans on a pre-submission basis, however while she appreciates that offer, it really doesn’t help. Unless a plan is formally accepted by the County, there are no protections afforded to the developer through the MPC against zoning changes, ordinance changes, or any changes to other regulations. Ms. Meiser stated if staff was to go to all the time and expense to develop a plan and go to
just a pre-submission conference and then some regulation changes then that whole plan could be scrapped. She wouldn’t recommend to a client to submit something on a pre-submission basis, because there are no protections. What Knapka Surveying staff would like to propose is to look at the difference between the submission of a preliminary plan and a final plan. A preliminary plan doesn’t require any engineering details, erosion and sedimentation control design, or street design. But one thing that it does require is the approval of the sewage planning module and part of that are the letters of intent to provide service. If the Planning Office would allow as a compromise, a preliminary plan to be submitted, you wouldn’t have any new plan requirements for plan approval. Hopefully, you would grant this across the board to anyone who is submitting a preliminary plan. The County still has control of what is happening because those preliminary plans don’t get recorded, but by accepting a preliminary plan there is some protection provided to the landowner (who is going through the expense of this proposal) against future changes.

Rex Mattern, stated that he feels that the policy needs to be reviewed due to the fact they cannot submit plans due to a squabble that is out of their control.

Chairman Corman questioned if Knapka or Mattern spoke with SBWJA and Mr. Mattern responded that he spoke with Warren Miller, SBWJA, and the Borough.

Mr. Jacobs said that he did follow up on this issue and was hoping our letter back to Ms. Meiser satisfactorily addressed those concerns, but obviously it didn’t. Staff understands what they are going through, but staff is also in the same dilemma and by asking us to accept plans without the proper paperwork puts us in a precarious situation. In talking the SBWJA, there were negotiations going on between the two parties and Senator Corman’s office was the mediator. But as of about three weeks ago, discussions fell apart. It appears that there will be correspondence coming back from Bellefonte Borough to SBWJA making an offer in terms of capacity and available EDU’s. The Planning Office will offer to mediate between the two parties. Mr. Jacobs noted that there are also some technical issues that have not yet been addressed. For example, staff would like to find out what the total capacity of the treatment plant is and how many EDU’S have already been allocated by both parties because if the moratorium is lifted and there is a backlog of already allocated EDU’S, this could cause a problem. There needs to be an accounting because it could happen in the next year or two where the Bellefonte Treatment is going to reach 80% capacity and they will have to go through the next upgrade. DEP may need to get involved to get things moving.

Mr. Abbey asked for further clarification of the County’s Policy and questioned the possibility of accommodating their request.

Discussion ensued.

Mr. Price discussed potential problems that could occur if staff would opt to accommodate the request as presented. Examples included the Planning Office’s obligation to ensure that adequate infrastructure is in place to accommodate growth and potential inequities involved in granting blanket waivers for certain requirements without fully understanding the
ramifications on other affected parties.

John Sepp, PennTerra Engineering, Inc. stated that this moratorium is self imposed. The actual capacity issue is a political and economic issue between SBWJA and Bellefonte Borough. Bellefonte’s capacity is 3.2m, and they are currently at 2.3 and they have 900,000 gallons of capacity. They have said they have plenty of capacity. SBWJA had capacity to convey sewage and there is a potential overload in the Spring Creek Interceptor line. Last month there was a $7m grant/loan granted to Bellefonte Borough to correct all of these deficiencies as far as the Spring Creek Interceptor line and also expand the capacity of the plant and use that money to meet the State requirements. The money is there to use but SBWJA still won’t lift the moratorium. SBWJA has a certain amount of capacity purchased at the plant. SBWJA is getting close to what was purchased and now it is an issue of the two parties negotiating on how much more they can buy.

Mr. Price stated that the staff is not saying that they don’t want to help, it is just that the solutions proposed today are not going to work for all affected parties. Any solution must be equitable, based on the best available information, and applied uniformly.

Mr. Shannon suggested that a “variance” may cover this kind of situation. I just don’t know that the Planning Commission should be so dogmatic and say “the policy says no so therefore, no”; is there anyway the Planning Commission can help.

Mr. Jacobs stated a lot of people are asking for items to be waived and Staff does not want to get in that situation where they are changing the rules for each individual plan that comes into the office for review.

Mr. Wayne Engle of Knapka Surveying questioned if anyone spoke to the County Solicitor.

Mr. Jacobs has and the solicitor is to get back to us shortly.

Ms. Persic questioned if the Planning Office Staff contacted the Department of Environmental Protection (DEP) regarding this problem.

Mr. Jacobs stated that Senator Corman’s office has and DEP is aware of what is going on.

Mr. Burwell stated contrary Mr. Shannon’s statement that if there was anything that staff could do to get the two parties together and talking toward a satisfactory solution, it would be done. It is frustrating to the CCPDO as well.

In closing, Mr. Jacobs indicated that we would revisit this concern and get back to all as soon as possible.
Subdivisions:

1. Replot of Lot 10 of Nittany Vista III East Subdivision (Plat Book 76, Pages 80-85) into Lot 10R and Replot / Resubdivision of Lot 3 of Nittany Vista III West Subdivision (Plat Book 76, Pages 71-79) into Lots 3A & 3B, with Lot Addition Parcel ‘A’ from former Lot 10 added to Lot 3B
   Final Plan
   3-Lots (Residential)
   Walker Township

A motion was made by Mr. Abbey and seconded by Ms. Persic to approve staff’s recommendation of Conditional Final Approval of the above-mentioned Plan. Motion carried.

Land Developments:

2. Cleveland Brothers Central Parts and Distribution Center Land Development
   Final Plan
   1-Unit (Commercial)
   Benner Township

Those present for any questions regarding this Plan were: John Sepp, PennTerra Engineering, Inc., Project Manager for this plan; Jim Martin, Corporate Facilities Manager for Cleveland Brothers Equipment Company and Albert Pauline, R.A. Lamb, Inc., Manager of Design.

Discussion ensued.

John Sepp stated there are access questions that haven’t been answered; the HOP has not been received from PennDOT and it will take a couple of months to get it and they are requesting CCPDO to consider allowing them to use Rishel Hill Road as sole access until the HOP is approved by PennDOT.

A motion was made by Ms. Persic and seconded by Mr. Hoover to table this plan until the December 19, 2006 meeting. Motion carried.

Discussion ensued.

Mr. Burwell stated that a listing of conditions and concerns will be shared with the applicant, their agent and governing bodies. A revised and updated package will be reviewed at next month’s meeting, and as you all know the MPC allows the governing body (in this case it is the Centre County Planning Commission) a 90 day window to take action on the plan. This plan is in five weeks of a timeline and staff has to take action. Consistent with other plans of this scope and magnitude the staff recommends to you the Planning Commission to
place this plan on the table and revisit at the December 19, 2006 Planning Commission meeting.

Discussion ensued.

Jim Martin, Cleveland Brothers stated that Cleveland Brothers was approached by business leaders in Centre County to locate here. The location is perfect and the business is expanding, Cleveland Brothers has added 75 to 100 employees and are projecting adding 250 -300 new, fulltime employees with benefits over the next 2-3 years. This will be a parts distribution center only, there will not be any maintenance done at this facility.

Mr. Burwell stated that public sanitary there will not be a connection available to the Spring-Benner-Walker Joint Authority for sewer service and DEP has allowed Cleveland Brothers to use a holding tank and Benner Township has granted a variance to their zoning ordinance to allow for a holding tank in this particular instance, which is defined as a temporary facility. They did not earmark a timeline on this.

John Sepp, PennTerra Engineering Inc. stated that Cleveland Brothers must vacate the Delmont, PA facility by October of 2007 and need to be in the new facility at that time. The first major issue was sewer and there were several meetings with the Authorities as well as Gary Metzger, Dan Alters, Dana Boob from DEP trying to figure out how this project could move forward, because obviously if there was no sewer, there was no project. Gary Metzger stated that Cleveland Brothers should apply for a holding tank for this facility if the flow is less than 800 gallons per day and it can be proved, you can use a holding tank. Dan Alters then said that this project would be a perfect project to apply for the PennWorks Grants Program that grants low interest loans and grants to improve infrastructure facilities to projects that are going to create jobs in the area. The first phase of this facility will create 60 fulltime jobs on a 20 acre lot. Delta Development put in for the grant with Bellefonte Borough and SBWJA agreeing and it was awarded based on Cleveland Brothers going in. The holding tank was just an interim solution hopefully to get public sewer and once the $7m came in, it was hoped it would cure a lot of problems, but it did not cure the politics. Cleveland Brothers want to expand on this site, but will be unable to until the sewer moratorium is lifted. PennTerra Engineering Inc. has resubmitted to the Benner Township Engineer and most of the comments have been addressed. The Erosion and Control Plan review has been resubmitted as well. PennTerra Engineering Inc. has also resubmitted the plans to Bellefonte Borough. PennTerra Engineering Inc. did receive a verbal review on the traffic study by PennDOT. The other issue that we are requesting review on is the access paved 32’ road off of Route 150 and a paved 20’ driveway from Rishel Hill Road. This driveway will be the future road way to the park. Cleveland Brothers does not require a traffic light, but the CBICC will post surety for the light because they acknowledge the traffic will be needed in the future. Rishel Hill Road is a township road and will require a HOP, and the entrance off of Route 150 needs one and the HOP has not been received from PennDOT as of this date and it may take a couple of months to get it. PennTerra Engineering, Inc. and Cleveland Brothers are requesting that the Centre County Planning Commission consider allowing them to use Rishel Hill Road as the access having surety posted on improvements on to Route 150 for the turning lane and the traffic signal, even
though the traffic signal is not required for this project and allowing this project to start construction prior to obtaining the HOP from PennDOT. The Plan does have two accesses and Cleveland Brothers is willing to pave this as a 20' access into the site. All things should be addressed by the middle of December except the HOP and anything that can be done to start moving dirt is going to be of benefit to getting Cleveland Brothers into the facility by next October. Cleveland Brothers and PennTerra Engineering, Inc. are asking for your consideration. We will post surety for the 200' turning lane, the traffic light and we have offered to post surety to relocate the prison drive if required in the future.

Tabled:

* Brookshire Subdivision, Phase 1
  Final Plan
  30-Lots (28-Residential & 2-Open Space)
  Walker Township

No action needed at this time as this plan remains tabled.

Time Extension Requests:

- Remodelers Workshop Land Development (CFA) File No. 20-06
  Benner Township..............................................................2nd Request (No Fee Required)

- The Woods at Sand Ridge Subdivision, Phase 5R (CFA) File No. 282-05
  Walker Township ..............................................................2nd Request (No Fee Required)

- P-O Area Senior High School Athletic Fields Land Development (CFA) File No. 188-05
  Philipsburg Borough..........................................................5th Request ($100.00 Fee Required)

- Penns Valley Emergency Medical Services, Inc. Land Development (CFA) File No. 63-05
  Gregg Township..............................................................6th Request ($150.00 Fee Required)

- J. Stephen & Sherry E. Dershimer Land Development, Phase 1 (CFA) File No. 31-05
  Worth Township..............................................................7th Request ($200.00 Fee Required)

Note: CPA = Conditional Preliminary Plan Approval
      CFA = Conditional Final Plan Approval

A motion was made by Mr. Irvin and seconded by Ms. Persic to approve the above-mentioned Time Extension Requests. Motion carried.
7. **Director’s Report and Other Matters to come Before the Commission**

Scheduling dates for CCPC meetings next year ---- May 15th will be an issue due to Election Day, so the Commission members requested that we have the May meeting on the fourth Tuesday, May 29, 2007. The Legal Ad will be placed in the CDT on Sunday, December 31, 2006, with that change.

Mr. Jacobs reported that information was enclosed in your packets this evening regarding looking at Rockview property for Affordable Housing. Our office was requested to look at sites just on the Rockview lands. This information will be reviewed at the December 19th meeting.

With no further business to come before the Commission, a motion was made by Mr. Hoover and seconded by Mr. Hoover to adjourn at 7:46 p.m. Motion carried.

Respectfully submitted,

Robert B. Jacobs
Recording Secretary

rbj

THESE MINUTES WERE APPROVED AT THE DECEMBER 19, 2006 PLANNING COMMISSION MEETING.