MEETING MINUTES  
CENTRE COUNTY PLANNING COMMISSION  
February 21, 2012

Members Present: Freddie Persic, Chair; Bob Dannaker, Vice-Chair; Mimi Wutz, Secretary; Dennis Hameister, Chris Kunes and Kevin Abbey

Members Absent: Jack Shannon and Tom Poorman

Staff Present: Robert Jacobs, Sue Hannegan, Anson Burwell, Chris Schnure, Mike Bloom and Mary Wheeler

Others Present: Wayne Engle, Knapka Surveying and Tom Zilla, Centre Region Planning Agency

1. Call to Order - Pledge of Allegiance

Chair Persic welcomed everyone to the Planning Commission meeting and called the meeting to order at 6:00 p.m.

2. Citizen Comments

None

3. Approval of Minutes

A motion was made by Mr. Hameister and second by Mr. Dannaker to approve the minutes of January 17, 2012. Motion carried.

4. Planning Commission Member Updates

None

5. Old Business

None

6. New Business

□ MPO Overview - Tom Zilla, Centre County MPO

Mr. Zilla gave a PowerPoint presentation to the Planning Commission Members. He stated that each year the Metropolitan Planning Organization (MPO) must adopt a Unified
Planning Work Program (UPWP) which spells out the activities of the MPO staff for the upcoming fiscal year which is defined as the State's fiscal year from July through June (Attachment #1).

□ **MPO Update** – Mike Bloom

Mr. Bloom presented information regarding:

- Member representation on the Metropolitan Planning Organization (MPO). There are changes to the Benner Township representatives on the Coordinating Committee; replacing John Elnitski is the new Supervisor, David Wise, and on the Technical Committee they have replaced Doug Weikel, former township engineer, with Don Franson, current township engineer. John Elnitski will be Franson’s alternate on the Technical Committee.
- Also, the Long Range Transportation Plan (LRTP) Subcommittee continues to revise the goals and objectives and performance measures; and hopes to complete their revisions this week.
- The Funding Subcommittee will be meeting for the first time in March.
- On the Federal Transportation Funding Legislation there are currently a couple of bills circulating. The Bill that we are currently operating under, SAFETEA-LU (which expired on September 30, 2009) is currently under a Continuing Resolution which will expire on March 31, 2012. So at this point we will probably see another Continuing Resolution. We will continue to monitor.

□ **Centre County Natural Gas Industry Update** – Sue Hannegan

Ms. Hannegan noted that new legislation was passed and signed by the Governor that imposes an impact fee on all of the drilled wells in Centre County. Several agencies have compiled information: The Pennsylvania State Association of Township Supervisors (PSATS) put out a News Bulletin (Attachment #3); The County Commissioners Association of Pennsylvania (CCAP) also has a publication as well as the Boroughs Association. Staff estimates that Centre County will receive approximately $570,000 — more information is provided on (Attachment #2).

7. **Review of Subdivision and Land Development Plans** – Anson Burwell and Chris Schnure (Attachments #4 & #5)

**Subdivisions:**

1. **Dr. Gerald F. & Susan W. Clair Subdivision** -- previously tabled
   - Final Plan
   - 2-Lots (Residential)
   - Benner Township

A concern was raised by Mr. Hameister regarding use of the same Engineer to represent a municipality as well as the County. Mr. Hameister would like staff to seriously look at hiring a primary / secondary individual to alleviate any conflict of interest situations.
Mr. Abbey agreed that he felt it was a conflict of interest to have the same Engineer for both. Discussion ensued.

Mr. Jacobs stated that he would take the comments, research the issue further, and discuss it with the Commissioners and the County Solicitor. Findings will be reported at a future meeting.

No action was needed on the Clair Subdivision. Plan remains tabled to be revisited at the March 20, 2012 meeting.

Land Developments:

2. Hanover Foods Corporation, Centre Hall Plant - Freezer Expansion Land Development
   Final Plan
   1-Building Addition (Freezer Building and Loading Dock)
   Potter Township

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

3. Tavern Terrace Townhomes Land Development
   Final Plan
   3-Buildings (21-Residential Townhomes)
   Boggs Township

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

Time Extension Requests

- Ram Centre, Inc. Land Development (CFA) File No. 135-11
  Penn Township............................................................1st Request (No Fee Required)

- BEASD Additions and Alterations Land Development (CFA) File No. 4-09
  Boggs Township........................................................12th Request ($450.00 Fee Required)

- John Hull’s Deitrich Road Land Development (CFA) File No. 45-07
  Walker Township......................................................19th Request ($800.00 Fee Required)

Note: Applicants, John and Deborah Hull, have formally requested a waiver of the time extension processing fee (per letter of February 17, 2012)

Staff recommended granting the 90 day time extension with waiving of the $800.00 processing fee contingent upon action of plaintiff (Hull Family Revocable Trust) and defendants (Walker Township) being settled or dropped.
A motion was made by Mr. Abbey and seconded by Mr. Hameister to approve the Staff’s recommendation to grant the waiver for the processing fee. Motion carried.

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

A motion was made by Mr. Hameister and second by Mr. Dannaker to approve the above-mentioned Time Extensions. Motion carried.

Major Subdivision and Land Development Plan Sub-Committee Meeting - The Thursday, February 23, 2012 meeting has been cancelled.

8. Director’s Report and Other Matters to Come Before the Commission

None

With no further business to come before the Commission, a motion was made by Ms. Wutz and second by Mr. Dannaker to adjourn at 8:24 p.m. Motion carried.

Respectfully submitted,

Robert B. Jacobs, Director
mlw

THESE MINUTES WERE APPROVED AT THE MARCH 20, 2012, CENTRE COUNTY PLANNING COMMISSION MEETING
Centre County MPO
FY 2012-13
Unified Planning Work Program (UPWP)
Centre County Planning Commission
February 21, 2012

What is an MPO?

- "Metropolitan Planning Organizations (MPOs)" are transportation organizations, mandated by federal law
- All metro areas in the U.S. have an MPO
- MPOs do transportation planning and allocate funds for roads, bridges, transit (not air and rail)

What are the primary responsibilities of an MPO?

- Long Range Transportation Plan (LRTP)
- Short range Transportation Improvement Program (TIP)
- Annual Unified Planning Work Program (UPWP)
What is the Centre County MPO?

- Coordinating Committee is policy/decision making body
  (28 voting, 3 non-voting members)
- Technical Committee is advisory
- Staff completes work tasks
  - Tom Zilla
  - Trish Meck
  - Greg Kausch
  - Mike Bloom
  - Ian McLaren
- CRPC - Since 1982, the agency which contracts with PennDOT to fund the MPO staff

What is the CCMPO’s UPWP?

- Lists work tasks for CRPA/CCPCDO
- Lists important actions by Coordinating Committee
- Time period from July 1, 2012 to June 30, 2013
- Must be adopted each year by the end of February

What is Mike working on?

- Marcellus traffic routing information tool (web application)
- Inventory of local bridges < 20 ft. in length
- LRTP goals/objectives, performance measures
- Site plan reviews
What is Mike working on?

- Look Boring in Rock Removal

What is Trish working on?

- Transportation Enhancements (TE) Program
  - Howard Rail Trail, BHRS car restoration, Circleville Path
- Bicycle Friendly Communities designation
- Land use forecasts for LRTP travel demand model

What is Trish working on?

- TE Program
  - 18 projects in 18 years
  - Over $5 million invested in completed projects
  - About $500,000 involved in 3 recently approved projects
What is Trish working on?

What is Greg working on?

- Grant applications for vanpool vans
- Moshannon Valley Park and Ride Study
- CATA Universal Transit Access Study
- Site reviews for public transit elements
What is Ian working on?

- LRTP goals/objectives, performance measures

What is Ian working on?

- Census/socioeconomic data for update of Coordinated Public Transit - Human Services Transportation Plan
- Comparison of land use forecasts for LRTP travel demand model with Ferguson Township forecasts

What is Tom working on?

- Amendments to current 2011-2014 TIP
- Development of new 2013-2016 TIP
- Monitor federal and state transportation funding legislation
- Assist with traffic studies for Waddle Road Interchange

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<td>$28,852,000</td>
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Why is the federal and state legislation important?

The consequences cannot be ignored.

Centre County 2013-2016 TIP
What do we need?

- Route 26 (Jacksonville Rd.) = $8.2 million
- Route 26 Pine Grove Run, Phase 2 = $2.8 million
- Route 164 Lion Street Wall = $1.6 million
- Route 150 OLP = ?
- Route 322 (Drs. Nitray Loop) = $5.5 million
- SIL 3014 Asherton Street paving/drainage = ?
  (Pipes cost above estimated at $3 million)
  (Preliminary and Final Design = $1 million)
- Moshannon Valley Park and Ride Lot = ?
  (around $3.5 - $5.0 million per lot)
What else do we do?

- Plan for pedestrian/bicycle facilities
- Input about TIP projects (Route 322 Safety Improvements, Route 26 Pine Grove Mountain, etc.)
- Deploy technology projects for CATA
- Plan for commuter bus service between Cranberry and State College
- Apply for funds from the Automated Real Time Enforcement Program
- Special studies, such as Halfmoon/Portion Area Plan Traffic Analysis

What are key elements of the FY 2012-13 UPWP?

- Focus on:
  - Adopt the new 2012-2016 TIP
  - Continue work on LRTP update
  - Complete the local bridge inventory
  - Advance the TE projects
  - Advance the CATA Universal Transit Access Study
  - Continue planning for Marcellus shale impacts
  - Respond to changing federal and state funding situation

What funding supports the FY 2012-13 UPWP?

- Base federal/state funding in FY 2012-13 = $1,057,270
  (no change since FY 2009-09)
- Additional federal/state funds = $275,000 in FY 2011-12 and FY 2012-13
  (for Linking Planning and NEPA, and local asset inventory)
- County, municipal, CATA contributions = $275,000
  - Includes required 40% local match
  - Provides additional funds to support 4 FTEs
  - Includes value of 1 CCPCD O FTE
What uncertainties is the MPO facing?

- Federal and state funding for projects and programs?
- Designation of MPOs in federal legislation?
- If MPO continues to be designated, how much federal planning funding will be made available?
- Will state legislation provide more planning funds?
- Outcome of local funding formula discussions?

Stay tuned for more reports...

Questions?

Tim Zilby, AICP
Principal Transportation Planner
604-230-3000
tzilby@co.capital.la.us
2012 @ capital.mpo.gov
What the New Impact Fee Means for Centre County  
HB 1950 / Act 13 --

This legislation places an impact fee on every Marcellus Shale well. The levy will change from year to year based on natural gas prices and the Consumer Price Index, but in 2012, drillers will pay $50,000 per well. (Smaller, vertical wells will pay $10,000 this year.) The fee is administered and collected by the Public Utility Commission. County commissioners have until mid-April to enact an ordinance imposing the fee structure in Centre County. Of the total fees collected statewide, 40% will be retained by the state and 60% of the remainder will be distributed locally according to three formulas.

Category 1 Formula --

36% (of the 60% local share) will come to Centre County based upon the number of wells in the county compared to the total wells in the state. More wells = more money. Using DEP Spud reports Centre County could receive approximately $570,000 in year one — with distribution expected by December 2012.

Category 2 Formula --

37% (of the 60% local share) is specified for host municipalities based upon the number of wells in the township compared to the total wells in the state. More wells = more money. In Centre County, a Marcellus well has the potential to generate approximately $10,000 per well in the first year. This category may yield approximately $560,000 in year one.

Well Breakdown by Municipality according to current DEP Spud Report

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<th>Wells</th>
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<tr>
<td>Boggs Township</td>
<td>10</td>
</tr>
<tr>
<td>Burnside Township</td>
<td>28</td>
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<tr>
<td>Curtin Township</td>
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<tr>
<td>Rush Township</td>
<td>1</td>
</tr>
<tr>
<td>Snow Shoe Township</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>56</strong></td>
</tr>
</tbody>
</table>

* Centre County is field verifying these numbers and confirming "drill-through deeper" wells. Discrepancies would indicate that this number may increase by one to 57 wells.

Category 3 Formula --

27% (of the 60% local share) is to be distributed among all municipalities in a host county in two ways. Half will be distributed to host municipalities and non-host municipalities that are either contiguous with a host municipality or are within 5 miles of a spud well. The other one-half of this pot of funds is distributed among all municipalities in the county. Both pots are distributed based on population and highway miles. This category of funds is estimated to hold in year one about $400,000.
Local Zoning Implications

Municipalities are required to allow drill rigs in all types of zones; and the legislation establishes minimum distance requirements between wells and streams, schools, buildings and water sources. If a local government passes ordinances and regulations that go beyond the new state standards, the Public Utility Commission will have the power to bar the municipality from receiving impact fee money.

Statewide Information:

Link to http://stateimpact.npr.org/pennsylvania/maps/mapping-the-impact-fee-by-county/ to access the following map. The map is interactive and illustrates how much money host counties will receive from the first round of impact fee payments, which are due September 1, 2012.

This map tracks how much money county governments will receive from the first round of impact fee payments, which is due September 1, 2012.

It applies the retroactive 2011 fee — $50,000 for horizontal wells and $10,000 for vertical operations — to every well from 2005 to 2011 listed in the Department of Environmental Protection's most recent "spud report."

COUNTY: Centre
Total Revenue Collected: $2,640,000
County Government's Share: $570,240
Governor Signs Historic Marcellus Shale Act

After three years of debate and months of intense negotiation, Gov. Tom Corbett signed Act 13 of 2012 (HB 1950) into law on February 14. The measure allows for a local impact fee on natural gas wells, imposes significant new environmental regulations on the industry, improves public safety standards, and clarifies how townships may use zoning to regulate drilling operations.

This act will provide much-needed revenue to host municipalities and neighboring communities, which may allocate the funds for a long list of current and future needs. In addition, the state’s portion includes funding for programs that will benefit municipalities inside and outside of the Marcellus Shale region. These monies will be directed to the Environmental Stewardship Fund, water and sewer projects, open space preservation, transportation infrastructure, and grants to buy or convert vehicle fleets to natural gas.

Despite efforts to totally exempt the natural gas industry from all local ordinances, including those related to land use, road bonding, and sewage permitting, common sense prevailed. Restrictions have only been placed on townships’ already limited ability to use land use ordinances to regulate the location of natural gas operations and their support activities.

The new act also imposes sweeping environmental reforms on the industry to protect water quality, increase well bonding requirements, disclose fracking additives, and much more.

Act 13 benefits municipalities in the Marcellus Shale region by:
- empowering communities to participate in the well permit application process by commenting on local conditions or circumstances that the state Department of Environmental Protection should consider when rendering its decisions;
- requiring DEP to weigh the impact of a proposed well on public resources, including parks, rivers, and public drinking supplies;
- requiring drillers to provide a 24-hour notice to the municipality before drilling begins;
- increasing the mandatory setbacks of natural gas wells from 200 feet to 500 feet from occupied structures and water wells and 1,000 feet from public drinking water sources;
- increasing the mandatory setback of a natural gas well from 100 feet to 300 feet from a spring or other body of water and prohibiting natural gas wells within 300 feet of any wetland that is at least one acre; and
- increasing the distance and duration of the rebuttable presumption for contamination of public and private water supplies from 1,000 feet for six months to 2,500 feet for 12 months.
Host municipalities can expect to receive more than $9,500 per well beginning in December 2012 for wells drilled before the beginning of this year.

Townships without zoning will particularly benefit from these safety enhancements and increased environmental protections, including the new mandatory setback from occupied buildings and the increased protection of public and private water supplies.

Counties in the Marcellus Shale region have until April 14 to enact an ordinance to levy the impact fee. If a county chooses not to enact an ordinance, a majority of the municipalities, or municipalities representing 50 percent of the county’s population, will have until June 13 to vote to impose the fee, which will be collected by the Pennsylvania Public Utility Commission. The fee is based on the price of natural gas for the prior year and levied on each producing well for 15 years on a sliding scale. The fee for 2011 is expected to be $50,000 per well.

Townships should note that the impact fee will be levied on all wells currently in the ground that produce more than 90,000 cubic feet per day and will not be levied on small stripper wells. Wells drilled before January 1, 2012, must pay the first year’s fee to the PUC by September 2012. After that, the fee will be collected by April 1 of each year and levied on wells drilled into the Marcellus Shale and below, including the Utica Shale. The legislation prohibits drillers from passing the impact fee onto leaseholders.

After funding for conservation districts and state agencies is taken out (approximately $23 million for 2011 and 2012), 60 percent of the remaining revenues will be allocated to local governments impacted by natural gas activity. Of this, 36 percent will be distributed to host counties based on the number of wells; 37 percent to host municipalities based on the number of wells; and 27 percent to host and nonhost municipalities in host counties. Host municipalities can expect to receive more than $9,500 per well beginning in December 2012 for those drilled before the beginning of this year. (Note: This figure does not include the 27-percent allocation for host and nonhost municipalities in host counties, which is expected to total more than $24 million for 2011.)

The remaining 40 percent of the impact fee revenues will be allocated as follows: 20 percent to the Commonwealth Financing Authority; 25 percent for highway and bridge improvements; 10 percent to the Environmental Stewardship Fund; 25 percent for water and sewer projects; 15 percent for greenways and open space preservation; and 5 percent to the state Department of Community and Economic Development. All municipalities are eligible for these funds.

Municipalities may use impact fee revenues to build and maintain roads, bridges, and infrastructure; improve water, stormwater, and sewer systems; develop emergency preparedness and public safety initiatives and environmental programs, including those for open space, floodplain management, and agricultural preservation; preserve and reclaim surface and subsurface waters; reduce taxes; initiate affordable housing projects; improve records management and local or regional planning; and create a capital reserve fund. Municipal allocations will be capped at $500,000 annually or at 50 percent of its prior year budget, whichever is greater. Municipalities must submit an annual report to the PUC that documents that the funds were used for allowable purposes.

Act 13 clarifies that municipalities must allow the reasonable development of oil and gas and may not regulate the same features of oil and gas well operations that are controlled by the commonwealth. While municipalities may continue to use local land use and
Municipalities may continue to impose conditions on the height, screening, fencing, lighting, and noise of permanent oil and gas operations that are the same as those imposed on other industrial uses within the same zoning district.

Floodplain ordinances to regulate where natural gas drilling and related activities take place, these ordinances must now allow the following:

- Well and pipeline location assessments; oil and gas operations (in residential districts, the well pad must be at least 300 feet AND the wellhead must be at least 500 feet from an existing building); and impoundments (only if the outer edge is at least 300 feet from the nearest building) as permitted uses in all zoning districts.
- Compressor stations as permitted uses only in agricultural and industrial zoning districts and as conditional uses in all other zoning districts if they are at least 750 feet from the nearest existing building or 200 feet from the nearest lot line and the noise level at the nearest property line does not exceed 60/dbA.
- Processing plants as permitted uses only in industrial zoning districts and as conditional uses only in agricultural zoning districts if they are at least 750 feet from the nearest existing building or 200 feet from the nearest lot line and the noise level at the nearest property line does not exceed 60/dbA.

Municipalities may continue to impose conditions on the height, screening, fencing, lighting, and noise of permanent oil and gas operations that are the same as those imposed on other industrial uses or other land development within the same zoning district. The act also states that operators must apply for and receive permits from the municipality’s zoning officer or equivalent official before conducting oil and gas well operations.

In addition, well operators may ask the PUC to review an ordinance and determine if it allows the reasonable development of oil and gas. Municipalities may also ask the PUC for a predetermination to ensure a proposed ordinance complies with the law.

If the PUC, Pennsylvania Commonwealth Court, or the state Supreme Court determine that a local ordinance does not allow the reasonable development of oil and gas activities, the municipality will be ineligible for impact fee funds and will remain ineligible until it adopts an ordinance that complies with the act.

For more information about Act 13, townships may log onto the Members Only section of www.psats.org for a detailed analysis (go to “Member Resources” and choose “Environmental”) or call PSATS at (717) 763-0930. In addition, Member’s Only webinars will be held on February 23 to provide township officials with the highlights of this 174-page law. You can find more information by logging onto www.psats.org and choosing “Members Only Training” under “Training.”

**Governor Unveils Proposed 2012-13 State Budget**

Gov. Tom Corbett’s $27.14 billion state budget for 2012-2013, unveiled last week, contains no new taxes for Pennsylvanians or businesses and would reduce state spending by $20 million from last year.

During his budget address, Corbett urged the General Assembly to find a long-term answer to the commonwealth’s transportation funding crisis, but does not want the issue to be mingled with the upcoming budget talks. Last August, the governor’s Transportation...
Corbett urged the General Assembly to find a long-term answer to the commonwealth's transportation funding crisis, but does not want the issue to be mingled with the upcoming budget talks.

Funding Advisory Commission issued a number of recommendations to raise $2.5 billion in annual funding; however, Corbett has yet to endorse the report or propose specific solutions.

Under the spending plan, basic education funding would remain at 2011-2012 budget levels. The proposal also includes a 20-percent reduction in funding for state-owned universities and a 30-percent reduction for state-related universities. In addition, Corbett called for a major change in how basic education and welfare funding is distributed to school districts and counties. Instead of the current programmatic-based allocation, the governor wants to move to a block grant approach, which he believes will provide more flexibility and local control over the use of state funds.

Corbett also supports a cadet class of 115 troopers for the Pennsylvania State Police to maintain the current complement. While he did not ask for a per-capita fee on municipalities that rely on the State Police for protection, the governor recommended that all fine money issued in these communities — a figure estimated around $8 million a year — go to the State Police to pay for communications equipment. Municipalities that provide local police service would continue to receive the fine revenue.

At the state Department of Community and Economic Development, the Municipal Assistance Fund (formerly the Shared Municipal Services, the Land Use Planning and Technical Assistance, and the Floodplain Management Programs) would see a small decrease compared to 2011-2012. In continuing with the governor's efforts to streamline state government, the State Tax Equalization Board and the Public Employees Retirement Commission would be transferred to the Governor's Center for Local Government Services.

At the state Department of Environmental Protection, Corbett proposed eliminating the Sewage Facilities Planning and Sewage Enforcement Programs after several years of funding cuts. This is in addition to the 2011 elimination of funding for sewage enforcement officer training, which makes it seem as though DEP is getting out of the sewage enforcement business. Meanwhile, the Municipal Recycling and Municipal Recycling Performance Grants would be held to 2011-2012 funding levels.

At the Pennsylvania State Police, Municipal Police Officer Training would see a small decrease, and at PennDOT, a small increase in liquid fuels revenue is being predicted for the 2013 disbursements.

The budget now goes before the General Assembly, which is constitutionally required to adopt a spending plan by June 30. For more information, log onto the Members Only section of www.psats.org and choose “Member’s Only Training” to watch a webinar that PSATS staff presented on the proposed budget and its impact on townships. The governor’s budget and other related information are posted at www.budget.state.pa.us. (Choose “Current and Proposed Commonwealth Budgets” on the left side of the home page.)
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   2-Lots (Residential)
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Note: Applicants, John and Deborah Hull, have formally requested a waiver of the time extension processing fee (per letter of February 17, 2012)

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Dr. Gerald F. & Susan W. Clair Subdivision

Final Plan
2-Lots (Residential)
Benner Township

Location: At the eastern terminus of an existing private street called Clair Lane, approximately 200 yards west to its intersection with Township Road 376 (Rock Road).

Surveyor/Engineer: PennTerra Engineering, State College

Tract History: a) Parent tract (totaling 29.9 acres) acquired by the Dr. & Mrs. Clair as an ‘existing lot of record’. The lot contains a single-family residence and several outbuildings and recent litigation between Dr. & Mrs. Clair (plaintiffs) and the adjoining property owner and Benner Township (defendants) has taken place, whereby the Judge’s decision allows for a reduction of the Benner Township’s minimum private street right-of-way width (off-site, only); from the required 50 feet width to a 20 foot width.

Note: In the court documents it was clearly stated that all other local land use controls must be adequately accommodated. However, the plan as presently submitted shows a design that will require major adjustments in order to comply with the Benner Township Street Standards (i.e., maximum finished grade for a private street system -- 12% vs. the 13.1% depicted; 4% leveling area at the private street intersection with Rock Road; adequate safe stopping site distance at the private street intersection with Rock Road; and, a required cul-de-sac turn-around in lieu of the proposed ‘hammerhead’ format); or, the developer must provide written evidence of municipal waivers.

b) The Commission opted to table the plan at their November 15, 2011 meeting with the intent to revisit the plan at their regularly scheduled December 20, 2011 meeting.

c) The Planning Office received correspondence from the applicant’s agent formally waiving the Commission’s ninety (90) day time limit for action and requesting that an additional sixty (60) day extension be granted to afford time needed to address the numerous conditions still pending. The Commission acknowledged the applicant’s request and the plan remains tabled with the intent to revisit the plan at their regularly scheduled meeting of February 21, 2012.

(Note: This office has received a formal waiver from the applicants regarding the Commission’s ninety (90) day time limit for action (letter dated February 16, 2012) and they have requested that the previous tabling action be continued to afford them the time necessary to address the various plan condition pending final plan approval (as noted below).

d) This proposal represents a Final Plan submission showing a subdivision proposal intended to create two lots from one, including the necessary internal and external infrastructure to service the building of a single-family residence on Lot 2 and the existing residence and out-buildings on Lot 1 and the properties adjoining the private street system.
Plan Requirements Pending:

ARTICLE V -- MAJOR RESIDENTIAL SUBDIVISION

512. Final Plan Submission

C. To guarantee the Applicant’s payment of all required plan reviews and corresponding site inspection fees, provide a partially completed Memorandum of Understanding for further processing.

D. Provide this office with a completed copy of the Department of Environmental Protection (DEP) Sewage Facilities Planning Module, including the required Pennsylvania Natural Diversity Index (PNDI) search results and corresponding written evidence of DEP approval.

517. Final Plan Requirements

A.1. The property being subdivided is primarily located in Benner Township but is also partially located in College Township; indicate this proposal as also being located in College Township.

A.2. Clarify the street address of the owner of the property being subdivided; Assessment Office records indicate the street address as being 146 Clair Lane; verify and amend accordingly.

A.6. The deed source for the property being subdivided (i.e., Record Book 661, Page 225) references multiple tracts of land; reference the specific tract of land being subdivided per this proposal.

A.6. (cont) Amend the source of title reference for the property being subdivided to be Record (in lieu of Deed) Book 661, Page 225 located on the plan schematic within Lot 1 on Sheet 1 of 3.

A.8. The adjoining properties north of this proposal are part of a previously approved subdivision plan entitled, “Plan of Development for Robert E. Delafield” recorded in Plat Book 15, Page 5; graphically depict the lot lines for Lots 1 & 2 (owned by David Michael Panko; Tax Parcel 37-5-22) and Lots 3 & 4 (owned by Sandra T. Azar; Tax Parcel 37-5-15A).

A.8. (cont) Amend the adjoining property lines to a different line style to clearly distinguish from the property being subdivided.


A.10. Label Clair Lane and Ellman Lane (on Sheet 1) and label the township road number for Rock Road (i.e., T-376).

A.10. (cont) Amend the right-of-way lines for Rock Road (T-376) to a different style to clearly distinguish from the property being subdivided.
A.10. (cont) Label the material type and width of the cartway within Rock Road (T-376).

A.10. (cont) Label the width of the existing paved driveways located within Lot 1 and within the panhandle of Lot 2.

A.10. (cont) Per Miscellaneous Book 41, Page 94 there is an existing 12-foot wide right-of-way that traverses through a portion of the northern corner of Lot 2; locate and label accordingly, noting the width of the right-of-way and source of title.

Also, locate and label the corresponding cartway within the 12-foot wide right-of-way, noting material type and width.

A.10. (cont) Per Plat Book 80, Page 158, there is an existing 50-foot wide private right-of-way that adjoins the northern corner of Lot 2, called "Ellman Lane" and is recorded in Record Book 2009, Page 919; locate and label, noting the width of this right-of-way, source of title and name.

A.11. Per the configuration of the lots being proposed by the applicant, there is now a building setback encroachment with an existing shed located in the northern portion of Lot 1; relocate the shed to eliminate the building setback encroachment.

A.11. (cont) Locate and label the existing on-site water supply (well) that services Lot 1.

A.14. Per Benner Township Street Standards Ordinance, Section 5.9 Private Streets, c.(4) Maximum allowable grade: The maximum allowable grade for private access streets shall be a finished grade of twelve (12) percent slope. Special drainage considerations shall be required to eliminate or control erosion, sedimentation and storm water management, especially on grades exceeding six (6) percent slope. These shall include special roadway cross sections, grading shoulder construction and stabilization, cross drainage and cut and fill slopes as approved by the Township Engineer.

The profile on Sheet 2 of 3 indicates the finished grade of a segment of Clair Lane is to be 13.1%, which exceeds the maximum allowable finished grade of 12%. The applicant will need to either amend the plan to meet the maximum finished grade of 12% or seek from the Benner Township Supervisors a waiver from this requirement of the Benner Township Street Standards Ordinance.

A.14. (cont) Per Benner Township Street Standards Ordinance, Section 5.9 Private Streets, c.(6) Cul-de-sac turnaround area: A turnaround area shall be provided at the terminus of all dead-end access streets and at other appropriate areas which shall have a minimum unobstructed maneuvering area equal to or equivalent of a forty (40) foot turning radius.

The applicant is proposing, in lieu of a cul-de-sac turnaround, a ‘hammerhead’ turnaround at the terminus of the private street. The applicant will need to either amend the plan to meet the cul-de-sac turnaround requirement or seek from the Benner Township Supervisors a waiver from this requirement of the Benner Township Street Standards Ordinance.
A.14. (cont) Per Benner Township Street Standards Ordinance, Table 2 – Intersection Design Specifications, a 4% leveling area for the first 50-feet is required for Clair Lane at its intersection with Rock Road (T-376). The applicant will need to either amend the plan to meet this leveling area requirement or seek from the Benner Township Supervisors a waiver from this requirement of the Benner Township Street Standards Ordinance.

A.14. (cont) Per Benner Township Street Standards Ordinance, Section 5.10 Private Driveway Access Easement, b.(3), such private right-of-way easement shall be fifty (50) feet in width.

The applicant is proposing a 20-foot wide access easement through the panhandle of Lot 2 to the benefit of Lot 1. The applicant will need to either amend the plan to meet the required 50-foot wide access easement width or seek from the Benner Township Supervisors a waiver from this requirement of the Benner Township Street Standards Ordinance.

A.14. (cont) Clarify if an easement exists for that segment of Clair Lane (private) located on lands of David Michael Panko (TaxParcel 37-5-53A) at its intersection with Rock Road (T-376). If an easement exists, locate and label same on the plan schematic, noting the width and source of title.

If an easement does not exist, locate and label on the plan schematic using accurate bearings and distances, an access easement over lands of David Michael Panko (TaxParcel 37-5-53A). Provide a draft copy of the access easement to this office for staff review. Once found acceptable, the applicant will be instructed to execute, record, and note source of title (where recorded) on the plot plan. Provide this office with a recorded copy for our file.

Another option, if applicable, would be for the applicant to provide evidence from their legal counsel of an ‘easement by prescription’ for that segment of Clair Lane (private) located partially on lands of David Michael Panko (TaxParcel 37-5-53A).

A.18. The applicant’s engineer has indicated the improvements to Clair Lane (private) will create approximately 3,500 square feet of additional impervious area, which is less than the 5,000 square feet required for the preparation of a stormwater management plan (per the Spring Creek Stormwater Management Ordinance) as well as an erosion and sedimentation pollution control plan, as approved by the Centre County Conservation District. Further, the applicant’s engineer has indicated the additional runoff created will be filtered by sheet flow over existing vegetated and wooded areas. Given the access easement of Clair Lane (private) is 20-feet in width and the cartway will be improved to 18-feet wide, the additional runoff will appear to sheet flow over lands of others and unlikely to be contained wholly within the 20-foot right-of-way. To this end, locate and label on the plan schematic using accurate bearings and distances a stormwater management easement covering those areas where the additional stormwater will sheet flow. Provide this office with a draft copy of the stormwater management and maintenance easement agreement for staff review. Once found acceptable, the applicant will be instructed to execute, record, and note source of title (where recorded) on the plot plan. Provide this office with a recorded copy for our file.
A.19. Site Data: Clarify the square footage of the lots being subdivided -- Project Notes 1.d. differs from the square footage referenced on the plan schematic, amend accordingly; and, reference the minimum lot size required for this proposal.

A.19. (cont) Site Data: Reference the applicable building setback requirements per the College Township Zoning Ordinance; amend Project Notes 2.e. to indicate Sanitary Sewer (on-site existing Lot 1; on-site proposed Lot 2); amend Project Notes 2.f. to indicate Water (on-site existing Lot 1; on-site proposed Lot 2); and, amend Project Notes 5. to reference Tax Parcel 37-5-48.

A.21. Location Map (1” = 1,000’): Label the township road numbers for Rock Road, Big Hollow Road, Houserville Road, and Trout Road.

A.21. (cont) Location Map (1” = 400’): Amend the line style used to depict the adjoining properties to a different style to clearly distinguish from the property being subdivided; label Spring Creek and Rock Road (T-376).

A.23. All property corner pins must be set prior to Final Plan approval; amend the Symbols Legend to indicate the property corner pins are set rather than ‘to be’ set.

A.24. If applicable, amend the building setback lines depicted on the plan schematic within College Township to be consistent with the College Township Zoning Ordinance.

518. Additional Supplemental Requirements

A. Supporting Data

A.1. Awaiting receipt of the Municipal’s Engineer review and approval of the required engineering details.

A.3. Provide written confirmation from the Benner Township Zoning Officer indicating that the proposal meets or exceeds all applicable regulations per the Benner Township Zoning Ordinance.

A.3. (cont) Although no new lots are being created in College Township, provide written confirmation from the College Township Zoning Officer indicating that the bulk regulations so noted in the Project Notes are consistent with the College Township Zoning Ordinance.

A.3. (cont) Provide this office with a copy of an approved Benner Township Highway Occupancy Permit (HOP) for Clair Lane’s (private) access onto Rock Road (T-376), noting the permit number on the plot plan, if the township assigns numbers to their permits.

A.5. Awaiting receipt of the County Conservation District’s review and acknowledgement of the required Erosion and Sedimentation Pollution Control Plan.
A.6. This office acknowledges receipt of a draft copy of a “Private Access Easement Agreement” for staff review. Once found acceptable, the applicant will be instructed to execute, record, and note source of title (where recorded) of the easement on the plot plan. And once recorded, provide this office with a recorded copy of the instrument for our file.

Also, locate and label the easement on the plan schematic using accurate bearings and distances.

A.6. (cont) Provide this office with a draft copy of a private right-of-way agreement for Clair Lane (private) for staff review. Once found acceptable, the applicant will be instructed to execute, record, and note source of title (where recorded) of the easement on the plot plan. And once recorded, provide this office with a recorded copy of the instrument for our file. Also, locate and label the easement on the plan schematic using accurate bearings and distances.

B. **Improvements**

B.1. & B.2. Upon satisfactory completion of the above plan requirements (per subsequent written concurrence from this office), the applicant shall construct all required improvements as a condition pending final plan approval; or in lieu of, post adequate surety to guarantee same. Note: In either case, the applicant shall request a final site inspection (in writing) by the Municipal Engineer and County Planning Staff, with written correspondence noting approval to be generated by the Municipal Engineer upon satisfactory completion of all required improvements.

C. **Certificates**

C.1. Obtain the signature of the Professional Land Surveyor responsible for the plan (i.e., Execute the Professional Land Surveyor Certification Block).

C.1. (cont) Obtain the seal of certification of the Professional Engineer responsible for the plan.

C.4. Obtain the original signature of the owners of the property being subdivided and execute the Certification of Ownership Block.

C.5. Provide the required Recorder of Deeds Block, per Appendix 8.G. of the County’s Subdivision and Land Development Ordinance.

C.7. Obtain the original signature of the Benner Township Sewage Enforcement Officer and execute the Sewage Disposal Review Block.

C.2. Obtain the approval signatures of the Benner Township Planning Commission and Board of Supervisors.

C.3. Upon completion of the above, obtain the approval signatures of the Centre County Planning Commission.
General Comments

- Through routine review by the staff, the above-referenced property may be subject to the regulation per Act 319, entitled: *Pennsylvania Farmland and Forest Land Assessment Act of 1974*. (More commonly referred to as the “Clean & Green Law”).

  Accordingly, the proposed subdivision activity might impact the property’s existing taxing structure, including the possibility of “rollback taxes”.

  For clarification, we encourage the Applicant to contact the Centre County Assessment Office (as soon as possible) to obtain the necessary information pertaining to this matter -- Phone: (814) 355-6721.

Consistent with the plan review by the *Major Subdivision and Land Development Plan Review Subcommittee* and subject to the review comments from the Benner Township Engineer and Zoning Officer and subject to the applicant’s additional waiver of the Planning Commission’s time limit for plan action, staff recommends continuing the tabling action until such time as the applicant has adequately addressed the above-referenced plan requirements.
February 16, 2011

Mr. Robert Jacobs
Centre County Planning Commission
Willowbank Office Building
420 Holmes Street
Bellefonte, PA 16823-1488

Re: Final Subdivision Plan of Tax Parcel No. 37-5-48 into Lots 1 & 2, Benner Township

Dear Bob:

The project entitled “Final Subdivision Plan of Tax Parcel No. 37-5-48” is scheduled to be revisited at the February 21, 2012 Centre County Planning Commission meeting. The Owners, Dr. Gerald and Susan Clair, request no action to be taken at that meeting with regard to this proposal and waive the Commission of the 90 day County and Municipal review period. The Owners and PennTerra Engineering need additional time to amend and update the plans per the draft reviews provided by the Planning Office and Municipality.

If you have any questions or require further information, please contact me at (814) 231-8285, extension 311.

Sincerely,

Robert R. Kessler, Jr., P.E.
Project Manager

Cc: Benner Township Zoning Officer
Dr. Clair, Client
10128, Final Land Development File
Hanover Foods Corporation, Centre Hall Plant - Freezer Expansion Land Development

Final Plan
1-Building Addition (Freezer Building and Loading Dock)
Potter Township

Location: Along the northern boundary of Penns Valley Pike (State Route 45), approximately 0.5 mile east of its intersection with Old Fort Road (State Route 144).

Surveyor/Engineer: Nittany Engineering & Associates, Centre Hall

Tract History: a) Parent tract (totaling 18.28 acres) acquired by the owners (Hanover Foods Corporation) as an existing lot of record. Located within the parcel is a portion of the existing Hanover Foods Corporation vegetable processing and storage plant.

b) This proposal represents a Final Plan submission showing a land development activity within the 18.28 parcel comprising a single-story (59,470 sq. ft.) freezer building for the storage of processed frozen vegetables, with a (3,000 sq. ft.) loading dock/mechanical room/electrical room, including the necessary internal infrastructure to service the building addition and its proposed use.

Plan Requirements Pending:

ARTICLE VII -- LAND DEVELOPMENT

718. Final Plan Requirements

A.11. Label the material type and size of the sanitary sewer line main located within the right-of-way of Penns Valley Pike (State Route 0045).

A.17. There are various utilities that are being relocated and installed per the respective utility company's specifications as part this land development proposal; label the material type and size of the relocated sanitary sewer force main on the Utility Relocation Plan sheet.

719. Additional Supplemental Requirements

A. Supporting Data

A.3. Provide written confirmation from the Potter Township Zoning Officer indicating that the proposal meets or exceeds all applicable regulations per the Potter Township Zoning Ordinance, and, obtain the approval signature of the Potter Township Zoning Officer (i.e., execute the Potter Township Zoning Officer Approval Block - per Resolution No. 5 of 2005 as adopted by the Potter Township Board of Supervisors on May 2, 2005).
A.5. Awaiting receipt of the County Conservation District’s review and approval of the required Erosion and Sedimentation Pollution Control Plan.

A.6. This office acknowledges receipt of a draft copy of the Declaration of Stormwater Access and Maintenance Easement for staff review. The most recent draft has been reviewed and found acceptable and the applicant has been instructed to execute, record, and note source of title (where recorded; i.e., complete Notes 9.) of the easement on the plot plan. And once recorded, provide this office with a recorded copy of the instrument for our file.

B. **Improvements**

B.1. & B.2. Upon satisfactory completion of the above plan requirements (per subsequent written concurrence from this office), the applicant shall construct all required improvements as a condition pending final plan approval; or in lieu of, post adequate surety to guarantee same. Note: In either case, the applicant shall request a final site inspection (in writing) by the Township Engineer and County Planning Staff, with written correspondence noting approval to be generated by the Township Engineer upon satisfactory completion of all required improvements.

C. **Certificates**

C.1. Execute the Stormwater Certification Block.

C.4. Obtain the original signature of the owner of the property being developed and execute the Certification of Ownership Block.

C.4. (cont) Execute the Owner Stormwater Certification Block.

C.2. Obtain the approval signatures of the Potter Township Planning Commission and Board of Supervisors.

C.3. Upon completion of the above, obtain the approval signatures of the Centre County Planning Commission.

**General Comments**

- Execute the Stormwater Certification (Township Engineer) Block.

**Consistent with the plan review by the Major Subdivision and Land Development Plan Review Subcommittee** and correspondence received from the Potter Township Engineer, Zoning Officer and PennDOT, **staff recommends Conditional Final Plan Approval** subject to the completion of the items noted above and the approval signatures of the Potter Township Planning Commission and Board of Supervisors.
Tavern Terrace Townhomes Land Development

Final Plan
3-Buildings (21-Residential Townhomes)
Boggs Township

Location: Along the northern boundary of Old 220 Road (State Route 1006), approximately 1.0 mile east of its intersection with Mill Street (State Route 144/150).


Tract History: a) Parent tract (totaling 4.27 acres) acquired by the owners (Jerry & Judith Witherite and J. Allen Witherite, II) as an existing lot of record.

b) This proposal represents a Final Plan submission showing a land development proposal comprising a three building townhomes complex with two buildings containing eight two-story units each and the third containing five two-story units (all with first floor dimensions of 16' x 32' per unit), including the necessary internal infrastructure to service the buildings and its proposed use.

Plan Requirements Pending:

ARTICLE VII -- LAND DEVELOPMENT

719. Additional Supplemental Requirements

A. Supporting Data

A.3. Provide this office with a copy of the PennDOT Highway Occupancy Permit (HOP) for the access onto Old 220 Road (State Route 1006), noting the permit number on the plot plan.

A.5. Awaiting receipt of evidence of DEP approval for the NPDES Permit consistent with the County Conservation District’s review and approval of the required Erosion and Sedimentation Pollution Control Plan.

A.6. This office acknowledges receipt of a revise draft copy of the “Declaration of Permanent Stormwater Management Facilities Easement for Tavern Terrace Townhomes” as reviewed and found acceptable. Accordingly, the applicant has been instructed to execute, record, and note source of title (where recorded) of the easement on the plot plan. And once recorded, provide this office with a recorded copy of the instrument for our file.
B. **Improvements**

B.1. & B.2. Upon satisfactory completion of the above plan requirements (per subsequent written concurrence from this office), the applicant shall construct all required improvements as a condition pending final plan approval; or in lieu of, post adequate surety to guarantee same. **Note:** In either case, the applicant shall request a final site inspection (in writing) by the Township Engineer and County Planning Staff, with written correspondence noting approval to be generated by the Township Engineer upon satisfactory completion of all required improvements.

C. **Certificates**

C.1. Execute the Design Certification Block.

C.4. Obtain the original signature of the owners of the property being developed and execute the Certification of Ownership Block.

C.4. (cont) Execute the Stormwater Acknowledgement Block.

C.2. Obtain the approval signatures of the Boggs Township Board of Supervisors.

C.3. Upon completion of the above, obtain the approval signatures of the Centre County Planning Commission.

**General Comments**

- Execute the Municipal Stormwater Certification Block.

Consistent with the plan review by the *Major Subdivision and Land Development Plan Review Subcommittee* and correspondence received from the Boggs Township Supervisors, Zoning Officer, Engineer and PennDOT, staff recommends *Conditional Final Plan Approval* subject to the completion of the items noted above and the approval signatures of the Boggs Township Board of Supervisors.
Time Extension Requests:  

- Ram Centre, Inc. Land Development (CFA)  
  Penn Township.................................................................1st Request (No Fee Required)

- BEASD Additions and Alterations Land Development (CFA)  
  Boggs Township.............................................................12th Request ($450.00 Fee Required)

- John Hull’s Deitrich Road Land Development (CFA)  
  Walker Township............................................................19th Request ($800.00 Fee Required)

Note: Applicants, John and Deborah Hull, have formally requested a waiver of the time extension processing fee (per letter of February 17, 2012 -- copy enclosed)

This office acknowledges receipt of written requests from the above-referenced applicants asking the Commission to favorably consider the granting of ninety (90) day time extensions for the completion of the remaining conditions pending plan approval.

Accordingly, we recommend the granting of ninety (90) day time extensions.

Note: CPA = Conditional Preliminary Plan Approval  
     CFA = Conditional Final Plan Approval
February 17, 2012

Centre County Planning Office
420 Holmes Street
Bellefonte, PA 16823

ATTN: Robert B. Jacobs

RE: Hull Family Revocable Trust, Walker Township, 45-07

Dear Mr. Jacobs:

We would like to request a final inspection of our light industrial property in Walker Township for occupancy. In addition we would appreciate a waiver of the recent time extension fee which payment is due on February 21, 2012.

Sincerely,

John and Deborah Hull