

**BELLEFONTE BOROUGH COUNCIL
BELLEFONTE AREA INDUSTRIAL DEVELOPMENT AUTHORITY
SPECIAL MEETING @ NOON
March 27, 2017
www.bellefonte.net**

CALL TO ORDER

The regular meeting of the Bellefonte Borough Council was called to order by Council President Gay Dunne in the Bellefonte Borough Municipal Building.

Pledge of Allegiance:

Following the Pledge of Allegiance, Council remained standing for a moment of silence. It was requested that electronic devices be turned off.

ROLL CALL

Council Members Present: Brachbill, Brown, Dickman, Dunne, Hombosky,
Johnson, Tosti-Vasey

Council Members Excused: Beigle,

BAID Members Present: Hill, Halderman, Wendt, Beard

BAID Members Excused: Badger, Fisher

Officials Present: Ralph Stewart, Borough Manager
Don Holderman, Assistant Borough Manager
Mayor Tom Wilson

Staff Present: Vana Dainty, Keystone Community Coordinator

Guests: Sue Hannegan, CCPCDO; Derek Canova; Nancy Perkins; Robert Lingenfelter; Bob Dannaker; Joseph Griffin; Nathan Day, Planning Commission;

AGENDA

- Gamble Mill Lot Consolidation – This is an accelerated land development and lot consolidation that has been under discussion for a period of time. The accelerated approval is so the Gamble Mill can be open on December 31, 2017. Mr. Stewart, Robert and Rod will help lead through the Power Points. Mr. Stewart will explain the right-of-way issues and the outline of the property. In preparation for closing on April 5th the goal

is to have a new property line boundary established. There are four parcels going into three. By the Gamble Mill is the bypass flow of the Mill Race. It goes toward Dunlap Street, goes underground and makes its way back to the other side of Lamb Street Bridge, daylight and continues out Spring Creek. The proposal is to have a new property line established on the northern side of a shown wall. It would cross the existing Mill Race that has water in it. There are pieces of plywood to get the water to go down the bypass. The water at one time went under the building and more recently it was used to turn a mechanical turban that was in the waterworks building. Years ago it was taken out of service. Since that time there hasn't been water going underneath the building. The property line goes along the railroad tracks, out to West Lamb Street, make the turn and go towards the corner of the building, stay along the edge of the building, begin to cross Dunlap Street and back to the start.

There are two issues. One is getting the water stopped because the new buyers do not want the water to go underneath the building since that would cause a number of issues, including environmental issues. They want to recognize the feature just for historical purposes. They are proposing to build a permanent wall to stop the water. The right-of-way that was discovered through research has the waterworks building sticking out into the right-of-way. When it was built it protruded out into the right-of-way. The proposal to correct that is move the right-of-way over. It would still be on the black top road, within the existing new road that was paved, but would just be moved over. It is being called a realignment or correction. It can then follow the sidewalk that goes towards high street.

Mr. Stewart is seeking approval of a plot that puts all the little parcels together on the piece of land, and to correct the right-of-way. This all has to be done by April 5th and the only way for that to happen is to get some waivers. The Pennsylvania Municipalities Planning Code and the Bellefonte Land Development Subdivision Ordinance allows for both. Mr. Stewart put a memo at the table that outlines what he feels to be the exact waivers needed under the Land Development Subdivision Ordinance. April 5th is the closing on the bankruptcy proceedings and the property. The owners want to be assured that they have all these issues taken care of so that nothing is standing in the way. They want to be able to turn around and start a land development plan. Mr. Stewart emphasized that all this action only involves a lot consolidation. The new buyers will come back through the process when they have a land development plan prepared. They want to fast track the development of this property and have the issues addressed before closing.

Robert, on behalf of MBPB Holdings, thanked those at the meeting. There is a fast approaching deadline and he appreciates the help of this group. They are seeking consideration of accelerated approval of the right-of-way change, which results in the realignment of Dunlap and the combined lot addition plan. In relationship to the waiver sometimes there are peculiar situations that allow or suggest that a waiver is an appropriate path, which they think is the case in this situation. A lot of times in Historic Districts, properties become misunderstood, misrepresented, lines change. In the case here the Gamble Mill building, the redeveloped structure will be called #1; #3 is the service area in the back; and #2 is the patio out front. In original purchase or bankruptcy these three lots are becoming part of that sale. The waterworks building, added at some point in the past, was attached to the building and now holds the brewery to the previous

owner's operation. The Borough was, in effect, a partner in a business. When the waterworks quit operating the water became an issue. The waterworks building attached to the Gamble Mill is part of the redevelopment they are looking at, kind of an adaptive reuse of a historic structure. In order to better utilize the building, if the property owners could incorporate this into the project in a way that is feasible they feel it would be a better project. A slide shows the proposed lot consolidation.

Bookending with the Match Factory at one end and the Gamble Mill at the other will leave a historic trail from one to the other and will be the goal in creating an interpretative signage and landscape feature at the race. By moving the right-of-way they feel they are enabling a better entrance and exit and service access to the building.

Mr. Stewart said the reason for a joint IDA/Council meeting is because the proposed right-of-way encroaches on IDA Waterfront Property so they have to agree to this to make it all work. Everything on the stream side of Dunlap Street is in the IDA's name. The right-of-way will need to be deeded to the Borough. With the right-of-way the Borough would maintain access to the race for maintenance. They are willing to move the portion of brick walkway that needs realigned.

If value is under \$1,500.00 it doesn't have to go out to public bid. Rod said the Borough got title to this ground in 1931. It came with 24 acres. It has been difficult to determine what the Borough actually owns. Since the surveyor has gone through it was discovered that there are some other problems. When it looked like MBPB Holdings was going to get a lot more ground than originally intended to convey to them Rod looked at it. He was surprised that the Borough had beer brewing going on on Borough property. The other issue he has concern with from the Borough standpoint is the raceway. If those ply boards gave way you would have a significant wall of water running down there. If anything got stuck there, such as a little kid, there would be a hell of a lawsuit. It would be better for it to be permanently blocked off so it would never become an issue or problem. Mr. Stewart said there was a fence there and a new fence was put up as part of the waterfront project, but the area has always been high maintenance with weeds, maintenance with the stagnant water. Everyone is interested in economic development but you have to look at what is the harm if they get the property back on the tax rolls and they do something with it? It will at least be on the tax rolls. Otherwise it stays off the tax rolls and the Borough spends money every year maintaining it. Mr. Stewart feels it is better to see what happens with this effort.

This is the first part of a large development project for the Waterfront and there was a hiccup with the lines. What's to say this won't happen as you go towards High Street? The point is it needs done to make the property more attractive to the developer who is interested in it right now. The other issue is on the raceway...will there be some type of language since the bypass is there that any water that might get into the raceway Bellefonte is protected? Mr. Stewart said the new owners will build the wall. Mr. Brachbill would like to see some language that says the Borough won't be responsible if their wall fails once they build it. Mr. Stewart said Ms. Hannegan has been working with the owners. She said the intent would actually be to get rid of the water. It is stagnant, there is debris, it is unsightly and it is a safety hazard. The thinking was, from an interpretative point of view, to perhaps try to keep the sidewalls visible above grade, but filled in there. She anticipates they will fill that site and interpret it as a raceway with signage, but get rid of the liability for everybody. Mr. Brachbill said you still have a

bypass that is open with water running through it and the walls aren't being razed so if a large amount of rain pushes that water over where does it go? Mr. Stewart said the flow of the mill race is controlled over by Spring Creek. There is a simple system of boards that controls the amount of water going into the raceway. If wanted, the water can be stopped completely.

The water line under the waterworks has all been abandoned.

The Borough Zoning Ordinance requires maximum 75% pervious so if they include lot 3 it serves to reduce the potential footprint. Lot 3 is completely pervious.

Lots of muffled discussion among all those present.

The question was raised whether any thought was given to drawing the line right down the side of the new sidewalk instead of so far out into Dunlap Street and up? It was felt that a lot of work would have been saved if the line had been drawn that way. Mr. Brachbill said because the sidewalk catches the corner of the waterworks building. They were also giving enough room for a possible expansion on the front in the future.

Mr. Hill asked if there is another piece of the puzzle not seen that they are, definitely in writing, replacing the sidewalk and paying for the whole thing. Mr. Holderman said they just told the Borough that. Mr. Halderman recommended getting it in writing and including the inspection during the installation to be sure it is installed right. Ms. Hombosky would like the Borough to salvage the brick if the new owners are not willing to salvage it. Mr. Holderman asked Rodney to put that in the request.

Ms. Hannegan reminded that everyone needs to remember that this is a multi-story building and they will be looking for expansions to accommodate handicap accessibility to upper stories. Trying to fit an elevator shaft in that structure without damaging the existing structure will be a problem, which is why they are looking to expand the building. Mr. Stewart noted the restrooms are not ADA accessible. They also have to be sure there are more means of egress.

Mr. Stewart feels there need to be two motions, one for the right-of-way and one for the lot consolidation plan.

Mr. Halderman made a motion to approve this with the understanding that any and all costs are paid for by the developer. Mr. Wendt seconded the motion. A voice vote was unanimous.

Ms. Tosti-Vasey made a motion to consolidate the Borough parcels into one as necessary. Ms. Dickman seconded the motion. Mr. Brachbill would like it noted that the Borough does not have any costs. Mrs. Dunne read the reimbursement agreement. Mr. Halderman recommended putting a time limit on the reimbursement.

Mr. Brachbill made an amendment to the motion stating reimbursement should be made within thirty days from the time of invoice. Mr. Johnson A voice vote was unanimous.

A voice vote was unanimous to consolidate the Borough parcels as necessary.

Ms. Tosti-Vasey made a motion to realign the right-of-way to move it out of the now consolidated property on Dunlap Street. Ms. Hombosky seconded the motion. Mr. Stewart mentioned it is a correction of right-of-way lines. A voice vote was unanimous.

Ms. Tosti-Vasey made a motion that the Waiver Petition Special Council Meeting memo of Monday, March 27, 2017, become the waivers for the development of the property. Mr. Johnson seconded the motion. A voice vote was unanimous. (See Addendum)

Mr. Stewart said the plot plan is done and won't be seen again. The land development plan will come back through when the owners are ready with it.

The realtor of the property feels what is going on with the property will have great value in the long term. He appreciates this meeting and the help getting the buyers where they need to get. He thanked those at the meeting.

PUBLIC COMMENTS

- None.

ADJOURNMENT

- With no other business to come before Special Borough Council/BAIDA meeting, Ms. Tosti-Vasey made a motion to adjourn the March 27, 2017 meeting at 1:05 p.m. Ms. Hombosky seconded the motion. A voice vote was unanimous.

To: Council

From: Ralph

Date: March 27, 2017

Ref: Waivers Petition, Special Council Meeting of Monday, March 27th, 2017

In an effort to help facilitate the Waiver request, I have reviewed Chapter 500, Subdivision and Land Development Ordinance of the Borough of Bellefonte. I offer the following outline showing council to have the authority to grant waivers to the literal terms of the subdivision and land development ordinance and approve the lot consolidation/street Right-of-Way realignment/correction plan:

The Subdivision and Land Development Ordinance of the Borough of Bellefonte states in Section 500-43. Waivers:

Waivers to the literal terms of this chapter may be granted in accordance with the provisions of Section 512.1 of the Municipalities Planning Code. Section 512.1. of the Pennsylvania Municipalities Planning Code states:

- (a) The governing body or the planning agency, if authorized to approve applications within the subdivision and land development ordinance, may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question,

A motion for approval of the plan as submitted should include waivers of the following sections of the ordinance:

500-8. Subdivision and land development approval required.

All subdivision and land development within the Borough of Bellefonte must be approved in accordance with the requirements and procedures specified within this Chapter.

The waiver request includes having the plan submitted directly to Borough Council for review and approval.

500-38. General.

All subdivision and land development plats shall be reviewed by the Borough Planning Commission and shall be approved by the Borough Council in accordance with the procedure specified in this chapter....

The waiver request includes having the plan submitted directly to Borough Council for review and approval.

500-39. Review Procedures.

This section speaks to the timelines for plan submission and review. The Petitioner is requesting waivers to the standard procedures outlined in the Chapter.