

BAILIWICK NEWS

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August 2013 citizen petition re: high-rise zoning; UAJA's "rigorous justification" for EDU policy.

Editor's Note - Reviewing material for assembly of bound volumes, I found this gem of citizen engagement: a petition circulated in Summer 2013 as State College Borough Council prepared to cast votes on zoning and planning measures to enable high-rise construction downtown, just a few weeks after releasing drafts of the legislation and planning documents to the public for review.

Petition Text - August 2013

We, the undersigned, are opposed to passage of the current version of the Downtown Master Plan for the Borough of State College.

We object specifically to:

- zoning that permits 14-story buildings for downtown and 7-story buildings for the West End;
- incorporation of the West End, historically part of the Holmes-Foster Neighborhood, into the Downtown Master Plan; and
- the lack of comprehensive impact assessments of the proposed changes.

We are concerned that these objections, raised in previous public meetings, have been overlooked in the planning process.

We are also opposed to current proposed changes that relax the requirements for developers who wish to build high-rise "Signature Development" buildings.

We request that Borough officials:

- Postpone the vote on this version of the Downtown Master Plan and on changes to other high-rise building requirements;
- Give the public more time to respond to the current Master Plan draft, released this summer;
- Conduct impact studies of the proposed increases in population density, and
- Actively seek more public input on these and other elements of the plan that they know to be controversial.

Petitioner Comments/"Why I signed" - Aug. 2013

John Weiss - I am a borough resident and I do not believe that a high-rise building will have any genuine benefit to the residents of State College. High buildings are more expensive to build and maintain, they promote both crime and congestion, destroy open spaces next to the building, and they block light, air, and views. The only people who will benefit from a high-rise building such as this, are the bankers and land owners who stand to make speculative gains on the project. Please postpone the vote on this version of the downtown master plan.

Patricia Helt - Too often development has not included impact assessments, and ALL development has an impact on the area. At the very least, wait until after complete impact studies are completed, not only on population density but on utilities and neighborhood schools, and on neighborhoods themselves, before deciding whether to allow increased building heights, decreased high-rise requirements, or expanded area in which to build impersonal high rises.

Paul Barsom - The timing and inherent secrecy of this process should be a red flag. As usual, there have been no studies conducted to assess the effect this development will have. Traffic is especially problematic. Unlike a true "urban" development, each resident will likely have a car and the addition of another several hundred (thousand or more?) automobiles to that area, without sufficient ingress/egress or enough parking to accommodate them will alone cause enough problems. Likewise, no plans for good integration into the town/campus setting have been made. What is the infrastructure for bicycles in these buildings? No discussion of that at all. What changes need to be made to that already congested intersection at College/Atherton to prevent pedestrian/auto/bicycle chaos? And most important, what is the actual benefit to the town? The pittance of tax revenues collected from the properties won't begin to cover the additional cost of increased demand for police and other public services, not to mention the inevitable need to redesign traffic flows, all of which will have to be paid for by borough residents. And what, exactly, are we getting in exchange for this? Finally, this move is cynical and disingenuous. We, the residents of the borough have made ourselves very clear about more tall, student-centered ghettos being built in the West End or anywhere else. We succeeded in convincing the Borough Council less than a year ago that 7-story apartment buildings were a bad idea. Now we're not only back to

square one, we're all the way back to square zero, with not only 7, but 14 floors (of whatever height the developer want, apparently). If the Borough Council can demonstrate that they've done their homework and show that the cost/benefit of this plan adds up, then let's move ahead. But they haven't.

William Burgos - Council and the Planning Commission have spent a lot of time and effort on development of the west end and the master plan. The borough has already built concessions into their zoning to allow additional building heights. Current developers are asking for even more concessions (relaxation of continuous frontage; additional stories; etc.). The corner of Atherton + College couldn't be any more of a "signature" address so particular care must go into managing the development of this parcel. Any large building will have an immediate impact on the neighborhood. I expect that, unfortunately, this building will only attract student tenants.

Laird Jones - The borough needs development that generates revenue. Given our current, rather unfair tax structure that means new residential properties and urban amenities which attract people with jobs. Residents foot the bills in State College, not landlords, developers or business owners. High-rise student housing generally imposes net infrastructure and service costs. More retail space might indirectly attract taxpaying residents, but not if it simply more beer, pizza and t-shirts. Honestly, I think the earlier West End urban village plan would be more likely to attract new taxpaying residents. Why this deviation to high rises?

Patricia Wilcox - It will directly affect my daily life and goes against goal of promoting more families living in downtown State College.

Marion Schwartz - I work on campus. Downtown density affects student behavior.

Helen Barto - I am concerned about the population density and the impact this will have in obtaining water for the increased population.

Cynthia Merriwether-deVries - It is imperative that we take every opportunity to preserve the borough of State College as a mixed income, family friendly affordable housing center. Constructing high-rise apartments in a community that has a number of unoccupied residential and commercial spaces does not demonstrate good stewardship of our community resources.

David Stone - Why shut down discussion now just when neighborhood residents are starting to read July's 250-page Draft Master Plan for themselves? Why doesn't Council assume that time for a closer look at the details

will build more support for the plan? Something is wrong with this picture.

Patrick North - We are fighting the same developer in Bellefonte- PDG is trying to demolish several historic buildings in our downtown and is running roughshod over our zoning regulations in the process. Would someone from the group behind this petition please contact me? We may be able to help one another...Good luck!

Stephen Sinsley - Because I live in the impacted area.

Pete Kwiatek - State College Borough has for too long ignored its long-term residents.

Annie Harris - I live in State College

Travis Shoemaker - My name's Travis. I also support this, meaning opposing the high-rise buildings, till they look more into this and also get the public's input. Don't build big buildings

Matthew Carlson - I'm concerned about impacts to the environment, energy use, traffic, and the character of downtown State College, and I want to know more about who will use the additional space, and what it will be used for.

Shaunda Hopkins - State College Residents deserve to have a say to what happens to their town. I'm not from State College, but they get treated badly.

Joyce Porter - I am sick of developers ruining our community.

Wes Glebe - This town does NOT need 7 and 14-story buildings. Density is not necessary. They're breeder boxes for bad behavior (students). The only people who benefit are the developers. The downtown suffers, the residents suffer, the local landscaping certainly does. How is parking being accommodated? Does the town really need any more cars on the streets?

Elaine Schuckers - No impact studies on traffic congestion or strain of resources like the police and volunteer fire departments.

Lisa Riley Brown - I'm all for taking the time needed to build a shared understanding of the master plan and the implications of its proposed changes on our community.

Lydia Vandenberg - It is important to get input on this game-changing decision and postponing the vote will allow more time for input from the community.

Larry Moore - I did not know about this. I am concerned about the high-rise buildings encroaching on my neighborhood.

Paul Meister - Will negatively impact the residential character of the west end. I'm perplexed by the actual need to have more housing. The business interests are not interested in our community; they are only interested in profit.

Sylviane Allen - It is important to me because I live in that neighborhood and I appreciate the calm and esthetics of a smaller town design; it is not a high-rise neighborhood with high density population and I would like it to stay that way.

Amanda Cox - Stop the over development of this town!!!!

Ben Lippincott - To avoid destroying the small-town feel to State College by allowing property owners to build 14-story buildings in the bulk of downtown.

Arielle Hesse - This proposal could considerably change the aesthetics and culture of Downtown and the surrounding communities. The plan's consideration should only come after impact studies have been completed and the community has had time to review, comment, and even vote on it.

Barbara Massey - Higher education is changing dramatically. More online degrees, for less cost/debt for students. Preserving community lifestyle and culture should remain a high priority. Investment should be last on the list, not a high priority. Is there a master plan for the area?

Pam Steckler - Please consider the concerns of the residents. After all, we are major stakeholders and taxpayers as well. The health and welfare of our community must be considered when making decisions of this magnitude, as well as the impact on quality of life. Traffic studies need to be completed before a decision is made. This is imperative before going forward. It makes no sense to create a situation without thorough research first.

Elizabeth Shirey - I live in this area!

Patricia Jennings - I would like to keep the character of the community. There is no need for the Holmes-Foster Neighborhood to be integrated into the Downtown Master Plan.

Matthew Dahlhausen - My concerns:

- Increasing density, especially mixed-use development, will likely decrease commuting and associated air pollution and GHGs (roughly

1/6 of PSU's GHG emissions), though there will be an increase in traffic in the borough during non-commuting hours. This is an important GHG mitigation step.

- I think 7 stories is excessive - cap at 4-5 seems more appropriate, in order to stay within the limits of wood-construction versus steel beams; this a valid concern.
- A serious concern is the noise/disruption impact. However, this is noise/disruption concern, not a population density of young adults. It would be better to focus on stiffer fines for disruption; careful acoustical planning.
- Increasing development on the west end may make a student cooperative living situation unaffordable. Paying money to a development agency for an apartment produces greater wealth inequality and less community cohesion than paying money to landlords of smaller rental properties, but both are still rent-seeking.
- The current housing situation in the neighborhood is highly income-segregated (home prices around 1/2 mil). Efforts should focus on affordability, rather than status-quo wealth enclave. Private apartment buildings do not help this matter either.
- I would like to see a noise, light, and air pollution impact assessment, and rental health, safety, and energy efficiency requirements made as part this plan. (It is likely it will reduce air pollution due to less commuting, but increase noise and light pollution.)

Robert Passow - As a resident of over 50 years in State College I believe State College should retain the flavor of "College Town" not a highly urbanized City--there are already too many high buildings on East Beaver that detract from the flavor of a College Town.

Wilson Hutton - Because, 1. I live a couple of blocks from the area in question and am concerned about maintaining what's left of the property values in what's left of my "residential" block. 2. I am concerned, in more general terms, about a Borough development culture that tends to chase tax-paying, home-owning citizens out to the townships, in favor of high-density undergraduate housing that creates monocultures of transients with no stake in the community.

Paula Hesse - This is being foisted upon the borough, and more specifically, Holmes-Foster residents of which I am one, without proper vetting. Change is necessary but only with transparency. We ALL have a stake in our neighborhoods and changes should not be made that disproportionately benefit developers with everyone else being left to suck up the negative consequences. We've had enough of that in this town.

Janet Engeman – I believe that this plan that would radically change the character of the State College community, and that it needs much more public exposure than it has received. Something of this magnitude should be a community decision, perhaps made by referendum, and not be something crafted and imposed by people with a vested interest in the downtown, and not in State College as a whole. I do not believe that the overall impact of this development project on the resources of the community such as police, fire, waste disposal, parking and traffic management have not been adequately examined. Also, I fear that the new commercial spaces created in these enormous mixed use buildings may create the retail equivalent of unaffordable housing that we have in this community, force local small businesses out, and turn us into a "chain business" town.

Jan Snyder - Because I am concerned resident of the borough

Taylor Greer - As a resident of the Holmes-Foster neighborhood, I object to the timing of the Council's vote on the Downtown Master Plan. I was out of town this summer when the Council discussed the plan. Citizens need to have more time to study a document which has such significant changes to high-rise building regulations.

Vera Mark - As a former resident of the Holmes-Foster neighborhood, and a current resident of West College Heights, where student rentals have been an issue, I have concerns about long-term planning for the downtown. These concerns have intensified in light of the new student complexes nearing completion both on Waupelani Drive and off of Blue Course Drive. Input from borough residents most affected by this construction, and who provide the taxpayer base, needs to be integrated in a respectful and considered manner.

Donald Edwards - I believe such a dramatic change deserves more time for study of its impact and evaluation by the residents of the borough.

Johan Zwart - Although it is claimed that it is widely publicized, I personally only came to know about this 1 month ago.

Smita Bharti - No feasibility/engineering analysis has been done to see the effect of the zoning change on the town's utility and emergency response resources.

Subsequent Events

Aug. 19, 2013 - The Downtown Master Plan, including the authorization for 14-story buildings, was adopted Aug. 19, 2013, on a roll call vote, 5-2. Daubert, Dauler, Filipelli, Morris and Rosenberger in favor. Hahn and Klinetob opposed.

Sept. 16, 2013 - Johan Zwart spoke at the Sept. 16 State College Borough Council meeting. According to the minutes, "he stated, a couple of weeks ago, there was discussion on having input from the residents to form the plans, opinions and actions. The Master Plan is getting organized and there are 200 people not in favor of this. The residents had asked for a delay and Council's reaction was to crush that and pass it and let residents know Council doesn't want their input in any of these things. Because this is only a plan why not approve the delay because no codes are being changed and no money is involved? He asked Council what would a 2-3 week delay mean? He stated by delaying there would be 200-600 people now not in favor of this and this would cause a problem for Council."

Jan. 2019 – As of January 2019, within the Borough, the Metropolitan at College and Atherton (539 beds), the Rise at College and High (578 beds), and Fraser Centre at Beaver and Fraser (condos) have been completed, along with a mid-rise building at Beaver and Locust Lane (160 beds). Two more high-rises are under construction at College and Atherton, (745 beds) and at Garner and Beaver (824 beds), along with another mid-rise at Beaver and Pugh (275 beds). This is 3,121 beds just within the Borough, and doesn't include hundreds of new beds built in the surrounding townships since 2013. Source: Sept. 19, 2018 Centre Region Planning Agency graphic, "Centre Region Off-Campus Student Housing Developments."

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On the UAJA interpretation of "rigorous justification."

Written comments sent by Katherine Watt to CR-COG General Forum on Jan. 25, 2019, regarding continued research into the land use effects of UAJA's use of Equivalent Dwelling Units (EDUs) at 175 gallons per unit, regardless of occupancy, as implemented through the CR-COG Act 537 Plan.

1. Effective January 1, 2019, there is no affiliation between *Bailiwick News* and Nittany Valley Environmental Coalition. I'm going in a far more radical direction than NVEC.

2. I recently followed up with [UAJA Director] Cory Miller to identify the document Miller referenced at the

October 2018 General Forum meeting, in which CR-COG and UAJA provided a "rigorous justification" for a sewage flow calculation from new development less than 100 gallons per day per capita, per the 1997 DEP Domestic Wastewater Facilities Manual at page 16 (Exhibit V of my Oct. 26, 2018 package), which is, according to its own introduction and DEP's Dan Thetford (Environmental Group Manager, DEP Clean Water, North Central Regional Office), merely a non-binding suggestion, even though the DEP Component 3 package which references the DEP manual in an instruction to applicants at Section F, Item 4, (Exhibit U of my Oct. 26, 2018 package) is a legally-mandated land development planning document.

Miller provided the attached email, referring me to the 1990 Act 537 Plan, at section 2-1, also attached, and noting that since DEP has not, for the last 29 years, explicitly asked UAJA or CRCOG for a "rigorous justification" of EDUs, the use of EDUs at 175 gallons per day per unit, **regardless of occupancy**, is fully compliant.

Miller did not explain how the 1997 DEP guidance interacted with the 1990 Act 537 Plan which it post-dated, nor whether the 2000 and 2006 Act 537 Plan updates, and intervening amendments, which were adopted after the 1997 DEP guidance, contain any information about how sewage flows are to be calculated in the Centre Region, nor how the 2000 and 2006 Act 537 plans interact with the 1990 Act 537 Plan, which they presumably were intended to supersede and replace in full.

Miller's verbal justification, echoed by others, is that tighter pipelines in the Centre Region allow less inflow/infiltration of stormwater into the system, rendering the per capita water usage closer to the actual in-home use figures, which have been declining thanks to water-conserving appliances and fixtures.

I think this "justification" is bullshit for two reasons:

A) Apart from the developments constructed in the last couple of decades, most of the regional sewage infrastructure - especially within the Borough - is old and permeable to inflow and infiltration and

B) basing sewage flow solely on water flow leaves out the irreducible solid portion of domestic sewage flow, which increases inexorably with every population increase.

In any event, the lack of clear CR-COG instructions to UAJA and developers, via the Act 537 Plan, provides loopholes large enough to encompass thousands of new bedrooms producing thousands of new pounds of solid waste, requiring millions of dollars of UAJA ratepayer

funds to expand and construct glorious new sewage treatment facilities.

3. Given Miller's citation of the 1990 Act 537 Plan, it's clear that

A) since 1990, DEP has provided no significant oversight to the incremental and cumulative ecological impacts of land development in the Centre Region, and

B) it's been 29 years since CR-COG General Forum gave even a passing glance at the methods used to calculate sewage flow as they relate to ecological protection in incremental and cumulative land development contexts.

4. In case it's not already clear, I see no evidential basis for trusting the data or discretionary policy promulgation and enforcement determinations provided by Cory Miller; the UAJA boards that have established, maintained and annually renewed the EDU calculation system for the last several decades; the DEP; the EPA (which, incidentally, also recommends a 100 gallons per day per capita benchmark); or the Centre Region COG and its handmaidens, the Centre Region Planning Agency and Centre Region Planning Commission to protect the Centre Region population's ecological interests amid the onslaught of incremental and cumulative land development - both horizontal and vertical sprawl.

That leaves us with nobody.

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RE: "rigorous justification"

Cory Miller <crmiller@uaja.org>
To: Katherine Watt <kw.investigations.llc@gmail.com>

Tue, Jan 15, 2019 at 2:24 PM

Katherine,

The use of 175 gpd per EDU for hydraulic capacity dates back to the 1990 Centre Region Act 537 Plan, page 2-1:

https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Centre_Region_Act_537_Plan_-_Jan_1990.pdf

The Act 537 Plan was approved by PADEP, thus the planning number was approved as well. It is the basis of all hydraulic calculations for the Centre Region and UAJA. DEP has never asked us to justify beyond the 1990 Act 537 Plan.

Cory Miller
Executive Director
University Area Joint Authority
(814) 238-5361

From: Katherine Watt <kw.investigations.llc@gmail.com>
Sent: Tuesday, January 15, 2019 1:28 PM
To: Cory Miller <crmiller@uaja.org>; Thetford, Daniel <dthetford@pa.gov>
Subject: Re: "rigorous justification"

It was page 23 of the PDF version I had, which likely included cover pages, blank pages and tables of contents,

It appears to be page 16 of the original document, based on the page number at the bottom.

Copy of the page attached.

On Tue, Jan 15, 2019 at 1:14 PM Cory Miller <crmiller@uaja.org> wrote:

Katherine,

Are we looking at the same document? Here is a link to the 1997 Domestic Wastewater Facilities Manual. Page 23 does not seem to be what you are asking about.

Cory Miller

Executive Director

University Area Joint Authority

(814) 238-5361

From: Katherine Watt <kw.investigations.llc@gmail.com>

Sent: Tuesday, January 15, 2019 1:05 PM

To: Cory Miller <cmiller@uaja.org>; Thetford, Daniel <dthetford@pa.gov>

Subject: "rigorous justification"

Cory -

Please identify the document or documents you believe establish "rigorous justification" for UAJA Sewer Service Area use of EDUs for development proposals, in compliance with the 1997 DEP Domestic Wastewater Facilities Manual at p. 23.

If they are public documents, please provide a link.

If they are non-public documents, please send the documents by email.

Thank you.

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Katherine Watt, Editor and Publisher

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2. PLANNING OBJECTIVES AND NEEDS

2.1 Existing Sewer Service Area

The following sections include listings of approved subdivisions within the UAJA service area as of July 31, 1988. Each table includes the subdivision name, number of equivalent dwelling units (EDU's) remaining, equivalent wastewater flow estimations, and a schedule for development from 1988 to 1992. This information has been updated from the "Wasteload Management Report - 1987 Operations" prepared in March 1988 for the UAJA. Each municipality was provided with a list of known subdivisions from the report and asked to update the tables and locate the subdivisions on a map. Figure 1-1 shows the locations of the subdivisions within the identified Existing and Future Sewer Service Areas.

It should be noted that the schedules for development given here are only estimates based upon the schedules proposed by developers and municipal officials. Therefore, the estimates are felt to be accurate for the first few years, but are subject to change in the later years.

The projected flows from the EDU count estimates are based on a unit flow of 175 gallons per day per EDU. This unit flow is based upon the sewage flow and EDU count records of the PFJA and CHJA, thereby reflecting actual experience of the respective service areas.

2.1.1 Projected Subdivision Development 1988-1992

2.1.1.1 College Township

College Township has 26 pending subdivisions in the Sewer Service Area (SSA) and an additional allowance of 25 EDUs over the next five years for general development. The total remaining EDU count is 2,061. Approximately 1,149 of those EDUs are expected to be constructed by 1992. This results in a projected increase in flow of 201,075 gpd. The average annual increase in EDUs is 230 or 40,215 gpd. The projected growth rate is shown on Table 2-1.