

TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

Zoning Hearing Board Regular Meeting Agenda December 14, 2021 7:00 PM

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT**
- III. PLEDGE OF ALLEGIANCE**
- IV. INTRODUCTION OF BOARD MEMEBERS**
- V. APPROVAL OF MINUTES**
 - 1. October 26, 2021
- VI. SWEARING IN OF THOSE WHO WISH TO TESTIFY**
- VII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE**
- VIII. NEW BUSINESS**

1. Team Rahal of State College Inc.

Narrative

The variance request of Team Rahal of State College, INC, of 2796 West College Avenue, State College, PA 16801, regarding the following properties 3610 West College Avenue, Tax Parcel 24-004-079A; 3650 West College Avenue, Tax Parcel 24-004-080; 3660 West College Avenue, Tax Parcel 24-004-081; 3670 West College Avenue, Tax Parcel 24-004-082. The applicants are requesting variances to Chapter 27-701.3.A.(2) and Chapter 27-701.3.C.(1) of the Floodplain Conservation Regulations to permit development on land containing NOLIN soils. 3610 West College Avenue and 3650 West College Avenue are Zoned C General Commercial. 3660 West College Avenue and 3670 West College Avenue are Zoned Rural Agricultural RA.

2. HFL CORPORATION

Narrative

The variance application of HFL Corporation, 1155 Benner Pike, Suite 100, State College, PA 16801 regarding their property at 1215 North Atherton Street, State College, PA 16803, tax parcel 24-015-038. The applicant is requesting variance to Chapter 27-701.I and Chapter 27-403.B.6 to construct a 2,000 sq. ft. expansion in the floodplain use buffer and riparian buffer overlay district. The property is in the C General Commercial Zoning District.

IX. CALENDAR ITEMS

1. Next meeting will be January 25, 2022 pending agenda items.

X. ADJOURNMENT

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, October 26, 2021
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, October 26, 2021. In attendance were:

Board:

Michael Twomley- Chair
Susan Buda – Vice Chair
Swamy Anantheswaran- Secretary-Absent
Mike MacNeeley
Irene Wetzel-Absent
Stefanie Rocco, Alternate-Absent
Jeff Stover, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator
Summer Brown, Recording Secretary

Others in attendance were: Chris Shubert, AT&T Attorney; Todd Smith, ELA Landscape Architect; Shawn Paul, AT&T Representative; Christopher Lash, AT&T Representative; Steven Hilton, Heights Property Manager.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order on Tuesday, October 26, 2021 at 7:00 pm.

III. CITIZEN'S INPUT

IV. PLEDGE OF ALLEGIANCE

V. INTRODUCTION OF BOARD MEMBERS

VI. APPROVAL OF MINUTES

1. September 28, 2021 minutes.

Mr. Michael Twomley called for a motion to approve the September 28, 2021 meeting minutes. Mrs. Susan Buda made a motion to approve the meeting minutes, Mr.

Michael MacNeeley seconded the motion, and the motion passed unanimously.

VII. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Mr. Jeff Ressler, Mr. Shawn Paul, Mr. Christopher Lash, and Mr. Steven Hilton were sworn in to testify. Todd smith

VIII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE/APPEAL

Mr. Jeff Stover solicitor went over the criteria for a variance.

IX. ZONING OFFICER EXPLAINS THE BASIS OF VARIANCE/APPEAL REQUEST

X. NEW BUSINESS

1. NEW CINGULAR WIRELESS PCS

Mr. Ressler stated that the project that is the subject of this hearing is located along the North side of the intersection with Blue Course Drive. The tax parcel number is 24-004-,200B,0000-. The property is owned by Circleville Road Partners LP a Pennsylvania limited partnership. The property is zoned Traditional Town Development (TTD). The applicant for the variance hearing is New Cingular Wireless PCS LLC d/b/a AT&T Mobility. The applicant is requesting three variances to be able to construct a telecommunications facility. The applicants are requesting variances to the following sections of the zoning ordinance.

- Chapter 27-303.3A (1)(d)
- Chapter 27-710.3.A
- Chapter 27-710.3.H.2

Mr. Christopher Lash is the project manager and is employed by Jacobs's Telecom, news site build project manager. Mr. Lash gave the Board an overview of what he does as project manager and how they try to locate a viable site. Trying to locate a viable site includes co locating which is easiest thing to do (adding onto an already existing tower, find a landowner to rent a space to build a tower which is the last and most expensive option. Mr. Lash stated that they have been looking in this area for a number of years. Approached Penn State to use the water tower across the street on the golf course to no avail. Mr. Lash noted that this pole is important to not only residents but to law enforcement as well as this is a dead zone for them. AT&T is a partner with First Net a federal government first responder's network.

Mr. Lash gave an overview of what the proposed plan will look like. The pole will have 6 antennas and 12 mounts. Mr. Lash reviewed the landscape plan, setback restrictions, and visits made to the facility. Mr. Lash explained there would be the least amount of disturbance to the area as possible. Mr. Lash stated that there are simulated pictures of what the pole will look like in the location from various angles/locations. Mr. Lash also noted that AT&T could provide any requirements the Township requires within reason.

Mr. Twomley asked if sites on Science Park Road were considered as that area is zoned Industrial/Commercial. Mr. Lash stated that that area is further away than the radio frequency circle. Mr. Shaun Paul Radio Frequency Design Consultant for AT&T took the stand. Mr. Paul explained wireless service and the issue at this specific location. Mr. Paul also explained the

additional benefits this pole would provide to the community. Mr. Paul explained the topography of this specific location is an issue.

Mr. Twomley noted that he has fine service in and around that area and that, this seems to be just an AT&T issue. Mr. Todd Smith Landscape Architect for ELA is involved in the Heights at State College Development and gave some background on the already developed and proposed development plans. Mr. Smith noted that no other site on the property would meet the setback requirements and this is the best area. Mr. Steven Hilton property manager of the Heights is present on behalf of the residents of the Heights. The residents do not have ample coverage at their homes. Most of the residents are students and rely heavily on wireless communication.

Ms. Buda asked Zoning Administrator Jeff Ressler why the setback requirement is 500 ft. MR. Ressler stated that that is the number the Board of Supervisors decided on. The Board continued discussion and adjourn to executive session for 15 minutes.

The Board asked if roof top installation could be placed on the roof tops of building as an option . Mr. Paul stated that small cells are small and would not make a different in coverage at this location. Mr. MacNeely asked what other sites within the property have been investigated. Mr. Lash stated that the AT&T team has met with Township staff and went through alternate areas. The AT&T representatives stated that they have exhausted all possibilities. The Board discussed changing the proposed development to include the tower somewhere else. Mr. Smith stated that the proposed development includes residential home and not rental properties. Mr. Smith stated that this location is only one of three that is zoned TTD and has not been updated and evolved like other ordinances.

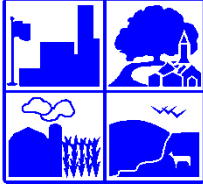
Mrs. Buda moved that the property located along the North side of the intersection with Blue Course Drive. The tax parcel number is 24-004-,200B,0000 be granted a variance to Chapter 27-303.3.a(1)(d) to allow a monopole structure in the TTD, Mr. Twomley seconded the motion, the motion was denied 2 to 1.

XI. CALENDAR ITEMS

XII. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 10:00 pm.

Swamy Anantheswaren, Secretary
For the Zoning Hearing Board



TOWNSHIP OF FERGUSON

3147 Research Drive · State College, Pennsylvania 16801
Telephone: 814-238-4651 · Fax: 814-238-3454
www.twp.ferguson.pa.us

November 23, 2021

VIA EMAIL

Legal Advertising Department
CENTRE DAILY TIMES
Post Office Box 89
State College, Pennsylvania 16804

Please insert the following legal notice so that it appears in the Legal Section of the Centre Daily Times on **Tuesday November 30 2021 and Tuesday December 7, 2021**

LEGAL NOTICE

The Ferguson Township Zoning Hearing Board will hold a Public Hearing at the Ferguson Township Municipal Building, 3147 Research Drive, State College, Pennsylvania on Tuesday December 14 2021 at 7:00 PM to hear the following variance requests:

The variance request of Team Rahal of State College, INC, of 2796 West College Avenue, State College, PA 16801, regarding the following properties 3610 West College Avenue, Tax Parcel 24-004-079A; 3650 West College Avenue, Tax Parcel 24-004-080; 3660 West College Avenue, Tax Parcel 24-004-081; 3670 West College Avenue, Tax Parcel 24-004-082. The applicants are requesting variances to Chapter 27-701.3.A.(2) and Chapter 27-701.3.C.(1) of the Floodplain Conservation Regulations to permit development on land containing NOLIN soils. 3610 West College Avenue and 3650 W. College Avenue are Zoned C General Commercial. 3660 West College Avenue and 3670 West College Avenue are Zoned Rural Agricultural RA.

The variance application of HFL Corporation, 1155 Benner Pike, Suite 100, State College, PA 16801 regarding their property at 1215 North Atherton Street, State College, PA 16803, tax parcel 24-015-038. The applicant is requesting variance to Chapter 27-701.I and Chapter 27-403.B.6 to construct a 2,000 sq. ft. expansion in the floodplain use buffer and riparian buffer overlay district. The property is in the C General Commercial Zoning District.

The public may attend the meeting in-person in the Main Meeting Room of the Ferguson Township Municipal Building

For the Ferguson Township Zoning Hearing Board
Jeffrey S. Ressler, Zoning Administrator

The Proof of Publication Notice and the invoice related to this advertisement should be sent to the attention of Ms. Traci Miller, the Township Accountant. Please call me if you should have questions or if you will be unable to process this request.

Sincerely,

Jeffrey S. Ressler
Zoning Administrator

cc: Legal Ad file



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

TO: ALL ZONING HEARING BOARD MEMBERS
JEFFREY STOVER, SOLICITOR

FROM: Shelly Tamang, Administrative Assistant

DATE: December 6, 2021

SUBJECT: ZONING HEARING BOARD MEETING

The Ferguson Township Zoning Hearing Board will hold a Public Hearing at the Ferguson Township Municipal Building, 3147 Research Drive, State College, Pennsylvania on Tuesday December 14, 2021 at 7:00 PM to hear the following variance requests:

The variance request of Team Rahal of State College, INC, of 2796 West College Avenue, State College, PA 16801, regarding the following properties 3610 West College Avenue, Tax Parcel 24-004-079A; 3650 West College Avenue, Tax Parcel 24-004-080; 3660 West College Avenue, Tax Parcel 24-004-081; 3670 West College Avenue, Tax Parcel 24-004-082. The applicants are requesting variances to Chapter 27-701.3.A.(2) and Chapter 27-701.3.C.(1) of the Floodplain Conservation Regulations to permit development on land containing NOLIN soils. 3610 West College Avenue and 3650 West College Avenue are Zoned C General Commercial. 3660 West College Avenue and 3670 West College Avenue are Zoned Rural Agricultural RA.

The variance application of HFL Corporation, 1155 Benner Pike, Suite 100, State College, PA 16801 regarding their property at 1215 North Atherton Street, State College, PA 16803, tax parcel 24-015-038. The applicant is requesting variance to Chapter 27-701.I and Chapter 27-403.B.6 to construct a 2,000 sq. ft. expansion in the floodplain use buffer and riparian buffer overlay district. The property is in the C General Commercial Zoning District.

The public may attend the meeting in-person.

Thank you.

Copy: Office File



Township of

Planning & Zoning Department

Pennsylvania

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$300.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$500.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$300.00 and the Appeal fee of \$500.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email ron.ferris @ bobby rahal . com

ENTRY OF APPEARANCE

Name RON FERRIS TEAM RAHAL OF STATE COLLEGE, INC.
TEAM RAHAL OF LEWISTOWN, LLC

Address 2796 WEST COLLEGE AVENUE STATE COLLEGE PA 16801

I am appearing on my own behalf (Check if this is true.)

I am representing _____

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature _____

Date _____

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant BOB FERDIS / TEAM RANAL OF STATE COLLEGE, INC.
TEAM RANAL OF LEWISTOWN, LLC

Address 2796 WEST COLLEGE AVENUE STATE COLLEGE PA 16801

Phone FAX (717) 439-2266

Owner SAME AS APPLICANT

Address " " "

Phone FAX " " "

1. Location of premises SEE ATTACHED SHEET

2. Centre County Tax Map Parcel Number _____

3. Present zoning _____

4. How long has the applicant held an interest in the property? _____

5. Present use of the premises _____

6. Proposed use of the premises _____

7. Explain extent of proposed alteration(s), if any: PROPOSED CONSTRUCTION OF A

NEW CAR DEALERSHIP WITH ASSOCIATED INFRASTRUCTURE ON

LOTS -79A & -80. PROPOSED USE OF LOTS -81 & -82 (REAL)

FOR STORMWATER MANAGEMENT FACILITIES.

1. Location of Premises	3610 W. College Ave.	3650 W. College Ave.	3660 W. College Ave.	3670 W. College Ave.
2. Centre County Tax Parcel Number	24-004-79A	24-004-80	24-004-81	24-004-82
3. Present Zoning	General Commercial	General Commercial	Rural Agriculture	Rural Agriculture
4. Years applicant held interest in property	5 years	5 years	14 years	14 years
5. Present use of premises	Overflow parking and meadow	Single-family residence	Single-family residence	Agriculture
6. Proposed use of premises	Car Dealership with associated infrastructure		Single-family residence and SWM	Agriculture and SWM

8. Describe all existing structures, including type size and height: _____

TP 24-004-00: 1-STORY SINGLE-FAMILY RESIDENCE (2,200 SF)

TP 24-004-01: 1-STORY SINGLE-FAMILY RESIDENCE (2,700 SF), SHED (800 SF)

9. Has the property been involved in previous zoning hearing(s)? YES If so, describe date of hearing, nature of hearing and outcome of hearing:

REZONING OF TP 24-004-00 FROM RURAL AGRICULTURE TO GENERAL COMMERCIAL IN 2016.

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? No
- b) Has he/she reviewed, approved, and signed the plans? No
- c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

SEE ATTACHED

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

SEE ATTACHED

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria: SEE ATTACHED

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

11. Section 27-701.3.A.(2) – *Natural Drainage Swales subject to periodic inundation by runoff rather than floodwaters are also subject to the floodplain conservation regulations. Such Drainage swales are identified as Nolin silt loam soils, soil symbol “No” on the aforementioned soil survey maps.*

Section 27-701.3.C.(1) – All new construction or development (including substantial improvements) are prohibited.

12. The ordinance prohibits new development and construction in all areas underlain by Nolin soils in the interest of protecting floodways / floodplains. However the proposed development area, while underlain by Nolin soils, is not a floodway or floodplain, or even subject to periodic inundation.

13. The hardship meets the following criteria:

- a. The unique topography of the lot creates a low area on the property that historically collected Nolin soils.
- b. Per the ordinance, the presence of Nolin soils automatically prohibits development as a commercial lot, which allows 80% impervious coverage.
- c. The topography of the site has not been changed in any known history.
- d. The property is zoned commercial, with the intention of using it for a new car dealership. There are 4 other car dealerships along the same corridor. The proposed development aligns with the character of the neighborhood that includes those 4 car dealerships, along with an auto body shop, 2 convenience stores w/ car washes and drive-thru facilities, a large vehicle storage facility, and future multi-tenant retail space.
- e. The variance is the minimum relief needed to allow the proponent use of the property as designated by the commercial zoning. The restriction on development is to protect floodplains and floodways as environmentally sensitive areas. The location that is the subject of the variance request is not recognized by either DEP as a watercourse or FEMA as a floodplain. A site investigation by a licensed soil scientist indicates the Nolin soils are historical, with no evidence of surface or water flow or flooding, and no seasonal high ground water table (another indicator of base water flow).

The inability of the proponent to develop as allowed by zoning would be relieved by recognizing the Nolin soils in this area are not indicators of periodic inundation, and remove the requirement to adhere to floodplain conservation regulations.

Describe hardship, as listed above, which will be relieved by granting this variance:

SEE ATTACHED

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

T.P. 24-004-79L GARY E. MYERS 650 W. CHERRY LANE STATE COLLEGE, PA 16803

T.P. 24-004-90 JOSEPH C. & DELORES G. NOMAN 3490 SHINGLE TOWN RD. STATE COLLEGE PA 16801

T.P. 24-004-83 LAWRENCE C. & MYRON S. PAAZO

3670 WEST COLLEGE AVE. STATE COLLEGE PA 16801

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

Infiltration Analysis & Nolin Soils Investigation

Penn Terra Existing Conditions Plan



Township of

Planning & Zoning Department

Pennsylvania

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$300.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$500.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$300.00 and the Appeal fee of \$500.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email jsepp@pennterra.com

ENTRY OF APPEARANCE

Name John C. Sepp, P.E.

Address 3075 Enterprise Drive, State College, PA 16801

I am appearing on my own behalf (Check if this is true.)

I am representing HFL Corporation

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature _____

Date _____

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant HFL Corporation

Address 1155 Benner Pike, Suite 100, State College, PA 16801

Phone FAX 814-238-4000

Owner HFL Corporation

Address 1155 Benner Pike, Suite 100, State College, PA 16801

Phone FAX 814-238-4000

1. Location of premises 1215 North Atherton Street, State College, PA 16803

2. Centre County Tax Map Parcel Number 24-015-,038

3. Present zoning General Commercial

4. How long has the applicant held an interest in the property? Over 25 years

5. Present use of the premises Vacant Restaurant

6. Proposed use of the premises Restaurant

7. Explain extent of proposed alteration(s), if any: 2,000 S.F. expansion

8. Describe all existing structures, including type size and height: 5,500 S.F. restaurant with a height of 20 feet.

9. Has the property been involved in previous zoning hearing(s)? Yes If so, describe date of hearing, nature of hearing and outcome of hearing:

A parking reduction variance was granted on June 18, 2018.

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? No
- b) Has he/she reviewed, approved, and signed the plans? No
- c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

Chapter 27-701.I Use Buffer: building is not permitted in Riparian Buffer zone.

Chapter 27-403.B.6 Uses Permitted in Riparian Buffer: building is not permitted in Riparian Buffer zone.

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

The existing building and parking lot pre-date that Riparian Buffer Ordinance. The proposed building expansion is proposed over land that is currently developed as sidewalk and parking.

No encroachment into undeveloped Riparian Buffer areas is proposed.

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

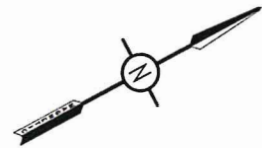
15. List all abutting property owners. Include full name, address, and telephone numbers

Corey J. Confer, 246 E. Clinton Avenue, State College, PA 16803

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

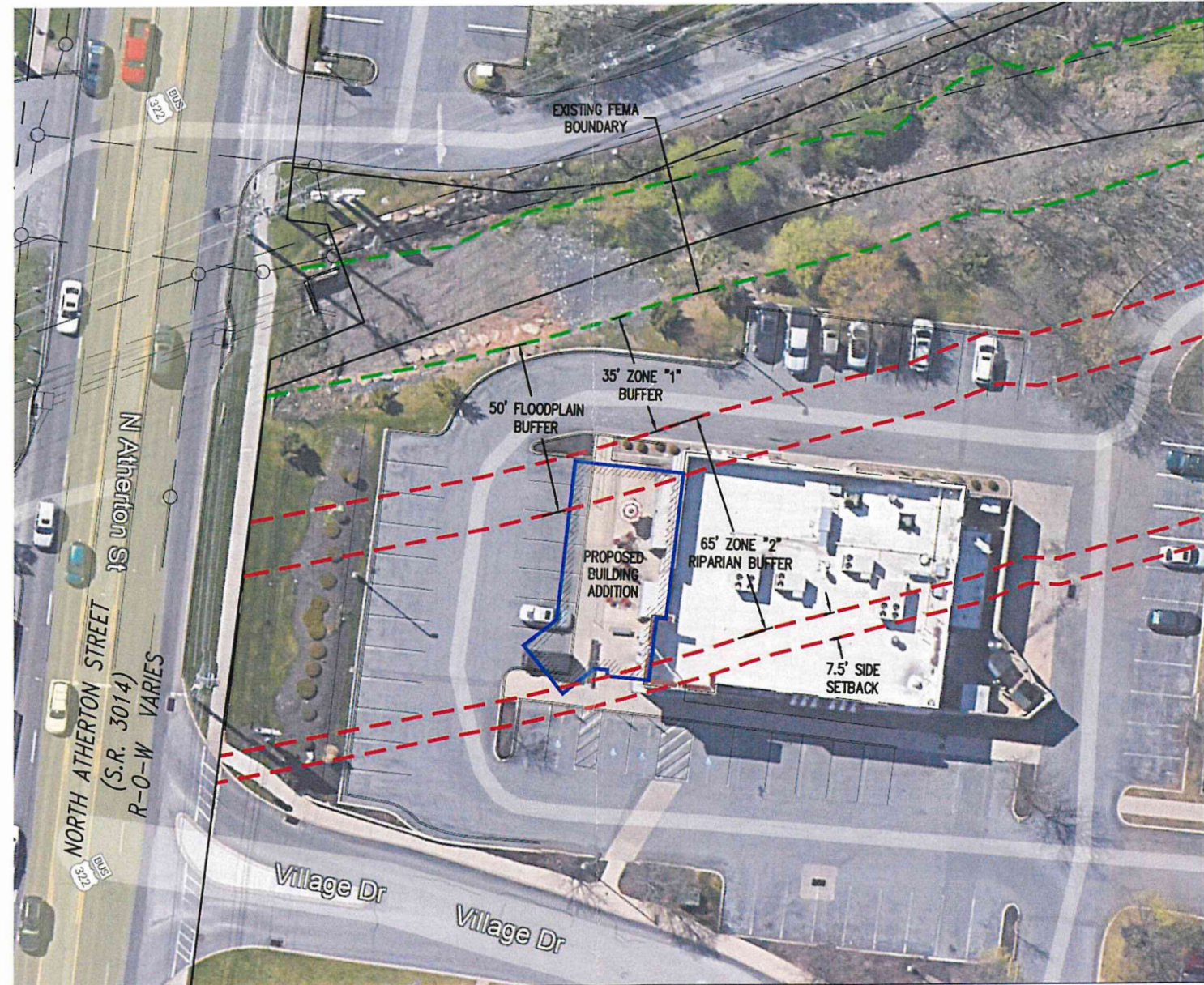
Revised
09/14/2017



EXISTING FEATURES LEGEND

- Existing Building
- Existing Curbing & Edge of Pavement
- Existing Concrete Sidewalk
- Existing Retaining Wall
- Existing Contours w/ Elevation (1's & 2's)
- Existing Contours w/ Elevation (5's & 10's)
- Existing Storm Sewer Line w/ Inlet
- Existing Sanitary Sewer w/ Manhole
- Existing FEMA Boundary
- Property Line, Lot Line or Right of Way Line
- Adjoining Property Line

1. General Site Information:
- a. Owner of Record: HFL Corporation
1155 Banner Pike Suite 100
State College, PA 16801
 - b. Tax Parcel No.: Tax Parcel 24-015-038
 - c. Deed Information: Tax Parcel 1403/PG 1074
 - d. Zoning: (C) General Commercial
 - e. Site Address: 1215 North Atherton Street
 - f. Site Size: 13.264 Acres / 577,808 S.F.
 - g. Site Use: Restaurant
 - h. Building Setbacks: 50' (Front) 15' (Side) 50' (Rear)
 - i. Building Height: 45' Max. (Allowable) / 45' (Proposed)
 - j. Impervious Area: 80% (Total) 30% (Building) Max. Allowable



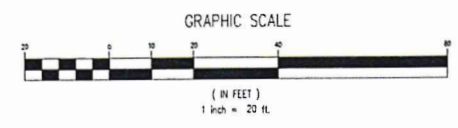
Designer	
Draftsman	PTE
Proj Manager	JCS
Surveyor	
Perimeter Ok	
Book	Pg
Date	Layout
Asst	

JAPANESE STEAKHOUSE

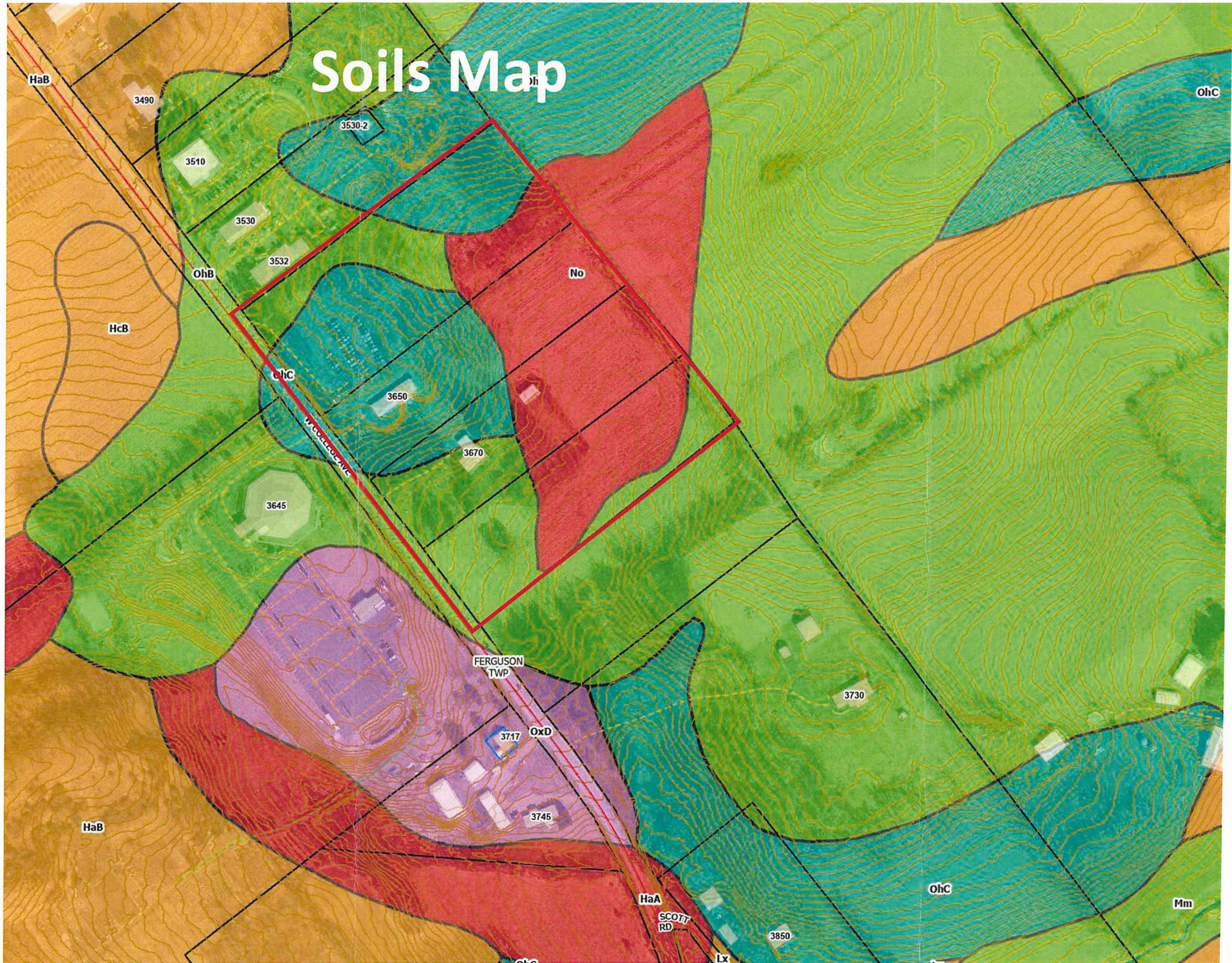
FERGUSON TOWNSHIP
CENTRE COUNTY
PENNSYLVANIA

VARIANCE EXHIBIT

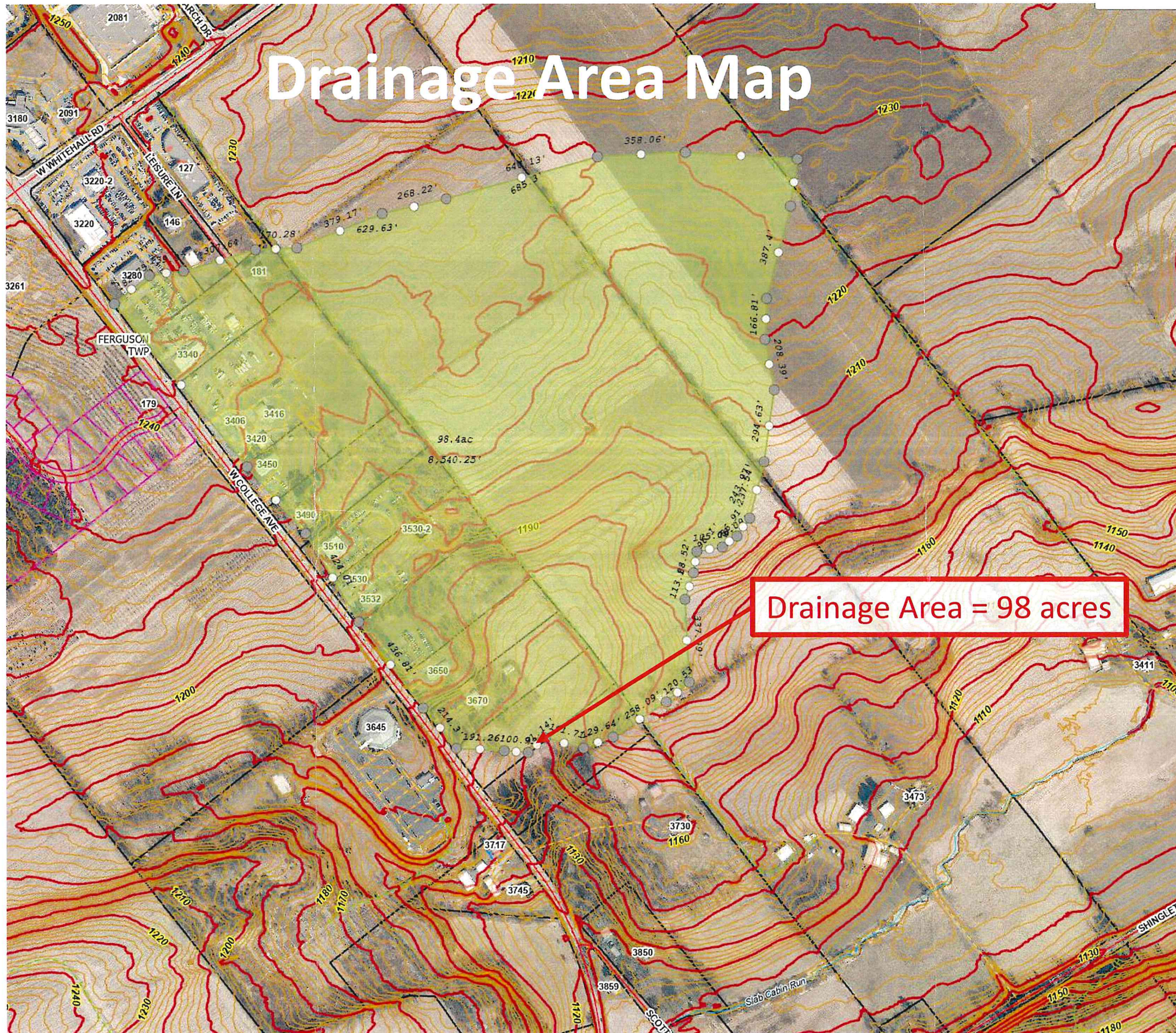
PROJECT NO.	21293
DATE	NOVEMBER 11, 2021
SCALE	1"=20'
SHEET NO.	1



Soils Map



Drainage Area Map



Drainage Area = 98 acres

Part 7
SUPPLEMENTAL REGULATIONS

§ 27-701. Floodplain Conservation. [Ord. No. 1049, 11/18/2019]

1. All land and watercourses defined herein as floodplains shall be subject to the following regulations regardless of the district regulations within which such land and watercourses are located. The identified floodplain area shall be: A) any areas of Ferguson Township subject to the 100-year flood, which is identified as Zone A (area of special flood hazard) in the Flood Insurance Study (FIS) with the effective date of May 4, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study, and B) those areas designated as alluvial soils by the Soil Survey of Centre County, Pennsylvania, prepared by the U.S. Department of Agriculture, dated 1981.
2. The AE Area/District (Flood Insurance Risk Zone) shall be those areas identified as an AE Zone on the Flood Insurance Rate Map (FIRM) included in the FIS prepared by FEMA and for which 100-year-flood elevations have been provided in the FIS.
3. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year-flood elevations have been provided. For these areas, elevation and floodway information from federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the municipality may require the applicant to determine the 100-year-flood elevation with detailed hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. Where a difference exists between these two documents, the document which delineates the greater area shall be used. Any changes to the data contained in the Flood Insurance Study are subject to the approval of the Federal Insurance Administration.
 - A. Intent. It is the intent of this section to preserve the natural functions of floodplains, to protect life and property from the hazards of flooding, to protect the waters of the Township and to minimize the financial burdens which floods impose upon the community. These purposes shall be advanced by preventing certain uses and structures from locating in floodplains while allowing others which will not 1) impede the flow of floodwaters, 2)

- (5) Retaining walls, flood retention dams, culverts and bridges as permitted by the Pennsylvania Department of Environmental Protection.
 - (6) Customary uses accessory to the above.
- C. Use Limitations. Uses permitted in § 27-701, Subsection 3B are limited as follows:
- (1) All new construction or development (including substantial improvements) are prohibited.
 - (2) Improvements or modifications to an existing structure shall be permitted but they shall be elevated or floodproofed as much as possible, provided that said improvements or modifications involve a) less than 50% of the fair market value, and b) less than 50% of the square footage as it existed on March 8, 1984.
 - (3) All other uses whether temporary or permanent are prohibited including, but not limited to, the following which are not interpreted as being customary accessory uses: filling in of the floodplain; sanitary landfill or dumping of any kind; fences which impede, retard or change the direction of the flow of water or catch or collect debris carried by such water; outdoor storage of materials which are buoyant, flammable or explosive; and on-site sewage disposal systems.
 - (4) Prior to any proposed alteration or relocation of any stream or any watercourse, etc., within the Township, a permit shall be obtained from the Department of Environmental Protection, Dams and Encroachment Division, as specified in the Dam Safety and Encroachment Act, as amended.⁵⁷ Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development.
 - (a) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- D. Zoning Permit. Prior to the issuance of any zoning permit, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended⁵⁸); the Pennsylvania Dam Safety and Encroachments Act

57. Editor's Note: See 32 P.S. § 693.1 et seq.

58. Editor's Note: See 35 P.S. § 750.1 et seq.

- (b) Require the applicant to comply with all applicable requirements of the National Flood Insurance Program regulations (60.3a, b and c), including the requirements for floodproofing, anchoring and elevation.
- (3) Notwithstanding the provisions of this section, no conditional use shall be granted for the following obstructions and activities if located entirely or partially within an identified floodplain area:
 - (a) Hospitals (public or private).
 - (b) Nursing homes (public or private).
 - (c) Jails or prisons.
 - (d) New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
 - (e) Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any one of the following dangerous materials or substances and 935 gallons in the aggregate on the premises:
 - 1) Acetone.
 - 2) Ammonia.
 - 3) Benzene.
 - 4) Calcium carbide.
 - 5) Carbon disulfide.
 - 6) Celluloid.
 - 7) Chlorine.
 - 8) Hydrochloric acid.
 - 9) Hydrocyanic acid.
 - 10) Magnesium.
 - 11) Nitric acid and oxides of nitrogen.
 - 12) Petroleum products (gasoline, fuel oil, etc.)
 - 13) Phosphorus.
 - 14) Potassium.

- (d) The Township procedures of approval may have conditions attached as needed to further the goal of prohibiting development in floodplains and wetlands.
- H. Floodways. No activity, land development, structure, building or obstruction shall be permitted within an identified floodway portion of the floodplain district.
- I. Use Buffer. A land buffer remaining in its natural condition shall be not less than 100 feet separating the permitted use from the edge of the top of the bank of the watercourse. The 100-foot distance is to start from the outermost edge of the watercourse measured in a perpendicular direction to the approved use. A fifty-foot land buffer remaining in its natural condition shall be provided between the permitted use and the edge of the floodplain as defined by FEMA.
- J. Variances.
- (1) Any variances granted by the Zoning Hearing Board to any of the floodplain conservation regulations of this section shall be subject to the same standards and requirements as applied to the granting of conditional uses in § 27-701, Subsection 3F.
 - (2) In addition to meeting the requirements of § 27-701, Subsection 3E, whenever a variance is granted, the Township shall notify the applicant, in writing, that the granting of the variance may result in increased premium rates for flood insurance and may increase the risks to life and property.
 - (3) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year-flood elevation.
 - (4) No variance shall be granted for any construction, development, use or activity within the floodplain area that would, together with all other existing and anticipated development, increase the 100-year-flood elevation more than one foot at any point.
- K. Abrogation and Greater Restrictions. This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

§ 27-702. Slope Controls. [Ord. No. 1049, 11/18/2019]

1. All land defined herein as having steep slopes shall be subject to the following regulations:
 - A. Intent. It is the intent of this section to control the following purposes: 1) to limit erosion and sedimentation, 2) to prevent an

setbacks cannot be met, evidence that the location of such disturbance is not adversely impacted by its proximity to such features is provided. The sufficiency of evidence submitted shall be determined by the Board of Supervisors depending on the specifics of each request.

**§ 27-403. Riparian Buffer Overlay Zoning District Requirements.
[Ord. No. 1049, 11/18/2019]**

1. Legislative Intent.

- A. Under the authority of Article I, Section 27, of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended, other commonwealth and federal statutes, and in recognition of the fact that natural features contribute to the welfare of residents, the following riparian buffer regulations are enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors by establishing a designated Riparian Buffer Overlay Zoning District.
- B. Ferguson Township adoption of these regulations does not grant public access to private property. Any grant of public access remains the prerogative of each individual property owner.
- C. The Riparian Buffer Overlay Zoning District ordinance, upon adoption, shall apply to all subdivisions, land developments or redevelopment of existing properties or any other improvements that require subdivision or land development plan submission if they are within or touch the Riparian Buffer Overlay Zoning District within Ferguson Township.
- D. Any required riparian buffer preservation and maintenance shall remain the sole responsibility of each individual property owner or as otherwise stipulated by the Ferguson Township Stormwater Management Ordinance.²⁵
- E. In addition, the specific purposes and intent of this section are to:
 - (1) Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, prime wildlife habitats).
 - (2) Work with floodplain, steep slope, and other municipal ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and important riparian features.

25. Editor's Note: See Ch. 26, Stormwater Management.

- (3) Conserve natural, scenic and recreation areas within and adjacent to riparian areas for the Centre Region's benefit.
 - (4) Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by stabilizing. Further, to minimize concentrated flows through the use of level spreaders and/or similar stormwater management devices used to disburse concentrated flow uniformly over the ground as sheet flow.
 - (5) Improve and maintain the safety, reliability, and adequacy of the Centre Region's water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic plants and animals.
 - (6) Regulate the land use, siting, and engineering of development to be consistent with the intent and objectives of this section and accepted conservation practices, as well assure that the impacts of such development remain within the carrying capacity of existing natural resources.
 - (7) Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically erosion control, of the Pennsylvania Clean Streams Law,²⁶ Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980, Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Centre County Conservation District.
2. Definition, Establishment, Width Determination, Applicability, and Interpretation.
- A. Definition.
- (1) The Riparian Buffer Overlay is a zoning district consisting of areas surrounding swales, creeks, streams, water bodies, intermittent watercourses and delineated wetlands as well as those encountered during subdivision and land development. These areas intercept surface water runoff, subsurface flow, and deep groundwater flows from upland sources and remove or buffer the impact of nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.
- B. Establishment.

26. Editor's Note: See 35 P.S. § 691.1 et seq.

- (1) The establishment of a Riparian Buffer Overlay Zoning District applies to the following areas which are identified on the officially adopted Zoning Map of Ferguson Township:
 - (a) Lands adjacent to streams within Ferguson Township.
 - (b) Lands adjacent to intermittent watercourses within Ferguson Township.
 - (c) Lands, water bodies and wetlands as regulated by state and/or federal designation.
 - (d) Similar land and/or water to those outlined above as encountered during the process of subdivision and land development within Ferguson Township.

C. Width Determination.

- (1) The Riparian Buffer Overlay Zoning District shall extend a minimum total width of 100 feet from each edge of any perennial watercourse or surface water body, or shall equal the extent of the 100-year floodplain, whichever is greater. Where the edge of waterway of an intermittent watercourse cannot be determined, the width of the Buffer Overlay Zoning District shall be measured beginning from the center line of the channel. The district may consist of two distinct zones designated as:
 - (a) Zone One.
 - 1) This zone will begin at the edge of the waterway (including wetlands and intermittent watercourses) and occupy a margin of land with a minimum width of 35 feet measured horizontally on a line perpendicular to the edge of the waterway. Where a defined bed and bank exist, the edge shall be established based on bank full flow. The width of Zone One may be required to extend beyond the minimum 35 feet depending upon existing topography, woodlands, and other natural conditions. This determination will be made by the Township Arborist and/or Township Zoning Administrator.
 - 2) Where slopes of 15% or greater are located within the thirty-five-foot Zone One, this zone shall extend the entire distance of the steep sloped area. If the distance of this sloped area is greater than 100 feet, there will be no requirement for the establishment of additional buffer area designated as Zone Two. If the distance is less than 100 feet, but greater than 35 feet, the sixty-five-foot wide Zone Two will begin at the end of Zone One.

(b) Zone Two. This zone will begin at the outer edge of Zone One and occupy a minimum width of 65 feet in addition to Zone One (unless otherwise noted).

1) Where the floodplain extends greater than 100 feet from the waterway, Zone One shall remain a minimum of 35 feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the defined 100-year floodplain.

2) As per § 27-701, Subsection 3I of this chapter, an additional fifty-foot buffer shall be provided between the edge of a FEMA-defined floodplain and any proposed use on the site. The land within this 50 feet shall remain in its natural condition.

(2) The Overlay Zoning District shall also include a minimum buffer width of 50 feet around the entire perimeter of the outer edge of wetlands and water bodies greater than 5,000 square feet in area and not located along a stream.

D. Applicability. The provisions of this section shall apply as follows:

(1) The developer/applicant shall be responsible for identifying the location of the Riparian Buffer Overlay Zoning District boundary on any plan that is submitted to Ferguson Township for the following:

(a) Subdivision, land development or redevelopment. [See § 27-403, Subsection 2H(1)(a).]

(b) Approval for improvements that require a zoning and building permit. [See § 27-403, Subsection 2H(1)(b).] Although mitigation may not be required for such activity, the boundary must still be delineated.

1) In the overlay district, such permit shall only be required when construction or erection of any structure(s) within or touching the Riparian Buffer Overlay Zones of Ferguson Township is located on the ground or attached to something on the ground and is greater than 144 square feet in size.

(2) This initial delineation of the overlay district boundary shall be subject to review and approval by the Ferguson Township Zoning Administrator and/or Engineer.

(3) These requirements shall not apply to any existing (as of May 18, 2009) primary or accessory buildings or to any of the following: agricultural uses, transportation facilities, fences, lawns, gardens, utility lines, decks and piers, or to interior renovations, septic and essential services.

- E. Interpretation of Ordinance Provisions. In interpreting the language of the Riparian Buffer Overlay District and the extent of underlying zoning district regulation upon use of property, where doubt exists between regulations, the stricter regulation shall govern. Any challenges to municipal interpretation of the applicability of the Riparian Buffer Overlay Zoning District shall be appealed in accordance with the requirements outlined § 27-403, Subsection 2K, Boundary Interpretation and Appeals Procedure, and Article IX, Zoning Hearing Board and Other Administrative Proceedings, of the Municipalities Planning Code (MPC), Act 247, as amended.²⁷
- F. Uses Permitted in the Riparian Buffer Overlay District. The following uses are permitted, either by right or as a conditional use, in the Riparian Buffer Overlay Zoning District. (NOTE: Within any riparian buffer, no construction, development, use, activity or encroachment shall be permitted unless the activity has been first authorized by the Township Zoning Administrator.)
- (1) Zone One.
 - (a) Uses Permitted by Right. The following uses where permitted in the underlying zoning district shall be permitted to extend into the area defined as Zone One:
 - 1) Agricultural activities.
 - 2) Forestry uses with a Centre County Conservation District approved erosion and sedimentation control plan and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection's Chapter 93, Water Quality Standards.
 - 3) Removal of trees where such removal is necessary as a means to eliminate dead, diseased or hazardous stands of trees that jeopardize public safety, provided that such removal is in compliance with the recommendations of this section and Appendix C, Riparian Buffer Management Plan²⁸ and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection's Chapter 93, Water Quality Standards.
 - 4) Required Yards. The required setback area may incorporate a portion of the zoning overlay; however, at least 1/2 of each required front, side or rear yards on any private lots shall be entirely outside of the Riparian Buffer Overlay District.

27. Editor's Note: See 53 P.S. § 10901 et seq.

28. Editor's Note: Said appendix is included as an attachment to this chapter.

- 5) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands and native planting and reforestation in compliance with the recommendations of this section and Appendix C, Riparian Buffer Management Plan.²⁹
 - 6) Stream bank stabilization and/or recommended native tree reforestation, in compliance with the recommendations of this section and Appendix C, Riparian Buffer Management Plan.³⁰
 - 7) Stream crossings for farm vehicles and/or livestock if part of a federal, state and/or privately funded Centre County Conservation District and/or local nonprofit riparian buffer improvement project.
 - 8) Placement of research and monitoring devices such as staff gauges, water recording, water quality testing, cross vanes, weirs and related demonstration facilities.
- (b) Uses Permitted by Conditional Use. The following uses, when permitted in the underlying zoning district, shall be permitted to occupy land within Zone One after receipt of conditional use approval:
- 1) New stream crossings for roads, railroads, centralized sewer and/or water lines and public utility transmission lines and/or their related appurtenances (i.e., towers, well houses, pump and lift stations), provided that they are:
 - 2) Designed and installed in accordance with the stream crossing standards of this section.
 - 3) All disturbance must be mitigated at a ratio of 1:1 for each square foot of disturbance and must follow the recommendations for improvements identified in § 27-403, Subsection 2H and Appendix C, Riparian Buffer Management Plan.³¹ When feasible, these lines shall be located as far from Zone One as practical.
- (2) Zone Two.
- (a) Uses Permitted by Right. The following uses, where permitted in the underlying zoning, shall be permitted to extend into the area defined as Zone Two:

29. Editor's Note: Said appendix is included as an attachment to this chapter.

30. Editor's Note: Said appendix is included as an attachment to this chapter.

31. Editor's Note: Said appendix is included as an attachment to this chapter.

- 1) Agricultural activities.
- 2) Forestry uses with a Centre County Conservation District approved erosion and sedimentation control plan and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection's Chapter 93, Water Quality Standards.
- 3) Removal of trees where such removal is necessary as a means to eliminate dead, diseased or hazardous stands of trees that jeopardize public safety, provided that such removal is in compliance with the recommendations of this section and Appendix C, Riparian Buffer Management Plan,³² and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection's Chapter 93, Water Quality Standards.
- 4) Required Yards. The required setback area may incorporate a portion of the zoning overlay; however, at least 1/2 of each required front, side or rear yards on any private lots shall be entirely outside of the Riparian Buffer Overlay District.
- 5) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands and native planting and reforestation in compliance with the recommendations of this section and Appendix C, Riparian Buffer Management Plan.³³
- 6) Stream bank stabilization and/or recommended native tree reforestation, in compliance with the recommendations of this section and Appendix C, Riparian Buffer Management Plan.³⁴
- 7) Stream crossings for farm vehicles and/or livestock, if part of a federal, state and/or privately funded Centre County Conservation District and/or local nonprofit riparian buffer improvement project.
- 8) Placement of research and monitoring devices such as staff gauges, water recording, water quality testing, cross vanes, weirs and related demonstration facilities.

32. Editor's Note: Said appendix is included as an attachment to this chapter.

33. Editor's Note: Said appendix is included as an attachment to this chapter.

34. Editor's Note: Said appendix is included as an attachment to this chapter.

- (b) Uses Permitted by Conditional Use. The following uses, when permitted in the underlying zoning district, shall be permitted to occupy land within Zone Two after receipt of conditional use approval:
- 1) Passive use areas such as camps, campgrounds and picnic areas. Active recreation areas such as ball fields, playgrounds and courts. These uses shall be designed in a manner that will not create concentrated stormwater flow; subject to any other conditions as imposed by the Board of Supervisors. The use of level spreaders or similar devices may be required.
 - 2) Naturalized stormwater basins in compliance with the recommendations for improvements identified in this section and Appendix C, Riparian Buffer Management Plan.³⁵ The entire basin shall be located a minimum of 50 feet from the edge of any identified watercourse or water body, subject to any other conditions imposed by the Board of Supervisors.
 - 3) Level spreaders or other similar stormwater structures used to disperse concentrated stormwater runoff uniformly over the ground surface as sheet flow. These devices shall be located a minimum of 50 feet from the edge of any identified watercourse or water body, subject to any other conditions imposed by the Board of Supervisors.
- G. Uses Specifically Prohibited in the Riparian Buffer Overlay Zoning District. Any use or activity not authorized shall be prohibited within the Riparian Buffer Overlay Zoning District. By way of example only, the following activities and facilities are specifically prohibited:
- (1) Removal or disturbance of vegetation in a manner that is inconsistent with erosion and sedimentation control and riparian buffer protection.
 - (2) Storage of any hazardous or noxious materials, except those used during emergencies for the treatment and/or maintenance of sewer and water treatment facilities (i.e., generator sets and alternative drive units).
 - (3) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of federally prescribed industry standards and/or the recommendations of the Centre County Conservation District.

35. Editor's Note: Said appendix is included as an attachment to this chapter.

- (4) Roads or driveways, except where permitted as stream crossings in compliance with this section.
- (5) Motor or wheeled vehicle traffic in any area not designed to adequately accommodate the type and volume.
- (6) Parking lots.

H. Management of the Riparian Buffer Overlay Zoning District.

- (1) Riparian Buffer Management. No development activities shall be permitted within the Riparian Buffer Overlay Zoning District unless specifically permitted by this section. All such activities are subject to the following:

- (a) Subdivision and Land Development. Within the Riparian Buffer Overlay Zoning District, subdivision, land development or redevelopment shall only be permitted when the impacts of such actions are mitigated at a 1:1 square foot replacement ratio. The applicant shall prepare and submit a plan in accordance with the provisions of Appendix C³⁶ and Chapter 22 of the Code of Ordinances, that identifies the existing conditions (vegetation, floodplain, wetlands, soils, slopes, etc.), all proposed activities including any measures necessary to offset disturbances to land within the Riparian Buffer Overlay Zoning District and, if applicable, any proposed management techniques following the guidelines for restoration improvements identified in this section, Appendix C, Riparian Buffer Management Plan.

- 1) Any earth disturbance within the Riparian Buffer Overlay Zoning District shall follow the guidelines for improvements identified in Appendix C, Riparian Buffer Management Plan,³⁷ and shall be graphically represented along with any required buffers on formal subdivision or land development plan submissions. Where there is no disturbance within the buffer, no mitigation is required. However, the location of the Riparian Buffer Overlay Zoning District boundary must still be delineated on the plan.
- 2) Lots where the Buffer Overlay Zoning District consumes 50% or more of the lot shall be exempted from the Riparian Buffer Overlay Zoning District requirements if the following criteria are met:

36. Editor's Note: Said appendix is included as an attachment to this chapter.

37. Editor's Note: Said appendix is included as an attachment to this chapter.

- a) As of May 18, 2009, the lot is developed and such development is already located within the area of Zones One and/or Two.
 - b) As of May 18, 2009, the lot is two acres or less in size.
- 3) For lots that are exempted per above:
- a) Any redevelopment of the lot shall be required to comply with the regulations associated with the disturbance of any Nolin soils located on the site as well as all applicable floodplain regulations.
 - b) Where the boundaries of Zone One fall completely within an area designated as either floodplain or Nolin soils, the overlay zoning requirements shall remain in effect for this area of the parcel.
 - c) The above criteria shall not adversely impact any nonconforming rights associated with use of the parcel.
- (b) Zoning and Building Permits. For activities that only require a zoning and/or building permit and include improvements within the Riparian Buffer Overlay Zoning District, riparian buffer replacement or restoration is recommended only. If provided, the buffer should be at a 1:1 square foot replacement ratio for all disturbances, following the guidelines for restoration improvements identified in this section and Appendix C, Riparian Buffer Management Plan.³⁸
- 1) Projects for which mitigation is only recommended and for which a buffer is provided shall identify the existing conditions (vegetation, floodplain, wetlands, soils, slopes, etc.), all proposed activities and, if applicable, any proposed management techniques, including any measures necessary to offset disturbances to land within the Riparian Buffer Overlay Zoning District.
- (2) Vegetation Selection.
- (a) To function properly, dominant native vegetation in the riparian buffer should be selected from the list of native plants most suited to riparian areas (Appendix D, Selective Native Buffer Planting List,³⁹ Morris Arboretum of the University of Pennsylvania). Plants not included on this list

38. Editor's Note: Said appendix is included as an attachment to this chapter.

39. Editor's Note: Said appendix is included as an attachment to this chapter.

may also be permitted by the Township Arborist. The Township may also require that the suitability of planting species be verified by local qualified experts at the U.S. Fish and Wildlife Service, the Natural Resource Conservation Service, the Centre County Conservation District, the Pennsylvania State Cooperative Extension and/or Clearwater Conservancy, or other state and federal forest agencies.

- (b) As part of riparian buffer restoration, it is required that any/all noxious species existing within the buffer area and/or within the site be removed. Property owners and developers should ensure that invasive species are removed so as to not adversely impact any native species planted and protected as part of the required riparian buffer restoration. Please refer to Appendices D, G and H.⁴⁰
- (c) For maximum effect, the riparian buffer should be composed of three layers of vegetation or more.
 - 1) Canopy and understory trees to form a tree canopy particularly in Zone One.
 - 2) Shrubs to support a dense, healthy and diverse understory.
 - 3) Grasses, sedges, flowering perennials and other groundcover.
- (d) General Recommendations for Riparian Buffer Plantings. Canopy and understory trees should be 1 1/2 to 2 1/2 calipers in diameter at breast height, eight feet to 10 feet tall at planting. Canopy trees should be planted a minimum of 20 feet to 25 feet on center in staggered rows, and understory trees should be planted a minimum of 15 feet on center, also in staggered rows. Shrubs should be planted in between canopy and understory trees at a minimum distance of between three feet and five feet apart. Grasses, sedges, flowering perennials and groundcovers should be planted one foot to three feet apart.

I. Stream Crossing Standards.

(1) Criteria.

- (a) All stream crossings permitted under § 27-403, Subsection 2C(1)(a) and (b), shall comply with and incorporate as required the following minimum standards:

40. Editor's Note: Said appendices are included as attachments to this chapter.

- 1) Any stream crossings requiring any activity in, under and/or over any body of water shall first consult the Department of Environmental Protection's North Central Regional Office, Watershed Management Permitting and Technical Services Section at (570) 327-3636.
 - 2) The width of any right-of-way shall not be greater than the minimum right-of-way width required by Township ordinances unless additional right-of-way is offered for dedication.
 - 3) Stream crossings shall be designed to cross in a manner that minimizes disturbance.
 - 4) Stream crossings shall be separated by a minimum of 1,000 feet of stream length.
 - 5) Bridges, with the appropriate federal and/or state permits, shall be used in place of culverts when crossings would require a seventy-two-inch-or-greater diameter pipe. When culverts are installed they shall be designed to retain the natural stream channel bottom to ensure the passage of water during low flow or dry weather periods.
- J. Nonconforming Structures and Uses in the Riparian Buffer Overlay Zoning District. All existing, nonconforming structures and uses will continue to be permitted in accordance with the Ferguson Township existing nonconforming provisions so noted in Chapter 27, Part 8, Nonconformities.
- K. Boundary Interpretation and Appeals Procedure.
- (1) When a landowner or applicant disputes the Zone One or Zone Two boundaries of the Riparian Buffer Overlay Zoning District, or the defined edge of a watercourse, surface water body, or wetland, the landowner or applicant shall submit evidence to the Township that describes the existing boundary per the provisions of this section, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
 - (2) The Township Arborist and/or Zoning Administrator shall evaluate all material submitted and shall make a written determination of the acceptability of the proposed boundary change within 45 days.
 - (3) Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board. The party contesting the location of the

district boundary shall have the burden of proof in the case of any such appeal.

L. Inspection of Riparian Buffer Overlay Zoning District.

- (1) Lands within or adjacent to an identified Riparian Buffer Overlay Zoning District will be inspected by the Township Arborist when:
 - (a) A subdivision or land development plan is submitted.
 - (b) A zoning and/or building permit is requested.
- (2) The Riparian Buffer Overlay Zoning District may also be inspected periodically by the Township Arborist and/or Zoning Administrator to determine compliance with required riparian buffer restoration in accordance with recommendations for improvements identified in this section and Appendix C, Riparian Buffer Management Plan,⁴¹ or when excessive or potentially problematic erosion, sedimentation, hazardous trees or an unauthorized activity or structure is brought to the attention of Ferguson Township officials.

§ 27-404. Airport Overlay District Requirements. [Ord. No. 1049, 11/18/2019]

1. Purpose. The purposes of this section are to create an airport district overlay that considers safety issues around the facility now or formerly known as the University Park Airport, regulate and restrict the heights of constructed structures and objects of natural growth, create appropriate zones, establish the boundaries thereof and provide for changes in the restrictions and boundaries of such zones, create the permitting process for use within said zones and provide for enforcement, assessment of violation penalties, an appeals process and judicial review. If a conflict exists between the regulations of this section and the underlying zoning district regulations, the more restrictive requirements shall apply.
2. Relation to Other Zoning Districts. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where applicable, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.
3. Establishment of Airport Zones. There is hereby created and established a Conical Surface Zone within the Airport Overlay, as depicted in Appendix J⁴² and illustrated on the University Park Airport Hazard Area Map.

41. Editor's Note: Said appendix is included as an attachment to this chapter.

42. Editor's Note: Said appendix is included as an attachment to this chapter.

Receipt 337079

Printed 02-21-2020 14:56:42

Joseph L. Davidson
Recorder of Deeds - Centre County
414 Holmes Street Suite 1
Bellefonte, PA 16823

PENNTERRA ENGINEERING INC
3075 ENTERPRISE DRIVE
SUITE 201
STATE COLLEGE PA 16801

DEED - NONTAXABLE

R 02246-0504A 900 5 pages

1 HFL CORPORATION

2 HFL CORPORATION

***** RETURN TO *****

PENNTERRA ENGINEERING INC

3075 ENTERPRISE DRIVE

SUITE 201

STATE COLLEGE PA 16801

County Fee 20.00

State Writ .50

ATJ Fee 40.25

Affordable Housing 11.50

DEED - NONTAXABLE 72.25

Commonwealth of Pennsylvania)
)
County of Centre)

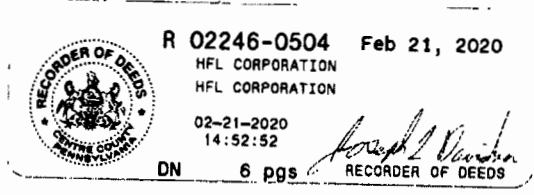
Recorded on Feb 21, 2020

By: JOSEPH L. DAVIDSON
RECORDER OF DEEDS
CENTRE COUNTY

This sheet includes required recording and tax information and is part of the
official record. DO NOT DETACH

5-2
72.25

Prepared by and Return to:
Land Services USA, Inc.
1835 Market Street, Suite 420
Philadelphia, PA 19103
File No. PAFA19-3269MM



Property: 1215-1217 North Atherton Street, State College, PA 16803

Existing Tax Parcel Nos. 24-015-38, 24-015-47, 24-015-47-38A, 24-015-57, and 24-015-58
Proposed Consolidated Tax Parcel No. 24-015-38

DEED OF CONSOLIDATION

This Indenture, made the 20th day of February, 2020,

Between

HFL Corporation, a Pennsylvania corporation

(hereinafter called the Grantor, being the same party as the aftermentioned Grantee), of the one part, and

HFL Corporation, a Pennsylvania corporation

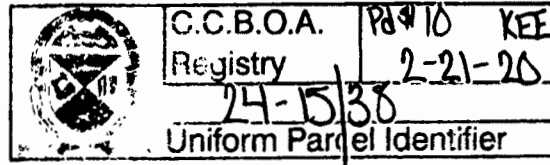
(hereinafter called the Grantee, being the same party as the beforementioned Grantor), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of **One Dollar 00/100 (\$1.00)** lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns,

BOUNDARY DESCRIPTION OF LOT CONSOLIDATION

By plan entitled Lands of HFL Corporation, Lot Consolidation Plan made by PennTerra Engineering, Inc., dated September 12, 2019 and last revised _____, 2020 and recorded in Plan Book 95 page 67, said land is to be considered as one for future land transfers, land development and/or building purposes, and said parcels are hereby bounded and described as follows:

All that certain tract of land situated in Ferguson Township, Centre County, PA, being a Proposed Tax Parcel 24-015-38, as shown on a plan entitled, "Lands of HFL Corporation, Lot Consolidation Plan, Lot Consolidation of Tax Parcels 24-015-38, 24-015-38A, 24-015-047, 24-015-057 & 24-015-58", dated September 12, 2019 by PennTerra Engineering, Inc., State College, PA, being bounded and described as follows:



Beginning at an iron pin, being a westerly corner of lands owned now or formerly by HFL Corporation (Tax Parcel 25-015-060, R.B. 2223, Pg. 0716) and lying in an easterly R/W line of North Atherton Street (S.R. 3014, 80' R/W); thence along said R/W N54°27'54"W, 246.24 feet to an iron pin, lying in an easterly R/W line of said R/W and being a westerly corner of lands owned now or formerly by Corey J. Confer (Tax Parcel 24-015-099, R.B. 2168, Pg. 650); thence along said Confer lands the following three bearings and distances: N09°39'15"E, 118.62 feet to an iron pin; thence along a curve to the right, having a chord bearing of N24°31'33"E, a chord distance of 476.58 feet, a radius of 928.46 feet and an arc length of 481.98 feet to an iron pin; thence N39°23'50"E, 549.16 feet to an iron pin, being an easterly corner of said Confer lands and being a southerly corner of lands owned now or formerly by Ronald L. Rehmeyer (Tax Parcel 24-015-29C, R.B. 2075, Pg. 0282); thence along said Rehmeyer lands along a curve to the left, having a chord bearing of N35°56'51"E, a chord distance of 177.21 feet, a radius of 1472.48 feet and an arc length of 177.31 feet to an iron pin, being an easterly corner of said Rehmeyer lands, being a southerly corner of lands owned now or formerly by PSU Exempt (Tax Parcel 19-003-100, R.B. 2087, Pg. 819) and being a westerly corner of lands owned now or formerly by PSU Exempt (Tax Parcel 24-001-100, R.B. 1682, Pg. 262); thence along said PSU lands (Tax Parcel 24-001-100) S39°45'48"E. 366.98 feet to a point, being a southerly corner of said PSU lands, being a westerly corner of lands owned now or formerly by Kevin L. and Regina B. Michael (Tax Parcel 24-015-051, R.B. 2124, Pg. 105), and being a northerly corner of lands owned now or formerly by SCD Partners LLC (Tax Parcel 24-15-52, R.B. 2116, Pg. 378); thence along SCD Partners lands S28°03'42"W, 51.84 feet to an iron pin, being a westerly corner of said SCD Partners lands and being a northerly corner of lands owned now or formerly by Barnhart Family Trust (Tax Parcel 24-015-053, R.B. 2034, Pg. 747); thence along said Barnhart lands S25°43'34"W, 17.79 feet to an iron pin, lying in a westerly line of said Barnhart lands; thence continuing along said Barnhart lands and along lands owned now or formerly by Cherry Lane Estates (Tax Parcel 24-015-054, P.B. 34, Pg. 81) S26°20'00"W, 131.81 feet to an iron pin, lying in a westerly line of said Cherry Lane Estates lands; thence continuing along said Cherry Lane Estates lands S26°00'22"W, 364.54 feet to an iron pin, lying in a westerly line of said Cherry Lane Estates lands; thence continuing along said Cherry Lane Estates lands and along lands owned now or formerly by Scott L. and Glenda C. Yocum (Tax Parcel 24-015-055, R.B. 603, Pg. 1063) S26°26'29"W, 151.25 feet to an iron pin; thence continuing along said Yocum lands the following two bearings and distances: S26°25'08"W, 18.05 feet to an iron pin; thence S39°46'56"E, 231.88 feet to an iron pin, being a southerly corner of said Yocum lands and lying in a northerly R/W line of West Cherry Lane (40' R/W); thence along said R/W the following two bearings and distances: S61°11'57"W, 131.32 feet to an iron pin; thence S61°15'00"W, 121.50 feet to an iron pin, lying along said West Cherry Lane and being an easterly corner of HFL lands; thence along said HFL lands the following three bearings and distances: N36°58'15"W, 150.22 feet to an iron pin; thence S58°41'51"W, 22.26 feet to an iron pin; thence S56°43'31"W, 234.75 feet to an iron pin, being the place of beginning, containing 13.264 acres.

Being As to Part

BEING part of the same premises which Unico Corporation, a Pennsylvania corporation, by Deed date 7/22/2002 and recorded 8/26/2002 in Centre County in Record Book 1403 page 1074, conveyed unto HFL Corporation, a Pennsylvania corporation, in fee.

AND BEING part of the same premises which Unico Corporation, a Pennsylvania corporation by Deed dated 7/22/2002 and recorded 8/26/2002 in Centre County in Record Book 1403 page 1079, conveyed unto HFL Corporation, a Pennsylvania corporation, in fee.

AND BEING part of the same premises which Jeffrey Scott Poorman and Marjorie A. Poorman, husband and wife by Deed dated 4/28/2006 and recorded 4/28/2006 in Centre County in Record Book 1948 page 968, conveyed unto HFL Corporation, in fee.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of him, the said grantor, as well at law as in equity, of, in and to the same.


To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantor, itself, its successors and assigns, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against him, the said Grantor, its successors and assigns, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

In Witness Whereof, the herein-named Grantor(s) has hereunto set its hand and corporate seal. Dated the day and year first above written.

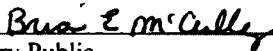
HFL Corporation, a Pennsylvania corporation

By: 
Name: Ara M. Kervandjian
Title: Executive Vice President

Commonwealth of Pennsylvania }
County of Centre } ss

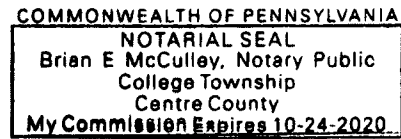
AND NOW, this 20th day of February, 2020, before me, the undersigned Notary Public, appeared Ara Kervandjian, who acknowledged himself/herself to be the Executive VP (title) of HFL Corporation, a Pennsylvania corporation, and he/she, as such Executive VP (title) being authorized to do so, executed the foregoing instrument for the purposes therein contained on behalf of said corporation by signing the name of the corporation by himself/herself as Executive VP (title) thereof.

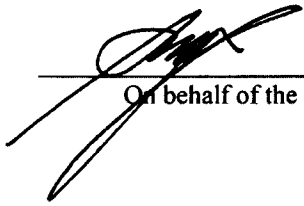
IN WITNESS WHEREOF, I hereunder set my hand and official seal.


Notary Public
My commission expires 10-24-20

The precise residence and the complete post office address of the above-named Grantee is:

1155 BENNER PIKE STE 100
STATE COLLEGE, PA 16801




On behalf of the Grantee

*Deed of
Consolidation*

HFL Corporation, a Pennsylvania
corporation

TO

HFL Corporation, a Pennsylvania
corporation

Land Services USA, Inc.
1835 Market Street, Suite 420
Philadelphia, PA 19103



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
PO BOX 280603
HARRISBURG PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

RECORDER'S USE ONLY
State Tax Paid *[Signature]*

R 02246-0504 Feb 21, 2020
HFL CORPORATION
HFL CORPORATION

See Reverse for Instructions



02-21-2020
14:52:52

DN

6

pgs

Joseph L. Davidson
RECORDER OF DEEDS

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/co deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheets.

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name Troy Knecht		Telephone Number: (814) 238-4000	
Street Address 1155 Benner Pike, Suite 100	City State College	State PA	Zip Code 16801

B. TRANSFER DATA

Date of Acceptance of Document 2-21-2020

Grantor(s)/Lessor(s) HFL Corporation Street Address 1155 Benner Pike, Suite 100			Grantee(s)/Lessee(s) HFL Corporation Street Address 1155 Benner Pike, Suite 100		
City State College	State PA	Zip Code 16801	City State College	State PA	Zip Code 16801

C. PROPERTY LOCATION

Street Address Cherry Lane	City, Township, Borough Ferguson Township
County Centre	School District SCASD
Tax Parcel Number 24-015-38, 24-015-47, 24-015-47-38A, 24-015-57, and 24-015-58	

D. VALUATION DATA

1. Actual Cash Consideration 1.00	2. Other Consideration + 0.00	3. Total Consideration = 1.00
4. County Assessed Value N/A	5. Common Level Ratio Factor X	6. Fair Market Value = N/A

E. EXEMPTION DATA

1a. Amount of Exemption Claimed 100.00	1b. Percentage of Interest Conveyed 100.00
---	---

2. Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession (Name of Decedent _____ (Estate File Number) _____)
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) transfer between same parties

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party <i>Rafael J. Casner</i>	Date 2-21-2020
--	-------------------

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

OCT 25 2021

TP 24-4-79A

Receipt 288738

Printed 04-22-2016 11:49:22

Wix, Wenger & Weidner, P.C.
508 North Second Street
Harrisburg Pennsylvania 17101

Joseph L. Davidson
Recorder of Deeds - Centre County
414 Holmes Street Suite 1
Bellefonte, PA 16823

DEEDS - TAXABLE

R 02179-0235A 959 3 pages
1 MEDITERRANEAN JEWEL LLC
2 TEAM RAHAL OF LEWISTOWN LLC
***** RETURN TO *****

Wix, Wenger & Weidner, P.C.
508 North Second Street
Harrisburg Pennsylvania 17101

County Fee	18.00
State Writ	.50
State RTT	10,100.00
RTT - FERGUSON TOW	12,625.00
RTT - STATE COLLEG	5,050.00
ATJ Fee	35.50
Affordable Housing	11.50

DEEDS - TAXABLE 27,840.50

Commonwealth of Pennsylvania)

County of Centre)

Recorded on Apr 22, 2016

By: JOSEPH L. DAVIDSON
RECORDER OF DEEDS
CENTRE COUNTY

This sheet includes required recording and tax information and is part of the official record.
DO NOT DETACH



R 02179-0235 Apr 22, 2016

MEDITERRANEAN JEWEL LLC
TEAM RAHAL OF LEWISTOWN LLC

04/22/2016
11:49:22

DEED 3pgs RECORDER OF DEEDS
Electronically Recorded / Submitted by Simplifile

-----Above space for recording-----

Deed

THIS DEED, made the 7th day of April, in the year two thousand sixteen (2016).

BETWEEN:


MEDITERRANEAN JEWEL, LLC, a Pennsylvania limited liability company, of State College, Centre County, Pennsylvania, as party of the first part and hereinafter referred to as **GRANTOR**,

- A N D -

TEAM RAHAL OF LEWISTOWN, LLC, a Pennsylvania limited liability company, of Centre County, Pennsylvania, as party of the second part and hereinafter referred to as **GRANTEE**,

WITNESSETH, that in consideration of the sum of **ONE MILLION TEN THOUSAND and 00/100 (\$1,010,000.00) DOLLARS**, in hand paid, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns:

ALL THOSE CERTAIN TWO messages, tenements and tracts of land situate, lying and being in the Township of Ferguson, County of Centre and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

	C.C.B.O.A. Registry 04-07-16 CAS
	24-4/79A
	Uniform Parcel Identifier

TRACT NO. ONE

BEGINNING at a point on the Easterly side of P.D.H. Route No. 45 distant South 36° East 2,250 feet from the Southeasterly corner of the intersection of P.D.H. Route No. 45 and the Township Route No. 14333; thence along P.D.H. Route No. 45, South 36° East 267.15 feet to a hub driven into the ground at a fence row; thence North 54° 44' 30" East 311.30 feet to Tract Two hereinafter described; thence along Tract Two North 37° 57' West 267.15 feet, more or less, to premises now or formerly of Charles S. Myers; thence along same South 54° West 311.53 feet to P.D.H. Route No. 45 and the place of beginning.

TRACT NO. TWO

BEGINNING at the Southeasterly corner of Tract One, hereinabove (erroneously shown on prior deeds of record as hereinafter) described; at a fence row at other lands now or formerly of Sidney Friedman and Helen Friedman, his wife; thence along same North 54° 44' 30" East 350 feet to a hub in the ground at lands now or late of Homan; thence along said Homan lands North 37° 57' West 267.15 feet, more or less, to lands now or formerly of Myers; thence along same South 54° West 350 feet to Tract One, hereinabove described; thence along Tract One South 37° 54' East (erroneously shown in prior deeds of record as West) 267.15 feet more or less, to the place of beginning.

BEING known as Centre County Uniform Parcel Identifier Tax Parcel Number 24-4/79A.

BEING known and numbered as 3610 West College Avenue, State College, Pennsylvania.

BEING the same premises which Carlton L. Knowlton and Karen J. Knowlton, husband and wife, by their deed dated April 6th, 2007 and recorded April 17, 2007 in Centre County Deed Book 1985, Page 641, granted and conveyed unto Mediterranean Jewel, LLC, a Pennsylvania limited liability company, the Grantor herein.

UNDER AND SUBJECT, NEVERTHELESS, to all existing covenants, easements, conditions and restrictions of record.

TOGETHER with all and singular tenements, hereditaments and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and ALSO all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said Grantor, of, in, to or out of the said premises, and every part and parcel thereof.

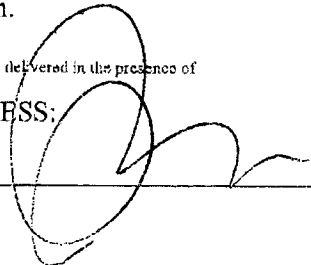
TO HAVE AND TO HOLD the same premises, with all and singular the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of said Grantee, its successors and assigns forever.

AND the said Grantor will **SPECIALLY WARRANT AND FOREVER DEFEND** the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has executed this deed the day and year first above-written.

Sealed and delivered in the presence of

WITNESS:



MEDITERRANEAN JEWEL, LLC

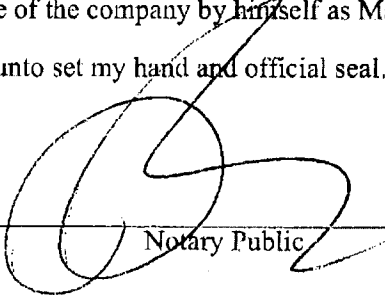
By:


Houssan Chaar, Member

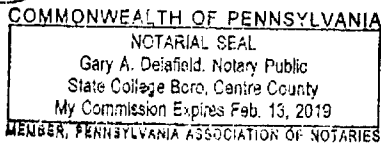
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CENTRE) SS:

On this, the 7th day of April, 2016, before me, a Notary Public, the undersigned officer, personally appeared **HOUSSAN CHAAR**, who acknowledged himself to be the Managing Member of **MEDITERRANEAN JEWEL, LLC**, a Pennsylvania limited liability company, and that he as such Managing Member being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as Managing Member.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



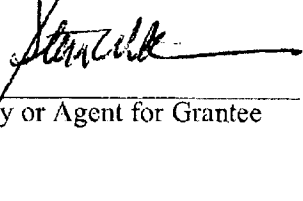
Notary Public



CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is as follows:

6715 Carlisle Pike
Mechanicsburg, PA 17050
c/o Roken Farms



Attorney or Agent for Grantee

DELAFIELD, MCGEE & JONES, P.C.
916 South Atherton Street
State College, PA 16801

OCT 25 2021

Receipt 296551

Printed 11-09-2016 13:56:33

Wix, Wenger & Weidner, P.C.
508 North Second Street
Harrisburg Pennsylvania 17101

Joseph L. Davidson
Recorder of Deeds - Centre County
414 Holmes Street Suite 1
Bellefonte, PA 16823

DEEDS - TAXABLE

R 02190-0106A 437 4 pages
1 IRWIN, JAMES A H
2 TEAM RAHAL OF STATE COLLEGE
INC

***** RETURN TO *****

Wix, Wenger & Weidner, P.C.
508 North Second Street
Harrisburg Pennsylvania 17101

County Fee	18.00
State Writ	.50
State RTT	5,010.00
RTT - FERGUSON TOW	6,262.50
RTT - STATE COLLEG	2,505.00
ATJ Fee	35.50
Affordable Housing	11.50

DEEDS - TAXABLE 13,843.00

Commonwealth of Pennsylvania }

County of Centre }

Recorded on Nov 09, 2016

By: JOSEPH L. DAVIDSON
RECORDER OF DEEDS
CENTRE COUNTY

This sheet includes required recording and tax information and is part of the official record.
DO NOT DETACH

Prepared by:
Alan F. Kirk, Esq.
341 N. Science Park Road, Ste. 204
State College, PA 16803



R 02190-0106 Nov 09, 2016

IRWIN, JAMES A H
TEAM RAHAL OF STATE COLLEGE INC

11/09/2016
13:56:33

DEED 4pgs *Joseph H. Irwin*
RECORDER OF DEEDS
Electronically Recorded / Submitted by Simplifile

(This Space Above Reserved For Recording)

DEED

MADE THIS 3rd day of November in the year Two Thousand Sixteen (2016)
by and between:

JAMES A. H. IRWIN and ELIZABETH M. IRWIN, husband and wife, of Centre
County, Pennsylvania, parties of the first part,

GRANTORS

-AND-

TEAM RAHAL OF STATE COLLEGE, INC., a Pennsylvania corporation, party of
the second part,

GRANTEE

WITNESSETH, that in consideration of **FIVE HUNDRED ONE THOUSAND and 00/100 (\$501,000.00) DOLLARS** in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee, its successors and assigns,

ALL those two (2) certain messuages, tenements and tracts of land situate in the Township of Ferguson, County of Centre, and Commonwealth Pennsylvania, bounded and described as follows, to-wit:

TRACT ONE:

BEGINNING at a point on the Easterly side of P.D.H. Route No. 45, distant South 36° East 2517.15 feet from the Southeast corner of the intersection of P.D.H. Route No. 45 and Township Road 14333; thence along P.D.H. Route No. 45, South 36° East 200 feet to land formerly conveyed to Lawrence C. Pharo, Jr., et ux; thence along said lands, North 53° 52' East 311.73 feet to Tract 2, hereinafter described; thence along Tract 2, North 36° 08' West 195.25 feet to lands now or late of Homer Barr, et ux; thence along Barr lands, South 54° 44' 30" West 311.26 feet to P.D.H. Route No. 45 and the place of beginning.

TRACT TWO:

BEGINNING at the Southeasterly corner of Tract One, hereinabove described; thence along lands conveyed to Lawrence C. Pharo, Jr., et ux, North 53° 52' East 350 feet to lands now or late of Homan; thence along Homan lands North 36° 08' West 189.91 feet to a tack in a stake at Barr lands aforesaid; thence along Barr lands, South 54° 44' 30" West 350.04 feet to the Northeasterly corner of Tract One; thence along Tract One, South 36° 08' East 195.25 feet to the place of beginning.

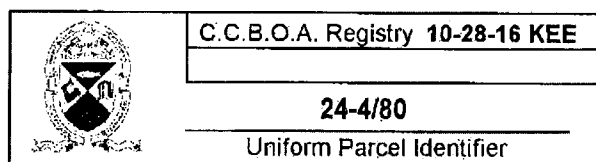
BEING the same premises conveyed unto James A. H. Irwin and Elizabeth M. Irwin by deed of Sidney Friedman and Helen S. Friedman, dated April 10, 1962 and recorded May 21, 1962 in Centre County Deed Book 263, page 63.

BEING known as Centre County Uniform Parcel Identifier Tax Parcel Number 24-004/080.

UNDER AND SUBJECT to all existing easements, restrictions and conditions of record.

GRANTORS certify that no hazardous waste, within the meaning of the Solid Waste Management Act of 1980, is presently being disposed of or has ever been disposed of by the Grantors or to the Grantors' actual knowledge in or upon the above premises.

AND the said Grantor does hereby covenant and agree that she will Warrant Specially and Forever Defend the property hereby conveyed.



TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversions and remainders, rents, issues and profits thereof and all the estate, right, title, interest, property, claim and demand whatsoever of the Grantors, in law, equity or otherwise, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the above described premises with the appurtenances unto the Grantee, Grantee's successors and assigns, forever.

IN WITNESS WHEREOF, said Grantors have hereunto set their hands and seals the day and year first above-written.

Sealed and delivered in the presence of

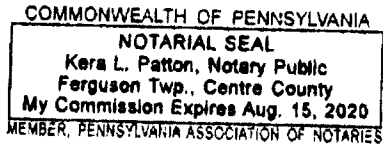
_____ James A. H. Irwin (SEAL)
JAMES A. H. IRWIN

_____ Elizabeth M. Irwin (SEAL)
ELIZABETH M. IRWIN

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF Centre)

On this, 3rd day of November, 2016, before me, a Notary Public, the undersigned officer, personally appeared James A. H. Irwin and Elizabeth M. Irwin, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Kera L. Patton
Notary Public

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is as follows:

6715 Carlisle Pike
Mechanicsburg PA 17050

[Signature]
Attorney or Agent for Grantee

TP 24-4-81

OCT 25 2021

Receipt 292508
Printed 07-28-2016 13:00:18

Joseph L. Davidson
Recorder of Deeds - Centre County
414 Holmes Street Suite 1
Bellefonte, PA 16823

LAWRENCE C PHARO III
3670 W COLLEGE AVE
STATE COLLEGE PA 16801

DEED - NONTAXABLE
R 02184-0467A 1309 3 pages
1 PHARO, LAWRENCE C JR
2 LAWRENCE C & MYRON S PHARO REVOCABLE T
***** RETURN TO *****
LAWRENCE C PHARO III
3670 W COLLEGE AVE
STATE COLLEGE PA 16801

County Fee 19.00
State Writ .50
ATJ Fee 35.50
Affordable Housing 11.50

DEED - NONTAXABLE 66.50

Commonwealth of Pennsylvania)
)
County of Centre)

Recorded on Jul 28, 2016

By: JOSEPH L. DAVIDSON
RECORDER OF DEEDS
CENTRE COUNTY

This sheet includes required recording and tax information and is part of the official record. DO NOT DETACH

①

C.C.B.O.A. Registry	PL#10 KEE 7-28-16
24-4/81	
Uniform Parcel Identifier	

Parcel No. 24-4/81
3-6
66-50
K100

THIS DEED



R 02184-0467 Jul 28, 2016
PHARO, LAWRENCE C JR
LAWRENCE C & MYRON S PHARO REVOCABLE TRUST
07-28-2016 12:48:06
DN 4 pgs
RECORDER OF DEEDS

Made the 14 day of September, 2007.

Between **LAWRENCE C. PHARO, JR., ALSO KNOWN AS LAWRENCE C. PHARO and MYRON S. PHARO, husband and wife**, of Centre County, Pennsylvania ("Grantors"),

AND

LAWRENCE C. PHARO and MYRON S. PHARO, Trustees under THE LAWRENCE C. PHARO AND MYRON S. PHARO REVOCABLE TRUST AGREEMENT ("Grantees"):

WITNESS, that in consideration of the sum of **One Dollar (\$1.00)** in hand paid, the receipt whereof is hereby acknowledged, and intending to be legally bound hereby, the Grantors do grant and convey to the Grantees,

ALL THOSE CERTAIN messuages, tenements and tracts of land situate, lying and being in the Township of Ferguson, County of Centre and State of Pennsylvania, bounded and described as follows, to-wit:

THE FIRST THEREOF:

BEGINNING at a point on the Easterly side of P.D.H. Route No. 45 distant South 36° East 2717.15 feet from the Southeast corner of the intersection of P.D.H. Route No. 45 and township road 14333; thence along P.D.H. Route No. 45 South 36° East 200 feet to the land intended to be sold to I. Paul Griggs, et ux; thence along said lands North 53° 52' East 312.20 feet to Tract 2, hereinafter described; thence along Tract 2, North 36° 08' West 200 feet to lands intended to be sold to James A.H. Irwin, et ux; thence along said lands South 53° 52' West 311.26 feet to P.D.H. Route 45 and the place of beginning.

THE SECOND THEREOF:

BEGINNING at the Southeasterly corner of Tract 1; thence along lands intended to be sold to I. Paul Griggs North 53° 52' East 350 feet to lands now or late of Homan; thence along Homan lands North 36° 08' West 200 feet to lands to be sold to Irwin; thence along Irwin lands South 53° 52' West 350 feet to Tract 1; thence along Irwin lands South 53° 52' 350 feet to Tract 1; thence along Tract 1, South 36° 08' East 200 feet to the place of beginning.
BEING portions of that same premises which Floyd M. Olmer, et ux, by their deed dated July 19,

1956 and recorded in the Centre County Deed Book 233, page 128, granted and conveyed the same unto Sidney Friedman and Helen S. Friedman, his wife, Grantors herein. BEING more fully described shown on property survey prepared for Sidney Friedman, March 10, 1958 by Engineering Centre, Inc.

This conveyance is made **UNDER AND SUBJECT** to the following restrictions and covenants, and the Grantees herein by acceptance of this deed, bind themselves and their heirs, executors, administrators and assigns for the faithful performance or compliance with said restrictions and covenants:

1. With respect to Tract One the same restrictions shall apply as were in affect May 19, 1959 under the Zoning Ordinances of the Borough of State College for Commercial (V-2) districts.
2. With respect to Tract Two the same restrictions shall apply as were in affect May 19, 1959 under the Zoning Ordinance of the Borough of State College for general residential (V-4) districts.

EXCEPTING AND RESERVING, the two following easements:

1. An easement for public utilities 10 feet in width along the rear of the Northeasterly end of Tract One.
2. An easement of way 50 feet in width extending through the middle of Tract Two and more fully shown on the above recited survey by Engineering Centre, Inc. The said right of way to be for the benefit of the Grantees from Sidney Friedman, et ux, of portions of the former Floyd Ulmer Farm.

BEING THE SAME PREMISES which were conveyed by Sidney Friedman and Helen S. Friedman, by deed dated October 9, 1969, and recorded in the Centre County in Book 249/279 to Lawrence C. Pharo, Jr., also known as Lawrence C. Pharo, and Myron S. Pharo, Grantors herein.

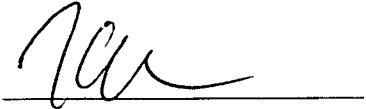
UNDER AND SUBJECT to all other restrictions, reservations, setback lines and rights-of-way of record.

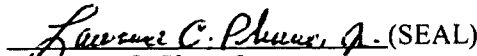
AND the Grantors will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Witness as to








Lawrence C. Pharo, Jr. (SEAL)



Lawrence C. Pharo (SEAL)


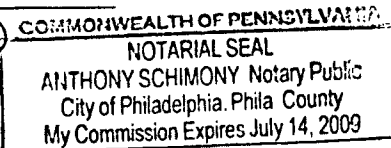


Myron S. Pharo (SEAL)

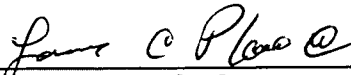
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CENTRE :

On this, the 14 day of September, before me, the undersigned officer, personally appeared Lawrence C. Phard, Jr. also known as Lawrence C. Pharo and Myron S. Pharo, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public
My Commission Expires: _____


I HEREBY CERTIFY, that the precise residence (address) of the Grantees is 3670 W. College Ave, State College, Pennsylvania 16801.


Agent or attorney for Grantees

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CENTRE : :

Recorded on this _____ day of _____, in the Recorder's Office of the said County in Deed Book _____, Page _____.

Given under my hand and the seal of the said Office, the date above written.

Recorder of Deeds

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

**REALTY TRANSFER TAX
STATEMENT OF VALUE**

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	
Book Number	



R 02184-0467 Jul 28, 2016
PHARO, LAWRENCE C JR
LAWRENCE C & MYRON S PHARO REVOCABLE

07-28-2016
12:48:06

DN 4 pgs.

Joseph L. ...
RECORDER OF DEEDS

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is based on: (1) family relationship or (2) public utility easement. If more space is needed, attach

A CORRESPONDENT - All inquiries may be directed to the following person:

Name Lawrence C. Pharo	Telephone Number: Area Code 814-238-1894
Street Address 3670 W. College Ave	City State College
State Pennsylvania	Zip Code 16801

B TRANSFER DATA		Date of Acceptance of Document 9/14/07
Grantor(s)/Lessor(s) Lawrence C. Pharo and Myron S. Pharo		Grantee(s)/Lessee(s) Lawrence C. Pharo and Myron S. Pharo, Trustees
Street Address 3670 W. College Ave		Street Address 3670 W. College Ave
City State College	State Pennsylvania	Zip Code 16801
City State College	State Pennsylvania	Zip Code 16801

C PROPERTY LOCATION		
Street Address 3670 W. College Ave.		City, Township, Borough Ferguson
County Centre	School District State College Area	Tax Parcel Number 24-4/81

D VALUATION DATA		
1. Actual Cash Consideration 1	2. Other Consideration + 0	3. Total Consideration = 1
4. County Assessed Value \$ 71,490	5. Common Level Ratio Factor X 3.41	6. Fair Market Value = \$ 243,780.90

E EXEMPTION DATA	
1a. Amount of Exemption Claimed 100%	1b. Percentage of Interest Conveyed 100%

2. Check Appropriate Box Below for Exemption Claimed
- Will or interstate succession _____ (Name of Decedent) (Estate File Number)
 - Transfer to Industrial Development Agency.
 - Transfer to a Trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
 - Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
 - Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
 - Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____
 - Corrective or confirmatory deed. (Attach complete copy of prior deed being corrected or confirmed.)
 - Statutory corporate consolidation, merger or division. (Attach copy of articles.)
 - Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party <i>Lawrence C Pharo</i>	Date 7/28/16
--	------------------------

3)

3-6
66-80

Parcel No. 24-4/82

C.C.B.O.A. Registry	PJ#10 XEE 7-28-16
24-4/82	
Uniform Parcel Identifier	



R 02184-0469 Jul 28, 2016
 PHARO, LAWRENCE C JR
 LAWRENCE C & MYRON S PHARO REVOCABLE
 07-28-2016
 12:48:08
 DN 4 pgs
 RECORDER OF DEEDS

THIS DEED

Made the 14 day of September, 2007.

Between **LAWRENCE C. PHARO, JR., ALSO KNOWN AS LAWRENCE C. PHARO and MYRON S. PHARO, husband and wife**, of Centre County, Pennsylvania ("Grantors"),

AND

LAWRENCE C. PHARO and MYRON S. PHARO, Trustees under THE LAWRENCE C. PHARO AND MYRON S. PHARO REVOCABLE TRUST AGREEMENT ("Grantees"):

WITNESS, that in consideration of the sum of **One Dollar (\$1.00)** in hand paid, the receipt whereof is hereby acknowledged, and intending to be legally bound hereby, the Grantors do grant and convey to the Grantees,

ALL THOSE CERTAIN. messuages, tenements, and tracts of land situate lying and being in the Township of Ferguson, County of Centre and State of Pennsylvania, bounded and described as follows, to-wit:

TRACT ONE:

BEGINNING at a point on the Easterly side of P.D.H. Route No. 45 distant South 36° East 2917.15 feet from the Southeast corner of the intersection of P.D.H. Route No. 45 and township road 14333; thence along P.D.H. Route No. 45 South 36° East 200 feet to lands intended to be conveyed to George H. Burgess; thence along said lands North 53° 52' East 312.67 feet to Tract 2, hereinafter described; thence along Tract 2, North 36° 08' West 200 feet to lands of L.C. Pharo, Jr.; thence along same South 53° 52' West 312.20 feet to the P.D.H. Route No. 45 and the place of beginning.

TRACT TWO:

BEGINNING at the Southeasterly corner of hereinabove decribed; thence along lands intended to be sold to Burgess North 53° 52' East 350 feet to lands of Homan; thence along Homan lands North 36° 08' West 200 feet to lands of Lawrence C. Pharo, Jr., et. ux; thence along Pharo lands South 53° 58' West 350 feet to the Northeasterly corner of Tract 1, hereinabove described; thence

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

**REALTY TRANSFER TAX
STATEMENT OF VALUE**

See Reverse for Instructions



RECORDER'S USE ONLY
State Tax Paid <i>0</i>

R 02184-0469 Jul 28, 2016
PHARO, LAWRENCE C JR
LAWRENCE C & MYRON S PHARO REVOCABLE
07-28-2016 12:48:08
DN 4 pgs. *Lawrence C. Pharo*
RECORDER OF DEEDS

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/c is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value based on: (1) family relationship or (2) public utility easement. If more space is needed, at

A CORRESPONDENT - All inquiries may be directed to the following person:

Name Lawrence C. Pharo	Telephone Number:
Street Address 3670 W. College Ave	Area Code 814-238-1894
City State College	State Pennsylvania
Zip Code 16801	

B TRANSFER DATA

Grantor(s)/Lessor(s) Lawrence C. Pharo and Myron S. Pharo	Date of Acceptance of Document 9/14/07
Grantee(s)/Lessee(s) Lawrence C. Pharo and Myron S. Pharo, Trustees	
Street Address 3670 W. College Ave	Street Address 3670 W. College Ave
City State College	City State College
State Pennsylvania	State Pennsylvania
Zip Code 16801	Zip Code 16801

C PROPERTY LOCATION

Street Address 3670 W. College Ave.	City, Township, Borough Ferguson
County Centre	School District State College Area
	Tax Parcel Number 24-4 / 82

D VALUATION DATA

1. Actual Cash Consideration 1	2. Other Consideration + 0	3. Total Consideration = 1
4. County Assessed Value \$ 11,325	5. Common Level Ratio Factor X 3.41	6. Fair Market Value = \$ 38,618.25

E EXEMPTION DATA

1a. Amount of Exemption Claimed 100%	1b. Percentage of Interest Conveyed 100%
--	--

2. Check Appropriate Box Below for Exemption Claimed

- Will or interstate succession _____
- Transfer to Industrial Development Agency. (Name of Decedent) _____ (Estate File Number) _____
- Transfer to a Trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____
- Corrective or confirmatory deed. (Attach complete copy of prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party <i>Lawrence C. Pharo</i>	Date 7/28/16
---	------------------------