

BENNER TOWNSHIP PLANNING COMMISSION
MINUTES
April 27, 2000

Call to order

The regularly scheduled meeting of the Benner Township Planning Commission was called to order by Chairman, Joe Shultz, at the Benner Township Municipal Building at 7:04 p.m.

Attendance

Members present: Joe Shultz, Steve Porter, Tim Robinson and Fred Gay. Members absent were: Chris Berenty, Rob Fugate, and Dave Breon. Others present were: Renee McGowan, Zoning Officer; Linda and John Jabco; Damitha Karunaratne; Nancy Wolfe and Kip Shaubach from Conestoga; Dan Abruzzo of Calibre and Ken Kemp of Penn Terra.

Minutes

Planning Commission received the minutes of March 23, 2000 for their review and comment. Mr. Robinson moved to approve the minutes, and Mr. Gay seconded the motion.

VOTE: Mr. Robinson – yes Mr. Gay – yes Mr. Porter – yes
 Mr. Berenty – absent Mr. Shultz – yes Mr. Fugate – absent
 Mr. Breon – absent

Persons to address the Board

Fillmore Farms – Phase I, plan approval. Mr. Kemp from Penn Terra Engineering presented the Fillmore Farms Plan. All conditions pending plan approval have been addressed. Developer is proposing to start work in the development by mid to late summer. With all appearing to be addressed, Mr. Gay moved to approve the plan. Mr. Robinson seconded the motion.

VOTE: Mr. Robinson – yes Mr. Gay – yes Mr. Porter – yes
 Mr. Berenty – absent Mr. Shultz – yes Mr. Fugate – absent
 Mr. Breon – absent

Conestoga Wireless Company. Ms. Nancy Wolfe presented to the Board their proposal for utilizing the Centre Communication Tower on Clair Stem's property for an antenna to be co-located on the existing tower. Conestoga provides digital wireless services. A small building will be located on Centre Communication's existing leasehold area. Impacts to the area are extremely minimal. The Commission looked at the plans and specifications. Federal Aviation Administration (FAA) does not need to review this proposal because the antenna is located on the existing tower. With all items of concerns appearing to be addressed, Mr. Robinson moved to recommend approving the conditional use to the Supervisors. Mr. Shultz seconded the motion.

VOTE: Mr. Robinson – yes Mr. Gay – yes Mr. Porter – yes
 Mr. Berenty – absent Mr. Shultz – yes Mr. Fugate – absent
 Mr. Breon – absent

John Jabco Conditional Use Request. Mr. Jabco presented to the Commission his request for an auto detailing business he would like to operate under the Occupant Owned Business section of the Benner Township Zoning Ordinance. Mr. Jabco showed pictures of his property and asked questions about a business operating in Patton Township. He handed out an explanation of how he believes his request will meet the requirements of the Occupant Owned Business classifications. A lot of discussion focused around the following issues:

1. Residency – Mr. Jabco does not live at the property where the use is proposed.
2. Building – Existing building proposed to house the use is classified as “agricultural”. Reclassification of building is necessary to permit the use.
3. Nonconforming status – some members were concerned about nonconforming status granted by allowing this type of use and its expansion.
4. Aspects of business – concerns were discussed about:
 - a. number of cars detailed
 - b. hours of operation
 - c. does the use “fit” into the forest district uses
 - d. how will this effect other uses in the Township

Mr. Jabco handed out the requirements for Dealer’s license to the Commission to review. The Commission was of the opinion that dealer’s license applied to all dealerships and was concerned that these requirements did not fit the intention of the occupant owned business requirements. The Commission questioned if Mr. Jabco could do his business somewhere else.

Mr. Jabco asked if he placed a mobile home on the property could that be a way to deal with the owner-occupied requirement. Live in the mobile home a portion of the time. Ms. McGowan did not know if that would be possible. It was discussed that could the use be classified as “home occupation?” The home occupation section strictly prohibits “vehicle service”.

After a lot of discussion, the Commission had no recommendation to the Supervisors except that Mr. Jabco’s request did not appear to meet the requirements of the Occupant Owned Business.

NEW BUSINESS

OLD BUSINESS

Sign Ordinance. The Commission tabled this item until the next meeting.

CORRESPONDENCE

The Commission acknowledge receipt of the correspondence.

ADJOURNMENT

With no other business to address, the Commission adjourned the meeting.

Respectfully submitted:

Renee McGowan

Renee McGowan, Zoning Officer