

**BENNER TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**February 26, 2009**

**CALL TO ORDER**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by Chairman Nate Campbell at the Benner Township Municipal Building.

**ATTENDANCE**

Members present: Genny Robine, Dan Horner, Rob Fugate, and Nate Campbell. Members absent: Joe Shultz, Dave Jackson and Jim Swartzell. Also attending was Renee Swancer, Zoning Officer, Jerry and Paula Ross, Monte Confer, Dennis and Susan Smith, Tom Songer, Jack and Jane Petuck, Ken and Bernice Fisher, Kerm Tressler, David Palmer, John Sepp, Mike Sullivan, Susan Straley.

**MINUTES**

The minutes from the February 12, 2009 meeting minutes were presented for approval. Ms. Robine moved the approval of the minutes. Mr. Fugate seconded the motion.

Vote: Mr. Swartzell: absent      Mr. Fugate: yes      Mrs. Robine: yes      Mr. Jackson - absent  
Mr. Shultz: absent      Mr. Campbell: yes      Mr. Horner - yes

**PERSONS TO ADDRESS THE BOARD**

Harry Roth of Rothplan, Proposed Zoning Ordinance. Mr. Roth was present with the Commission to discuss the comments received by the Township regarding the proposed Zoning Ordinance. Mr. Roth started by discussion each of the letters individually.

Penn Terra Engineering, letter dated 1-15-09. It was agreed that shopping center will be further defined to allow a lower threshold for building size. Lighting requirements will remain. Landscaping and screening requirements for interior landscaping will not change and the 10% requirement will not be reduced. It was agreed to add "landscape architect and professional engineer" to landscape plans. Traffic impact report comments will be forwarded to our Engineer. Shopping center impervious coverage of 60% will remain. Section 508 of the Act refers to the Municipalities Planning Code.

Dave Palmer, letter dated 12-09-09. Shopping center issue was addressed above. Zoning Map issue was previously resolved. Impervious coverage for shopping center will remain.

Centre County Planning and Community Development Office. Mr. Roth recommended against adding a "transitional zone."

Ernestine Tressler Estate. Mr. Kerm Rockey addressed the Commission regarding their request to have the family estate placed into an industrial zone. Mr. Rockey explained that the family believes the best interest for the family, as well as the Township, is to place this property into an industrial zone instead of an agricultural zone. Mr. Rockey stated the family has retained an attorney who has advised him that this can all be worked out with the Township. Mr. Fugate asked what is planned for the property. Mr. Rockey noted industrial uses. It was noted that any zoning changes to the property would need to be approved by the other four municipalities that Benner Township has joined with in the Comprehensive Plan. The Commission agreed that further discussion regarding this issue would need to happen before any decisions could be made.

University Park Airport, Bryan Rodger, letter dated 1-20-2009. It was agreed to make the word changes and add language for the forms provided.

Spring Township, email dated 1-19-2009. Mr. Roth noted the Coleville feature is the Coleville Cave. The Pleasant Gap Hatchery was originally shown as "public" in the Comprehensive Plan. An error was made and the property should have included in the agricultural zone. The zoning map colors were already going to be corrected. Other comments provided where duly noted.

College Township, letter dated 1-13-2009. The Township will await future comments.

Terry Rogers, letter dated 2-8-2009. It was agreed to make the change.

Tom Songer. Mr. Songer discussed with the Commission his position regarding the reduction of the impervious coverage in the Light Industrial Zone to 60%. Mr. Songer stressed he feels a reduction in imperious coverage in the Light Industrial Zone will greatly impact the lots located within the Benner side of the Penn Eagle Industrial Park. To support his position, letters were presented from Bill Andrews and Virginia McKay, who also do not want to see the imperious coverage decreased. The 1997 Zoning Ordinance allowed for 80% imperious coverage. Mr. Roth noted the ordinance is only decreasing the impervious coverage by 10%. The new ordinance allows for 60% imperious coverage and can be increased to 70% by providing for architectural enhancements. Mr. Songer believes the reduction will greatly impact further developmental ability of the existing lots and further decrease the value of the properties. Mr. Sullivan of Yeagles Moving and Storage agreed with Mr. Songer. Mr. Sullivan is concerned that his potential to build additional storage units will not be allowed under this reduction of coverage.

Mr. Roth noted that no where in the proposed ordinance is an 80% imperious coverage allowed. The bulk requirements for each zone are build around a 70% imperious coverage. To increase the coverage would require a rewrite to many sections of the ordinance (i.e, setbacks, landscaping, etc.). Mr. Roth said that not to rewrite these sections could leave the municipality open for legal challenges, and he would not recommend it. Any changes to the light industrial zone would apply to the Benner Commerce Park. Mr. Roth noted the standards in the ordinance are better standards overall for the Township. The Commission agreed that Township should not change the impervious coverage at this time. Mr. Fugate noted that if sometime in the future Mr. Songer would like to take this discussion up again, the Commission would be willing to do so if he could provide compelling reasons why the Township should change the ordinance. Mr. Roth addressed the rest of the comment letter from Mr. Songer and noted the Township cannot regulate any land development or subdivision activity for the County has the Subdivision and Land Development Ordinance.

John Sepp, Penn Terra Engineering. Mr. Sepp questioned the 10% internal landscaping requirement and for convenience stores the 10% criteria can be very difficult to design for and even maybe next to impossible to meet. Mr. Roth recommended Mr. Sepp demonstrate the difficulty in meeting this criteria for further discussion. Mr. Roth agreed that 5 acre minimum requirement for hotel in the highway commercial zone could be changed to 2 acres.

Off-site directional signs. It was recommended by Mr. Roth that business owners wanting to erect off-site directional signs should be handled under the variance process.

Mr. Roth informed the Commission now needs to make a recommendation to the Board of Supervisors to adopt these changes as amendments to the Zoning Ordinance. Mr. Fugate moved to make such recommendation. Mr. Horner seconded the motion.

Vote: Mr. Swartzell: absent      Mr. Fugate: yes      Mrs. Robine: yes      Mr. Jackson - absent  
      Mr. Shultz: absent          Mr. Campbell: yes      Mr. Horner - yes

Neighbors for Safety. Residents living near the Centre Peace facility came to the meeting to address the Commission with some questions. The residents have formed a group that is now called the "Neighbors for Safety." Questions were asked about the definition of family and now many unrelated people can live in a home. The answer

is three. The group is concerned about safety and wants to make sure that if the Township would allow for Centre Peace to increase the number of people living in the home that supervision would be written into the regulations. The Commission assured them that it would be. Mr. Campbell noted that if three are in the home, the Township has no rules. The Commission noted they are concerned that if halfway houses are added to the Zoning Ordinance, then they are permitted elsewhere in the Township. The Comprehensive Plan now allows for municipalities to share uses. Currently, Spring Township and Bellefonte Borough allow for halfway houses, so Benner Township should not have to. Residents are concerned that some people living in the home could have plead down their cases, and that these individuals could actually be more dangerous then originally thought. Mr. Fugate noted that the Township is really going to support what the "group" wants. If the "group" wants halfway houses, then the Township will probably support that position. If not, then the Township will probably not support it. Ms. Robine noted that if three people are allowed, she didn't think the prison system would likely support it. She thinks it might be better to leave it as it is. Mr. Fugate noted community pressure definitely goes a long way.

**NEW BUSINESS**

**OLD BUSINESS**

**CORRESPONDENCE**

**NOTES**

**ADJOURN**

With all business complete, the meeting adjourned.

Respectfully submitted by:  
Renee Swancer, Zoning Officer