

**Nextel Partners**  
**Conditional Use Hearing**  
**August 6, 2001**

The Conditional use hearing for Nextel Partners was called to order at 7:32 p.m. by the Vice Chairman, Dave Breon with member Michael Kelleher present. Mr. Lahr was absent. Also in attendance were Norm Spackman, Dan Tancibok, Clair Stem, Lynn Corl, Brian Book, Doug Deibler, Barbara Lahr, Larry Lahr, Renee McGowan and Warren Miller.

The Board was in receipt of a letter from Larry Lahr dated August 1, 2001, requesting that the Board give his application a deemed approval because the township failed to hold his first public hearing within 60 days from the date it received his application.

Mr. Breon noted, based on the advice from township counsel, that the township would proceed with the Conditional Use hearing process and would open the hearing for presentation and public comment.

Larry Lahr explained that he was present on behalf of Nextel Partners, a firm that seeks to erect a 180' telecommunication tower on Clair Stem's Purdue Mountain property. Mr. Lahr stated that the Nextel tower would be available for up to four other companies to co-locate on it. It was stated, that for their needs, that they are not able to co-locate with any of the existing towers.

Mr. Lahr stated that their proposal meets all of the township's regulations with the exception of:

1. FAA approval has not yet been given. FAA has their application and it is in the review process which can take 150 to 180 days.
2. Their current plan will not meet the Benner Township Zoning Ordinance setback requirements for Article VIII, Section 12.3, Item C.

Mr. Lahr expressed that he feels the regulations in Article VIII, Section 12.3, Item C are excessive. He went on to explain that telecommunication towers are engineered to collapse on to itself, not to fall over.

Mr. Breon suggested that Mr. Lahr provide documentation to the Board proving that the current tower setbacks are excessive and need to be amended.

Mr. Stem questioned how Centre Communications erected a tower on the Benner Pike without a conditional use hearing. It was noted that in this case the tower was an accessory structure to the communications building, and not the primary use.

The hearing was adjourned the time being 7:50 p.m.

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Sharon Royer, Sec.

## BENNER TOWNSHIP SUPERVISORS

August 6, 2001

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order by the Vice Chairman, Dave Breon with member Michael Kelleher present. Also in attendance were Norm Spackman, Dan Tancibok, Clair Stem, Lynn Corl, Brian Book, Warren Miller, Doug Deibler and Renee McGowan.

### PERSONS TO ADDRESS THE BOARD

Norm Spackman/Dan Tancibok - Centre County 911: Mr. Spackman and Mr. Tancibok gave the Board an update on the readdressing process and where Benner Township is in the process.

Mr. Tancibok explained that there are still two problem areas in the township that need worked on.

a. Continental Courts - Mr. Tancibok explained that if addressing remains "as is" for Continental Courts, it could create conflicts with the computers when a call comes in and equipment is dispatched. Much discussion was held. Mr. Tancibok noted that 911 representatives would schedule a meeting with Continental Courts to try to work an equitable solution.

b. Benner Pike - Mr. Spackman noted that the problem with the addresses on the Benner Pike is that they overlap. It was noted that even if the road was issued with two directional prefixes that they still are not numbered with the national standard numbering system.

Mr. Kelleher questioned who's responsibility it is to do the addressing. Mr. Tancibok noted that by law, only the township can make address changes and assign road names. Mr. Spackman noted the 911 is acting as the coordinator for this project but it is the Township's ultimate say.

Warren Miller/Brian Book - Sewer Connections: Discussion was held on the various residents who are asking to be waived from the sewer connections. Mr. Miller noted that he would go out and see Mr. Waite to see where he came up with the distances that were given to the Board. The Board noted that they would discuss the sewer connections further at the next Board meeting when Mr. Lahr is present.

### MINUTES

The minutes of July 16, 2001, were presented to the Board for their review and comments. Mr. Kelleher moved to approve the minutes as presented. Mr. Breon seconded the motion.  
Vote: Mr. Breon - yes                      Mr. Kelleher - yes                      Mr. Lahr - absent

### BILLS

The bills of August 6, 2001, were presented to the Board for their review and approval. Mr. Kelleher moved to approve the bills as presented. Mr. Breon seconded the motion.  
Vote: Mr. Breon - yes                      Mr. Kelleher - yes                      Mr. Lahr - absent

### ZONING OFFICER'S REPORT

Amy Johnsonbaugh: It was noted that the Zoning Hearing Board met this afternoon and granted Ms. Johnsonbaugh a setback variance to place a module home on her property along Buffalo Run Road.

Fenton Property: It was noted that a written complaint was received concerning the Fenton property. A violation notice has been sent to Mr. Fenton.

Ordinances: It was noted that the Planning Commission is still reviewing the following ordinances: PRD Ordinance, Zoning Amendment Re: Conditional Use guidelines, prison and tower amendments.

**OLD BUSINESS**

Spring Township Agreement/Boundary Change: Table.

Patton Township/Benner Township Boundary: Table.

Buffalo Run Park/Chain Link Fence: The board asked Mr. Deibler if he has had a chance to review the property boundary lines between the Continental Courts right of way and Ms. Gummo's property. Mr. Deibler noted that it appears Ms. Gummo is mowing the entire right of way area. The board asked that a letter be sent to Ms. Gummo noting that the chain link fence is not financially feasible and suggest that she stop mowing Continental Court's right of way in hopes that this area will act as an additional vegetative buffer between her property and the park.

Nevin Guiser Jr./Sewer Connection: Table until the next meeting.

Concrete Barriers: Pictures were given to the Board showing where additional barriers are needed. Mr. Kelleher moved to purchase the additional concrete barriers from HRI , Inc. at the cost of \$10.75 per LF. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes                      Mr. Kelleher – yes                      Mr. Lahr – absent

Shop Furnace Quotes: The quotes for the new gas furnace for the shop were reviewed. The Board asked that written confirmation be received that all of the quotes are still valid. This item was tabled until the next regular meeting.

Sherry Jury/Summer Rec. Refund: It was noted that Mrs. Jury is requesting a full refund of her son's Summer Rec. registration fee. Mrs. Jury felt that her son should only pay the Benner Township resident fee because her son attends the Benner Elementary. After the non-resident fee was requested, Mrs. Jury ultimately decided not to have her son participate in the program. Mr. Breon moved to refund the remaining \$15 fee to Mrs. Jury. Mr. Kelleher seconded the motion.

Vote: Mr. Breon – yes                      Mr. Kelleher – yes                      Mr. Lahr – absent

**NEW BUSINESS**

History Fund CD: It was noted that the History Fund variable rate CD from M & T Bank is no longer convenient. Mr. Kelleher moved to close the History Fund CD and place the funds into a PLI GET account. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes                      Mr. Kelleher – yes                      Mr. Lahr – absent

Glenn O. Hawbaker - Road Bonding: It was noted that HRG and Mr. Bernhard went out and inspected the section of Fox Hill and Rock Roads that Glenn O. Hawbaker, Inc. wishes to bond for the test track construction. Mr. Kelleher moved to approve the road bonding documents for Glenn O. Hawbaker, Inc. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes                      Mr. Kelleher – yes                      Mr. Lahr – absent

Video Recorder: It was noted that Mr. Bernhard is asking permission to purchase a video recorder for the township for the purpose of video taping for road bonding etc. It was noted that the recorder the township currently owns will no longer work. Mr. Kelleher moved to approve up to \$500 for the purchase of a new video recorder. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes                      Mr. Kelleher – yes                      Mr. Lahr – absent

Gypsy Moth Suppression Program: This item was tabled until the next meeting.

AYSO field request: The Board was in receipt of a letter from AYSO requesting permission to use township owned fields for their fall soccer session. Mr. Kelleher moved to pass this request on to Mrs. Alters for her approval. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes                      Mr. Kelleher – yes                      Mr. Lahr – absent

## **NOTES**

Water Testing: Discussion was held on making water testing bottles available to township residents as was done in the past. Mr. Deibler noted that the cost of these tests have gone up considerably and that the last time it was made available less than 20 residents participated. The Board noted that perhaps they need to target the water depth issue instead of water quality. Mr. Deibler noted that he would check with HRG to see if we do depth measurements - how, when and where they should be taken.

Lynn Corl: Mr. Corl noted that excessive speeding is taking place along Valley View Road between the hours of 4 and 8 p.m. on the weekdays. The Board noted that they would contact Rockview regarding this complaint.

## **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. SCBWA water level measurement Report
2. Letter from Daniel & Karen Shawley
3. County Comment Letters
  - a. Victorian Village
  - b. McGowan Plan
4. Letter Re: Spring Creek Watershed Commission
5. Centre County Airport Authority – June 14, 2001 minutes
6. Conservation District Report on SBWJA project
7. Centre County Time Extension Letters
  - a. Walker Land Development Plan, Phase II
  - b. Penn State University Test Track Land Development Plan
8. Notice that Rockview intends to submit a Minor Operating Permit Modification Application to its Title V operating permit
9. SBWJA July 9, 2001 minutes

## **ADJOURNMENT**

The meeting was adjourned the time being 10:20 p.m.

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Sharon Royer, Sec.