

Benner Township Supervisors
Tower Amendment Ordinance Hearing
November 5, 2001

The hearing for proposed Ordinance No. 80 that would amend Ordinance 70 Article V, Supplemental District Regulations, Section 12. Telecommunications Towers/antennas with new standards for setbacks for safety and amending the Forest, Industrial and Commercial Zoning Districts by adding antennas as a Conditional Use requirement was called to order at 7:30 p.m. by the Chairman, Richard Lahr with members Michael Kelleher and Dave Breon present. Also in attendance were Warren Miller, Clair Stem, John Elnitski, Norm Spackman, Mark Shawley, Mike Soble, Darla Poorman, Janette Gilbert, Larry Jodon, Brian Book, and Renee Swancer.

Mr. Lahr opened the floor for questions, comments regarding the proposed ordinance.

John Elnitski – 817 Seibert Road, Bellefonte: Mr. Elnitski questioned if a requirement couldn't be added to the ordinance that airports must be notified when such a request is made and that the airports must sign off on the notification to make sure that each airport has been properly notified.

Mike Soble: 1060 Purdue Mt. Road, Bellefonte: Mr. Soble questioned when are adjoining property owners notified of these conditional use requests? Mr. Soble noted further that he feels that the current ordinance is fine the way it is and does not see the need for a change in the setback requirements.

Mr. Breon explained that the courts have up held that 100% of the tower height is too restrictive of a setback. New towers must meet FCC construction guidelines.

The Board decided to table action on this ordinance and pass it back to the Planning Commission to review further based on the comments that were received this evening.

The hearing was closed the time being 8:05 p.m.

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The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:08 p.m. by the Chairman, Richard Lahr with members Michael Kelleher and Dave Breon present. Also in attendance were Warren Miller, Clair Stem, John Elnitski, Norman Spackman, Mark Shawley, Mike Soble, Darla Poorman, Janette Gilbert, Larry Jodon, Brian Book, and Renee Swancer.

AT & T Tower Conditional Use: This item will continue to be tabled until further correspondence is received from AT & T.

PERSONS TO ADDRESS THE BOARD

Shawley Form B: It was noted that Bellefonte Borough would not permit the Shawleys to connect to the Spring Benner Walker sewerline due to an existing line backup problem. Mr. Houck has perk tested the property and an on-lot system will be built for the proposed new lot. Mr. Breon moved to approve and sign the Form B for the Shawleys. Mr. Kelleher seconded the motion.

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

Janette Gilbert: Ms. Gilbert noted that she owns the home located at 396 Seibert Road. She noted further that there is an ongoing problem with water runoff laying in her driveway and that she would like the problem fixed. The secretary noted that the road crew has visited this property on numerous occasions and that after their last attempt was under the impression that for the most part the problem was resolved. The Board viewed a township videotape of the property, in question. The Board noted that they want the Township Engineer to meet with the Superintendent to take a look at the problem to determine if anything further can be done by the Township.

MINUTES

The minutes of October 15, 2001, were presented to the Board for their review and comments. Mr. Breon moved to approve the minutes as presented to the Board. Mr. Lahr seconded the motion.

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

BILLS

The bills of November 5, 2001, were presented to the Board for their review and approval. Mr. Lahr moved to approve the bills as presented. Mr. Kelleher seconded the motion.

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

ZONING OFFICER'S REPORT

911 Addressing: An update was given on the 911-readdressing project. It was noted that 772 addresses in the township would not be changed. 267 properties will be changing their addressing and that approximately 40 new lanes and road names will be created. Mr. Spackman reported that he has met with Continental Courts again and that it looks as though on approximately 60 of the 423 lots will need to change their address. Mr. Spackman noted that he is here tonight requesting that the Board grant permission for letters to be sent out to residents of the one list. Mrs. Swancer noted that she reviewed the list in question and it is ready to be released. Mr. Kelleher moved to release the list in question. Mr. Lahr seconded the motion.

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

PRD Ordinance/Ordinance Amendment for Prison & Fire Training Facility:

Mrs. Swancer noted that these ordinances might be ready for the Board at a December meeting.

**A five-minute recess was taken from 8:35 p.m. to 8:40 p.m.

PERSONS TO ADDRESS THE BOARD

Warren Miller/Brian Book: Mr. Miller and Mr. Book were present to go over the proposed Act 537 Plan for the Township. Mr. Book noted that the areas included in the study were Upper Seibert Road, Walnut Grove and Shiloh Road area. It was noted that the Upper Seibert Road and Walnut Grove area fall within the 0 to 5 year section and that the Shiloh Road area is in the 5 to 10 year time frame. Mr. Book noted that the plan is ready for adoption. The public notice needs to run for the adoption hearing date. Mr. Lahr moved to advertise for adoption. Mr. Breon seconded the motion.

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

Magyar Sewer Problem: It was noted that the Board has received written communication from Ralph Houck concerning Magyars. Discussion was held. Mr. Book noted that he would contact Mr. Houck to discuss this issue further.

OLD BUSINESS

Spring Township Agreement/Boundary Change: Tabled.

Patton Township/Benner Township Boundary: Tabled.

Spring/Benner/Walker Joint Authority Vacancy: Tabled.

Mt. Top Welding Road Bonding: It was noted that a final inspection was done on the roads that were bonded by Mt. Top Welding. No road damage was found. Therefore, HRG is recommending releasing the road bond. Mr. Lahr moved to release Mt. Top Welding from their road bond. Mr. Kelleher seconded the motion.

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

Generator Quotes: Quotes were received from the following companies:

- Strouse Electric – 11 KW Onan with automatic transfer switch - includes installation
\$7,685.00
- Shaffer Electric – 11 KW Onan with automatic transfer switch - includes installation
\$8,040.00
- Breon's Inc. – 11 KW Onan with automatic transfer switch does not include installation
\$6,038.00
- Sweitzer Electric – 8.5 KW Kohler with installation
\$6,082.00
- Automatic transfer switch & installation additional \$3,031.00

Mr. Lahr moved to award the generator bid to Strouse Electric in the amount of \$7,685.00. Mr. Breon seconded the motion.

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

NEW BUSINESS

Burnham Farm Estates: The question was asked to the Board how they wanted to handle the maintenance of the traffic signal along the Benner Pike due to Burnham Farm Estates development. The Board noted that they feel Spring Township should be approached to see

if an agreement might be reached with them due to the fact that most of the development will be located in Spring Township.

Spring Creek River's Conservation Report: The Board noted that they were willing to hear a 15-minute presentation from Ms. Shuey at their next meeting.

UAJA Zoning Amendment and Conditional Use Ordinance Amendment Hearing: The Board agreed to hold this hearing on December 17, 2001.

Larry Jodon request: Discussion was held with Mr. Jodon regarding his written request to the Board. This item was tabled until the Board's next meeting so that a legal opinion could be sought.

Street Standards Waiver Request Victorian Village: It was noted that Mr. Jodon has requested a Design Standard waiver for the location of his driveway to his proposed development. This 250' waiver was given to HRG for their review and recommendation. Mr. Kelleher moved to grant Mr. Jodon his waiver based on the opinion from Mr. Weikel, HRG, Inc. Mr. Lahr seconded the motion.

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

Earned Income Tax Rules and Regulations: The rules and regulations were submitted to the Board for their review and approval by the Bellefonte Area School District. It was noted that all Earned Income Tax Collectors have been meeting for some time to come up with this set of uniform rules and regulations for the Bellefonte Area School District. Mr. Breon moved to approve the rules and regulations. Mr. Lahr seconded the motion.

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

Nittany Valley Track Club Road Race: The Board was in receipt of a letter from David Egger requesting the use of Rock Road for the Nittany Valley Half Marathon from 10 a.m. to noon on Sunday, December 2nd. Mr. Kelleher moved to approve usage of Rock Road under the same terms as 1999. Mr. Lahr seconded the motion.

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

Bellefonte Basketball League Team Sponsorship: Mr. Kelleher moved to sponsor a team from the Bellefonte Basketball League at the cost of \$75. Mr. Breon seconded the motion.

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

Oil/Water Separator: It was noted that a 5% discount is available on the Highland Tank Oil Water Separator if the order is prepaid or a 2% discount if the order is paid within 15 days of receipt. The Board noted that they would rather take the 2% discount so that they are sure that the equipment we ordered is the equipment received.

Ordinance Re: Creation of the Nittany Valley Joint Planning Commission: Discussion was held regarding this ordinance. Mr. Lahr moved that the Board advertise the Ordinance for adoption after it is in final format. Mr. Kelleher seconded the motion.

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

Senate Bill 826: Mr. Lahr discussed with the Board SB 826 as it was reviewed in the PSATS Alert newsletter. Mr. Lahr moved to send Senator Corman a letter stating that the Board opposes the passage of Senate Bill 826. Mr. Kelleher seconded the motion.
Vote: Mr. Breon – yes Mr. Kelleher – yes Mr. Lahr – yes

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. PSATS Alert
2. Centre County Conservation District Letters
 - a. Glenn O. Hawbaker
 - b. UAJA – Beneficial Reuse Transmission Main
 - c. UAJA – General Permit
 - d. SBWJA NPDES Permit terminated
3. Copy of Submitted Transportation Enhancement Grant Application
4. Centre County Prison Project Traffic Component Work Plan
5. LWV Workshop Notice Titled “Are We Running Out of Water?”
6. Centre County Airport Authority minutes of July 19, 2001
7. County Time Extensions
 - a. Ray Walker
 - b. Benner Chiropractic
 - c. PSU Test Track
8. SBWJA Minutes of October 8, 2001
9. HRG Comment Letters
 - a. Victorian Village
10. Penn State Above Ground Storage Downstream Notification
11. SCBWA well monitoring report

The Board noted that the will hold a budget meeting on November 13 from 7 to 9 p.m.

ADJOURNMENT

The meeting was adjourned the time being 10:23 p.m.

Sharon Royer

Sharon Royer, Sec.