

**Benner Township Supervisors
December 4, 2006**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:30 p.m. by the Chairman, David Breon with members James Swartzell and John Elnitski, Jr. present. Also in attendance were John Sepp, James Martin, Genny Robine, Ed Gallas, Renee Swancer and Michael Shamalla.

PERSONS TO ADDRESS THE BOARD

John Sepp/James Martin - Rockview Business Park/Cleveland Brothers Land Development:

Rockview Business Park: Mr. Elnitski questioned Mr. Sepp about the different covenants that may be placed on the lots in the Rockview Business Park. He noted that he didn't want anything too restrictive that no one will want to locate there. Mr. Elnitski noted that the size of the lots were of a concern of his as well as the amount of space that any one company could lease out to someone else. Mr. Sepp noted that the smallest lot size in the park is planned to be between 5 and 10 acres. He noted that the restrictive covenants being proposed are that there will be no retail, hotel or commercial uses in this park. Any office space must have 80% of its space to one user. Twenty percent would be permitted to be leased out. Mr. Sepp noted that the reason for this would be to try to discourage speculative offices being built. Discussion was held concerning where a hotel could possibly be built in this area. The Board noted that they would discuss these covenants in a joint meeting with the Planning Commission sometime in January.

Mr. Sepp noted that during recent task force meetings, it has been discussed that the I-2 Zoning District area be possibly enlarged to include an additional four lots to the back of the park.

Cleveland Brothers: Mr. Sepp noted that the County is requiring the PennDot HOP permit prior to approving the plan. A rendering of the Cleveland Brothers Building and landscaping plan was shown to the Board.

Discussion was held concerning the size of signs that would be permitted for the Cleveland Brothers building. Mr. Martin noted that he would get some suggested language for a sign ordinance.

Mrs. Swancer noted that she wasn't seeing the required buffer yard landscaping along the side of the proposed building. Mr. Sepp stated that he would check on this.

Mr. Sepp stated that Cleveland Brothers is proposing the storage area being constructed of stone. It was further noted that no equipment maintenance of large equipment will be done on site. Mr. Sepp noted that a note has been placed on the plan stating that no bulk fuel and oil storage will be done on site.

Mrs. Swancer expressed the need for Mr. Sepp to be in contact with Mr. Weikel regarding the HOP for Rishel Hill.

Mrs. Robine expressed the desire of the Township Planning Commission to have this park follow better management practices to handle stormwater from the park.

MINUTES

The minutes of November 20, 2006, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented. Mr. Swartzell seconded the motion.

Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

BILLS

The bills of December 4, 2006, were presented to the Board for their review and approval. Mr. Swartzell moved to approve the bills as presented. Mr. Elnitski seconded the motion.

Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

ZONING OFFICER'S REPORT

Amberleigh/Model Home: Mrs. Swancer noted that Berks Homes, a home builder in the Amberleigh Subdivision, is requesting that one of their units be allowed to be used as a sales office/design center which does not comply with the Zoning Ordinance or even the covenants of the development. Mr. French will be responding to Berks' attorney and their request.

Hampton Hills Surety: It was noted that the sidewalks have been inspected and found to be completed. Therefore, surety is scheduled to be released at the Board's next meeting.

Shindey Cease & Desist: Mrs. Swancer noted that the grading and stormwater easement issues have been resolved and that the cease and desist order should be lifted later this week.

County Planning Office Policy: Mrs. Swancer reported that the Centre County Planning Commission is considering now allowing preliminary plans to be submitted to their office without sewage planning commitments. It was expressed that this new policy will allow land owners to submit plans prior to the new zoning ordinance be adopting which could totally alter the Comprehensive Plan.

Mr. Breon noted that he would like to see the township adopt its new zoning ordinance as soon as possible. Mrs. Swancer went over the tentative timeline for the planning commission to work on the ordinance. Using the tentative timeline the ordinance could be ready for adoption in May. Much discussion was held. Mrs. Swancer noted that the Board needs to determine if they want the TDR program incorporated into the new Zoning Ordinance or not. The Board noted that they would like to have a recommendation from the Planning Commission prior to them making a final decision. Mrs. Swancer noted that she would contact Mr. Roth to get a cost estimate from him on what it would cost to put together the zoning district charts for the ordinance.

Gerald Clair Driveway: Mrs. Swancer noted that information has been provided by Dr. Clair's consultant and that Mr. Weikel will be responding to the information received.

OLD BUSINESS

Spring Township Agreement/Boundary Change: This item continues to be tabled.

Patton Township/Benner Township Boundary: This item continues to be tabled.

Comcast Franchise Fee Agreement Renewal: It was noted that the commission is planning to meet within the next several weeks to finish the agreement offer to Comcast.

Nittany Valley Joint Planning Commission Zoning: Nothing new to report.

Legislation for Canyon Property Transfer: Nothing new to report.

Township Building Repairs: Mr. Elnitski gave the Board an overview of the property walk through meeting that was held on November 29th. Mr. Weikel noted that he thought a space plan should be conducted to see how large the building really needs to be.

Job Descriptions - Recreation Manager/Grant Writer: Mr. Swartzell noted that he has been working on these job descriptions and expects that a working draft will be ready for Board comments at the next meeting.

Executive Session: An executive session was held from 9:26 to 9:43 p.m. dealing with personnel matters.

Spring Creek Watershed Commission - Contributions: The Board is in receipt of a proposal to continue the Spring Creek Watershed Commission. The Commission is seeking .065 per township resident - the Rockview Inmates - for a cost of \$208.00 for the year. Mr. Elnitski moved to approve this agreement and continue to participate in Spring Creek Watershed Commission. Mr. Swartzell seconded the motion.

Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

2007 Budget: Mrs. Royer noted that no comments have been received on the proposed budget. Mr. Swartzell moved to adopt the 2007 budget as prepared. Mr. Elnitski seconded the motion.

Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

NEW BUSINESS

University Park Airport Conditional Use Request: The application received requests to change the secondary runway into a taxiway. Mr. Swartzell moved to forward this application on to the Planning Commission for their review and recommendations. Mr. Breon seconded the motion.

Vote: Mr. Elnitski - abstain Mr. Swartzell - yes Mr. Breon - yes

Bob Morrell - Resignation: The Board acknowledged receipt of Mr. Morrell's resignation letter from the Benner Township Planning Commission.

Continuing Education - Attorney French: The Board is in receipt of a letter from Attorney French asking that they consider paying 1/7 of the bill for him to attend the Municipal Law Colloquium. The Township's cost is estimated to be around \$135 to \$150. Mr. Breon moved to approve paying 1/7 of Mr. French's conference. Mr. Swartzell seconded the motion.
Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

Affordable Housing: Discussion was held concerning the affordable housing proposal along Shiloh Road. Mr. Breon provided a draft copy of his comments to Mr. Benninghoff addressing items discussed in Mr. Jacobs's letter to the rest of the Board for their review and comments.

CORRESPONDENCE

1. PSATS News Bulletin
2. Centre County Planning Commission Correspondence
 - a. Cleveland Brothers Comments
 - b. Time extension Remodelers Workshop
3. Copy of letter from Centre Co. Affordable Housing Coalition to Benninghoff
4. Letter from John Harris Re: affordable housing
5. Letter from Stephen French Re: increase in monthly retainer fee
6. Conservation District Compliance Notice Re: Eagle Point Fill Site

ADJOURNMENT

The meeting was adjourned the time being 10:28 p.m.

Sharon Royer, Sec.