

Ordinance 96 Hearing

July 6, 2006

The Board called the hearing to order at 7:30 p.m. on proposed Ordinance 96 by the Chairman, David Breon with members James Swartzell and John Elnitski, Jr. present. Also in attendance were James Martin, Todd Perrine, Todd Smith, Trucy Mitchell, David Wise, John Sepp, Mike Schirling, Al Pauline, Doug Shuey, Carol Shuey, Denny Krout, Gregg Saunders, Warren Miller and Renee Swancer.

Ordinance 96 will amend the Planned Office Commercial (C-1) and the General Commercial District (C-2) zoning chart to add bottle or BYOB clubs as conditional uses with associated bulk requirements amending Article IV, Section 2.2.3 to add use requirements and amending Article XII definitions to add definitions of Bottle or BYOB Clubs.

Mr. Breon asked if anyone in the audience had any comments regarding to the proposed ordinance. No replies were made. Mr. Elnitski moved to adopt Ordinance 96 as presented. Mr. Breon seconded the motion.

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

Benner Township Board of Supervisors

July 6, 2006

The regularly scheduled meeting of the Benner Township Board of Supervisors was called or order at 7:37 p.m. by the Chairman, David Breon with members James Swartzell and John Elnitski, Jr. present. Also in attendance were James Martin, Todd Perrine, Todd Smith, Trudy Mitchell, David Wise, John Sepp, Mike Schirling, Al Pauline, Doug Shuey, Carol Shuey, Denny Krout, Gregg Saunders, Warren Miller and Renee Swancer.

PERSONS TO ADDRESS THE BOARD

Warren Miller - Spring/Benner/Walker Joint Authority: Mr. Miller was present to update the Board on the status of the Penn Works Grant. The grant would pay for repairs to an interceptor in the Borough and perhaps upgrades to the Bellefonte Treatment Plant. There are hurdles to overcome for the grant to work. 1) Spring Benner Walker Joint Authority has issued a moratorium therefore they cannot approve the planning module for Cleveland Brothers. 2) Sums for the repairs have almost doubled from

what they were quoting a couple months ago 3) Capacity amounts and costs for the capacity need to be negotiated and reached between the Borough and SBWJA 4) The deadline for the grant is August 1 and time is running out very quickly to have everything in line for the application

Mr. Miller noted that as he understands it:

* If a holding tank is used it must be a permanent solution which can only be allowed if the flow is less than 1000 gallons; **or**

* A temporary holding tank would require a form "K" exemption, which is permissible at any size if and only if there is planning and financing in place for the permanent solution.

Mr. Breon noted that he has tried to contact DEP to get further clarification and his phone calls have not been returned.

John Sepp stated that the Cleveland Brothers flow will be well under 800 gallons per day. Mr. Miller noted that he was going by the edus that were previously requested by Mr. Sepp for Cleveland Brothers which was approximately 15 to 17.

Mr. Sepp noted that Bellefonte Borough said that they were going to schedule a joint meeting with SBWJA to try to resolve their issues so that the grant could be submitted by the deadline.

More discussion was held. The Board asked that Delta outline the items that need to be achieved prior to the grant application being submitted. Ms. Mitchell noted that she would see that this is done.

Mr. Miller noted that on a different note, he has had discussions with Tom Eby of the Benner Township Water Authority regarding SBWJA assisting the Water Authority with inspections and water testing when they accept the Hampton Hills/Opequon Hills water system.

An update on SBWJA's position on the Amberleigh sinkhole was also given.

Victorian Village Plan Lot 1 into 1a & 1b: It was noted that all the items have been addressed and that the plan is now ready for signatures. Mr. Swartzell moved to approve the plan as submitted. Mr. Elnitski seconded the motion. Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

Cleveland Brothers: The Board shared a proposed sketch as to the areas and the zoning being proposed on and around the CCIDC property.

Mr. Sepp reviewed with the Board a sketch of the proposed building and where it would be located on the property. A rendering of the exterior of the building was also shown.

Mr. Sepp indicated that the results of the Trans Associates study have shown that no traffic light will be required for Cleveland Brothers site on Route 150. As other businesses are built in the park a traffic light will most likely be required. A turning lane may or may not be required. Currently they wish to purchase 20 acres with an option on 40 more. Mr. Sepp noted that they intend to submit the Cleveland Brothers plan as a land development plan.

Mr. Martin and the REL Design representatives went over the two documents created by Cleveland Brothers and REL Design, Inc. entitled "Description of Proposed Uses" (4 pages) dated 7/5/06 and "Additional 'Permitted Use' Language" (2 pages) dated 7/5/06. Both of these documents are attached to these minutes as Exhibit "A" and Exhibit "B".

Mr. Martin stressed that they feel that it is crucial that the "conditional use" element is eliminated from the proposed zoning district where they wish to locate. They are suggesting that the uses be spelled out in the zoning language and if special considerations are believed to be needed by the township that they too are just written into the ordinance regulations.

Mr. Sepp suggested that perhaps the Board should only concentrate on the zoning language for the I-2 District at this time. The Comprehensive Plan changes could be amended with all of the changes. The zoning language for the I-3 District could be worked on at a later date allowing for more time and consideration. The Board noted that they would be ok with this concept.

The Board noted that this property is located in the Interchange Overlay District and will need to comply with the Overlay District regulations.

Cleveland Brothers noted that they want to be assured that the uses of TLC service, Customer & Employee Training Facilities, rental and leasing uses,

display areas and warehouse parts and distribution will be permitted uses and that they will be described so that there is no future misunderstandings on these uses.

Concerns were raised regarding the 75 buffer yard on the south property line. It was noted that they don't understand why it couldn't be perhaps 50 feet. Mr. Sepp noted that they would like to see an option of a mounding with plantings in order to reduce the setback even more. Mr. Breon noted that this practice has been discussed previously.

Impervious coverage amounts were discussed. Mr. Sepp noted that 60% is too low. Mr. Breon noted that he would be agreeable to coverage amounts as high as 80% if green practices were put into place. Mr. Elnitski and Mr. Swartzell noted that they feel that the amounts should remain at 60% with a bonus of 10% for using higher architectural standards and a 10% bonus for using green practices. Mrs. Swancer noted that the comprehensive plan calls for a total of 70%. In conclusion the Board is recommending 70% with higher architectural requirements.

Existing vegetation - Can this be credited for buffer plantings? Mr. Breon noted that he thought that the I-99 Overlay Ordinance allows this at the discretion of the Board of Supervisors.

Section 2.2.28 C. Is the 500 foot distance from the use or property line? Mr. Breon noted that he would discuss this section with Mr. Roth to see if it is necessary since the surrounding properties will be zoned Ag.

Supplemental Regulations:

Mr. Sepp noted that they would like to see the Board make allowances for shared parking. Mr. Breon noted that he would also like to see shared parking between businesses.

Lighting requirements - Mr. Sepp noted that he felt that there should only be maximum requirements so if a business doesn't need lighting they wouldn't be required to install it.

Paved parking? Change the wording to only required parking needs to be paved. Mr. Breon noted that he wouldn't object to other parking areas having grass pavers, stones or anything that would make a mud free surface.

Parking lot curbing. Mr. Sepp noted that by requiring curbing for parking lots it conflicts with new stormwater principals of sheet flow and recharge. Mr. Breon noted that he agrees with eliminating the curbing for the on site parking but not for the main roadways.

Section 10.9 - wording should be changed to state must comply with ADA regulations.

Section 10.23 - Mr. Sepp noted that the stated parking of 1 space for every 200 sq. feet of building space is too much parking. Mrs. Swancer noted that the County is currently recommending 1 per 200. The Board agreed to change the requirement to 1 per 225 sq. feet.

Interchange Overlay Regulations:

It was noted that Section 5.2.a is not applicable to this district.

Section 5.3 - The Board noted that they would not require any existing utilities on site to be placed underground. Proposed utilities, however would be required to be placed underground.

Section 6 - The Board noted that they would look into trying to create some kind of language to allow sign sizes to be proportional with the size of a building.

Section 7 - After discussion, the board noted that they would need to discuss this section further with Mr. Roth.

Teamsters Conditional Use: Mr. Elnitski moved to forward the Conditional Use Application from the Teamsters Union on to the Planning Commission for their review and comments. Mr. Swartzell seconded the motion.

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

MINUTES

The minutes of June 19, 2006 were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented. Mr. Breon seconded the motion.

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

BILLS

The bills of July 6, 2006, were presented to the Board for their review and approval. Mr. Swartzell moved to approve the bills as presented. Mr. Breon seconded the motion.

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

ZONING OFFICER'S REPORT

Bertram Planning Module: Mr. Breon moved to approve the planning module for the Bertram three lot subdivision. Mr. Swartzell seconded the motion.

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

OLD BUSINESS

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

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

Adelphia Franchise Fee Agreement Renewal: Reviews are continuing with the Master Regulatory Ordinance. It was noted that legislation is pending that would turn cable franchising over to the Federal Government.

NVJPC Zoning: It was noted that supplemental regulations were distributed at the last meeting.

Gerald Clair Driveway: Much discussion was held. Mr. Swartzell moved to grant a waiver from the Street Standards Ordinance - private street standards as requested by Dr. Gerald Clair. This motion died to a lack of a second. The Board noted that they want a written legal opinion from the township solicitor on this matter.

NEW BUSINESS

Geisinger Health Plan: Mr. Elnitski moved to sign the contract with Geisinger Health Plan for health insurance coverage 6/1/06- 6/1/07. Mr. Breon seconded the motion.

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

CORRESPONDENCE

The board acknowledged receipt of the following correspondence:

1. SBWJA minutes of June 12, 2006
2. Letter from Sen. Corman Re: Highway Turnback
3. PSATS News Bulletin
4. Centre County Planning Commission Correspondence
 - a. Comment letter Re: Bertram Subdivision
 - b. Opequon Hill Lane Development Lot 83, Phase 2 & 3
 - c. Guenther Estate Plan - Null and Void
 - d. Polymics Time Extension
 - e. Victorian Village Time Extension
 - f. Non-Substantive Change Request Victorian Village Lot 1
5. HRG Comment Letter Re: Village of Nittany Glen Phase 3
6. Sewage Planning Module approval - Victorian Village Lot 1
7. Copy of Penn Dot's Centre County Maintenance projects 7/1/06 - 6/30/07
8. Conservation District Inspection report for Grove Park Subdivision

NOTES

Mr. Shamalla noted that he is back from his furlough. He has a meeting scheduled next week to try to establish a park and recreation board. He noted that the peer to peer kick off meeting is also scheduled for next week.

ADJOURNMENT

The meeting was adjourned the time being 11:24 p.m.

Sharon Royer, Sec.