

**Benner Township Supervisors**  
**February 19, 2007**

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 Doug Weikel, Jan Smith, David Smith, Jeff Stover, G. Clair, Edward Galus, David Panko, Sandra Azar, Warren Miller, Renee Swancer and Mike Kelleher.

**PERSONS TO ADDRESS THE BOARD**

Gerald Clair RE: Driveway: Dr. Clair indicated that he wishes to subdivide a 10 acre lot for his daughter to build a home on from his 200 acre parcel.

David Panko indicated that the 20 foot road right of way crosses his property to get to the Clair property. Mr. Panko noted that the current 20 foot right of way does not meet the Township's ordinance for subdivision purposes. Mr. Panko noted the following additional reasons that he does not wish for a waiver to be granted for the Clair Subdivision:

1. The roadway is too narrow. While traveling on this roadway it is not possible for two vehicles to pass each other. One of the vehicles would need to back up to allow for the other to pass.
2. An additional family would dramatically increase of traffic on the road.
3. He purchased the property because he was assured by his realtor and his attorney that because the private right of way was only 20 feet it would mean that no further subdivision would be allow to take place thus his privacy would be protected.

Sandra Azar noted that she shares the same concerns that Mr. Panko expressed. Ms. Azar noted that she feels that with the additional home, it would change the nature of the homes located there. She noted that Dr. Clair showed her generally where the new driveway would be located which would essentially be right next to her home and her windows.

Mr. Elnitski noted that it was his hope that each of the property owners would work together to see if a solution could be made to allow this additional home.

Mr. Stover indicated that he did draft a road maintenance agreement and forwarded it to the parties to review and comment on. Mr. Panko indicated that they have only received the draft on Friday and he doesn't feel that it has anything to do with what is being asked for. Mr. Panko noted that if this waiver is granted it will create a precedent and therefore could not guarantee stopping any further future subdivisions from taking place. Mr. Panko stated that the township's ordinance requires 50 feet and that by granting this waiver the supervisors are not complying with their own ordinances. The Board indicated that no waivers have been granted at this time and no decisions have been made regarding this issue.

Mr. Panko and Ms. Azar indicated that to date they have not seen any plans showing what exactly he intends to do. Mr. Panko noted that with Dr. Clair owning 200 acres he doesn't understand why property couldn't be given to his daughter in another location where access could be gained from a different location. More discussion was held. Mr. Elnitski noted that he would not vote favorably on Dr. Clair's request unless he works with the other property owners and gains their approval.

The Board concluded that Mr. Stover and Dr. Clair need to work with the property owners to try to reach some kind of agreement and address property owners concerns. It was noted further that this item will remain tabled until such a time that a.) an agreement is reached with the property owners or b.) legal documentation is produced forcing the Board to grant the waiver. The Board further indicated that they will notify the property owners when a decision is going to be made.

Bellefonte Special Sewage Facilities Study: Warren Miller was present to go over his comments on the Bellefonte Special Sewage Study. Mr. Miller noted that if the township intends to comment that they must do so no later than March 5<sup>th</sup>. The comments should be sent to both Bellefonte Borough and Spring Township. The Board asked that Mr. Weikel review and create a comment letter on this study.

\*\* An executive session was held from 8:15 p.m. to 8:25 p.m. to discuss pending legal issues.

Jan and David Smith: The Smith's were present to go over the Franklin & Esther Thomas subdivision. Mrs. Swancer noted the planning module is ready for signatures. The Planning Commission couldn't sign it at their last meeting because there wasn't a quorum. Mr. Elnitski moved to conditionally approve the planning module after approval is obtained by the Planning Commission. Mr. Swartzell seconded the motion.

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

Single Plan Procedure/Thomas Subdivision: The Board reviewed the subdivision plan for Franklin & Esther Thomas. It was noted that they had no comments on the plan.

### **MINUTES**

The minutes of February 5, 2007, 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 - abstain                      Mr. Breon - yes

### **BILLS**

The bills of February 19, 2007, were presented to the Board for their review and approval. Mr. Elnitski moved to approve the bills as presented. Mr. Swartzell seconded the motion.

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

### **ENGINEER'S REPORT**

Mr. Weikel reviewed with the Board the projects that he has been reviewing on the Board's behalf.

### **ZONING OFFICER'S REPORT**

Mrs. Swancer noted that Article II of the proposed zoning ordinance was forwarded to the Board for their review and comments.

### **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: Negotiation team has been established.

Nittany Valley Joint Planning Commission: Nothing new.

Canyon Property Transfer: Nothing new to report.

Township Building Repairs: The Board noted that they would meet at 6:45 p.m. on March 5<sup>th</sup> to discuss current and future needs for the building.

Job Descriptions Recreation Manager/Grant Writer: Review to continue.

## **NEW BUSINESS**

James & Cynthia Quici Subdivision: The Board reviewed the proposed one lot subdivision. Mrs. Swancer noted that she would like to see hatched areas located on the map where the possible areas are for the well to be located. The Board approved the plan with Mrs. Swancer's comment about well locations being shown forwarded to the county.

Centre County Mutual Aid Agreement: This item was tabled until the Board's next meeting.

## **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes - January 22, 2007
2. PSATS News Bulletin
3. Time Extensions
  - a. CCIDC - Rockview Reclassification of Lot 5
4. Notice of Hazard Mitigation Workshop April 18, 2007
5. Letter from Bellefonte Soccer Association

## **ADJOURNMENT**

The meeting was adjourned the time being 9:55 p.m.

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Sharon Royer, Sec.