

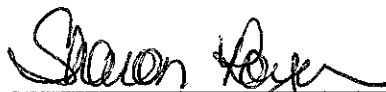
Benner Township Supervisors  
Garbage Information Meeting  
December 7, 2009

The public informational meeting on the garbage collection program was called to order at 6:30 p.m. at the Benner Township Municipal Building by the Vice Chairman, Jim Swartzell with member Dave Breon present. Mr. Elnitski was absent. Also in attendance were Jim Steff, Ed Yahne, Ed Galus, Neil Edwards, Dean Korman, Mary Hart, Carolyn Daniels, Jack Witmer, Kenneth Fitzgerald, Janet McCool, Cindy Lorenzo, Rich Lorenzo, Barry Richner, Barrie Persing, Rich Stover, Mike Facer, LeAnn Facer, Ted Onufrak, Doug Deibler, Trevia Deibler, Pam Adams, Renee Swancer and Sharon Royer.

Pam Adams introduced herself (Garbage Coordinator for the Centre Region Council of Governments) Jim Steff (Centre Region Council of Governments), Ed Yahne (Veolia), and Barry Richner (Centre County Solid Waste Authority). Mrs. Adams went over the program and the different options that the residents would have to choose from including unlimited pickup, low usage, and door service.

Questions and answers on the program were reviewed. It was noted that recycling bins for those that currently don't have recycling will be delivered on December 19<sup>th</sup>. Mrs. Adams noted that a brochure, recycling guide, and welcome letter will be sent to residents sometime the week of December 14<sup>th</sup>. The first quarter billing will be mailed the first week of January.

The public information meeting was adjourned the time being 7:16 p.m.

  
Sharon Royer, Sec.

Benner Township Supervisors  
December 7, 2009

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:30 p.m. by the Vice Chairman, Jim Swartzell with member Dave Breon present. Mr. Elnitski was absent. Also in attendance were Pam Adams, Barbara Fisher, Bob Donaldson, Randy Moyer, Jennifer Shuey, LeAnn Facer, Mike Facer, Bob Franks, Mark Torretti, Allen Neely, A.J. Swartz, Renee Swancer and Sharon Royer.

Sheetz Conditional Use Hearing Decision: Mr. Swartzell read the proposed conditional use decision for Sheetz who wishes to construct a Convenience Store with gas pumps, and car wash on the property with the tax parcel 12-003-124D. Mr. Swartzell questioned if anyone from the audience had any questions or

comments. No comments were received. Mr. Breon moved to adopt the Conditional Use decision as read. Mr. Swartzell seconded the motion.  
Vote: Mr. Breon – yes                      Mr. Swartzell – yes                      Mr. Elnitski – absent

**PERSONS TO ADDRESS THE BOARD**

A.J. Swartz – Environmental Planning & Design: Mr. Swartz was present to review with the Board the draft Spring Creek Canyon Overlay Ordinance that his firm and the Planning Commission have been working on the last several months. Each section of the Ordinance was reviewed. Mr. Swartz noted that Section 250 would be incorporated within the Township’s current Zoning Ordinance as an amendment. Other amendments to the Zoning Ordinance will be needed such as adding additional definitions relative to this section and the overlay map. Mr. Swartz noted that these amendments should be relatively easy to complete. The Board noted that they would further review the document and get back to Mr. Swartz with any questions that they may have.

No one from the audience had any questions regarding the presentation.

**MINUTES**

The minutes of November 16, 2009, were presented to the Board for their review and comments. Mr. Breon moved to approve the minutes as presented. Mr. Swartzell seconded the motion.

Vote: Mr. Breon – yes                      Mr. Swartzell – yes                      Mr. Elnitski – absent

**BILLS**

The bills of December 7, 2009, 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. Breon – yes                      Mr. Swartzell – yes                      Mr. Elnitski – absent

**ZONING OFFICER’S REPORT**

Mrs. Swancer noted, that as of this evening, Mike Fetzer has yet to send in his complaint letter about what he feels is illegal dumping in Pleasant Gap.

**COMMITTEE REPORTS**

Nothing new to report.

**OLD BUSINESS**

Spring Creek Canyon Property: It was noted that no information has been received from Senator Corman’s office about the public meeting that he was planning to hold.

Bellefonte Borough Fire Protection Agreement: Nothing new to report.

Ordinance 105: It was noted that Ordinance 105 (Mandatory Trash and Recycling Ordinance) has been advertised for adoption this evening. Mr. Breon moved to adopt Ordinance 105. Mr. Swartzell seconded the motion.  
Vote: Mr. Breon – yes                      Mr. Swartzell – yes                      Mr. Elnitski – absent

**NEW BUSINESS**

Amberleigh Surety Reduction: It was noted that the required paperwork has yet to be received, therefore, this item remains tabled.

Jayson Lose – Emergency Management Coordinator Position: The Board is in receipt of a letter from Mr. Lose indicating that he is interested in the vacant position of Emergency Management Coordinator. The Board indicated that they would like a meeting scheduled with Mr. Lose to discuss this appointment further.

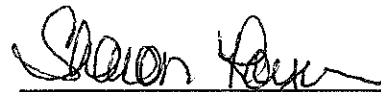
**CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. Benner Township Water Authority Minutes - October 20, 2009
2. SBWJA Minutes of November 9, 2009
3. Centre County Planning Commission Correspondence
  - a. Preliminary Plan Sheetz Comments
  - b. Time Extension Air Traffic Control Tower
  - c. Self Storage for You plan withdrawn
4. PSATS News Bulletin
5. Benner Commerce Park Cultural Resources Field Meeting Minutes

**ADJOURNMENT**

The meeting was adjourned the time being 8:32 p.m.

  
\_\_\_\_\_  
Sharon Royer, Sec.

**BEFORE THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP**

In the Matter of: :  
: Conditional Use Application  
Sheetz, Inc :  
: :  
: :  
: :  
Property Location: Benner Pike, :  
UPI # 12-003-124D :

**PROCEDURAL BACKGROUND**

Applicant submitted a completed application for a conditional use hearing at the Board’s September 21, 2009 meeting. The Board of Supervisors then referred this request to the Benner Township Planning Commission for review and comment. On October 12, 2009, the Applicant agreed in writing to an extension to allow the public hearing to be held more than sixty (60) days after the initial application. The Planning Commission reviewed the Conditional Use request at their October 22, 2009 meeting. The Board of Supervisors then advertised in the Centre Daily Times that a public hearing would be held on November 16, 2009. A public hearing was then held on November 16, 2009, as advertised.

**Present on behalf of the Board:** John Elnitski, Jr., Chairman, James Swartzell and David Breon

**Present on behalf of the Applicant:** Allen Neely, Esq., Steve Augustine, Mark Torretti, and Bob Franks.

**Present on behalf of the Township:** Renee Swancer – Zoning Officer

**Others Present:** Sharon Royer, Secretary, Timothy A. Schoonover – Solicitor, Doug Weikel-Township Engineer, Clair Stem, Amber Ickes and Dennis O’Leary.

There were no objections to notice or procedure. No testimony in opposition to the application was presented during the public hearing.

## **FINDINGS OF FACT**

1. Sheetz, Inc. (the “Applicant”) plans to construct a 4,997 square foot convenience store on a parcel located at the intersection of the Benner Pike and Rolling Ridge Road, being Centre County Tax Parcel #12-003-124D (the “Property”).
2. The Property is owned by H H & L Properties, LLC.
3. A two lease lot subdivision will be created on the Property.
4. Applicant has entered into a lease with H H & L, LLC for the purpose of constructing a convenience store on the lease lot to be located closest to the Benner Pike (“Sheetz Lease Lot”).
5. The Property is located in the Highway Commercial (HC) zoning district.
6. Applicant plans to construct a car wash, dispense fuel and sell food and miscellaneous grocery items as part of the store operation.
7. Vehicular access to the Sheetz Lease Lot will be via shared access drives to be constructed off the Benner Pike and Rolling Ridge Road.
8. Seven (7) fuel islands will be constructed to dispense fuel.
9. No food drive-thru will be constructed.
10. No liquor sales will occur as part of the Applicant’s convenience store operation.
11. The Sheetz Lease Lot has contiguous widths of approximately 310 and 355 feet.
12. The Sheetz Lease Lot has frontage on Benner Pike, an arterial road.
13. The Sheetz Lease Lot is not adjacent to a school, day-care facility, park or playground, library, hospital, or nursing, rest or retirement home.
14. No motor vehicles will be stored on the Sheetz Lease Lot.
15. The fuel pumps will be located approximately 107 feet from the Benner Pike right-of-way and 100 feet from the Rolling Ridge right-of-way.
16. No outdoor storage of auto parts will occur on the Sheetz Lease Lot.

17. The shared access drives off the Benner Pike and Rolling Ridge Road will be 30 feet in width.
18. The driveways to the convenience store off the shared access drives will all be between 28 and 35 feet in width.
19. The distance between the two (2) driveways on the East side of the Least Lot is 159 feet.
20. No properties zoned R-1, R-2 or MHP are located within 300 feet of the Sheetz Lease Lot.
21. Sheetz will comply with all State and Federal regulations regarding the dispensing petroleum related products.
22. A gray water recycling system will be constructed for the car wash. The system will include a Pur-Water recovery system and two 1,500 gallon 3-chambered underground tanks. Additional information on the specifics of the system was provided.
23. A stacking lane 100 feet in length will be constructed between the car wash and access drive. An additional stacking lane 112 feet in length will be constructed to handle high volume situations.
24. The car wash is an automatic car wash and not a full service wash.
25. The car wash structure will be set back approximately 300 feet from the Rolling Ridge Road right-of-way, 35 feet from the side property line and approximately 108 feet from the rear property line.
26. Trash receptacles will be placed in the teller area for the car wash and at the vacuum/air compressor pad area. Trash will be picked up 3 times per week.
27. A 550 gallon underground oil-water separator will be constructed downstream from the two gray water treatment tanks. Additional information on the specifics of the oil-water separator was provided.
28. Trash receptacles will be placed outside the store in various locations. A enclosed dumpster and recycling area will be constructed on the East side of the store. Trash will be picked up 3 times per week or more frequently if needed.
29. No exterior speaker/microphone system will be used as no drive-thru is being constructed.
30. An exterior eating area will be constructed which will contain five (5) tables. This eating area will be enclosed by a fence three (3) feet high.

31. Applicant provided a letter from the Spring-Benner-Walker Joint Authority dated February 10, 2009, approving the Sheetz project for sewer capacity of 23 EDUs and a subsequent letter from the Spring-Benner-Walker Joint Authority dated July 29, 2009, approving the Sheetz project for an additional 2 EDUs of sewer capacity.
32. Applicant provided a letter from the Borough of Bellefonte dated July 31, 2009, approving the handling of the Sheetz project's wastewater.
33. Applicant provided a letter from the Borough of Bellefonte dated July 21, 2009, providing a commitment for water service for the Sheetz project.

### **DISCUSSION**

Automobile filling stations, car washes and drive-thru and/or fast-food restaurants are permitted in the Highway Commercial zoning district as conditional uses pursuant to the Benner Township Zoning Ordinance (Ordinance No. 104) Section 220.3 (5, 8 & 11). Approval of an automobile filling station as a conditional use is subject to the requirements of Section 409 of the Zoning Ordinance. Approval of a car wash as a conditional use is subject to the requirements of Section 416 of the Zoning Ordinance. Approval of a drive-thru and/or fast-food restaurant as a conditional use is subject to the requirements of Section 427 of the Zoning Ordinance.

The Township Planning Commission, Engineer and Zoning Officer have reviewed the applicable conditional use criteria for automobile filling stations, car washes and drive-thru and/or fast-food restaurants and have found that this application meets all the criteria.

### **DECISION**

The application of Sheetz, Inc. for the erection and operation of a convenience store dispensing fuel, selling fast-food and containing a car wash on a lease lot which is a portion of a parcel owned by H H & L Properties, LLC, (Centre County UPI # 12-003-124D), is approved with the following conditions:

1. Applicant shall submit a land development plan and receive all required approval for the same.
2. Appropriate parking areas must be delineated. Applicant shall work with the Township Zoning Officer and Township Engineer to prepare a proper layout.
3. Applicant shall obtain the appropriate Township permit for signage to be placed on-site.
4. Applicant shall use an acceptable pre-treatment BMP to filter pollutants from water used on the Sheetz Lease lot prior to the water being recharged. Applicant shall provide the Township with an annual report on the maintenance and operation of said system.

5. Applicant shall be responsible for the implementation and costs of all improvements within the Township and PennDOT right-of-ways that are required to complete the project.
6. No alcohol shall be sold or consumed on the Sheetz Lease Lot.
7. Any necessary Township building or zoning permits must be applied for and the associated fees paid in full.
8. Applicant agrees to permit the Township and/or its agents to inspect the premises during regular business hours for conformance with the terms of this Conditional Use decision.
9. Applicant shall meet all other applicable Federal and State requirements for design and operation.



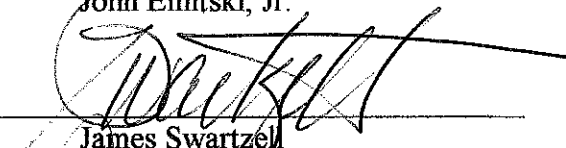

**BEFORE THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP**

In the Matter of: :  
: Conditional Use Application  
Sheetz, Inc :  
: :  
: :  
Property Location: Benner Pike, :  
UPI # 12-003-124D :

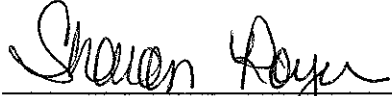
AND NOW, the foregoing Opinion and Decision of the Board of Supervisors in the above-captioned matter is adopted or defeated by a vote of the Board of Supervisors as follows:

	YES	NO	ABSTAIN	ABSENT
John Elnitski, Jr.				✓
James Swartzell	✓			
David C. Breon	✓			

ADOPTED THIS 7<sup>th</sup> DAY OF December, 2009.

\_\_\_\_\_  
John Elnitski, Jr.  
\_\_\_\_\_  
  
James Swartzell  
\_\_\_\_\_  
  
David C. Breon

ATTEST:

  
\_\_\_\_\_  
Sharon Royer, Secretary