

Zoning Ordinance 103 Hearing
January 19, 2009

The Hearing on proposed Ordinance 103 was called to order at 7:30 p.m. at the Benner Elementary School, 490 Buffalo Run Road, Bellefonte, PA 16823 by the Chairman, John J. Elnitski, Jr. with members James Swartzell and David Breon present. Also in attendance were Clair Stem, Daniel Horner, Fred Smith, Yvonne Smith, Doug Shuey, Carol Shuey, Dave Palmer, Kermit Tressler, Denny Krout, Carol Walker, Gerald Rogers, Bryan Welcott, Robert Hall, Jacqueline Hall, Carrie Campbell, Kathy Evey, Gary Walters, Prescilla Walters, Howard Grove, Mike Taylor, Al Drobka, John Rodgers, Dan Mattern, Geneviene Robine, Tom Songer, John Sepp, William Speddings, Terry Rogers, Bryan Rodgers, Ed Dunkelberger, Renee Swancer, Doug Weikel, Nate Campbell, Dave Jackson, Harry Roth and Sharon Royer.

Mr. Elnitski reported that public notice of this hearing was given on December 17, 2008, in the legal section of the Centre Daily Times news paper.

Harry Roth of Roth Plan gave the audience a slideshow overview on the process that was gone through for the Township to get to this point.

No additional written comments on the ordinance were received at the hearing.

Public Oral Comments:

Kerm Tressler: Mr. Tressler noted that he and the other interest holder of the Ernestine L. Tressler property does not agree with the zoning district that their property has been given. Mr. Tressler noted that this property has the tax parcel number of 12-4-39 and is located at the North end of the University Park Airport Runway. Mr. Rockey noted that he and his family feels that an Industrial Zoning Classification would be better suited for his property.

Carol Walker: Mrs. Walker noted that she feels that off site directional signs should be permitted in the ordinance. She noted further that there are several businesses that are not located along main roadways and these signs are a necessity for those businesses.

Bryan Rodgers (University Park Airport): Mr. Rodgers noted that under Section 240.8 additional forms should be required. Mr. Elnitski noted that if Mr. Rodgers' comments were technical in nature that he should put them in writing and submit them to the Board.

Tom Songer/Torran Group: Mr. Songer noted that he and his partners recently purchased the Avail Medical Building and that he was unaware of the zoning district changes. Mr. Songer noted that with the pending zoning changes that he will potential lose $\frac{1}{2}$ acre of his property. Mr. Songer noted that he purchased the property with the understanding that it could be developed with the limits of up to 80% impervious coverage. The pending regulations only allow for 60%. Mr. Songer noted that most of the lots are already built upon and that the development's stormwater was designed to handle 80% coverage. Mr. Songer questioned if the existing lots could somehow be grandfathered. Mr. Songer noted further that he has met with the county and understands that if he was to have more than one tenant that it would require him to go through the land development process which he is willing to do. Mr. Songer stressed that he does not feel that it is fair for them to lose 20% of impervious coverage when the development was originally designed and built to handle 80%. Mr. Songer also asked if credits could be received for BMPs and architecture preferences.

John Sepp: Mr. Sepp noted that he has previously submitted comments on technical issues of the ordinance.

Ed Dunkelberger: Mr. Dunkelberger noted that as a farmer and landowner of the Township that he would like the Township to consider, when doing their next comprehensive Plan, something similar to the zoning regulations of Patton Township. Mr. Elnitski noted that the township has looked into these regulations and doesn't believe that what these regulations are and what he believes them to be are the same thing. Mrs. Swancer noted that at this time the open space property must only remain open until zoning would determine it's future use. In the Patton Township regulations, the open space would remain open space permanently.

Howard Grove: Mr. Grove questioned if the other townships that were in the Comprehensive Plan group have adopted their new zoning ordinances. Mrs. Swancer reported that Spring Township, Bellefonte Borough, and

Marion Township have all adopted their ordinances. Walker Township just finished their new zoning ordinance before the Comprehensive Plan was done so they have elected to continue to use the zoning ordinance that they had.

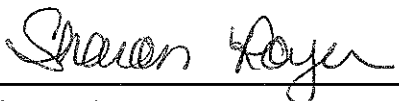
Mr. Grove noted further that he feels that this new ordinance will create a substantial loss in value of his property. He also questioned if the Board didn't think that the Township was rural enough with all of the property that was owned by Penn State, Rockview and the Fish Commission.

Mr. Breon noted that at this time there is currently approximately 2,400 approved building lots located in Centre County. The demand for more at this time just isn't there. He noted further that he feels that a great deal of thought has been put into this ordinance. It doesn't make sense to allow development to occur away from existing development where public utilities are currently not available. In the long term developing property in this manner is expensive to everyone.

Mr. Roth: Mr. Roth noted that he feels that the best way to go from here is to adopt the ordinance and then to begin to working on the necessary amendments.

Mr. Elnitski announced that any further written comments should be submitted to the Township Office as soon as possible. All comments will be forwarded to the Planning Commission for their review and recommendations. A continuation of this hearing will be held on March 16th at 7:30 p.m. at the Benner Elementary School. If for some reason the school is closed that day, the continuation hearing will be held at the Benner Township Municipal Building, 1224 Buffalo Run Road, Bellefonte, PA 16823.

Mr. Elnitski moved to recess the hearing until March 16, 2009 at 7:30 p.m. with the current time being 8:35 p.m. Mr. Swartzell seconded the motion.
Vote: Mr. Breon - yes Mr. Swartzell - yes Mr. Elnitski - yes



Sharon Royer, Sec.

**Benner Township Supervisors
January 19, 2009**

The regular scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:42 p.m. by the Chairman, John J. Elnitski, Jr. with members James Swartzell and David Breon present. Also in attendance were Clair Stem, Daniel Horner, Genny Robine, Dave Jackson, Nate Campbell, Carrie Campbell, Gerald Rogers, Bill Spedding, Dave Palmer, Terry Rogers, Doug Weikel, John Rogers and Renee Swancer. This meeting was held at the Benner Elementary School Cafeteria, 490 Buffalo Run Road, Bellefonte, PA 16823.

PERSONS TO ADDRESS THE BOARD

None.

MINUTES

The minutes of the Re-organizational Meeting and Regular Meeting of January 5, 2009, were presented to the Board for their review and comments. Mr. Swartzell moved to approve the minutes as presented. Mr. Elnitski seconded the motion.

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

BILLS

The bills of January 19, 2009, were presented to the Board for their review and approval. Mr. Breon moved to approve the bills as presented. Mr. Swartzell seconded the motion.

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

ENGINEER'S REPORT

Mr. Weikel presented the Board with a copy of his written monthly report.

OLD BUSINESS

Spring Creek Canyon:

Contract Amendment: Mr. Breon noted that we are waiting for further information from EPD so that all amendments could be made at one time.

Bellefonte Borough Fire Protection Agreement: This item remains tabled.

NEW BUSINESS

Real Lease Agreement for Backhoe Financing: The Secretary noted that the previous agreement has expired and we will need to wait for a new proposal. It was noted that this was a purchase and not a lease. The Township is receiving \$20,000 for a trade in and will be putting money down from the state fund on the hoe. The remaining will be financed over two years.

Fulton Bank: It was noted that Fulton Bank has submitted a list of Non-Substantive changes that have been made to their plan. Mr. Weikel has reviewed these changes and recommends approval. Mr. Elnitski moved to approve the non-substantive changes as outlined in the letter of December 31, 2008 to the Centre County Planning Commission. Mr. Swartzell seconded the motion.

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

Fulton Bank Surety Package: It was noted that surety is being presented from Fulton Bank in the amount of \$44,497.48. Mrs. Swancer noted that this amount has been reviewed and approved by Mr. Weikel. Mr. Elnitski moved to approve surety for Fulton Bank. Mr. Swartzell seconded the motion.

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

Eagle Point Phase 2A: It was noted that Eagle Point Phase 2A has submitted a list of Non-Substantive changes that have been made to their plan. Mr. Weikel has reviewed these changes and recommends approval. Mr. Elnitski moved to approve the non-substantive changes as outlined in the letter of December 23, 2008 to the Centre County Planning Commission. Mr. Swartzell seconded the motion.

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

Eagle Point Phase 2A Surety Reduction: It was noted that Eagle Point Phase 2A is seeking a surety reduction from \$514,651.50 to \$33,357.50 for the remaining items that need to be complete. It was further noted that Mr. Weikel has reviewed this request and recommends approval of it. Mr. Elnitski moved to approve this request for surety reduction. Mr. Swartzell seconded the motion.

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

Kenneth Schleiden Service Commendation: The Board is in receipt of a resolution which thanks Kenneth Schleiden for his years of service to the Benner Township Water Authority. Mr. Swartzell moved to approve Resolution 09-1. Mr. Elnitski seconded the motion.

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

Bellefonte Soccer Field Usage Request: Discussion was held. The Board noted that as in the past, that baseball will have field usage in the Spring over soccer and that soccer will need to coordinate the usage with baseball. Mr. Elnitski moved to approve to allow Bellefonte Soccer field usage when not being used by baseball. Mr. Swartzell seconded the motion.

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

John Middlesworth: It was noted that John Middlesworth is interested in serving an additional term on the Zoning Hearing Board. Mr. Elnitski moved to approve John Middlesworth to an additional three year term to the Zoning Hearing Board. Mr. Swartzell seconded the motion.

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

Benner Commerce Park: A Planning Waiver and a Non-Building Declaration was submitted from Penn Terra on behalf of Benner Commerce Park. Mr. Swartzell moved to approve both the Planning Waiver and the non-building declaration for Benner Commerce Park. Mr. Breon seconded the motion.

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

Memorandum of Understanding Benner Commerce Park Phase 1 - Final Plan:

Mr. Swartzell moved to approve the memorandum of understanding. Mr. Breon seconded the motion.

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

Centre County Airport Authority Traffic Study: Mr. Swartzell noted that the Airport Authority is interested in having a meeting to discuss the recent study and its recommendations. Their next meeting will be held on February 12th at 7:00 p.m. Mr. Weikel noted that he will also attend.

Snow Plowing Issues: Mr. Elnitski noted that it has come to his attention that the University Park Airport is once again plowing their snow out and across the Township roads leaving large chunks of snow on the Township's

berms which is creating issues. The Board asked that a letter be sent to Mr. Rodgers regarding this issue.

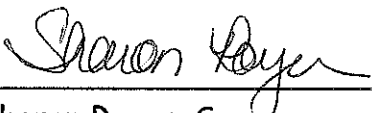
CORRESPONDENCE

The board acknowledged receipt of the following correspondence:

1. Centre County Planning Commission
 - a. Village of Nittany Glen - Time Extension
 - b. Eagle Point Phase 3 - Time Extension
 - c. 24/7 Storage Buildings - Time Extension
2. Centre County Conservation District - Bellefonte Airport
3. Letter from Richard Price
4. Workshop You and Ethics Act
5. SBWJA Minutes - December 8, 2008
6. Letter from DEP Re: Kevin Mishock septic permit

ADJOURNMENT

The meeting was adjourned the time being 9:17 p.m.



Sharon Royer, Sec.