

**Village of Nittany Glen
Conditional Use Hearing
June 7, 2010**

The Conditional Use Hearing for the Village of Nittany Glen was called to order at 7:30 p.m. by the Chairman, John Elnitski, Jr. with members Dave Breon and Randy Moyer present. Also in attendance were Doug Weikel, Ed Galus, Mark Torretti, Chad Stafford, AJ Swartz, Renee Swancer and Sharon Royer.

Mr. Stafford explained that the McKee Group wishes to substantially reduce the development of the Village of Nitany Glen Clubhouse from an approximately 7,400 sf building down to a 2,500 sf building and also reduce the amount of impervious and related amenities by at least 50%. The parking lot area has also been reduced from 37 parking spaces down to 16 parking spaces. It was noted that the swimming pool and bocce ball court has also being eliminated for the time being with these areas being reserved for perhaps future development of the amenities. The horseshoe pits, the putting green and the gazebo have also been eliminated. The plan is now calling for the addition of a basketball court, a pavilion and a playground.

Mr. Elnitski moved to approve the revised conditional use plan as submitted without conditions. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes Mr. Breon – yes Mr. Elnitski – yes

The hearing was adjourned with the time being 7:44 p.m.

Sharon Royer, Sec.

**Benner Township Supervisors
June 7, 2010**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:45 p.m. by the Chairman, John Elnitski, Jr. with members Dave Breon and Randy Moyer present. Also in attendance were Doug Weikel, Ed Galus, Mark Torretti, Chad Stafford, AJ Swartz, Renee Swancer and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Mark Torretti Re: Sheetz Easements: Mr. Torretti presented the Board with copies of the stormwater easement and drainage easements which need Board approval and signatures. Mrs. Swancer noted that both drafts have been reviewed by Attorney Schnoover and Mr. Weikel and found to be ready for execution by the Board. Mr. Elnitski moved to approve both easements. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes Mr. Breon – yes Mr. Elnitski – yes

AJ Swartz – EPD Re: Spring Creek Canyon Overlay Ordinance Draft: Mr. Swartz was present to review the draft Spring Creek Canyon Overlay Ordinance with the Board.

Mr. Elnitski talked about the parking areas planned along Shiloh Road, Rock Road and along the Benner Pike and how does the Spring Creek Overlay Ordinance impact those areas. Discussion continued and several modifications are to be made to the Ordinance to further clarify the parking permitted in the Ordinance. These include (1) further defining the definition of parking, and (2) clearing delineating the number of parking spaces permitted along Shiloh and Rock Roads.

Discussion also involved the amounts of impervious coverage permitted within the Primary Canyon Zone. The percentages seem too high and should be lowered. A maximum building square footage was also recommended for the Primary Canyon Zone.

LEED Bonuses were discussed. Mr. Breon noted the LEED Bonuses in the ordinance in both the Primary and Secondary Canyon Zone seem high. Mr. Breon noted LEED bonuses are good, but once a building is certified LEED, it is only good as long as the property owner maintains the LEED certifications. Mr. Breon recommended lowering the bonus requirements.

Impacts to existing single family homes in the Secondary Canyon Zone were discussed. Mr. Moyer expressed he does not want to see unnecessary burdens being placed on homeowners. Mrs. Swancer mentioned the proposed ordinance now will require homeowners in the Secondary Canyon Zone to obtain conditional use approval for construction on their properties. The Supervisors decided to add language allowing existing homes allowances to waive the conditional use approval for sheds, garages, additions, porches and decks. However, new subdivisions will have to adhere to the ordinance requirements.

Fire Agreement Ordinance 106: The proposed ordinance and agreement between Bellefonte Borough and the Townships of Benner, Spring and Marion which sets forth the method of allocating the costs of fire protection services and adopting the conditions, duration, purpose and objectives in the intergovernmental cooperation agreement was presented to the Board for their review. No one present had any questions or comments. Mr. Elnitski moved to adopt Ordinance 106. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes Mr. Breon – yes Mr. Elnitski – yes

MINUTES

The minutes of May 17, 2010, were presented to the Board for their review and comments. Mr. Breon moved to approve the minutes as presented. Mr. Elnitski seconded the motion.

Vote: Mr. Moyer – yes Mr. Breon – yes Mr. Elnitski – yes

BILLS

The bills of June 7, 2010, were presented to the Board for their review and approval. Mr. Elnitski moved to approve the bills as presented. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

ZONING OFFICER'S REPORT

Mrs. Swancer noted that she had nothing new for the Board.

ENGINEER'S REPORT

Mr. Weikel went over the list of projects that he has been reviewing on the Board's behalf.

OLD BUSINESS

Fire Task Force: Mr. Elnitski noted that he has had communications with Dwayne Grove and Paul Silvis concerning the fire task force and if they would be willing to serve as the Township's representative.

Amberleigh Surety Agreement: Mrs. Swancer noted that when we received the letter of credit from Amberleigh it was discovered that they only extended it for a period of one month which will have it expire on June 28th. It was noted that the Attorney representing Amberleigh continues to try to push a two party agreement instead of a three party agreement. Mr. Elnitski moved to execute on the surety agreement if the required letter of credit in a three party format is not received in a timely manner prior to the June 28, 2010 expiration date. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

Village of Nittany Glen – Stipulation of Agreement: It was noted that the stipulation of agreement between the Township and Nittany Glen will expire this year. Mrs. Swancer noted that Nittany Glen is requesting an extension on the agreement as well as modifications to the original agreement. It was noted further that Nittany Glen's attorney, Betsy Dupuis is in the same law firm as Mr. Schnoover. Discussion was held. Mr. Elnitski noted that he would contact the firm of Lee, Martin, Green and Reiter to see if anyone from their firm would be available as the Township's alternate solicitor for this matter.

NEW BUSINESS

Right of Way Regulatory Ordinance: Mrs. Royer noted that previously the group that was convened to deal with the cable franchise agreements hoped that the Road Superintendents of the Townships/Boroughs would gather and put together a uniform ordinance dealing with Right of Ways in the Townships/Boroughs. Items that this Ordinance would deal with would be such things as road cuts, restoration, procedures, etc. It was noted that the attorney who handled negotiations on the cable franchise has prepared a cost estimate of around \$12,000 to create the ROW Ordinance. Mrs. Royer noted that she will get more

information after a meeting later in the week and will report back to the Board once more information is received.

CATA 2010/2011 Agreement: The Board is in receipt of the 2010/2011 Local Share Agreement with CATA. It was noted that the operating cost part of the budget is \$4,535.00 and the capital contribution of the budget is \$642.00 for a total of \$5,177.00. Mr. Elnitski moved to approve the 2010/2011 CATA agreement. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes Mr. Breon – yes Mr. Elnitski – yes

Convex Mirror: The Board received a letter from the Buffalo Run United Methodist Church requesting that the Supervisors ask Penn Dot to due a study to see if a convex mirror could be installed across from the church to aid in exiting the church parking lot. Mrs. Royer noted that should Penn Dot approve the mirror it will be the responsibility of the Township to install the mirror and maintain it. Mr. Elnitski moved to forward the request on to Penn Dot for their review. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes Mr. Breon – yes Mr. Elnitski – yes

Larry Hoy Case: The Secretary noted that the township has been assigned legal council from our insurance company regarding the Larry Hoy claim. The question was asked if the Board wished to have Mr. Schnoover involved in this matter. It was decided to forward Mr. Schnoover the correspondence as it comes to keep him up to date but not for active legal representation at this time.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Benner Township Water Authority - March 16, 2010 minutes
2. Centre County Conservation District
 - a. NPDES Permit for Sheetz
 - b. Benner Commerce Park
3. SBWJA Minutes May 10, 2010
4. Centre County Planning Office
 - a. Wolf's Furniture Store Land Development
 - b. Sheetz Land Development
 - c. Time Extension Air Traffic Control Tower
5. PSATS News Bulletin

ADJOURNMENT

The meeting was adjourned the time being 9:39 p.m.

Sharon Royer, Sec.