

**Ordinance Hearing 107**  
**To Establish a Spring Creek Canyon Conservation Overlay**  
**September 2, 2010**

The hearing for proposed Ordinance 107 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 Edward Galus, Mark Mitchell, Bryan Rodgers, AJ Schwartz, Chad Stafford, Boyd Smith, Renee Swancer and Sharon Royer.

Mr. Schwartz gave those present a brief overview of the proposed ordinance.

Bryan Rodgers noted that he is providing written comments on the ordinance. He noted that several sections of the proposed ordinance conflicts with FAA requirements and that there is no way the airport can meet some of the requirements of the ordinance.

Mr. Schwartz noted that the Airport is located in the canyon watershed and this is the reason it was included in the secondary zone.

Mr. Rodgers noted that there is also concerns about adding trees which could create hazards to aircraft. He sited the problems that they had with birds last winter.

Mr. Schwartz noted that the reforestation relates back to the Spring Creek Canyon Master Plan.

Mr. Rodgers noted that the airport is unique and needs flexibility with the ordinance requirements.

Mr. Elnitski noted that the Airport need to plan out. Mr. Rodgers stated that they do plan out.

Mark Mitchell, representing the Pennsylvania Fish and Boat Commission, made the following statement, "The Pennsylvania Fish and Boat Commission has reviewed the Township's proposed zoning ordinance amendment, and it's the Commission's position that it does not apply to the agency. It is the Commission's position that the Township's ordinance, as it relates to the Commission's use of its property, is preempted by state law."

Mr. Moyer noted that he is concerned about what is more restrictive, citing page 10, Section 250.4.

Mr. Elnitski noted that he feels that the ordinance should be adopted with amendments, if needed, being can be made at a later date.

Mr. Elnitski moved to close the public hearing on Ordinance 107. Mr. Breon seconded the motion. The time being 7:55 p.m.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

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Sharon Royer, Sec.

**Conditional Use Hearing  
Village of Nittany Glen  
September 2, 2010**

The Conditional Use Hearing for the Village of Nittany Glen was called to order at 7:56 p.m. by the Chairman, John Elnitski, Jr., with members Dave Breon and Randy Moyer present. Also in attendance were Chad Stafford, Boyd Smith, Renee Swancer, Sharon Royer and Edward Galus.

Mr. Stafford noted that Nittany Glen wishes to change out model homes in there park. It was noted that the they wish to install Skyline models on lots 418, 419 and 49. The sales office and parking for the models would remain in the same location.

The hearing was closed the time being 8:01 p.m.

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Sharon Royer, Sec.

**Benner Township Supervisors  
September 2, 2010**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:02 p.m. by the Chairman, John Elnitski, Jr., with members Dave Breon and Randy Moyer present. Also in attendance were Chad Stafford, Boyd Smith, Renee Swancer, Sharon Royer and Edward Galus.

**MINUTES**

The minutes of August 16, 2010, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

**BILLS**

The bills of September 2, 2010, were presented to the Board for their review and approval. Mr. Breon moved to approve the bills as presented. Mr. Elnitski seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

**ZONING OFFICER REPORT**

Rolling Ridge Drive Traffic Sign: It was noted that these signs have been revised to change the paint marks on the road as well as the timing of the lights. Mrs. Swancer noted that Mr. Weikel has reviewed the changes and recommends

approval of the changes. Mr. Moyer moved to approve the changes and sign the plan. Mr. Elnitski seconded the motion.

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

Village of Nittany Glen Phase IIIA Preliminary Plan MOU: The Memorandum of Understanding for Phase IIIA of the Village of Nittany Glen was presented to the Board for their approval. Mr. Elnitski moved to approve the Nittany Glen MOU for Phase IIIA. Mr. Breon seconded the motion.

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

### **COMMITTEE REPORTS**

Spring Creek Watershed Commission: Mr. Breon reported on the last meeting.

Fire Task Force: It was noted that the first meeting of the Fire Task Force will be held on September 22<sup>nd</sup>.

### **OLD BUSINESS**

Spring Creek Canyon: Mr. Elnitski noted that he would like to see some wording in the joint agreement changed and reworded. He noted that he would continue to work on the agreement to get resolution.

ROW Regulatory Ordinance: This item continues to be tabled.

Dr. Clair Appeal: Mr. Elnitski updated the Board on the hearing that was held concerning the Clair case. He noted that everyone has 30 days to submit their briefs.

### **NEW BUSINESS**

Shriver Letter Re: Playground Updates: Mrs. Royer noted that there is money left in the budget for the types of items that are being suggested by the Shriver. Questions were raised as to where these items would be located and if they would interfere with the Township Building expansion plan. The Board asked that staff check with Mr. Weikel to see if he has received any estimates on doing an expansion plan study. Mr. Breon noted that the requirements for materials placed under landing areas of playground equipment has been revised to much stricter standards.

Memorandum of Understandings/Confer Replot/Confer Self Storage Mini-Warehouse: Mr. Elnitski moved to approve the Memorandum of Understandings for the Confer Replot Plan and the Confer Self Storage Mini-Warehouse Plan. Mr. Breon seconded the motion.

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

Grove Park Phase I Surety Extension: The surety package for Grove Park Phase I in the amount of \$72,571.71 was presented to the Board for their approval. It was noted that this will extend the surety agreement for an additional year. Mr. Elnitski moved to approve the surety extension. Mr. Breon seconded the motion.

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

Opequon Phase II and III Surety Extension: The surety package extension for Opequon Hill Phase II and III in the amount of \$71,026.00 was presented to the Board for their approval. It was noted that this will extend the surety agreement for an additional year. Mr. Elnitski moved to approve the surety extension. Mr. Breon seconded the motion.

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

Conditional Use Request for Solar Panels at University Park Airport: A conditional use application has been received from Solar Energy N.Y. Corp to place solar panels at the University Park Airport. It was noted that the panels should generate 1.2 mega watts of power. Mr. Elnitski moved to accept the application and pass it on to the Planning Commission for their review and comments. Mr. Breon seconded the motion.

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

Ordinance 107 Spring Creek Canyon Overlay Ordinance: Mr. Elnitski moved to adopt Ordinance 107 as presented. Mr. Breon seconded the motion.

Vote: Mr. Moyer – No                      Mr. Breon – yes                      Mr. Elnitski – yes

## **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. YMCA Pool Report
2. County Planning Commission
  - a. Lot Addition Confer
  - b. Air Traffic Control Tower Land Development
3. SBWJA – August 9, 2010 Minutes
4. Spring Creek Watershed Commission
5. Letter from Historic Preservation & Museum Commission Re: Rockview grounds
6. Benner Township Water Authority July 20, 2010 minutes
7. Copy of letter sent to McKee Group Re: Act 46 of 2010
8. State College Volunteer Fireman's Relief Audit
9. NPDES Permit Renewal for Grove Park

## **ADJOURNMENT**

The meeting was adjourned the time being 8:40 p.m.

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Sharon Royer, Sec.