

Centre County Airport Authority Conditional Use Hearing  
Geothermal Well Heating System  
February 21, 2011

The conditional use hearing for the Centre County Airport Authority was called to order at 7:30 p.m. by the Chairman, John Elnitski, Jr. with board member Dave Breon present. Mr. Moyer was absent. Also in attendance were Nate Campbell, Allen Neely, Ben Heim, John Heim, Mark Saville, Dennis O'Leary, Doug Weikel, Valerie Lute, Dennis Norman and Sharon Royer.

Mr. Elnitski went over the proposed decision that was drafted for the geothermal well heating system. Those in attendance were asked if anyone had any questions on the decision. No one present did. Mr. Breon moved to approve the conditional use decision as presented. Mr. Elnitski seconded the motion.

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

The meeting was adjourned the time being 7:37 p.m.

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Sharon Royer, Sec.

Benner Township Supervisors  
February 21, 2011

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:38 p.m. by the Chairman, John Elnitski, Jr. with board member Dave Breon present. Mr. Moyer was absent. Also in attendance were Nate Campbell, Allen Neely, Ben Heim, John Heim, Mark Saville, Dennis O'Leary, Doug Weikel, Valerie Lute and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

Old Wolfe Furniture Building: Mark Saville was present along with Ben Heim and John Heim to show the Board the parking schematic that they came up with for the Old Wolfe Furniture Building. Mr. Saville noted that there is no physical way to provide for parking for the entire floor area of the buildings therefore they plan to remove the old model home and provide parking for the areas that would be used for everything other than storage/warehousing. Discussion was held. The Board noted that due to the fact that Mrs. Swancer is not in attendance at this time it will be further discussed after her arrival.

**MINUTES**

The minutes of February 7, 2011, 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. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

**BILLS**

The bills of February 21, 2011, 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 – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

**ENGINEERING REPORT**

Mr. Weikel went over the items that he has been reviewing on the board’s behalf. Discussion was held concerning the meeting that was held with the Fish Commission/Game Commission and DCNR. Mr. Weikel noted that he has provided the Game Commission with a schematic of how he would like to see a parking lot constructed.

*(Renee Swancer is now present. The time is 8:08 p.m.)*

Wolfe Furniture Building: Mrs. Swancer noted that as per the definition in the zoning ordinance, all area of buildings is required to determine the area of parking required. She noted that she has no knowledge of the back building being used as a warehouse and therefore it is not a grandfathered use. Mrs. Swancer noted that the applicant could apply for a variance on the parking requirements through the Zoning Hearing Board.

Mr. Elnitski moved to issue a supportive statement on behalf of the applicant for the reduction of the parking requirements should they apply to the Zoning Hearing Board if the applicant shows that the back building will only be used as storage space for the onsite offices to be located in the other building. Mr. Breon seconded the motion.

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

Mr. Saville noted that due to new PennDot regulations that the Township will also need to sign off on the Highway Occupancy Permit since stormwater will be draining through a pipe that is located on PennDot’s right of way. Discussion was held on this process. Mr. Weikel noted that the applicant should address his parking issues with the Zoning Hearing Board prior to continuing with submitting their land development plan.

**ROAD SUPERINTENDENT’S REPORT**

Mr. O’Leary presented the Board with a copy of the Road report that he has compiled.

He noted that work is need at the Buffalo Run Community park on the ball field but that it would need to wait until the ground dries out more. He further noted that several of the wooden benches that are located throughout the park are

deteriorating and is seeking permission to purchase 3 aluminum ones to replace them. The new ones would be concreted into the ground.

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

Mrs. Swancer reported that the Planning Commission would like to get a cost estimate from Harry Roth on preparing an ordinance amendment that would allow for the Senior 55 and older apartment building concept that was presented several months ago. The Board indicated that they didn't have a problem asking for a cost estimate from Mr. Roth.

### **COMMITTEE REPORTS**

*MPO:* Mr. Elnitski noted that the MPO membership discussion is going to be brought up at full committee.

*TAG:* Mr. Elnitski noted that the next TAG meeting the structure of the road agreements/maintenance will be discussed further.

*Building Code Official:* Mr. Breon gave the board the information that was presented on the costs of creating a building code office for the Nittany Valley Region.

*Spring Creek Watershed Commission:* Mr. Breon shared information on Chapter 102 regulations that was presented at the last Watershed Commission Meeting.

### **OLD BUSINESS**

Spring Creek Canyon Overlay Ordinance: It was noted that additional comments have been received from Penn State on the latest draft of the overlay ordinance. Mrs. Swancer noted that she would share the comments with the Planning Commission at their next meeting however, after the last set of revisions the Planning Commission felt that they were through with revisions.

Right of Way Regulatory Ordinance: This item remains tabled.

### **NEW BUSINESS**

Small Games of Chance: Mrs. Royer noted that Robert Kuhlman was in and is asking for the Board to consider adopting a resolution that will support changes to the small games of chance law. Currently fire companies are limited to the amount of pay out that they can issue per month for games that they hold such as bingo, rip tickets, etc. If this amount was increased, it would allow fire companies to obtain more much needed funds without seeking it from the local government entities. Mr. Breon moved to approve Resolution 11-5. Mr. Elnitski seconded the motion.

Vote: Mr. Moyer – absent

Mr. Breon – yes

Mr. Elnitski – yes

Bellefonte Airport Conditional Use Application: Mr. Elnitski noted that he is not the applicant of this application nor is he the owner of Bellefonte Airport. The airport is owned by his mother Marina Elnitski. Mr. Elnitski noted that he is only voting on this issue this evening due to Mr. Moyer's absence and as it is procedural only and not approving anything. He will be merely voting to pass Bellefonte Airport's application on to the Planning Commission to start the review process.

Mr. Breon read the following statement: "Regarding this application, the Supervisors have requested and received a response from the Centre County Planning Office that the scope of this project does not require approval at the County level as defined by the County's Subdivision and Land Development Ordinance. Therefore, only the requirements outlined in Benner Township's Zoning and Stormwater Ordinances, et.al., are applicable. As such, the Zoning Ordinances requires that modifications to airport runways be reviewed as a Conditional Use.

Mr. Elnitski and/or his family members have a financial interest in the Bellefonte Airport. As such – and in accordance with the State Ethics Law – Mr. Elnitski must abstain from voting on approval of the project as this is considered a conflict of interest. However, the Ethics law allows for Board members to vote on any matter in front of the Board, even if a known conflict of interest exists if a legal vote cannot otherwise be cast. As Mr. Moyer is not present tonight, and further noting that the vote tonight does not constitute an approval of the project, Mr. Elnitski can vote to accept the application, move it to the Planning Commission for review and comments, and allow establishment of a public hearing date without violating the State Ethics Law, so that a legal majority vote can be made. He will be recuse from further discussion on this matter, including establishment of conditions for approval and voting, excepting for participation as the representative of the Owner at public hearings."

Mr. Breon moved to pass the Conditional Use application of Bellefonte Airport on to the Planning Commission for their review and comments. Mr. Elnitski seconded the motion.

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

Canyon Opening Ceremony Product Handout: Mr. Elnitski noted that the Fish Commission and Game Commission would like to hand out a commemorative hard plastic first aid kit at the grand opening ceremony of the Canyon and is seeking a \$400.00 donation from the Township towards it. Mr. Elnitski moved to approve the \$400.00 donation. Mr. Breon seconded the motion.

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

## **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. Conservation District Correspondence
  - a. NPDES Permit SCI Benner
2. Centre County Planning Office
  - a. Time Extension Village of Nittany Glen Phase IIIA
3. Benner Township Water Authority - January 18, 2011 minutes
4. SBWJA minutes January 24, 2011
5. Notice of Pending law suit - D. Litz (hit a deer - was forwarded on to our insurance agency)
6. Clearwater's letter RE: Conservation Easement

## **ADJOURNMENT**

The meeting was adjourned the time being 8:55 p.m.

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Sharon Royer, Sec.