

**ORDINANCE NO. 129**

**AN ORDINANCE OF BENNER TOWNSHIP TO REZONE A  
PORTION OF TAX PARCEL 12-004-034A, 35 ACRES  
FROM MOBILE HOME PARK (MHP) TO MULTI-FAMILY  
RESIDENTIAL (R-2)**

WHEREAS, an application has been made to rezone a portion of land known as Tax Map Parcel 12-004-034A that has been received and sent to the Benner Township Planning Commission, the Nittany Valley Joint Planning Commission, and the Centre County Planning Commission for review and recommendation; and

WHEREAS, the rezoning of the area has been favorably recommended and are consistent with the Comprehensive Plan of the Township; and

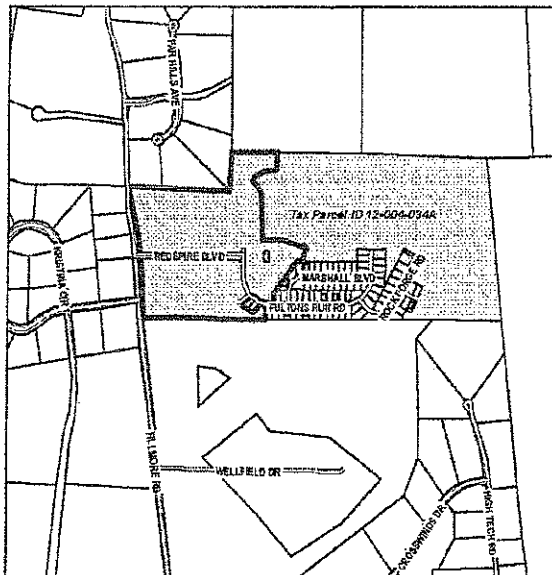
WHEREAS, the proposed ordinance was properly posted on the tract to be rezoned and advertised as required by the Pennsylvania Municipalities Planning Code, as reenacted and amended.

NOW, THEREFORE, BE IT ENACTED, AND IT HEREBY IS ENACTED AS FOLLOWS:

**Section 1.** The Zoning District Map of the Benner Township shall be, and is hereby, amended, to rezone 35 acres from Mobile Home Park (MHP) to Multi-family Residential (R-2)

**Proposed Rezoning of a portion of the Village at Nittany Glen**  
*Benner Township, Tax Parcel ID 12-004-034A, 35.508 acre rezoning request*

Current zoning district with proposed zoning district boundary



**Legend**

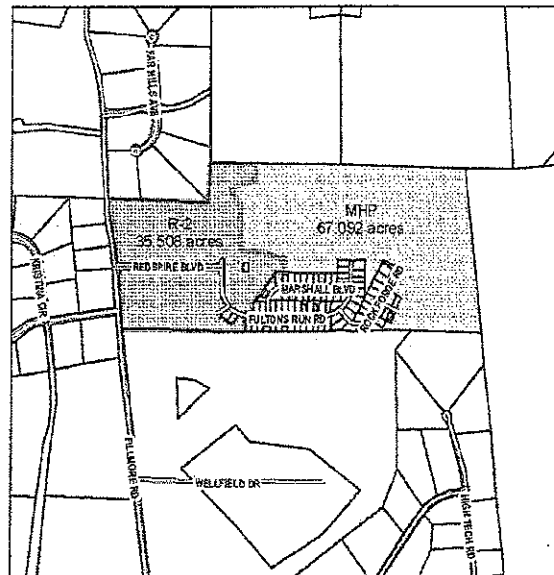
Manufactured Home Park District (102.6 acres)

Proposed Area of Rezoning  
35.508 acres



0 375 750 1,500 2,250 3,000 Feet

Proposed zoning change from Manufactured Home Park (MHP) to Multi-Family Residential (R-2)



**Legend**

Manufactured Home Park District (MHP)

Multi-Family Residential (R-2)

**\*104**

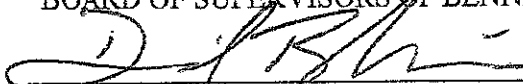
**Section 2.** Upon adoption by the Board of Supervisors, the Official Zoning Map of Ordinance No. ~~70~~ *as amended* shall be amended by lines showing the district boundary designation changes and the initials of the Chairman of the Board of Supervisors and the date.

**Section 3. Repealer.** Any Ordinance or part of any Ordinance conflicting with the terms of this Ordinance is hereby specifically repealed.

**Section 4. Severability.** The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

**Section 5. Enactment.** This Ordinance shall become effective the 7<sup>th</sup> day of December A.D. 2015, after its reenactment or adopted.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP



David R. Wise, Chairman

ATTESTATION

I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a) (2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.



Sharon Royer, Secretary/Treasurer

CERTIFICATION OF ADOPTION

I hereby certify that I am the Secretary/Treasurer of the Board of Supervisors of Benner Township and that the foregoing Ordinance was adopted at a regular or special meeting of the Board of Supervisors held on the 7<sup>th</sup> day of December A.D. 2015

DATE, this 7<sup>th</sup> day of Dec December A.D. 2015



Sharon Royer, Secretary/Treasurer

**\*Amended to correct a typographical error. Ordinance should have referenced the current Zoning Ordinance, Ordinance 104 and not the previous Zoning Ordinance 70. Please see attached minutes of February 1, 2016.**

**Benner Township Supervisors  
February 1, 2016**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Chris Anderson, Don Franson, Dennis O'Leary, Joh Kostas, Shirley Gryczuk, Ed Galus, Thomas Eby, Jeff Lucas, Tom Moyer, Mark Rossman, Dick Werner, and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

Fred Henry/Henry Surveys: Mr. Henry was present to go over a one lot subdivision of the Paul Hartle property in which the majority of the property is located in Spring Township. Only a small section of the lot is located in Benner where the driveway connects to Valentine Hill Road. Mr. Henry noted that due to the fact that this small section is located in the township, DEP is requiring that Benner Township in addition to Spring Township complete the sewage planning module for the lot. Mr. Moyer moved to approve and sign the DEP sewage planning module. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Mark Rossman: Mr. Rossman was present to seek and update on the request that he made at the last Board of Supervisors meeting concerning people shooting targets in close proximity of neighbors. Mr. Wise noted that the Board has discussed it some and that he has discussed it with the Township Solicitor. He noted that he would like to speak to others that have an ordinance in place. Mr. Moyer noted that we have parking ordinances and the State Police will not enforce that Ordinance, so he doesn't feel that if the Township would adopt this type of Ordinance that it would be enforced either. Mr. Rossman noted that this shooting happens once or twice a week near his home but hears shooting almost every night within the valley. Mr. Wise noted that he would attempt to contact Corporal Morey. Mr. Rossman noted that an officer told him that he would stop by at his neighbors to have a conversation with them.

Mr. Galus noted that he recalls reading something in the Centre Daily Times about not shooting within 175 feet, but wasn't certain if that was a particular municipality or if it was a regulation that fell over the entire state.

Dick Werner of the Officer Phil Program: Mr. Werner was present and presented the Board with Certificates of Appreciation from the Bellefonte and Spring Township Police Departments for participating in the Officer Phil Program. Mr. Werner noted that this program is geared for children kindergarten through 5<sup>th</sup> grade and teaches them safety on various topics. Mr. Moyer moved to continue to support the program again this year with a \$799 ad. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

John Kostas: Mr. Kostas questioned the Board on their approval of spreading bio-solids from the Bellefonte treatment plant onto the Spicer farm fields. It was noted that the Board of Supervisors did NOT approve this. They were informed that it was being considered, however no Township board approval is or was required. It was further noted that the approval is permitted through the Pennsylvania Department of Environmental Protection. Mr. Kostas questioned if the Board was aware of this practice taking place elsewhere in the township. It was noted that it has been and perhaps still is being spread on the Schaeffer Farm off of Seibert Road and on fields owned by the University.

Tom Eby: Mr. Eby questioned who oversees the spreading of the bio-solids. It was noted that DEP is the one that permits and oversees the spreading program. Mr. Eby noted that nitrates is another issue that could create problems in the future. Mr. Eby noted further that he feels that more steps should be taken to avoid pollution of the Township's water sources.

### **MINUTES**

The minutes of January 4, 2016, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented. Mr. Wise seconded the motion.

Vote: Mr. Capriani – abstain      Mr. Moyer – yes      Mr. Wise – yes

### **BILLS**

The bills of February 1, 2016, were presented to the Board for their review and approval. Mr. Moyer moved to approve the bills as presented. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes      Mr. Moyer – yes      Mr. Wise – yes

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

Mr. Anderson reported on the following:

\*Planning Commission met twice in the last month. They are now concentrating on reviewing the proposed Zoning Ordinance and working through it section, by section.

\*It was noted that the Planning Commission would like to see the issue involving who will sewer the properties along Shiloh Road in Benner Township resolved. Mr. Anderson gave the Board a memo from the Planning Commission asking them to revisit this issue.

\*The county planning office has prepared future land use maps for the planning commission to review based on the comprehensive plan update.

\*Building permits have slowed down with only 4 being processed in the past month.

### **ENGINEER'S REVIEW**

Mr. Franson reported on the following:

\*Spring Creek Canyon Trail: It was noted that an on site meeting was held with Kevin Abbey, Eric Eurdman, Ms. Dickman, Mark Mitchell, Lindsay Schoch and himself to discuss Phase 1 and applying for a possible Phase II project. Fish and Boat Commission noted that they will require a property use agreement for the actual trail. It was noted that they provided a 10 page agreement that they used in a similar project. He noted further that he submitted an alignment drawing to DCNR and they have provided feedback on the necessary posting of the trail. He noted that he has asked PennTerra Engineering to assist him on preparing the NPDES permits and the Chapter 105 stream permits. Detailed elevations are now being required by DEP and that he hopes to have these complete by the end of the month. He noted that the permit review time frames can be 90 days, so construction won't be able to take place until late summer. The parking lot area is now marked for the trees to be removed. This work will need to be completed by March 15<sup>th</sup>.

### **ROAD SUPERINTENDENT'S REPORT**

Mr. O'Leary reported on the following:

\*Dirt and Gravel Road project has been completed. The final inspection has been scheduled with the Conservation District.

\*Ferguson Township has a pull behind broom for a truck that they are willing to sell to the township at the cost of \$200. The Board indicated to go ahead with the purchase.

\*Township Entrance Signs. Mr. O'Leary noted that the "Now Entering Benner Township" signs that were done in the past as an Eagle Scout project are becoming in disrepair. He noted that the sign shop from "Big House" have issued quotes on making new ones. The cost is approximately \$700 per sign. The Board noted that they will hold off on the signs at this time.

### **COMMITTEE REPORTS**

Mrs. Royer reported that she attended the CCTCC meeting on February 27<sup>th</sup>. Normal yearly business took place. (Appointments, budget, choosing auditors, etc.) She also attended the Bellefonte Fire Executive Board meeting on February 28<sup>th</sup>. Most of the topics discussed involved policies dealing with the fire company's policies and procedures.

### **OLD BUSINESS**

New Township Building: Mr. Wise noted that a work session will be held sometime in February to discuss phasing and updated cost estimates.

CCMPO: It was noted that at the Nittany Valley Joint Planning Commission meeting that the following individuals were nominated to represent the Nittany Valley Region on the CCMPO: Coordinating Committee Representative – Dave Wise, Coordinating Committee Alternate – Paul DeCusati, Bellefonte Borough, and Technical Representative

– Bill MacMath, of Spring Township. Mr. Moyer moved to affirm these appointments. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Letter from SBWJA RE: Sewage Plant Upgrade: Mr. Wise gave the board a brief update on the presentation that was given at the Nittany Valley Joint Planning Commission meeting on what is being proposed by Bellefonte Borough to upgrade the Bellefonte Sewage Treatment Plant. It was suggested that a joint meeting be held with all parties and perhaps a field trip to the plant that this upgrade is being modeled from. It was noted that Spring, Benner and Walker Township’s will be required to act on Bellefonte’s Act 537 Plan.

**NEW BUSINESS**

Resolution 16-01: Proposed Resolution 16-01 was taken from the model of the Pennsylvania Historical Museum Commission that states that the Township intends to follow the schedule listed in their document as far as document retention and disposal. Mr. Wise moved to approve Resolution 16-01. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Resolution 16-02 List of Records to be disposed of: Proposed Resolution 16-02 listed a number of documents that the Township intends to dispose of. It was noted that most of the documents are tax records that date back to 1960. Mr. Wise moved to adopt Resolution 16-02. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Spring Creek Clean Up: Mrs. Robine has contacted the Township seeking their assistance with hauling the garbage that is collected during the Spring Creek Clean Up to be held on April 23<sup>rd</sup>. The Board noted that they will once again assist with this event.

Skating Event Donation: It was noted that the Township has received a donation request to hold the annual skating/Easter Egg Hunt event of the Benner Township Churches. Mr. Capriani moved to approve this request of \$400.00. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Ordinance 129 Amendment: It was discovered that Ordinance 129 had a typo in it on Page 2 referring to amending the wrong ordinance. Mr. Wise moved to make a motion to correct a typographical error in the Zoning Ordinance citation in Ordinance 129. Passed on December 7, 2015, whereby that ordinance is corrected to refer to Section 104, the current Zoning Ordinance of the Township as the Zoning Ordinance which is

being amended, rather than Section 70, which is the repealed Zoning Ordinance and to authorize and direct the Township Secretary to substitute the Corrected Ordinance 129 in the records of the Township. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Letter from the Benner Township Water Authority: The Board was in receipt of a letter from the Benner Township Water Authority concerning well head protection zoning as well as public water service for the new municipal building. The Board noted that they would consider their concerns regarding well head protection when drafting the new Zoning Ordinance. And that they are exploring the idea of connecting to the public water.

Memo from the Planning Commission RE: ACT 537 Plan: It was noted that Dr. Clair has been attending the Planning Commission’s meetings to discuss getting sewer to his property along Shiloh Road. The Planning Commission is encouraging the Board to revisit this and see if they can work something out. Mr. Wise noted that he would contact DEP, but believes that the answer will remain the same as its been.

Pension Plan Clarifying Amendment: A clarifying amendment has been drafted to clarify that the only township employees that are qualified in participating in the Township’s pension plan are full time employees only. Mr. Wise moved to adopt this amendment to the Township’s pension plan. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Resolution 16-3: Resolution 16-3 establishes that if Township Employees that are entitled to Health Care Insurance decline coverage due to being covered on another plan that the Township will reimburse them 15% of the coverage that they are entitled to. Mr. Capriani moved to adopt Resolution 16-3. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

Village of Nittany Glen, Phase III-B.1: Mrs. Royer noted that she has been in contact with the Township’s Attorney, Robert Rayman, who has been working with the Village of Nittany Glen on their surety agreement for Phase III-B.1. It is anticipated that the agreement will be completed by the end of the week. The surety amount has been established and approved by Mr. Franson and a check from Nittany Glen is to arrive in the morning in the amount of \$29,168.43. Mr. Rayman has indicated that it is appropriate for the Board to conditionally approve the Surety package and the plans based upon receipt of the signed agreement. Mr. Wise moved to approve the Village of Nittany Glen, Phase III-B.1 upon receipt of the surety check and signed agreement. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

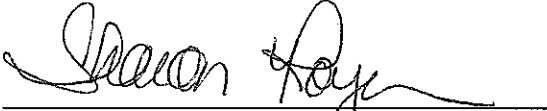
**CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes of December 14, 2015 and January 11, 2016
2. Centre County Planning Office Correspondence
  - a. Commencement with Construction Notice SCI Rockview
  - b. Lot addition and Replot Creekside Partners/Berks Homes
3. Centre County Conservation
  - a. C & W Construction Earth Disturbance Inspection
4. Benner Township Water Authority Minutes December 15, 2015
5. Above Ground Storage Downstream Notification – Penn State

**ADJOURNMENT**

Mr. Wise noted that the regular meeting is now adjourned. With the time being 8:07 p.m. The Board will hold an executive session to discuss personnel matters but will not reconvene.

  
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Sharon Royer, Secretary/Treasurer