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were good, some were not good.

I want to know, and this pertains to the township, what good is this going to do for Benner Township? That's my only question to you. And, you know, I don't want my property value going down. I like living there. That's why I've never moved. I grew up on Buffalo Run Road. Right across from the Birds.

You know, I feel that everybody else in this room has the same opinion of what I do. I am also a business owner in this township and I try to abide by the rules and, you know, we're in an area where it's -- it doesn't bother anybody.

The campground that he's talking about, the other one, the small place where people come for football weekends, it's away from everybody. This is going to affect all the property owners that are there immensely. I don't want my value going down. Randy, if you were living there, you wouldn't want yours going down either.

I just want you to really seriously think about all this before you make approvals on things because it's going to affect all of us. That's all I have to say.

CHAIRMAN R. MOYER: Thank you. Okay. One

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more.

MS. C. SMITH: Christy Smith, yes. As far as the approving -- or providing you with the evidence that it's going to decrease the health, happiness we've already provided, but apparently that may not work in court, fortunes, is this our last chance to give you that data or now that we know we have to provide that, we didn't know ahead of time, didn't look at the rules, is there another chance for us to gather up this data?

So you're saying he doesn't have to provide the data saying it won't do that, we have to provide the data saying it will or it likely will? Is this our last chance?

CHAIRMAN R. MOYER: That's what he's saying and telling you. I mean, I -- again, that's what we have a solicitor for. I'm not a lawyer.

MS. C. SMITH: Right. Is this our last chance?

CHAIRMAN R. MOYER: I'm thinking I'm going to talk with our solicitor here yet this evening and see how we want to continue this or -- or what our options are. I mean -- I mean, we've done more tonight and I've been here for 12 years. So it's pretty overwhelming to do all this and we -- there's

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a lot of information to absorb here, and that's what I want to do.

I mean, you know, I'm a resident. You know, I want what's best for the township. That's why I pretty much donate my time here to do this. I mean, I've been here all my life and I want to see the best for the township, but yet there's rules and regs we have to follow. Some maybe not likeable, some likeable.

And I have to -- we have to ask our solicitor, our zoning guy, and everybody else involved, our engineers, and everything involved here to see what our options are and which way we -- what we can do and not do legally.

MS. C. SMITH: So if there's another meeting like this where we have input, we need to look at the township website to find out when that is or --

MR. SCHRADER: Can I -- can I ask real quick? Dave Schrader. Can we make a motion to say this can't happen again where we are not prepared to come and defend with evidence because we're not aware because of the state? So I'm asking the solicitor how can we make this not happen again where we can come with evidence where we're notified, not through

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a newspaper that nobody reads? Please help us.

MR. BEARD: The -- the way it would proceed from here, this isn't necessarily, you know, your last shot. In the event the supervisors would deny the application or impose a condition that the applicant found unreasonable, the applicant could appeal to the Court of Common Pleas in Bellefonte. In the event any objector, anybody who objects to the use, in the event any objector does not like what the supervisors do if they approve the use, any objector can appeal it to the Court of Common Pleas in Bellefonte.

If the Court of Common Pleas feel there is not sufficient evidence in the record, the Court of Common Pleas can remand the matter to the supervisors to get that evidence in the record. So this isn't necessarily your last shot. You can -- any -- any aggrieved party has the right to appeal.

I know I didn't really answer your question in terms of how could we possibly make sure everybody was ready for this. I -- I can't answer that. I just -- you know, you could -- I mean, I've been practicing municipal law for 20 years and sometimes I'm still not ready for everything.

So -- you know, so I can't really say that

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we could have done, you know, anything to say hey, we're having a hearing tonight, if you're concerned about these 43 things, please gather your evidence and bring it in. That wouldn't really be something --

MR. SCHRADER: How would we be notified that it was passed or not passed so that we can make an appeal?

MR. BEARD: Let's see, that's real --

MR. SCHRADER: Don't say the Centre Daily Times, please.

MR. BEARD: It does not need published in the Centre Daily Times. Actually this is one that the Municipalities Planning Code puts back on the responsibility of the individuals to pay attention and to contact the township and say has anything gone on, and you have 30 days from the day anything goes on to get the appeal filed.

MR. SCHRADER: Would the township supervisors please notify -- can we have maybe five people they would notify that we could tell everyone because if we --

CHAIRMAN R. MOYER: We have a list. I mean, who wants to be notified or whatever, but --

MR. SCHRADER: We have to go to the

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website.

CHAIRMAN R. MOYER: You can go to the website.

MS. J. SMITH: Can I ask one more question?

CHAIRMAN R. MOYER: Just wait a minute.

MR. SCHRADER: Sorry, but we were all caught off guard. We didn't bring evidence. So we possibly screwed ourselves.

CHAIRMAN R. MOYER: Okay.

MR. SCHRADER: That's all I can say.

CHAIRMAN R. MOYER: Okay. Go.

MS. J. SMITH: Okay. Joyce Smith. This is just items for consideration. What I heard was bussing to and from the games. I want -- would like consideration on what those hours are available for that. I mean, are they going to bring people back at two o'clock in the morning, et cetera? Okay. That's a consideration. I'm not looking for an answer.

The other thing is air traffic, when -- when is air traffic going to be coming in? Is it 24/7, whenever they want, or are there only specific hours in which they'll be coming in? Again, points for consideration.

Also, maybe you can answer this, will helicopters also be coming in because they are louder

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than your -- the airplanes that I hear taking off?

MR. ELNITSKI: It's conceivable someone could bring one. I don't know.

MS. J. SMITH: You don't know. Okay. So, again, I think consideration of that air traffic hours would be important.

MR. ELNITSKI: I don't think you can restrict aircraft to traffic hours. We're a public use airport. We're open 24/7.

MS. J. SMITH: So it can't be a condition within approving a Conditional Use?

MR. ELNITSKI: Yeah.

CHAIRMAN R. MOYER: I -- again, that's why you're here and that's why we got to -- I mean, we're taking this in. I can't answer that.

MS. J. SMITH: Thank you.

MR. ELNITSKI: We're also the emergency backup for University Park for the smaller airplanes and --

MS. SMITH: Emergency use to me is very different than this use. I understand that. Thank you.

CHAIRMAN R. MOYER: We're going -- we're going to take a couple more and then we're going to stop at 9:35. We got work to do. We got hours yet

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to do. Go ahead.

MR. NAGEL: Are you the sole investor in this project, John?

MR. ELNITSKI: No, we have an investor that has a franchise called Camptel and he'll be running the website and providing -- he builds the what we call tiny homes.

MR. NAGEL: So you won't be a controlling partner in this thing?

MR. ELNITSKI: No, we are the controlling partner, but I'm telling you there's an investor involved.

MR. NAGEL: This is for the supervisors. Have you've met his investors?

CHAIRMAN R. MOYER: That's -- that's not my job.

MR. NAGEL: No?

CHAIRMAN R. MOYER: I don't want anybody to go get --

MR. NAGEL: I will present some evidence in a letter to you.

CHAIRMAN R. MOYER: That's great. I mean, but, you know, I don't care where he gets his money and I don't think we have any say on where he gets his money.

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MR. NAGEL: I will copy the solicitor. I want it as a matter of record that I'm saying this again. My name is Don Nagel. I want it on the record that those investors should be vetted.

CHAIRMAN R. MOYER: Noted.

MR. REPKA: Mark Repka. I'm actually president of the Hampton Hills HOA and was wondering if there was an official channel or venue for my community to either object or support this decision to you?

CHAIRMAN R. MOYER: Well, I mean --

MR. REPKA: Besides this board meeting right now.

CHAIRMAN R. MOYER: -- you can write -- you can write a letter so we can enter it into the record and the evidence. I mean, that's the best way to say I strongly oppose or whatever reasons or prevent -- or provide some evidence that -- that we don't know of. That's the best way. Just send it -- email it to the township. You can email it to the township and, you know, you can state your objections or -- or if you like it or whatever.

MR. REPKA: Okay. Letters or emails?

CHAIRMAN R. MOYER: Oh, yeah, emails. Any way we can, you know, that's -- that's fine.

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MR. REPKA: What timetable?

CHAIRMAN R. MOYER: As far as?

MR. REPKA: As far as deadlines? Are you voting on this tonight?

CHAIRMAN R. MOYER: Are we voting on this tonight? Well, that's when you guys are done talking, I'm going to be talking to our solicitor to find out what we can do and can't do and what -- what -- how we should proceed with this.

MR. REPKA: So our objections may not even be valid because after tonight you may make your decision; is that correct?

CHAIRMAN R. MOYER: We have I believe let's -- hypothetically, let's say we say okay, we're going to order our solicitor and we're going to set conditions, we have 45 days I think to present John with the conditions that he would have to meet or object to or whatever to go forward. That's my -- am right on that, Rodney?

MR. BEARD: Forty-five days from the date of the last hearing. If this hearing were to be continued to a future date, it would be 45 days from the last hearing.

CHAIRMAN R. MOYER: That would be 45 days or whatever, you know, that's what -- yeah.

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MR. SCHRADER: Let's continue the hearing.

MR. REPKA: My last point is is that information available on the website?

CHAIRMAN R. MOYER: Sharon, will that be on the website?

MS. ROYER: What are you specifically asking?

CHAIRMAN R. MOYER: What are --

MS. ROYER: When is our next meeting?

MR. REPKA: You said mail -- you said paper mail or email. Where?

CHAIRMAN R. MOYER: To here.

MR. REPKA: To this building?

MS. ROYER: Benner Township -- it's bennertwp@aol.com.

CHAIRMAN R. MOYER: Okay. Last question if there is one. Go ahead.

MS. GARDNER: Cheryl Gardner. Just a question to the solicitor. So are you saying that at the end of this meeting when you all talk that they could extend this to another time to allow for evidence from this group now that we have been able to consider things, have some questions, and maybe come up with some more because they're not comfortable yet?

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MR. BEARD: The hearings can be continued, yes. Yes, they can be continued to a future date.

MS. GARDNER: How do we do that?

MR. BEARD: It's totally up to the supervisors if they wish to do that. I actually have some items I need to get into the record yet tonight, too. So it may be best -- I mean, if we can't -- I mean, as the chairman said, he wanted to pull this to a close at 9:35, and quite frankly, I won't have an opportunity to get the items in the record I need to get in tonight.

The issue for me is that if there's an appeal, I need to make sure there's a proper record for the appellate courts to review. So there's some information I have to get into the record and it doesn't appear that I'm going to have the time to do that tonight, so --

CHAIRMAN R. MOYER: Let me -- how long will it take you?

MR. BEARD: Probably ten minutes.

CHAIRMAN R. MOYER: Okay. I'm going to stop taking public comment in two minutes so he has time to do that. That way at least that's into the record. So on -- we have time for one more public comment on this. You get 30 seconds and you get 30

seconds.
MS. T. LEHEW: Could we request a continuance? I'm sorry, Tracey Lehew. Can we request a continuance?
MR. BEARD: You can request a continuance. It's up to the supervisors whether they want to grant that or not.
CHAIRMAN R. MOYER: Okay. That's your 30.
MS. EVEY: Okay. I have a question on Snowbird Lane. With all of that traffic going up and down, especially big busses and what have you, who's going to be responsible for maintaining the surface of the road as it is?
MR. ELNITSKI: We can talk about that. I mean, the agreement is everybody has to.
MS. EVEY: No. No, no, no.
MR. ELNITSKI: We've maintained the road for thirty --
CHAIRMAN R. MOYER: Okay.
MR. ELNITSKI: This has nothing to do with the township.
MS. EVEY: Well, it does. It affects my property value.
CHAIRMAN R. MOYER: And that's all stuff to be taken.

MR. ELNITSKI: That's private.
CHAIRMAN R. MOYER: With that, we're stopping all the public comments so our solicitor can get his important information into this. So --
MR. BEARD: I'm sorry, John. John, if you could stay because these are some things I need to get into the record.
MR. ELNITSKI: All right.
MR. BEARD: This is what I marked as Exhibit A -- we're going to wait until they get out. We got to get this on the record.
CHAIRMAN R. MOYER: Requesting a five-minute recess to get everybody outside.
(Recess.)
CHAIRMAN R. MOYER: I'm calling this back in session. Rodney.
MR. BEARD: Yes. I'll just note for the record we took a five-minute recess to allow the crowd to clear. I have a few questions for the applicant to get some items on the record.
John, this is a -- what I'll represent to you is an aerial tax parcel map taken from the county GIS system. Does that show your properties, the property that you're talking about on that --
MR. ELNITSKI: Yes.

MR. BEARD: -- on that map?
MR. ELNITSKI: Yes.
MR. BEARD: Thank you. I'll just mark that as Exhibit A for the record.
(Hearing Exhibit A was marked for identification.)
MR. BEARD: John, I've marked here what I've noted as Exhibit B, and I'll ask you to just see if you can identify that as the -- the deed to your mother for the property?
MR. ELNITSKI: Yes.
(Hearing Exhibit B was marked for identification.)
MR. BEARD: Very good. Thank you. Next item here is Exhibit C. This is declaration of stormwater easement that applies to the airport property that I believe was put on record back in 2011 or thereabouts. Does that look familiar to you?
MR. ELNITSKI: Yes.
MR. BEARD: Very good. I'll note that that is Exhibit C.
(Hearing Exhibit C was marked for identification.)
MR. BEARD: What I have here as Exhibit D, you can look at that, that's a private access

agreement for Snowbird Lane.
MR. ELNITSKI: Yes. Yeah, I think I gave that to you.
MR. BEARD: Yep.
(Hearing Exhibit D was marked for identification.)
MR. BEARD: Thank you. So that's on record. This is a package of papers from a Conditional Use Hearing that occurred in 2011 when the airport was expanded. And, again, there are some drawings here that I believe your engineer may actually be familiar with. And what I wanted to point out on this exhibit is that the -- for that Conditional Use Hearing, the entire -- you know, the -- the whole parcel was identified as the airport property, and that included the -- the piece that you're talking about as the campground parcel now.
MR. ELNITSKI: Right.
MR. BEARD: I just want to know --
MR. ELNITSKI: That's the not as-built drawings.
MR. BEARD: Okay.
MR. ELNITSKI: The as-built drawings are different than that and the taxiway was not built, and that was the purpose of combining and putting

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them on that property.
MR. BEARD: Okay. So the taxiway wasn't built back then, so --
MR. ELNITSKI: So it didn't happen.
MR. BEARD: Okay.
MR. ELNITSKI: But the taxiway will be built on that property with this new project.
MR. BEARD: Okay. With the new one it will be built.
MR. ELNITSKI: But that's -- those drawings are not correct because it's not as-built.
MR. BEARD: Okay. I'll note that for the record that the drawings with that are not correct. And this is a Conditional Use decision that was actually entered back at the time for the expansion of the runway?
MR. ELNITSKI: I'd rather not use the word expansion. Widening of ten feet on each side.
MR. BEARD: Widening. Widening of ten feet on each side.
MR. ELNITSKI: Because expansion takes a whole different --
MR. BEARD: Correct, you widened it ten feet. That's what -- that's what that was for.
MR. ELNITSKI: And then we put in

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stormwater -- instead of basins that would attract fowl, we put in stone ditches 12 feet deep on each side of the runway that was on the airport property.
MR. BEARD: Okay. Very good. We'll mark that --
MR. ELNITSKI: The only reason we had to do that was because of the updated zoning. By widening the runway, it triggered stormwater for the whole runway.
MR. BEARD: Right. Mark that as Exhibit E.
(Hearing Exhibit E was marked for identification.)
MR. BEARD: Exhibit F, I think you've seen that before.
MR. ELNITSKI: Yeah.
MR. BEARD: That's the letter from your mother that as the owner of the property she knows what's going on here --
MR. ELNITSKI: Right.
MR. BEARD: -- and we just have to make sure the owner of the property actually knows what's going on on their property.
(Hearing Exhibit F was marked for identification.)
MR. BEARD: And these are just letters that

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we received from other people. I've marked them as G, H, I and J.
MR. ELNITSKI: I don't have -- I don't have copies of those.
MR. BEARD: We'll provide those to you. It will being part of the record.
(Hearing Exhibits G - J were marked for identification.)
MR. BEARD: Just a couple of items for your engineer actually. On the plans for the drawing for the use that I reviewed, it indicated that the impervious coverage was approximately 10 percent. I think the ordinance requires that it be no more than 10 percent. So we need to know is it over or under 10 percent?
MR. SCHROCK: It's under 10 percent.
MR. BEARD: It's under 10 -- the impervious is under 10 percent?
MR. SCHROCK: Yes.
MR. BEARD: Okay. Very good. And then the drawings I've reviewed showed a proposed lot line change and that -- and just so I make sure I'm clear on that, from your testimony, sir, is the lot line would be changed to move the property line away from the existing runway; is that correct?

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MR. SCHROCK: That's correct.
MR. BEARD: Okay. And it will be at least 300 feet away from the existing runway; is that correct?
MR. SCHROCK: 360.
MR. BEARD: Okay. All right. Thank you.
MR. ELNITSKI: But I'd like to put in that we would like to reserve the right to combine the properties or maybe not make that subdivision at -- at all because it's not required.
MR. BEARD: Well, the -- the ordinance requires 300 feet setback from any runway.
MR. ELNITSKI: Right, but you wouldn't do -- see, the runway is nonconforming.
MR. BEARD: Correct.
MR. ELNITSKI: Remember, I talked to you I talked to our attorney?
MR. BEARD: Correct.
MR. ELNITSKI: And he said that you would have to treat that other lot as if it were a separate person and you would not deny them because they're next to a nonconforming property.
MR. BEARD: Correct. Correct.
MR. ELNITSKI: So what -- what I'm saying is we want to keep the option. We still have to meet

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with the Bureau of Aviation and come up with the best plan.

MR. BEARD: Okay. What my concern is that we don't want to make a nonconformity worse by allowing this use and by putting --

MR. ELNITSKI: But it's already nonconforming.

MR. BEARD: I realize that and we don't want to make it worse. That's the issue. You can allow a nonconforming to expand a certain amount, but you can't allow the nonconforming to become worse --

MR. ELNITSKI: Right.

MR. BEARD: -- in terms of its impact on adjoining properties. So I just want to clarify. And if you're not going to do that, that's something the supervisors will have to consider.

MR. ELNITSKI: Now, if you look at it, we're not making it worse. Now, the actual -- that actual property line is there already.

MR. BEARD: Correct.

MR. ELNITSKI: So by not changing the property line, we have not made it worse.

MR. BEARD: But putting use within that area --

MR. ELNITSKI: There's already use.

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There's ag use.

MR. BEARD: Well, but putting this use in that area would make it worse.

MR. ELNITSKI: Okay. But we -- okay. We made sure that the facilities are at least 300 feet away.

MR. BEARD: Okay. We -- I would recommend the supervisors certainly consider that.

MR. ELNITSKI: Yeah, and we -- you know, we don't mind that as a condition the facilities would be at least 300 feet away. But what we're trying to do is make it the best for the community what we need to do. We need to weigh all options.

MR. BEARD: Yeah.

MR. ELNITSKI: So we want to just make sure that that's open. What we would like to do is make that delineation, put a fence there, and that -- to keep the people away from the aircraft. That's our -- that's our plan, but it might work better a different way when we get done talking to the bureau.

MR. BEARD: Okay. Very good. That's all the questions I would have. I'm sorry, Chairman. It took a few more than ten minutes.

CHAIRMAN R. MOYER: You're fired.

MR. THOMAS: Excuse me. I brought up some

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documents and references in my testimony. I'd like to introduce them into evidence also.

MR. BEARD: Please introduce them now if you have them with you.

COURT REPORTER: Again your name, please.

MR. THOMAS: Gregory Thomas. There's a report on accidents during flight instruction from 2014 from the Air Safety Institute. And I also mentioned an incident that occurred in November of 2020 where a plane went off the runway. I didn't see a filing in the FAA accident and incident data systems on that, but it occurred November 29th, 2020.

MR. ELNITSKI: There wouldn't be because there was no injuries.

MR. THOMAS: I'm sorry. I'm just introducing it into evidence that there was an incident that occurred.

MR. BEARD: Thank you. I'll mark this as Exhibit K for the record.

(Hearing Exhibit K was marked for identification.)

MR. THOMAS: And I have pictures, photos of the incident. I don't know if that would be a document to submit also.

MR. BEARD: Okay. If you do have them, all

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right. It's -- yeah, I'll just mark as exhibit -- what comes after K?

CHAIRMAN R. MOYER: L.

MR. BEARD: Very good.

(Hearing Exhibit L was marked for identification.)

MR. THOMAS: Thank you.

MR. BEARD: Thank you.

CHAIRMAN R. MOYER: We're into roman numerals now.

MR. BEARD: Very good. The supervisors could either adjourn to a future meeting or close the hearing and provide direction to me on what to do.

MS. ROYER: Do you want to list the letters that we received?

MR. BEARD: Yes, I'm sorry. I'm sorry. Thank you, Sharon. We received a letter from Kathy and Jared Evey, dated August 2, 2021. That's marked as Exhibit G. We received a letter from Thomas and Betty Simco, dated July 29th, 2021, dated -- I mean that's marked as Exhibit H. We received a letter from Carol Smith and Sue Lounsbury, dated July 29th, 2021. That's marked as Exhibit I. And we received a letter from John and Carrie Fala, F-A-L-A, dated August 2, 2021. That's marked as Exhibit J.

CHAIRMAN R. MOYER: Are you still with us, Larry?

MR. LINGLE: I am.

CHAIRMAN R. MOYER: Okay. Speak now about how you want to proceed, what your thoughts are.

MR. LINGLE: My thoughts are that we need -- we need more time to review the entire process. This is too big of an issue for us to make a intelligent decision tonight without reviewing everything that we've talked about.

CHAIRMAN R. MOYER: Okay. Tom.

MR. T. MOYER: I would like a continuance also. This is too big of a community impact. Too much information.

CHAIRMAN R. MOYER: Okay. I -- I agree. I mean, this is just too big. I think we need to -- we just heard from them. I think it would only be fair to continue this to a future date. And then -- I mean, there's a lot here to absorb. So with that --

MR. LINGLE: Ask Rodney if we can have a 60-day continuance on this.

MR. BEARD: Let's see, the -- yes, you can. You can continue it for that long if you wish. Yeah, the normal -- normal procedure would be to continue it for 30 days or until the next public meeting of

the supervisors, but, yes, you could move it out two months. The applicant could object to a continuance that long, but, yes, you could move it out that long if you wished.

CHAIRMAN R. MOYER: Question, if we did 30 days and then still felt like there was more to be, that we could do another 30?

MR. BEARD: Yes, you can. Yes, you can. There's been Conditional Use hearings that have gone on for a year and a half in Pennsylvania. So, yes, you can -- you can continue it 30 -- you know, till each next successive public meeting if you wish.

CHAIRMAN R. MOYER: Well, Larry, would you be okay with us doing 30 and then if we felt, we'd do another 30? I mean, I'm just -- since that adds up to 60?

MR. LINGLE: Yes, I'm okay with that. As long as -- as long as if we don't get all the facts back, that we can continue it again, yes, I'm okay with that.

CHAIRMAN R. MOYER: Okay. Are you okay with that, Tom?

MR. T. MOYER: I am.

CHAIRMAN R. MOYER: Do we need a motion?

MR. BEARD: You would need a motion to

continue it to the next public meeting of the supervisors and I would --

MR. SCHRADER: I motion it.

MR. BEARD: -- I would recommend that that date be put in the record.

CHAIRMAN R. MOYER: Okay. Then I would move that we continue this to our next public meeting, which would be --

MS. ROYER: September is a Thursday, September 2nd.

CHAIRMAN R. MOYER: -- September 2nd.

MR. BEARD: September 2nd.

CHAIRMAN R. MOYER: So there's been a motion made.

MR. T. MOYER: I will second that motion.

CHAIRMAN R. MOYER: Tom seconded it. All in favor.

(All answered in the affirmative.)

CHAIRMAN R. MOYER: And with that, we can close this hearing out.

MR. BEARD: It will be continued till September 2nd.

(The hearing was adjourned at 9:55 p.m.)

COUNTY OF CENTRE : : ss
COMMONWEALTH OF PENNSYLVANIA :

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the proceedings and that this copy is a correct transcript.

LISA L. RIVERA, RPR
Notary Public

My commission expires
on March 24, 2023

COUNTY OF CENTRE :
: ss
COMMONWEALTH OF PENNSYLVANIA :

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the proceedings and that this copy is a correct transcript.

LISA L. RIVERA, RPR
Notary Public

Commonwealth of Pennsylvania - Notary Seal
LISA L. RIVERA, Notary Public
Centre County
My Commission Expires March 24, 2023
Commission Number 1138605

My commission expires
on March 24, 2023

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