

**BENNER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
April 28, 2016**

**CALL TO ORDER**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 PM by the Chairman, Nate Campbell who led the meeting with the Pledge of Allegiance.

**ATTENDANCE**

Members present: Nate Campbell, Willis Houser, Paul Kurtz, Jim Swartzell, and Greg Jeffries.

Members absent: Sherry Dawn Jackson, Lee Copper

Others present: Sign-in Sheet attached to minutes

**MINUTES**

The minutes from the April 14, 2016 meeting were presented for approval. Mr. Swartzell made a motion to approve the minutes as presented. Mr. Kurtz seconded the motion. All voted in favor.

Vote:            Mr. Jeffries - yes        Mr. Campbell - yes    Mr. Houser - yes  
                     Mr. Kurtz - yes            Mr. Swartzell - yes

**NOTES:**

1.       Restek final plans for recreation center.  
Michael McNamara presented to the Board the plans for the recently (nearly) completed recreation center. Some landscaping issues will be completed in the near future, as weather permits. Surety will be posted to insure completion as planned. He is seeking signatures on the mylar for a final sign-off.

Mr. Kurtz made a motion to allow the signatures to be placed upon the mylar as requested, seconded by Mr. Swartzell, with all voting in favor. The mylar was signed by the Chairman, Nate Campbell, and Mr. Kurtz signed as the Vice-Chairman in the Secretary slot.

**PERSONS TO ADDRESS THE BOARD:**

1.       Clair Stem addressed the Board. He referenced a building that exists (or at least a shell of a building) on property where two cell towers are located. He noted that he has been instructed to remove this building but that he does not intend to remove the building. He also noted complaints about surveys and surveyors that appear to have provided conflicting information. He questioned the accuracy of some of these surveys. He noted that he will appear at the Board of Supervisors meeting on Monday, May 2, 2016. He stated that surveyors have moved stakes, upwards of 30 feet. The Planning Commission stated that the Board has no authority over survey lines.

2.       Kevin Astore had some questions about at least one sidewalk that has been placed in Grove Park subdivision. Apparently a set of power boxes were placed prior to the installation of the sidewalk, and now the sidewalk has been placed with a jog in the location, in order to avoid the power equipment. He

and family and friends question this placement and would like the engineer and the Road Superintendent to inspect the sidewalk and make a recommendation as to how to proceed.

3. Mr. Campbell noticed the Planning Commission of a letter he has written to be sent to the Board of Supervisors. This letter is to represent the Planning Board's action that was recommended and voted on at the April 14, 2016 meeting. This letter is to inform the Board of Supervisors more about the issue of bio-solids and their application to local farms. Some minor modifications were suggested to represent the latest information (the Spicer application was withdrawn, but then this withdraw was withdrawn, at least allegedly). Mr. Campbell said that he would make the suggested corrections and sign the letter in time for Monday's Board of Supervisors meeting. Later in the meeting, the Planning Commission voted to approve the signing and sending to the BOS. Motion was made by Mr. Jefferies, seconded by Mr. Swartzell, with all voting in favor.

4. Discussion continued regarding the bio-solid issue. Renee Swancer noted that the Spicer's application, which had been approved, and then the Spicer's decided not to accept the sewage sludge for their farm property, decided that instead they would like to fertilize their property with this substance. They are proceeding with an intent to apply the bio-solid material to their farm. Mr. Jefferies talked about a recent meeting of the Milesburg Water Authority, and noted concerns about the application of bio-solids to lands that are within a proposed sourcewater protection plan. This plan indicates that bio-solids are a potential source of contamination (PSOC), and that measures should be taken either to prevent this (or any) application with an area that could contaminate source waters downstream. Discussion ensued suggesting that ultimately an ordinance should be considered which would prevent further spreading of this potentially polluting substance, especially where major water sources exist below the application sites.

Tamaqua, PA apparently recently adopted an ordinance that prevents the application of bio-solids to lands in the Borough. It is unclear at this juncture who will enforce the ordinance, or if the ordinance is in fact in conflict with State law. Renee suggested that the Supervisors should hold some type of informational town hall seminar on bio-solids and what the potential impacts are from applying them to farm properties.

#### **NEW BUSINESS:**

None

#### **OLD BUSINESS: Benner Township Zoning Ordinance**

The Planning Commission continued its review of the Zoning Ordinance. Work continued with the Article on the R-1, Rural Residential zoning district. Permitted uses were considered with much discussion. Mr. Anderson gave a very brief overview of the concept of conservation subdivisions. These allow a development to be proposed that sets aside permanently protected open space, and permits house lots to be designed in a manner that differs from a "conventional" subdivision proposal. The overall density of the larger tract stays the same, so house lots might well be designed to be much smaller than a "regular" subdivision. The trade off is that in protecting open space, new residents might "buy" a 1/4 acre lot, but they also "buy into" the open space, which could well mean that in a one-hundred acre subdivision, a buyer would "purchase" 50 acres with their 1/4 acre lot. Mr. Anderson pointed out that

the benefits to the potential homeowners are a more welcoming atmosphere, better design (views of fields, woods, a soccer field, a pond instead of your neighbors back yard). Potential benefits to the development community include lots that sell for a premium, lots that sell faster, and a development that costs less because the development area is more concentrated.

Concerns were noted over "option 4" which apparently permits a mixing of various options of development (development options can provide bonus density for additional open space provided), concerns over what happens to the open space (who owns or controls this property?), where the zoning district is being proposed, and a chart that would note how the "change of language" would impact existing development in this zoning district. Bulk requirements probably need a better chart to address setback requirements. Mr. Swartzell noted that we can go back to the intent and purpose statements to direct decisions about the text. Hopefully this might also encourage some mixing within a potential development, with some small commercial being permitted at a neighborhood scale.

**COMMITTEE REPORTS:**

1. Zoning Officer report

Mr. Anderson summarized the recent permits issued, variance request for Amberleigh and the Airport.

**CORRESPONDENCE:**

1. None

**ADJOURN:** The meeting adjourned at 9:03 PM

Respectfully submitted by:

Christopher Anderson, Zoning Officer  
By listening to the tape of the recorded meeting.