

Conditional Use Hearing DD2, LLC

April 6, 2015

The Conditional Use Hearing for DD2, LLC was called to order at 7:00 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani was absent. Also in attendance were Tracy Capperella, Bob Struble, Jackie Struble, Rose Kupchinsky, Thomas Kupchinsky, Deb Fohringer, Tom Moyer, Nate Campbell, Ed Galus, Jeremy Hartley, Veronica Powell, George Powell, Todd Smith, John Marchek, Juanita Lysle, Helen Alters, Shirley Gryezuk, Stefanie Lucas, Jeff Lucas, Joy Barbara, Scott Barbara, Kevin Abbey, Don Franson, Dennis O’Leary, Lindsay Schoch and Sharon Royer.

It was noted that the property in question is the old Centre Peace property located at 3013 Benner Pike. The applicant wishes to lease a space consisting of two bays to an automobile mechanic. Mrs. Schoch noted that the Planning Commission reviewed the request and that they had no concerns or recommended conditions.

No one from the public had any further comments.

The hearing was adjourned, the time being 7:07 p.m.

Sharon Royer, Sec.

Ordinance 125

Public Hearing

April 6, 2015

The public hearing on proposed Ordinance 125 was called to order at 7:10 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani. Also in attendance were Bob Struble, Jackie Struble, Rose Kupchinsky, Thomas Kupchinsky, Deb Fohringer, Tom Moyer, Nate Campbell, Ed Galus, Jeremy Hartley, Veronica Powell, George Powell, Todd Smith, John Marchek, Juanita Lysle, Helen Alters, Shirley Gryezuk, Stefanie Lucas, Jeff Lucas, Joy Barbara, Scott Barbara, Kevin Abbey, Don Franson, Dennis O’Leary, Lindsay Schoch and Sharon Royer.

(Mr. Capriani entered the meeting the time being 7:12 p.m.)

Mrs. Schoch gave an overview of the amendments that Ordinance 125 addresses as follows:

- *Includes “Agricultural Tourism” as a conditional use within the Agricultural Zoning District.
- * Includes roadside/garden stands as a conditional use within the Highway Commercial and Regional Commercial Zoning Districts
- *Removes Section 107 from the Zoning Ordinance
- *Amends the ordinance that allow the FAA to preempt the Township Zoning Ordinance
- *Include Language to only regulate properties that affect Spring Creek within the Canyon Conservation Overlay
- *Change the height requirements within the Highway Commercial District.

John Marchek of Turtle Hill Lane noted that he felt that only the bare minimum of conditions were included in the ordinance revision and feels that the nature of the business and past history of their activities should have been taken into consideration.

Mrs. Schoch noted that the Planning Commission took into consideration of the comments made by both the neighbors and the Powells and came up with a compromise of both sides.

Mrs. Schoch noted that many of FAA's requirements pre-empt the Township's ordinance and it didn't make sense to have some of the regulations when it required the airport to continually go to the Zoning Hearing Board for approval of things when the FAA wouldn't allow what the township was requiring.

An amendment was made to the Canyon Overlay Ordinance so that those projects who had stormwater flow to Buffalo Run was exempt.

The height restrictions were changed from 45' to 70' to allow for hotels.

The hearing was closed the time being. 7:19 p.m. It was noted that the Board would consider adoption at their May 4, 2015 meeting.

Sharon Royer, Sec.

Benner Township Supervisors

April 6, 2015

The regularly scheduled meeting of the Benner Township Supervisors was called to order at 7:20 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Bob Struble, Jackie Struble, Rose Kupchinsky, Thomas Kupchinsky, Deb Fohringer, Tom Moyer, Nate Campbell, Ed Galus, Jeremy Hartley, Veronica Powell, George Powell, Todd Smith, John Marchek, Juanita Lysle, Helen Alters, Shirley Gryezuk, Stefanie Lucas, Jeff Lucas, Joy Barbara, Scott Barbara, Kevin Abbey, Don Franson, Dennis O'Leary, Lindsay Schoch and Sharon Royer.

MINUTES

The minutes of March 2, 2015, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented. Mr. Capriani seconded the motion.

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

BILLS

The bills of April 6, 2015, were presented to the Board for their review and approval. Mr. Wise moved to approve the expenditures for both the General Fund and the State Fund as listed. Mr. Capriani seconded the motion.

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

ENGINEER'S REPORT

Mr. Franson noted that he didn't have anything to add that wasn't already on the agenda.

ROAD SUPERINDEPENDENT'S REPORT

Mr. O'Leary reported on the following:

*2015 projects included are pipe replacement in several locations, tar and chipping in several locations, paving on Purdue Mt. Road.

*Road side cleanup of stone has started.

*Amberleigh – it was noted that the office is still receiving calls about the no parking along the streets of Amberleigh. It was noted that there were apparently some problems recently when there was an emergency call.

Mr. Wise moved to place the 2015 road projects out for bids pending inspection. Mr. Capriani seconded the motion.

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

ZONING OFFICER’S REPORT

Mrs. Schoch reported on the following:

The Planning Commission met on March 26th.

The land development plan of SCI Rockview for the additional restricted housing unit was presented.

The proposed zoning ordinance draft review was started. Some major concerns were:

- *Having too many uses that may not be compatible in one zoning district.
- *Only having one residential zoning district that allows for all kinds of housing.
- *Too many special exceptions – Attorney Rayman also had concerns regarding this as these are most common being litigated.
- *Conservation Subdivisions are included and are a great idea, but probably don’t represent what Mr. Moyer has voiced in the past what the farmers are looking for.

A copy of Trout Unlimited’s letter expressing concerns that riparian areas remain protected was given again to the Board.

Mrs. Schoch noted that more discussion can be held at the Supervisors/Planning Commission work session scheduled for April 7th at 7 p.m.

COMMITTEE REPORTS

Mr. Wise reported that the MPO meeting was cancelled. He commented further that there is some discussion taking place about the possibility of bringing passenger train service to State College.

OLD BUSINESS

Mammoth Construction Bond: Table.

MOU with ClearWater Conservancy – Phase I Archaeological Investigation: Mr. Franson and Mr. Abbey noted that ClearWater Conservancy has agreed to fund the Phase 1 study in coordination with the Spring Creek Canyon trail grant. Mr. Franson noted that with the possible ADA requirements in slopes on the proposed trail that by going ahead and doing the study that it may prove to be a benefit. Three proposals were received. (Rue Environmental LLC, Herberling Associates, Inc., and Skelly and Loy) Mr. Franson noted that he, Mr. Abbey and Mrs. Schoch reviewed all the proposals and ranked them on several different categories. Upon comparing rankings all three agreed that Rue Environmental LLC was the best fit for the project. Rue has completed prior work in the area and is very familiar with the location.

Mr. Wise moved to approve the Memo Of Understanding with ClearWater Conservancy for the Phase I study dealing with the Spring Creek Canyon Trail grant. Mr. Moyer seconded the motion.

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

Mrs. Alters suggested that after the trail is installed that it may be a good idea to install signage to keep pedestrians off of the lower trail.

Mr. Wise moved to award the Phase I study proposal to Rue Environmental LLC at the cost of \$9,193.00. Mr. Moyer seconded the motion.

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

Village of Nittany Glen Rezoning Request: The Board is in receipt of a letter from Penn Terra Engineering dated March 24, 2015 stating that the Village of Nittany Glen, LP – (the McKee Group) is withdrawing the current request to rezone portions of their property back to the R-2 Zoning District. The Board acknowledged receipt of the request.

NEW BUSINESS

Grove Park Phase II Surety: A surety renewal for Phase II of Grove Park was presented to the Board for their review and approval. It was noted that the amount is remaining the same at \$49,973.00. Mr. Capriani moved to approve a one year extension of the surety which expires 4/7/2016. Mr. Moyer seconded the motion.

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

Eagle Point Phase IIa Surety: The surety renewal for Eagle Point Phase IIA was presented to the Board for their review and approval. It was noted that 10% was added to last years' amount with the new amount being \$24,362.00 that will expire April 7, 2016. Mr. Wise moved to approve the surety agreement. Mr. Moyer seconded the motion.

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

Herbie's Hometown Loop Road Request: The Board is in receipt of a request from the Jeremy Herbstritt Foundation to once again use several township roads for their benefit event to be held on August 15, 2015. It was noted that the Board has never received any complaints concerning this event, as it is put together very well. Mr. Wise moved to approve the request for 8/15/15. Mr. Capriani seconded the motion.

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

Benner Pike Sewerline Extension: Mrs. Royer noted that the Township has been contacted to see how the Board feels about extending sewer service to 5 properties along the Benner Pike. These properties start after the Sunrise Mobile Home Park and go towards State College. Two of the properties are commercial, the one residential property owned by Hartle is malfunctioning. The Board noted that they support this extension project and were surprised that these properties weren't already connected.

Officer Phil Program: The Board is in receipt of a request, once again, from the Officer Phil Program. The Township normally pays for an ad in the booklets that are passed out as part of the local police programs in the elementary schools. It was noted that this year the booklets are focusing on safety from abductions. Mr. Wise moved to approve an ad in this publication once again. Mr. Moyer seconded the motion.

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

MOU for SCI Rockview addition and alteration: The Board was in receipt of the Memorandum of Understanding for the SCI Rockview building addition and alteration. Mr. Capriani moved to approve the MOU. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

Donation Request from the Bellefonte Rotary: The Board is in receipt of a donation request from the Bellefonte Rotary. The funds will be used to assist their various rotary initiatives including the Bellefonte Children’s Fair. Mr. Capriani moved to donate \$100 to this cause. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

Resignation letter from Lindsay Schoch: The Board received a letter dated March 25, 2015, from Mrs. Schoch indicating that she will be resigning from her position of Zoning Officer effective March 27, 2015. Mrs. Schoch indicated that she enjoyed her time here but that another full time opportunity more in her field of study has become available and she accepted the position. The Board noted that they hate to see her leave and wish her well in future endeavors.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Letter re: 2015 West Nile Surveillance & Control
2. Centre County Planning Office letters:
 - a. Time Extension G. M. McCrossin
 - b. SCI Rockview
3. SBWJA – February 23, 2015 and March 9, 2015 minutes
4. BTWA – January 20, 2015
5. 2015 ISO Report

NOTES

Mr. O’Leary noted that he would like to thank Helen Alters for the street sign donation that she gave the township.

Debbie Fohringer – Mrs. Fohringer noted that she would like to know if the township could install some duck crossing signs off of Fillmore Road near the existing pond. She noted that she sees several ducks each year getting run over. Mr. O’Leary noted that he would contact PennDot to see if this is possible.

Meeting Adjournment – 8:03 p.m.

Executive Session:

The Board noted that they will be going into Executive Session to discuss personnel matters the time being 8:03 p.m.

Sharon Royer, Secretary