

**Benner Township Planning Commission**  
**April 11, 2019**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by the Chairman, Nate Campbell with the following members in attendance: Larry Lingle, Randy Moyer, Lee Copper, Jim Swartzell, and Willis Houser. Mr. Gallucci was absent. Also in attendance were Don Franson, Debra Houser, Rich Shawley, Susan Shawley, Harry Foulkrod, Sandra Foulkrod, David Roberts, Douglas Mason, Renee Swancer, Thomas Eby, Andrea Murrell, John Kostas, Jeffrey Lucas, David Wise, Cindy Lorenzo, Richard Lorenzo, Helen Alters, Chad Stafford and Sharon Royer.

**MINUTES**

The minutes of March 28, 2019, were presented to the Board for their review and comments. Mr. Lingle moved to approve the minutes as presented. Mr. Copper seconded the motion.

Vote: Mr. Lingle – yes                      Mr. Moyer – yes                      Mr. Copper – yes  
      Mr. Swartzel – yes                      Mr. Houser - yes                      Mr. Campbell – yes  
      Mr. Gallucci – absent

**PERSONS TO ADDRESS THE BOARD**

Douglas Mason: Mr. Mason was present representing the Moshannon Chapter of the Sierra Club. A copy of their comments on the proposed Benner Township Zoning Ordinance was read aloud and given to the Board for their consideration.

David Roberts: Mr. Roberts noted that he has attended several Township meetings now and presented a couple of comment letters concerning the proposed ordinance and the lack of the Spring Creek Canyon Overlay. He questioned if any of the comments were going to be considered or were they going to be ignored. Mr. Campbell noted that it isn't the intent of the Planning Commission to ignore anyone's comments. Mr. Moyer noted the same for the Supervisors, that is why the first draft of the ordinance wasn't adopted.

Sandra Foulkrod: Mrs. Foulkrod questioned why she was never notified in writing when the Spring Creek Canyon Overlay was first put in place and affected her property. It was noted that when a comprehensive overhaul of an ordinance goes into affect individual notices are not required.

Susan Shawley noted that she, as well, was taken back and not happy when this overlay went into affect and drastically effected their property and what they could do with it.

Cindy Lorenzo: Mrs. Lorenzo also noted concerns on the Spring Creek Canyon Overlay. She noted that she was told when this overlay went into effect that it would not effect them at all and then found out that that wasn't true at all. Questions were asked concerning the overlay ordinance. What properties were covered? Who developed this ordinance and who enforces it? Mr. Franson noted that the state entities are exempt from Township regulations (Fish and Boat Commission/Game Commission/Rockview). It was noted that Penn State is not exempt. She noted that she feels as though she is being discriminated against.

**Spring Creek Canyon Overlay Ordinance - Don Franson:** Mr. Franson noted that at the last Supervisors' meeting he was taken to task when he honestly admitted that he had not read the Spring Creek Canyon Conservation Strategy study that was prepared by EPD in 2009. He noted that he has since read the study. This study consisted of 1,800 acres consisting of the Spring Creek Canyon. This land at the time

the study was done was still owned by SCI Rockview. He noted that he couldn't find any documents on how the secondary zone was created as this study was strictly on the 1,800 acres that was broken up and divested to the Fish & Boat Commission, PA Game Commission, Penn State University and Benner Township.

Mr. Franson explained how the Act 167 Storm Water Management Ordinance was created and adopted. He went over several of the requirements of the Storm Water Ordinance. It was noted that this Ordinance covers the entire Township and goes into effect any time there is over 5,000 sq. ft of disturbance. It was noted that anytime there is disturbance over an acre anywhere in the township a NPDES permit is required. Mr. Franson noted that the Overlay Ordinance stresses forced infiltration with no storm water leaving the property and in certain areas this can make things worse by opening more sinkholes. Mr. Franson went over the various restrictions that are imposed in Zone 1 and the Secondary Zone. Mr. Franson noted that after reading the study he feels that Zone 1 should stay intact and remain unchanged and that Zone 2 or the Secondary Zone could be eliminated as it is covered in the Act 167 Storm Water Management Ordinance. Mr. Franson noted that now the NPDES permit now covers pre and post storm water concerns.

Mr. Wise questioned if single family residences were covered? Mr. Franson noted that any existing homes were exempt but if new subdivision or land development were to take place, the ordinance would need to be complied with.

Mr. Kostas questioned if the Benner Township Ordinance 84 was the same as the Act 167? He indicated that it was. It may not be word for word but they are very close. When some municipalities adopted they made some of the requirements more restrictive than the Act.

Mrs. Alters questioned where the storm water run off from the Nittany Mall goes? Mr. Franson responded. Mrs. Alters noted that the point she was making is that the Township can't completely control the storm water that goes into the Canyon as it comes from outside of the Township.

Mr. Kostas questioned if Mr. Franson was still proposing the 1,000' buffer on both sides of the stream? Mr. Franson indicated that after reading the study he is not recommending the buffer anymore.

Mr. Kostas questioned if the Overlay Ordinance is removed from the Airport property will they still have to notify the Township when they are doing a project. Mr. Franson noted that again, Ordinance 84 will still be enforce after 5,000 sq. ft. of disturbance as well as the NPDES if the disturbance is over an acre. Mr. Franson also noted that the Overlay Ordinance conflicts with the USDA requirements. For an example the Overlay requires storm water detention and the USDA is saying get rid of the water quickly as it attracts birds which doesn't go well with air operations.

Mr. Eby questioned all of the storm water that appears to be coming from the airport that then runs along Rock Road? It was noted that our area received more than double the amount of average rainfall last year. The ground was saturated everywhere and caused more run off than normal.

Mr. Franson explained how storm water facilities designs have changed over the years. It was noted that now cascading ponds are more commonly used now instead of the one pond at the lowest point of the property.

Mr. Roberts questioned sinkholes, wetlands, steep slopes, etc. being addressed. Mr. Franson noted that these areas of concern are addressed in Ordinance 84.

Mr. Kostas noted that the Benner Township Water Authority appealed the DEP's decision to allow bio-solids to be placed on the Spicer Farm as it was pointed out by Dr. Paraziak that the DEP representative that did the inspection of the property failed to acknowledge certain sinkholes on the property.

Mr. Franson explained the difference between "B" soil types and "C" soil types and how these are used in calculations to insure the best practices and results.

Discussion was held concerning the proposed development to take place at the airport. Mr. Franson noted that they are proposing the cascading ponds, permeable pavement and other innovative ways to deal with their storm water.

David Roberts: Mr. Roberts raised questions a few other items that he has noticed that has been removed from the Zoning Ordinance. One of the items he noticed that was taken out was fencing around swimming pools. It was noted that fences around swimming pools are regulated by the State Wide Building Code. He noted that another item he found was taken out was lighting requirements.

#### **ENVIRONMENTALS**

It was noted that this will be tabled until another meeting due to the time.

#### **NEW BUISNESS**

Village of Nittany Glen Phases V-A.1 and V-A.2: Mr. Stafford noted that this is next 20 lots of the Village of Nittany Glen Development. These will be Berks Homes and they will have full foundations. This consist of a 600 foot extension of Fawn Valley Road and a hammerhead at the end of Fultons Run Road.

Mr. Stafford noted that he will be back in about three months with the next phase. Mrs. Swancer questioned with this different construction method does it seem to be selling faster. It was noted that they are. Several permits are being submitted each month. The selling price on the permits is noting \$300,000 to \$330,000.

Nittany Valley Joint Comprehensive Plan Update: It was noted that Nittany Valley is requesting any comments be submitted to them no later than May 16<sup>th</sup>. The Planning Commission has two additional meetings to submit comments prior to their next meeting.

#### **ADJOURNMENT**

The meeting was adjourned the time being 8:38 p.m.

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Sharon Royer, Recording Secretary