

**Benner Township Planning Commission**  
**May 23, 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 members Larry Lingle, Randy Moyer and Lee Copper present. Members absent were Jim Swartzell, Willis Houser and Anthony Gallucci. Also in attendance were Don Franson, Kevin Abbey, Rick Shawley, Susan Shawley, Sandra Foulkrod and Harry Foulkrod.

**MINUTES**

The minutes of April 25, 2019, were presented to the Board for their review and comments.

Mr. Copper moved to approve the minutes as presented. Mr. Lingle seconded the motion.

Vote: Mr. Moyer – yes

Mr. Lingle – yes

Mr. Copper – yes

Mr. Campbell – yes

Mr. Swartzell – absent

Mr. Houser – absent

Mr. Gallucci – absent

**PERSONS TO ADDRESS THE BOARD**

Don Franson: Mr. Franson noted that he was here tonight to go over the Environmental Protection section of the Zoning Ordinance that he is proposing. He noted that the proposed section is 19 pages long and about 10 pages shorter than what is in the Roth Plan. He noted that he was going to go section by section and note changes if from the Roth Plan.

**Section 500 Purpose:** Stayed exactly the same.

**Section 501 Relationship to Other Sections of this Ordinance:** Almost word for word as in the other ordinance.

**Section 502 Natural Features:** Mr. Franson noted that he feels that in the original it is worded that there would almost have to have a special plan to meet the section. It was noted that most of what is necessary is already required as part of the Subdivision and Land Development Plan.

**Section 503 Natural Features Review Procedures:** Originally there was a section 503.2 it required the same processes even when just placing a shed on your property. He is recommending that if only a Zoning Permit is being acquired that this section is necessary. An example would be If a one lot subdivision on say 100 acres and there is a long lane where there is an acre of disturbance then this would kick in.

Eliminated Resource protection and management strategies as it is already addressed in Section 502 and 503.

**Section 504 Floodplan Zone:** Stayed the same.

**Section 505 Riparian Buffers:** Most of this is the same. The one change is that 50' on the top of a stream bank. In the allowable usage did change the distance in the riparian buffer for yards to be installed. Discussion was held on how the calculations would be done for vehicular crossing standards. Mr. Franson noted that he will put something in noting that the calculation only includes the permanently disturbed areas.

Section 505.11 A – 5: Discussion was held concerning the 72 inch pipe requirement. It was noted that when something that size would go in it more than likely would require DEP permitting.

**Section 506 Wetland and Wetland Buffers:** Was taken from the old ordinance. Boundaries would need to be established by a professional having qualifications to do so.

**Section 507 Steep Slopes:** Mr. Franson noted that he changed the slopes to 25%. It was noted that building structures cannot be placed within slopes greater than 25%.

**Section 508 Stormwater Management:** It is to be in accordance with Ordinance 84.

**Section 509 Pennsylvania Natural Diversity Inventory:** Was mostly taken from the other ordinance. Discussion was held. The additional wording under 509.2 of "NPDES permit or Chapter 105 permit *or any other state permit requiring a PNDI*"

**Section 510 Site Geology:** It was noted that the original ordinance called it carbonite geology and required a geotechnical expert to do a review of the property and plan even on a small project. Mr. Franson noted that most features are required to be located in Act 167 and the Stormwater Management Ordinance 84. Mr. Abbey noted that could something be added here as an advisory. Mr. Franson noted that he would work on this.

**Section 511 Tree Cutting:** Mr. Franson noted that he took out the requirement of a need for a Forest Stewardship Plan. Another requirement that was taken out was the requirement of having all trees marked prior to having them cut. Setbacks were placed back in and Road Bonding was also placed back in even though it is already addressed in the Townships Street Standards Ordinance. Discussion was held on the setbacks noted and they will be tweaked.

**Section 512 Historical and Archaeological Resources:** Mr. Franson noted that he isn't exactly sure why this is included in the Environmental Section, but added that projects requiring a NPDES permit or Chapter 105 permit work through the process as required by the Pennsylvania Historical and Museum Commission.

Mr. Moyer noted that he feels that Mr. Franson did a great job and is happy with what was presented with the few minor changes noted.

Mr. Moyer moved to forward what Mr. Franson presented the Board with the minor changes to be made on to the Supervisors for inclusion into the new zoning ordinance. Mr. Lingle seconded the motion.

Vote: Mr. Moyer – yes

Mr. Lingle – yes

Mr. Copper – yes

Mr. Campbell – yes

Mr. Swartzell – absent

Mr. Houser – absent

Mr. Gallucci – absent

Mrs. Shawley questioned how does this effect the Spring Creek Canyon Overlay District? It was noted that these environmental regulations cover the entire township. Zone 1 is the only Zone that will be placed back in on the Spring Creek Canyon Overlay and does not affect any private properties.

Mr. Shawley asked questions on the zoning districts. Mr. Moyer noted that the draft map is pretty much as is. He noted further that there could be some adjustments in Benner Commerce Park since some of the lots split into two different zoning districts.

Mr. Campbell noted that this is his last meeting on the Planning Commission. He has served 13 years and it is no longer fun to him anymore. He noted that he will submit his resignation letter to the Board of Supervisors.

**ADJOURNMENT**

The meeting was adjourned the time being 7:52 p.m.

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Sharon Royer, Recording Secretary