

**BENNER TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**June 26, 2014**

**CALL TO ORDER**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by Nate Campbell, Chairman, at the Benner Township Municipal Building.

**ATTENDANCE**

Members present: Nate Campbell, Paul Kurtz, Genevieve Robine, Jim Swartzell, and Willis Houser

Members absent: Mike Anthony, Lee Copper

Others present: Raena Lindemuth, Richard Catherman, Robert Capuro, Romyne B. Naylor, Gary Witmer, Gloria Kiehl, Kevin Kiehl, Pat Burns

**MINUTES**

The minutes from the May 22, 2014 meeting were presented for approval. Ms. Robine made a motion to approve the minutes as presented. Mr. Kurtz seconded the motion. It was noted that at the June 12 meeting, there was not a quorum but the members present discussed the Zoning Ordinance Amendments.

Vote:           Mrs. Robine-yes           Mr. Campbell-yes           Mr. Kurtz-yes           Mr. Houser-yes  
                  Mr. Swartzell

**PERSONS TO ADDRESS THE BOARD:** All persons present at the meeting were there for business on the Agenda.

**COMMITTEE REPORTS:** None, but Mr. Campbell requested that the Committee Reports be moved towards the end of the Agenda, before Correspondence. He also requested that the Pledge of Allegiance is added to the Agenda after Call to Order.

**NEW BUSINESS:**

**1. Pat Burns Conditional Use Request: Flea Market at 3490 Benner Pike**

Gloria Kiehl gave an overview of their proposed Flea Market. She informed the Planning Commission that they are hoping to have 50 vendors at the Flea Market, which will be held every other Sunday from April through October from 8:00 AM to 2:00 PM.

Mr. Swartzell asked how large the Flea Market will be and what portion of the property will it cover?

Ms. Kiehl said the Flea Market will be 400' x 640' and will be on the Benner Township side of their property, not much into Spring Township.

Richard Catherman was present representing the Sky View Home Owners Association. Overall, the HOA does not object to the Flea Market, they just want to ensure that all conditions are met in the Zoning Ordinance.

Specifically, Section 433.6 regarding cleaning up after the Flea Market ends. Mr. Catherman asked where the merchandise will go after 2:00 PM.

Ms. Kiehl explained that each vendor will be required to sign a contract which includes a statement that they set up before 8:00 AM and tear down an hour after the Flea Market closes, taking everything they brought with them.

Mr. Catherman asked if they would be having any type of public address system.

Ms. Kiehl indicated that they do not plan to have anything like that.

Mr. Catherman thanked Mr. Burns for keeping the trees as a buffer between the two properties.

Romayne Naylor, owner of property at 164 Clemens Lane asked about a Wetlands Mitigation Plan? She presented the Planning Commission with a letter she received from Penn State University researching a possible wetland on the property.

Mrs. Schoch referred to the National Wetland Inventory to see if a wetland did exist. The NWI showed no wetlands existing now and no historic wetlands.

Gary Witmer, owner of property at 156 Clemens Lane was present to discuss concerns with safety and privacy.

Ms. Kiehl indicated they have plans to use caution tape or orange fencing around the area of the Flea Market to keep people within the boundaries.

Robert Capuro, Sky View HOA, asked if the use that exists currently is a Conditional Use and if two Conditional Uses can be established on the same property.

Mrs. Schoch indicated that if more than one principal use is established on a property that in most cases a Land Development is required through the Centre County Subdivision and Land Development Ordinance. After a discussion with the County Planning Office, the use is temporary so a Land Development is not required.

Mr. Capuro also noted he was pleased with the Buffer between the properties and asked if there will be more than a 50' buffer?

Ms. Kiehl indicated the buffer will remain at 50', they do not expect to get any closer.

With no more public comment, the Planning Commission held a brief discussion, outlining the concerns from the neighboring property owners.

The Planning Commission added one more reasonable condition as a result of the public comment and reiterated a condition already established in the Zoning Ordinance.

The newly added condition/language follows:

- Temporary fencing shall be placed around the area of the flea market to contain activities to the property.
- Flea Market must be dismantled and everything shall be removed as per the requirements of Section 433.6 of the Benner Township Zoning Ordinance.

With no further discussion, Mr. Campbell made a motion to recommend approval to the Board of Supervisors with the two new conditions, including temporary fencing and everything removed after sales end at the Flea Market. Mr. Swartzell seconded the motion based upon those conditions.

Vote:            Mrs. Robine-yes      Mr. Campbell-yes      Mr. Kurtz-yes      Mr. Houser-yes  
                     Mr. Swartzell

## **2. GAI Consultants: Discussion of proposed project at University Park Airport**

Raena Lindemuth of GAI consultants was present to discuss a proposed project at the University Park Airport. She informed the Planning Commission there is a need to rehabilitate the aprons to be in compliance with FAA standards. The project consists of repaving and re-grading to meet these standards and re doing some parking lots so that all parking will be connected by an access road.

The Airport is also requesting three variances; one for the lighting requirements, the poles have to be set back as far as they are tall, the other for the list of plants we required. The USDA has another list of specific plants that do not attract birds, therefore GAI needs to use those plants, and lastly, a variance from the Spring Creek Canyon Conservation Overlay, which requires all stormwater to be infiltrated or collected and recycled.

Ms. Robine asked more about the stormwater and what else the Airport could do to infiltrate.

Ms. Lindemuth indicated that it will be a very difficult task to do what the ordinance is asking because of the many sink holes that are present in this area.

Mr. Swartzell spoke as a member of both the Planning Commission and the Airport Authority, asking why the airport was covered in the Conservation Overlay Zone in the first place and this overlay should be reevaluated. The project the CCAA is working on is also within the Secondary Canyon Overlay and will be required to follow the Ordinance, even though the stormwater flows to Buffalo Run, rather than to Spring Creek, where is the dividing line for these two watersheds?

Mr. Kurtz felt that the Ordinance should only cover the Spring Creek Watershed and not others.

Ms. Robine felt that if a developer cannot do it all, show the Township what they can do and what steps they can take to make it better.

Ms. Lindemuth indicated that they can meet DEP standards at this time, which will be an underground piping system that goes to a swale, that swale leads to a fixed pond with a liner and 12" of soil.

A discussion was held about overall stormwater at the University Park Airport and the major issue it is. The retaining pond does not work and normally after a storm the water is running down Rock Road towards Barnes Lane and this needs to be fixed.

The Planning Commission requested Mrs. Schoch to look into the Overlay and see if there is an exemption statement when the water flows to another watershed.

**OLD BUSINESS:**

**1. Zoning Ordinance Amendment Process**

The Planning Commission will review the Ordinance between now and the next meeting then review the ordinance in full at the meeting on July 10.

The Planning Commission also requested a Special Meeting of the Board of Supervisors to officially present the proposed changes to them.

Mrs. Schoch indicated she will request this at the upcoming Board of Supervisor's meeting on July 7th.

**CORRESPONDENCE:** None

**NOTES:** None

**ADJOURN**

With all business complete, Mr. Swartzell moved to adjourn the meeting at 8:15 PM

Respectfully submitted by:

Lindsay Schoch, Zoning Officer