

**Benner Township Supervisors
June 24, 2019**

The specially advertised meeting of the Benner Township Board of Supervisors was called to order at 10:00 a.m. by the Chairman Randy Moyer with member David Wise present. Mr. Capriani was absent. Also in attendance were Rod Beard, Marley Parish, Edward Galus, Larry Lingle, John Kostas and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

John Kostas: Mr. Kostas questioned when a project in the Township gets completed who looks at the project to make sure that the stormwater measures have been installed completely and properly.

The Board noted that as each phase of a development is complete and dedicated; several entities do a walkthrough before the plan is recorded including the Township's Engineer, the County's Subdivision & Land Development Representative, the Developer's Engineer, and the County Conservation District representative when the E & S permits are being closed out. The plans that were submitted are compared to what was built. If there are items that were shown to be completed on the plan but were not, then surety is posted until those items have been completed.

Mr. Kostas questioned if inspections are held as the development then builds out. The Board questioned when would this ever stop, when would we stop policing this? Mr. Wise noted that his subdivision was done in 1978 and still has two vacant lots in it.

It was noted that residents need to take responsibility as well as what they do on their properties and heed to the conditions under which they purchased their property. Part of this is buyer beware. If there are stormwater easements on their property, potential owners should investigate what that means and be ready to take care of that responsibility.

Mr. Moyer noted as Mr. Franson has stated in multiple meetings that there are stormwater issues everywhere the last several years, in locations that have never had an issue because the area has received so much more rain fall than in a "normal" year. Last year it was a record year at over 100% of the normal amount. When there is 100% more water than the average year, problems are going to happen.

Mr. Kostas questioned the non-residential developments like the airport. It was noted that when projects are done by the airport, as example, they are engineered by firms in high regard and with specialized staff as they must make sure that the work is being done correctly. They don't hire someone just getting into the engineering field. Mr. Wise noted that as new projects are being designed they are being installed by using today's best management practices as they evolve.

Mr. Kostas questioned why pipes haven't been installed along Rock Road to prevent further erosion from taking place along the road. Mr. Moyer noted that DEP will not always allow this as at times it is considered altering a natural water way. By collecting all of the water in pipes can increase the flow speed and volume and create other problems.

BILLS

The bills of June 24, 2019, were presented to the Board in the amount of \$61,046.30. Mr. Moyer moved to approve the bills as presented. Mr. Wise seconded the motion.

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

NEW BUSINESS

Non Substantive Change to Nittany Express Land Development Plan: It was noted that a few minor changes are being requested for the Land Development Plan for Nittany Express. These include:

- a. The perimeter fence is relocated to be further from the parking area.
- b. The proposed dumpster enclosure is relocated.
- c. A business name sign is added.
- d. A speed limit sign is added.
- e. The footprint of the building is revised. Location is the same, all grading and parking are the same.

It was noted that Mr. Franson has reviewed this request and recommends approval.

Mr. Moyer moved to approve this non-substantive change. Mr. Wise seconded the motion.

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

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Letter Centre County Recycling & Refuse Authority sent Re: State Budget
2. Letter from Stover McGlaughlin to Berks at Nittany Glen Re: changes to Condominium Declaration
3. County Planning Commission correspondence:
 - a. Rutter's Convenience Store #87 Commence Construction Notice
 - i. Engineering Approval letter Rutters
 - b. Lot Addition/Replot Proposal GarrNick, LLC
4. Conservation District letter Re: Cannon Instrument E & S Plan
5. Benner Township Water Authority Meeting Minutes of May 21, 2019
6. SBWJA Minutes of May 28, 2019

*Mr. Wise questioned Mr. Beard if the Township has any involvement with what is going on between the Nittany Glen HOA and the Developers. He indicated that at this time the Township does not.

*Mr. Wise questioned if we have heard anything on the State Budget and the State Police allocations. Mrs. Royer noted that she has read something that it seems that this was being left out of the budget again in this year.

*Mr. Wise noted that he has spoken with the people in the field working for GDF on the proposed sewer extension surveying. The surveyors told Mr. Wise that most everyone that they have met with have been reluctantly ok with the project, however they have not yet been back in the Walnut Grove area. Mr. Wise noted that he does believe that having this surveying information ahead of time will allow residents to get a better idea of their lateral lengths and potential costs.

OLD BUSINESS

Zoning:

Spring Township Rezoning Request: The Board was in receipt of a letter from Spring Township making us aware of a rezoning request that they have on the Hartle tract which is located next to the Amberleigh Development. A small section of this is located in Benner. It was noted that this piece has already been changed to R-2 in our zoning map.

Benner Commerce Park Zoning: Discussion was held. It was noted at the Board's last meeting that the owners of Benner Commerce Park asked that the park in its entirety be rezoned to Commercial with discussions that Industrial projects could be placed in commercially zoned areas. Mr. Wise noted that

he still doesn't believe that all industrial uses should be permitted in a commercial zone. Discussion was held about allowing the uses as conditional. The Board decided that in the schedule of use chart in Industrial anything is permitted would also be conditional in Commercial, and anything in Commercial that is permitted would be conditional in Industrial. The zoning map would remain as it is and NOT be changed to all Commercial. The Krout property near Benner Commerce Park would remain Industrial.

It was noted that an effort will be made to have a cleaned up draft to the Board by their August 5th meeting.

*Insert revised Spring Creek Canyon Overlay (Primary Zone only)

*Insert Environmental Regulation section done by Don Franson dated June 1, 2019

*Forest Conservation District Table and Ag Table add

¾ Acre for Public Sewer only

½ Acre for Public Water and Public Sewer

*RR Zone Chart: Add ¾ acre for Public Sewer Only

Single Family detached with both Public Water and Sewer 20,000 sq. ft.

Duplexes with both public water and sewer 20,000 sq. ft.

*R2 Zone Chart: Add Duplex with Public Sewer only ¾ acre

*R3 Change the chart to the following for Duplex Dwellings

Maximum Density 6 DU/Net Acre

5,500 sq. ft. lot area

Minimum width at Setback 50'

Minimum width at lot frontage 45'

Front setback 25'

Side setback 10'

Rear setback 10'

*Change Township uses as 70% impervious with 80% if best practices are used

*Add a Group Home definition and made it a conditional use in all zoning districts

*Add tasting rooms, sales and restaurant to breweries.

*Height limit to 150' for Township uses.

*MHP table 9-1 remove table - keep sheds

*Have Rod resolve the concern of the Water Authority about well and installation standards of a private system.

*Correct numbering Section 14.5 and 14.6

*Remove stick built from Section 9.27 F

*Wood Furnaces add regulations that outdoor furnaces must have 5 acre minimum and have a minimum 100' setback of the furnace to property line. Make as a use in the residential districts.

*Make sure that the zoning map is included in the document.

*Non-Commercial keeping of livestock – add what was in the Roth Plan for regulations

*Make sure parking regulations are correct version. This needs to be what College Township has.

Discussion was also held concerning front yard setbacks. It was noted that Mr. Lesniak has provided a demonstration on how this would be measured. It was noted that the measurements have been taken from the edge of right of way on lots that front roads.

These changes will be made and a final copy will be drafted for a final once through by the Board members for mark up.

*The airports were both going to be permitted by conditional use in the use chart.

ADJOURNMENT

The meeting was adjourned the time being 11:18 a.m.

Sharon Royer, Secretary