**Benner Township Planning Commission**

**March 14, 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 Randy Moyer, Larry Lingle, Jim Swartzell, Willis Houser and Anthony Gallucci. Lee Copper was absent. Also in attendance were Shirley Gryczuk, Renee Swancer, Jeff Lucas, Kohn Kostes and Sharon Royer.

**MINUTES**

The minutes of February 14, 2019, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented. Mr. Linger seconded the motion.

Vote: Mr. Moyer - yes Mr. Lingle – yes Mr. Houser – yes Mr. Swartzell – yes

Mr. Gallucci – yes Mr. Campbell – yes Mr. Copper – absent

**ZONING ORDINANCE**

Mr. Moyer noted that he would like to discuss the remaining items and issues in the proposed Zoning Ordinance to get back on schedule with this ordinance.

Mr. Campbell noted that he goes back to the following items that were previously forward to the Board of Supervisors:

* Environmental standards need to be placed back in the document
* 1 to 1 development ratios
* Percentage of the open space in the Ag and Forest Conservation districts
* Any new “public” water systems to be built must be built to the Benner Township Water Authority standards and inspected by them

Discussion was held on how the topic of the Water would be added into the document. It was suggested that the Water Authority be consulted as to how this should be worded so that it is covered.

A side bar discussion was held on the Water Authority’s discussion on connecting the Hampton Hills/Opequon Water system to the Grove Park water system to dilute the nitrate levels and would people be mandated to connect to the water system if the water lines ran by others properties. It was noted that there currently isn’t a mandatory connection ordinance in the Township for water.

Environmentals: Mr. Campbell noted that he strongly feels that environmentals need put back in. He noted that he feels that it is irresponsible for not protecting Spring Creek and Buffalo Run. He noted that every other zoning ordinance that he has seen in surrounding townships has environmentals in them. Examples cited were riparian buffers, steep slopes, etc. It was noted that they either need to be listed or if it is covered somewhere else then point to the regulations or regulatory agency that covers it.

Mr. Campbell noted that he doesn’t understand the reason for not having the environmentals in the ordinance.

Ms. Gryczuk noted that she feels that that the environmentals should do more than to protect the streams, it should also deal with stormwater detention ponds, run offs, and protecting the underground aquifer, etc.

Mrs. Swancer questioned how the rest of the Planning Commission feels about the environmentals being excluded from the document. Mr. Houser noted that he also feels that they should be listed as they were before. Mr. Swartzell and Mr. Gallucci noted that they also agree.

Mrs. Royer read the different topics listed in the environmentals under the Roth Zoning Ordinance.

Mr. Campbell suggested that Don Franson and Mike Lesniak review what was in the Roth Plan to see what should be included again and what can be pointed to at other agencies. Those present agreed that this was a great idea. The Board would also like to hear the reasoning from Mr. Franson as to why he would like to see the airport removed from the Spring Creek Canyon Overlay District.

Questions were asked if there is a red line version of a past document showing what the Board of Supervisors changed from the version that the Planning Commission had. It was noted that the zoning document has been in many various formats over the last six plus years. The Planning Commission along with then Zoning Officer, Lindsay Schoch revised and edited the Roth Plan. Those changes we not what the Board of Supervisors were looking for, and then a draft zoning document was prepared by Chuck Herr. That document was then edited by then Zoning Officer, Chris Anderson and the Planning Commission. From there the Board of Supervisors took the document and made changes. The Planning Commission reviewed the use charts in this document and the definitions. All of these drafts and edits were then given to Mike Lesniak for him to retype and put the information into a new formatted document which is the version that we now have before us. The document that is on the website is the document to discuss.

Discussion was held concerning the Spring Creek Canyon Overlay. Mr. Moyer noted that based upon the concerns at the last meeting, much of the Spring Creek Overlay was going to be placed back into the Zoning document except for the private property and the airport itself. It was noted that Mr. Franson recommended that the airport be removed. The Planning Commission noted that they would like to hear from Mr. Franson on his reasoning why the airport shouldn’t be included. It was noted that the ordinance wording would remain the same but it would include the revised map.

It was also noted that concerns were expressed by the public at the last Supervisor’s meeting about Penn State further developing their property on the land that they acquired from Rockview. It was noted that this property is subject to a Conservation Easement held by Clearwater Conservancy and DCNR and it is very specific as to what may take place on this property. A new innovation park and student housing is not allowed.

Mr. Houser noted that he feels strongly that the Engineer and the Zoning Officer should be attending the Planning Commission’s meeting to offer their input.

Mr. Lucas questioned if anyone had any knowledge on any proposed expansion at the University Park Airport. Mr. Swartzell (who sits on the Centre County Airport Authority Board) noted that yes, there is a master plan that shows airport expansion but this master plan has existed for years. He continued that there is no need for expansion as the aircraft that is landing there currently doesn’t need a longer runway and he doesn’t foresee any runway length expansion any time in the foreseeable future. The turning radiuses are being proposed to be widened due to the aircraft being longer and therefore needing more area to make turns entering and exiting the runway.

Open space requirements were discussed. Mr. Campbell noted that he and the Planning Commission strongly feels that the 1 to 1 ratio is needed for the Forest Conservation District and Ag District. Open space requirements were discussed. Mr. Moyer noted that he feels if the open space is used that the 1 to 1 ratio isn’t needed. Mr. Moyer noted that he feels that if the ratio is used that eventually more farm ground will sold off and used up. He continued that he doesn’t feel that it is fair to the farmers that it is essentially taking money from their retirement by limiting their abilities to sell their property.

Mrs. Swancer questioned if Section 484 Rural Cluster Developments in the Ag District that was in the Roth Plan was considered. She noted that this does allow for smaller lot sizes and various housing types for the farms and was designed with careful thought for the farmers. Mrs. Swancer suggested that this be applied to a 100 acre farm to see what it would look like.

More discussion was held on open space and development ratios.

Mr. Gallucci noted that he is in favor of the 1 to 1 ratio. He believes that the larger remaining tracks will sell and that someone will buy it.

Mr. Campbell made a motion to insert language into the Zoning Ordinance that if public water supplies are being proposed for a development, that the water system must be constructed to the Benner Township Water Authority Specifications and inspection schedule. Mr. Gallucci seconded the motion.

Vote: Mr. Moyer - yes Mr. Lingle – yes Mr. Houser – yes Mr. Swartzell – yes

Mr. Gallucci – yes Mr. Campbell – yes Mr. Copper – absent

Mr. Campbell made a motion to have the Zoning Officer and Township Engineer review the Environmental Standards section of the Roth Plan to determine which sections should be included back into the new zoning document and which topics should be referenced to other state agencies/regulations. Mr. Houser seconded the motion.

Vote: Mr. Moyer - yes Mr. Lingle – yes Mr. Houser – yes Mr. Swartzell – yes

Mr. Gallucci – yes Mr. Campbell – yes Mr. Copper – absent

Mr. Campbell made a motion to re-recommend the previously approved Planning Commission recommended charts to the Supervisors for the Forest Conservation District, Ag District and Rural Residential District with a 1 to 1 ratio.

|  |  |  |
| --- | --- | --- |
| FOREST CONSERVATION | Lot Size | Open Space |
| On site water and Sewer | 1.5 acres\* | 35% |
| Public Sewer Only | 1 acre | 35% |
| Public Sewer Only | ¾ acre | 35% |
| Public Sewer and Water | ½ acre | 35% |
| AG DISTRICT | Lot Size | Open Space |
| On site water and Sewer | 1.5 acres\* | 10% |
| Public Sewer Only | 1 acre | 20% |
| Public Sewer Only | ¾ acre | 30% |
| Public Sewer and Water | ½ acre | 40% |
| RURAL RESIDENTIAL | Lot Size | Open Space |
| On site water and Sewer | 1.5 acres\* | 10% |
| Public Sewer Only | 1 acre | 20% |
| Public Sewer Only | ¾ acre | 30% |
| Public Sewer and Water | ½ acre | 40% |

\*1 to 1 ratio would not apply.

Vote: Mr. Moyer - no Mr. Lingle – abstained Mr. Houser – yes Mr. Swartzell – yes

Mr. Gallucci – yes Mr. Campbell – yes Mr. Copper – absent

Mrs. Swancer noted that she still strongly urges the Planning Commission to apply the regulations of 484 of the Roth Plan Zoning Ordinance on a farm to see what it looks like.

Mrs. Royer noted that another item that keeps coming up in discussion is that the Planning Commission had recommended that the airports by allowed as a use by right in the Industrial Zone and no longer a conditional use. It was noted that Bellefonte Airport is a grandfathered use. Mr. Campbell noted that he feels that this is something that needs clarification and legal review by the Zoning Officer and Solicitor.

Mrs. Royer noted that another portion of the ordinance that may change is the Airport Overlay. This section of the Roth Plan was being integrated in its entirety into the new proposed document. Mr. Elnitski has stated that this is illegal and outdated due to a court case decision. It was noted that the PA Bureau of Aviation has been contacted and asked to review this to see if there is a problem with what we currently have. This request was made back in November. They do provide two model ordinances on their web page for municipalities to use that have airports located in their townships. Both of these model ordinance are much shorter in length than what we currently have. Another email was sent to the Bureau to make sure that the model ordinances reflect the court case decision that Mr. Elnitski keeps referencing.

Mrs. Swancer noted that she feels that the airport should remain a conditional use and not a permitted use. Mrs. Royer noted that it was the previous Township attorney’s opinion that a “use” is only approved one time and doesn’t need to be continuously gone over should the approved use want to expand. Ie. A hangar was approved but now additional hangars are planned that they don’t have to be reapproved as it was determined that hangars were an acceptable use on the property. It is currently unknown if the current solicitor has the same view point or not.

**ADJOURNMENT**

The meeting was adjourned the time being 8:48 p.m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sharon Royer, Recording Secretary