

**BENNER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
May 26, 2016**

**CALL TO ORDER**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 PM by the Chairman, Nate Campbell who led the meeting with the Pledge of Allegiance.

**ATTENDANCE**

Members present: Nate Campbell, Willis Houser, Paul Kurtz, Greg Jeffries, Jim Swartzell, Sherry Dawn Jackson, and Lee Copper .

Members absent: None

Others present: Sign-in Sheet attached to minutes

**MINUTES**

The minutes from the May 12, 2016 meeting were presented for approval. Mr. Houser asked that his name be changed from Mr. Willis to Mr. Houser on the second page. Mr. Houser made a motion to approve the minutes with that correction. Mr. Jefferies seconded the motion. All voted in favor.

Vote:            Mr. Jeffries - yes      Mr. Campbell - yes      Mr. Houser - yes      Mr. Swartzell - yes  
                    Mr. Kurtz - yes            Ms. Jackson - yes      Mr. Copper - yes

**PERSONS TO ADDRESS THE BOARD:**

None

**NOTES:**

Wayne Engle was present to request final approval for Sullivan's Mini-Storage facility. He noted that they are looking to get the project finished and recorded. There was a non-substantive change that occurred during construction and was approved by the Township engineer, who approved the change. The change involved moving an internal gate and the entrance to the property. Mr. Swartzell made a motion to approve the plans, seconded by Mr. Houser, with all voting in favor. Mr. Campbell and Mr. Copper signed the plans as presented.

Vote:            Mr. Jeffries - yes      Mr. Campbell - yes      Mr. Houser - yes      Mr. Swartzell - yes  
                    Mr. Kurtz - yes            Ms. Jackson - yes      Mr. Copper - yes

**NEW BUSINESS:**

1.     A conditional Use hearing for a communication tower at the proposed State Police Barracks at the corner of Penn Tech Drive and Penn Tech Circle. John Sepp of PennTerra Engineering noted that the use is permitted by conditional use. He presented a picture of an 80 foot tower at another location. The proposed tower will meet all required setbacks, will be fenced in, and landscaping will be provided through the preliminary plans and parking area requirements. They are checking on the requirements from the Federal Aviation Authority, but they will propose a tower that meets with all FAA

requirements. The Benner Township Zoning Ordinance requirements are geared more toward new cell towers, and all rules will be adhered to. Variances will be reviewed by the Zoning Hearing Board on landscaping and the location of the parking area. A question was raised about guy wires, and the response that none will be needed. Mr. Kurtz made a motion to recommend approval, seconded by Mr. Swartzell, with all voting in favor.

Vote:            Mr. Jeffries - yes        Mr. Campbell - yes        Mr. Houser - yes        Mr. Swartzell - yes  
                     Mr. Kurtz - yes            Ms. Jackson - yes        Mr. Copper - yes

**CONTINUING BUSINESS:**

1. Bio Solids Ordinance. Mr. Jefferies has added language regarding review of Stormwater Protection Plans prior to DEP approval. This correction was discussed at our last meeting. Mr. Campbell noted that this would help protect individual wells as well as community wells and other sources of water. Mr. Kurtz made a motion to submit the proposed draft Ordinance on to the Board of Supervisors and the Township Solicitor, seconded by Mr. Jefferies, with all voting in favor.

Vote:            Mr. Jeffries - yes        Mr. Campbell - yes        Mr. Houser - yes        Mr. Swartzell - yes  
                     Mr. Kurtz - yes            Ms. Jackson - yes        Mr. Copper - yes

Shirley Gryczak asked about how this proposed ordinance would address the State ACRE Act? There are five cases presently in the State Attorney General Office, how does this proposal get around ACRE? The Commissioners noted that the Township Solicitor should weigh in on the proposal, and if need be, the ACRE law should be changed.

2. The Planning Commission continued its review of the Zoning Ordinance. Mr. Anderson presented opinion papers about a couple of permitted use discussions that the Planning Commission has had in the past (home occupations and recreation areas generally). These papers suggest better definition or combination of categories to consolidate. Mr. Campbell suggested that the Planning Commission review the language of each section, and that we would concentrate on permitted uses later. It was also suggested that we might compare some of the farm uses or fruit stands and clarify or combine. Renee made a comment that the Nittany Valley Joint Comprehensive Plan will need to be considered in the bigger picture review of the Zoning Ordinance along with the desires of the Township. In other words, how might a specific zoning change proposal affect the regional view?

In continuing to review the ordinance, we questioned water needs within the design requirements. The RR chapter allows a non-conventional subdivision design, and we have often discussed how water or wastewater requirements might be addressed. The beauty of the conservation subdivision design does permit conserved areas to be utilized for septic systems (on community property), and source water could be combined into a community water provision service. These will need to be addressed by engineering and the Department of Environmental Protection to insure quality water and wastewater services are adhered to. The Board asked to see some more general examples of what these subdivisions could look like. Mr. Anderson said that he could get some better graphics. The Board also noted that there is a fear that a developer could just throw away the bad lands of a larger property, but

still get the credit for housing development. Mr. Anderson will provide better information for future meetings.

**COMMITTEE REPORTS:**

1. Zoning Officer report

Mr. Anderson summarized the recent permits issued (8 in May), variance request for State Police barracks. It was noted that our next meeting will move on to the R-2 chapter, multi-unit housing, and could include MHP, Manufactured Housing Parks.

**CORRESPONDENCE:**

1. None

**ADJOURN:** The meeting adjourned at 8:05 PM

Respectfully submitted by:  
Christopher Anderson, Zoning Officer  
By listening to the tape of the recorded meeting.