

**BENNER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
October 23, 2014**

**CALL TO ORDER**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:01 PM by the Chairman, Nate Campbell who led the meeting with the Pledge of Allegiance.

**ATTENDANCE**

Members present: Paul Kurtz, Jim Swartzell, Lee Copper, Willis Houser, Nate Campbell, and Genny Robine

Members absent: Mike Anthony

Others present: Sign-in Sheet attached to minutes

**MINUTES**

The minutes from the October 9 2014 meeting were presented for approval. Mr. Swartzell made a motion to approve the minutes. Mr. Kurtz seconded the motion.

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

**PERSONS TO ADDRESS THE BOARD:** None

**NEW BUSINESS:**

**1. Yeagle's Mini-Storage Final Land Development**

Wayne Engle was present to discuss the Mini-Storage Facility on the Benner Pike and its expansion. He indicated that they are currently adding one additional building, but have planned for future expansion. At the current time, all Township, Engineer, and most of the County Comments have been addressed. The Easements are in the process of being recorded.

Mr. Swartzell made a motion to recommend approval to the Board of Supervisors with the condition that all easements are recorded. Mr. Copper seconded the motion.

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

**2. Graystone Courts-Final Plan Approval**

Construction is complete on the Graystone Court Building on the Benner Pike. The developer is now looking for the Plan to be signed by the Planning Commission and the Board of Supervisors. They do not plan to post surety since all items have been completed.

Mr. Swartzell made a motion to recommend approval of the Plan to the Board of Supervisors, Mr. Kurtz seconded the motion.

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

The Planning Commission then signed the Plan.

### **3. Trout Unlimited-Discussion of Article V of Zoning Ordinance-Environmental Protection.**

Scott Brumbaugh, a Benner Township resident and member of Trout Unlimited, was present to discuss the proposed changes to the Benner Township Zoning Ordinance, specifically Article V, Environmental Protection. He came prepared with a list of changes he would like to see kept in the Ordinance, specifically regarding the Riparian Buffer Section of the Ordinance. The Planning Commission thanked Trout Unlimited for coming and indicated at this point we are moving in a different direction with the Zoning Ordinance, but hope to keep Environmental Protections within the Ordinance and that we would take into consideration all of the comments from Trout Unlimited and thanked them for the time and effort they put into reviewing the Ordinance.

#### **OLD BUSINESS:**

##### **1. Powell Conditional Use, follow-up:**

Many people were present to discuss the Hayride Operation that has been on-going near Armagast Road. Mr. and Mrs. Powell were present as well as R.B. Powell to hear the concerns of the neighbors and others in the area. Concerns ranged from noise of the bands, noise of the students getting on and off the buses, drinking heavily in the area, drinking and driving, people getting lost and showing up at properties off of the beaten path, the times the hayrides end after midnight, the days of the week the hayrides are being operated, the overall "draft" definition of agri-tourism, the property is not an actual farm so cannot have an accessory business such as the hayrides, crowd control to the property, size of the crowds coming in the evenings and staying all night, bonfires and the controlling of the fires after the parties are over, and other similar concerns.

The Powell's indicated they want to be good neighbors and work with the Township to make things right and to continue conducting their business in the Township. Everyone took a turn to voice their concerns and the Planning Commission then discussed the concerns.

Some of the conditions the Planning Commission will consider are fencing/crowd control to the property, general noise regulations, limit the size of crowds, limit the hours of operation and control the buses coming in and out.

Mrs. Schoch met with the Township Solicitor earlier in the week and discussed the operation, their conditions ranged from time restrictions, vehicular access approved by the Township Engineer, Sewage Disposal approved by the Township SEO, Prohibiting signs/advertising on the property, limit the number of employees, prohibit alcoholic beverages, and comply with all state and local laws, ordinances, and regulations.

Mr. Campbell made a motion to recommend to the Board of Supervisors that they request the

Conditional Use Hearing be Continued to a later date so the Planning Commission can have more time to consider all of the concerns based upon Public Comment received. The Planning Commission would like to amend the Zoning Ordinance to allow agri-tourism as a Conditional Use within the Agricultural Zoning District with a basic definition and conditions and then review Mr. Powell's Conditional Use application again. The Planning Commission also recommends as a part of their motion to deny the Conditional Use if the Powell's do not wish to continue the hearing. Mr. Swartzell seconded the motion. The Conditional Use Hearing is scheduled for 7:00 PM on Monday, November 3, 2014.

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

**2. Zoning Ordinance Update: Review of Maps from the County Planning Office.**

The County Agricultural Planner prepared the maps for the Township graphically showing how the Township would look if all of the Agricultural Land was built out to what our limits on subdivision tables allow. One map showed our table within the Agricultural Zoning District, the second map showed the Cluster Development build out that is in our Zoning Ordinance, and the third map showed the Potter Township Zoning regulations.

The Planning Commission, after their initial review felt the Cluster Development was right in the middle and would be the best way to go. They will further review the maps.

**COMMITTEE REPORTS:** None

**CORRESPONDENCE:** Floodplain Ordinance. Mrs. Schoch emailed each member of the Planning Commission a "Draft" of the Proposed Floodplain Ordinance. The state is requiring this Ordinance be updated by January 16, 2015. There are items in the Ordinance in bold that can be included to make the Ordinance more restrictive. It is requested the Planning Commission review these bold items and recommend if they should or should not be included.

**NOTES:**

**ADJOURN:** Mr. Campbell made a motion to adjourn the meeting at 10:20 PM

Respectfully submitted by:

Lindsay Schoch, Zoning Officer