

**BENNER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
October 9, 2014**

**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 lead the meeting with the Pledge of Allegiance.

**ATTENDANCE**

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

Members absent: Genny Robine, Mike Anthony

Others present: Robert Lumley-Sapanski, R.B. Powell, Earl Hughes, George Powell, Veronica Powell

**MINUTES**

The minutes from the September 25, 2014 meeting were presented for approval. Mr. Houser noted that on the second page, his name was stated as "Mr. Willis" and asked it to be changed to Mr. Houser. Mrs. Schoch noted the mistake and indicated she would make the correction. Mr. Swartzell made a motion to approve the minutes based upon changing Mr. Willis to Mr. Houser. Mr. Kurtz seconded the motion.

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

**PERSONS TO ADDRESS THE BOARD:** None

**NEW BUSINESS:**

- 1. Conditional Use Application-R.B. Powell & George Powell: Proposal to include a use in the Zoning Ordinance that is neither permitted or prohibited.**

Mr. R. B. Powell made a presentation on the business currently being operated on Forest Pond Lane. He explained they have been in business for many years in other municipalities, but recently needed to find a new location. They want to eventually open the area to more than just the hayrides in the fall time, but to public fishing, hunting, dog training, birthday parties, etc. Currently the property is in the Conservation Reserve Enhancement Program (CREP) and is being utilized for food and shelter for wildlife. As the operation currently stands, they bus groups of students from Penn State and have bon fires, hayrides, and blue grass music playing with an amplifier on a stage. Their season is about 8 weeks long and will be over once the students go home for the winter break. With the Conditional Use Process, they are thinking ahead to having more of a substantial operation on the property on a possible year-round basis. They want to start with farm tours and lectures, ecology tours, PSU Fishery Projects, and other similar activities.

George Powell spoke briefly regarding noise, indicating he was a noise technician with bands in the area and the noise can be measured with a decibel meter to ensure they are in compliance with the Benner Township Noise Ordinance. He also noted that they have a fire protocol and put the fires out every night before leaving the property. They also value sharing the land and the area they live in with others.

Some groups bring beer to the property. At this time, the owners are only permitting beer, no hard liquor at the hayrides. To ensure this policy is being followed, they have security guards at the buses on campus who check the students before getting on the buses.

There are no plans to have overnight parties, the last groups come at 9:30 and no one is there past 1:00AM.

Bob Lumley-Sapansky, resident who lives at the end of Raspberry Lane was present to discuss his concerns with the ongoing operation. He has lived in this area for years and it has always been a paradise, quiet with a nice trout stream in his back yard, now they are faced with a potential business on the adjacent property. His major concerns are the alcohol consumption, noise, and lights. There is a Right-of-Way in front of this property that Spring Benner Walker Joint Authority owns, he has had problems with people using that for drinking parties in the past and riding ATVs along it. Also, there are some large pits on Graymont's property, which is adjacent to his that are open and anyone can fall into those pits if they are not paying attention. Mixing these dangerous things with alcohol is a concern.

Mr. Lumley-Sapansky also asked about lighting and bathrooms, in which R.B. Powell responded with a generator is being used for lighting/electricity, and port-a-potties are being used currently as bathroom facilities.

Mr. Kurtz asked if they have liability insurance for the operation they are running.

R.B. Powell indicate they have a blanket type insurance policy, which is about \$1.00 per person

Mr. Houser asked if they have discussed using the Right-of-way with Spring Benner Walker Joint Authority and what the houses on the properties are being used for?

R.B. Powell stated that he met with Spring Benner Walker recently and discussed the use of the Right-of-Way and that currently the home on the larger property is being used as a rental house and the other house is lived in by George, his wife, and kids.

After a discussion among the Planning Commission members, they came to the agreement that the use is a good use of land as they discussed at the meeting in November of 2013. They felt that when the Ordinance was being prepared, that this use should have been an accessory to an Agricultural Use within the Township Zoning Ordinance.

Mr. Swartzell made a motion to recommend approval of establishing the Conditional Use within the Agricultural Zoning District of the Benner Township Zoning Ordinance. Mr. Kurtz seconded the motion.

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

**OLD BUSINESS:**

**1. Zoning Ordinance Update**

Mrs. Schoch indicated that the Township Solicitor wants to see each Zoning District with the permitted uses. He will review those and work towards the supplemental information/general provisions portion of the Ordinance with the input of Mrs. Schoch.

**2. Sign Plan-Grove Park Lot 21**

Mrs. Schoch informed the Planning Commission that some of the comments the County Planning Office had were not changed on the Plan so it needs to be signed again.

**3. Sidewalk Maintenance Ordinance**

Don Franson sent a memo to the Planning Commission as a result of the motion made at the September 25, 2014 meeting regarding bonding of sidewalks and having a grace period where the contractor is responsible for the maintenance of the sidewalk. Mr. Franson's memo discussed other alternatives the Township uses to ensure the upkeep of the sidewalks throughout construction, etc. The Planning Commission was satisfied with Don's letter and overall is okay with the Ordinance as it stands.

**COMMITTEE REPORTS:** None

**ZONING OFFICER REPORT:** Mrs. Schoch attached the Zoning Officer Report to the meeting materials for the Planning Commission's information.

**CORRESPONDENCE:** None

**NOTES:** Township Board and Commissions Appointments. It was noted that Nate, Willis, Genny, Mike, and Paul all have terms expiring in 2014. Of the members present, Nate, Willis, and Paul all indicated they are still interested in serving on the Planning Commission for another term. Mrs. Schoch will check with Genny and Mike at the next meeting. Jim and Lee's terms expire in 2015.

**ADJOURN:** Mr. Swartzell made a motion to Adjourn the meeting at 8:40 PM

Respectfully submitted by:

Lindsay Schoch, Zoning Officer