

Benner Township Supervisors
October 1, 2018

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, Randy Moyer with members David Wise and Mark Capriani present. Also in attendance were Devon Warner, Don Franson, Thomas Eby, G.F. Clair, H. Hosterman, P. Reilly, Bev Hohner, Don Hohner, Karen Querns, Helen Alters, Bob Runkle, Cathy Runkle, Diane Crowe, Kathy Koehler, Jane Koppen, Tom Yackley, Pamela Czapla, Shirley Gryczuk, Domenick Divito, Mario Meraglia, Sue Morgan, Anthony Gallucci, Barrie Kutruff, Karen Kutruff, Andy Swales, Sandi Swales, Lee Copper, Paul Kurtz, Andrea Murrell, Judson Mantz, Lynn Chaplin, Brian Alterio, Nate Campbell, Jeffrey Lucas, Scott Brumbaugh and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Jane Koppen: Ms. Koppen noted that she was concerned with the new R-3 Zoning District and how it will affect her development. Noting further that two story homes, duplexes and townhomes will change the character of the development. It was noted that the development has already undergone so many changes from what they originally bought into. It was noted that the clubhouse has been downsized, the 55 and over restriction was changed and now the types of homes. Ms. Koppen noted that at their quarterly meeting in January they were told that the development would be sold to Berks Homes but were told that the homes that they would be building would be of the same character as what was currently there. At their meeting in April they were shown pictures of different homes that could potentially be built in their development but most residents were not happy when they learned of two story homes potentially being constructed.

Diane Crowe: Questioned what the R-3 district allowed for.

Mr. Moyer noted that the Village of Nittany Glen was changed to R-3 which will accommodate the existing plan of Nittany Glen as far as lot sizes but would allow for stick built homes. This new designation was created as not to effect the other properties zoned MHP and keep those developments as they are. In the current draft, townhomes and duplexes would be permitted noting that an amendment had previously be approved which allows townhomes in the front section of the development currently.

Devon Warner: Mr. Warner noted that yes, Berks plans in construct two story homes in Nittany Glen. He noted that with the small lot sizes that building the two story homes is the only way to get customers the square footage they desire.

Bob Runkle: Mr. Runkle noted that he hoped that the people in the existing community and the developer could meet and reach common goals for the Nittany Glen development.

Dr. Clair: Dr. Clair noted that while he is a property owner of Commercial property in the township, he is 100% against changing the impervious coverages from 60% to 80%.

Helen Alters: Mrs. Alters noted that by changing the density regulations in the Ag District it will greatly impact the schools, roads and water usage. She noted that while the existing 20 to 1 ratio may not be logical this needs to be re-looked at.

Brian Alterio: Mr. Alterio noted that he agrees with Mrs. Alters. Where did the proposed 1/3 acre lots come from? Who is recommending this change? He noted that with no checks and balances development will be uncontained. He noted that all of the other townships have regulations that limits the number of homes and wanted to know why this was left out for our township.

Randy Moyer: Mr. Moyer noted that the 1/3 acre lots as proposed must have both public water and sewer and that this isn't going to happen easily. Noting further that a great deal of engineering would need to be involved for any sewer extensions to take place.

Mr. Alterio asked the Supervisors to each state what they do for a living. The replies were:
Moyer – Construction and excavation
Capriani – Sales
Wise – retired, crop farming

Mr. Capriani noted that he made a commitment when he was elected to change the zoning from the Roth Plan. He noted further that he doesn't find it fair that those that have owned land for generations are being penalized and not being allowed to profiting from it when they need to. Noting that the ones that have recently built and have the "I got mine and now I don't want to see anything change" mentality doesn't sit well with him.

Robert Fera: Mr. Fera questioned what was the Planning Commission's recommendations? He noted that it seems that with the development as proposed that the Township could turn into closer to what State College looks like.

John Kostas: Mr. Kostas questioned the size of the lots if on lot septic is done. It was noted that the size would be 1 1/2 acres because each lot would be required to have a main system site and a replacement site.

Helen Alters: Mrs. Alters noted that it was mentioned that the Planning Commission has been working on revising the existing plan for years. Who wrote the changes after the Planning Commission was finished? Why did the ratio change from what the Planning Commission proposed?

Mark Capriani: Mr. Capriani noted that the Board told the Planning Commission that they didn't like what was in the Roth Plan but that for the ratios they pretty much kept it similar to what it was and that they were told that those would not be approved.

Robert Fera: Mr. Fera questioned why would the Board go against what the Township residents want.

Mark Capriani: Mr. Capriani noted that he was elected by the people of the Township to make these decisions.

Andy Swales: Mr. Swales noted that pretty much all of the developable land in the Township is in the water recharge area. He noted that protection of water resources is critical and that he feels additional ideas should be looked at to continue its protection. He noted further that he

feels that perhaps this process needs to take a step back to allow for more time to look into this further.

Andrea Murrell: Ms. Murrell noted that she is opposed to this draft. She noted that while the zoning map shows little change, the document represents huge changes. She continued that she feels that more information needs to get out to the public as to the changes that are really being proposed. She noted that if residents really knew and understood what was being proposed she feels that a whole lot more people would be in attendance at this meeting. She further questioned what Appendix A is and why is it mentioned in the document but not included. She concluded that it is too big of a risk to pass this document as currently written at this time and encouraged the Board to take more time to review.

Dr. Clair: Dr. Clair noted that he feels that the 20 to 1 ratio is too large but that 1/3 acre lots are too small.

Mr. Wise explained what the 20 to 1 ratio is and how it works.

Brian Alterio: Mr. Alterio noted that he doesn't see any support for this document as it is currently so why would the Board would want to proceed with this document.

Tom Eby: Mr. Eby noted that he would like to see more park lands in the Township that isn't subjected to continuous flooding. He also noted that he has increased concerns for stormwater issues. He stated that there are several locations where there were small fields and then the fence rows were removed which assisted in stormwater retention and now are causing run off issues.

Nate Campbell: Mr. Campbell noted that the Planning Commission was ok with changing the zoning at Nittany Glen to allow for stick built homes but doesn't agree with allowing townhomes to be built anywhere on the property.

He also noted that while the 20 to 1 may not be ideal and should be looked at he feels that allowing for 1/3 acre lots is not ideal either. He continued that he disagrees with Mr. Moyer that the criteria to obtain the 1/3 acre lots would be hard to obtain. He noted that wells for "public" water has been done three times already in the Township to get smaller building lots and that major sewer trunks are in very close proximity to several large vacant farm fields.

Mr. Campbell noted that he knows that development is evitable and that it can't be stopped but feels that the properties should be zoned for what they are and when rezoning is needed it can be handled on a case by case basis.

Mr. Campbell noted that in an earlier draft that the Planning Commission worked on called for developments to have open space included in them. He noted that he feels that the Planning Commission and the Board of Supervisors should hold a few joint work sessions to work on the remaining issues of the draft.

Karen Querns: Ms. Querns noted that she would like to thank the Planning Commission members for all of the time that they have invested in educating themselves and seeking knowledge to make the best possible decisions for the Township realizing that this is a

thankless, volunteer job. Ms. Querns noted that she would like to ask the Board members a few general questions.

1. Has any board member ever purchased land from a farmer in the Township?

All board members indicated "no".

2. Has any Board member been involved in activities that would be considered as acting as a developer in the Township?

Mr. Wise: noted that he was employed by the CBICC when Benner Commerce Park was developed.

Mr. Capriani: No

Mr. Moyer: Noted that he has done work for developers but hasn't been one.

3. What is the remainder of the Board's terms:

Mr. Capriani – 1 year

Mr. Moyer – 3 years

Mr. Wise – 5 years

Helen Alters: Mrs. Alters questioned if the County comes back with comments on what is being proposed would the Board consider making changes?

It was noted that a draft has been sent to the County as well as the municipalities in the Nittany Valley for comments, however the Board isn't required to make any suggested changes.

Andy Swales: Mr. Swales reiterated that he feels that is a very reckless move to approve this document without an appendix "A" addressing environmental concerns.

Mark Mahoney: Mr. Mahoney suggested that perhaps the Board take a look at Patton Township and Halfmoon Township's ordinances. He noted that they allow for one unit per acre with open space requirements and that perhaps that this would be a compromise to consider.

Sandy Swales: Mrs. Swales asked, "What is the rush in getting this adopted?"

Mr. Capriani noted that work on this document has been going on for over five years and it needs done.

MINUTES

The minutes of September 6, 2018, were presented to the Board for their review and comments. Mr. Capriani moved to approve the minutes as presented. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

BILLS

The bills of October 1, 2018, were presented to the Board for their review and approval. Mrs. Royer noted there is \$347,414.34 in bills to be paid for the Purdue Mountain project however we are still awaiting for the PIB loan funds to be released. Noting that she would like approval to pay these bills as soon as the funds are received. Mr. Moyer moved to approve the General Fund and PIB Loan bills as presented. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

ENGINEER'S REPORT

Mr. Franson noted that other than what is on the agenda, he has been working with the other engineers on the Purdue Mt. project close out paperwork.

COMMITTEE REPORTS

Mr. Wise noted that he attended the Spring Creek Watershed Committee where the ATLAS project was discussed and well as the CCMPO meeting where amendments to the long range transportation plan were approved.

OLD BUSINESS

Centre Region COG Deputy EM Coordinator: This item remains tabled.

Zoning Ordinance: The following comment letters have been received on the draft ordinance:

- a. Nate Campbell
- b. Paul Kurtz
- c. Scott Brumbaugh
- d. Spring Creek Trout Unlimited
- e. Pleasant Valley Aviation, Inc.
- f. Thomas Eby

Shiloh Road Sewage Service Update: Mr. Wise noted that progress is being made relative to a resolution to providing sewer service to the Shiloh Road area. Mr. Wise noted that he attended a meeting with DEP representatives in Williamsport where two possible solutions were discussed. Mr. Wise noted that one is easy and that the second isn't as easy but is doable. The first solution is that SBWJA signs a letter stating that they are agreeable to allow this area to be served by UAJA. The second solution is that a special study will be done in which the area will be removed from them. It was noted that Mr. Wise and Mr. Book plan to approach SBWJA one last time and if no progress is made, the special study will be started.

NEW BUSINESS

Bellefonte Emergency Medical Services: Mr. Wise noted that he attended a meeting held at the Bellefonte Emergency Medical Service facility. He noted that the area public officials were asked to attend and that it wasn't very well attended. It was noted that they are having budgetary financial issues and are asking that the area municipalities begin to contribute to them to continue to make their services available to the community. It was noted that out of the 1,800 calls that they responded to last year, that 300 of them were in Benner Township noting that they don't get many, if any, calls to the State prisons. They are asking for a \$11,678.55 2019 contribution from the Township for the 2019 budget year.

Pension Plan MMO: It was noted that the Board is required to approve the Township's MMO contribution each year for the next year. It was noted that the 2019 MMO is \$58,878 and while the state's contribution is usually 1/3 to 1/2 of this amount, that the state requires the township to include the entire amount in their budget appropriations. Mr. Moyer moved to approve 2019 MMO. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

Budget Work Session: It was decided to hold a budget work session on October 29th at 9:00 a.m.

Solicitor RFPs: The Board asked that RFPs been sent out to Rod Beard; Miller, Kistler and Campbell and Betsy Dupire for municipal legal representation.

NOTES

Mr. Moyer noted that he would like to point out that upon researching John Elnitski’s comments that the acreage amount was changed to prohibit Bellefonte Airport from being able to comply with the ordinance, that this statement was not true. The acreage requirements were taken from the Roth Plan that was adopted and approved while Mr. Elnitski was in office, it was not modified.

ZONING ORDINANCE

Mr. Wise noted that he thought that draft of the zoning ordinance was further along than what it now appears to be. Noting that he feels that it is approximately 90% there. Discussion was held.

Mr. Capriani moved to advance the draft as written for advertisement for adoption on November 27, 2018 at 7:00 p.m. He also is requesting a work session with the Planning Commission to look at other options for developing in the AG and FC Zoning Districts. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes Mr. Moyer – yes Mr. Wise – no

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Centre County Planning Commission
 - a. Lot Addition/Replot Davann Gordon
 - b. Non Substantive Change Keystone Payroll Land Development
 - c. SilcoTek Manufacturing Comments
 - d. Time Extensions
 1. Nittany Express
 2. Keystone Payroll
 3. All Storage Solutions
 4. Dunkin Donuts
 5. Mammoth Restoration
 6. SCI Rockview Housing Units
2. SBWJA Minutes – August 27,2018 and September 10, 2018
3. Rutters Traffic Study review letter
4. NPDES Notification letter for ARL Steam Facility
5. E & S Approval letter for Silcotek

ADJOURNMENT

The meeting was adjourned the time being 8:45 p.m.

Sharon Royer, Secretary