

**Benner Township Supervisors  
Bellefonte Campground – Conditional Use Hearing  
October 4, 2021**

The continuation of the Bellefonte Campground Conditional Use Hearing was called to order at 7:00 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Mr. Beard noted that this hearing was advertised in the Centre Daily Times on September 20 and 27, 2021. Others present signed the attendance sheet that is attached. Mr. Beard noted that the Court Reporter isn't present this evening and asked if everyone present was ok with just having an electronic record taken for transcribing. No one present objected.

Fred Gay testified that he doesn't believe that the access into the proposed campground is adequate. The roadway wasn't constructed for the weight of the vehicles that would be using the road and questioned if this lot had the ability to even use the roadway.

Matt Geig, attorney representing the Eveys spoke on the burden of proof that Mr. Elnitski needs to present to the Board for approval and that it isn't up to the Board of Supervisors to tell Mr. Elnitski what he is lacking. He noted that he feels that Maison Lodging lacks standing to file the request for the Conditional Use.

Jan Thomas questioned by Marina Elnitski hasn't been present during these proceedings? John Elnitski noted that she is 86 years old and can't handle the stress that these meetings would have put her under.

Mr. Elnitski noted that the Right of Way agreement is a private matter and that he believes that with his mother's letters that standing has been met. Mr. Elnitski noted that he feels that they meet all of the conditions for a conditional use.

Don Nagel questioned if Mr. Elnitski is even a qualified attorney.

Mr. Elnitski noted that he has both a Pennsylvania State Bar number and a Federal Bar number.

A letter received from John and Carrie Fala of Raymond's Lane was entered into the record as an exhibit.

Mr. Randy Moyer asked Mr. Beard to go over the list of items that he feels that has not been met during the hearing. Some of the items noted included:

- \*Screening
- \*Lighting
- \*Bathroom facilities for both sexes
- \*Soap and single service towel service
- \*Dump station requirements
- \*Outdoor play areas designated
- \*Some PA code requirements for a campground that are incorporated in the zoning ordinance

Discussion was held.

Mr. Elnitski noted that he felt that the items noted could be easily addressed.

Mr. Elnitski noted that before he can present to the Bureau of Aviation he has to have the Township's conditional use approval.

Mr. Beard noted that it is up to the applicant to show that they met the criteria listed in ordinance before the use can be approved.

Mr. Elnitski noted that if the Bureau of Aviation doesn't allow it, then he won't do it.

Mr. Beard noted that this isn't a land development plan it is a zoning use application.

Mr. Lingle questioned why Mr. Elnitski hasn't taken this to the Bureau yet. Mr. Elnitski noted that if the township doesn't approve it the Bureau won't talk to him.

Dan Swarm: Mr. Swarm noted that while Mr. Elnitski is disappointed that there are a lot of others that are also disappointed with this.

Darrell Hubert: Believes that this proposal goes against the health safety and welfare of the township residents.

Rob Sukley, Bureau of Aviation: Mr. Sukely noted that John is correct the Bureau will want a plan. He noted that FAA will also study it. He noted that in the guidance of land use that the Bureau has that a campground isn't compatible with an airport.

Sue Loundsbury: Asked that the Board deny the plan until it is determined if the application has been done properly with someone that has standing to do so.

Jan Thomas: Noted that in light of the new information that was received tonight, didn't feel that a decision should be given tonight until it is sorted out more.

Amy Freeman: Feels that more detail should be given. IE: Fences should list type of material/height etc.

Matt Geig: Noted that it is not the Board of Supervisor's job to assist the applicant to show him and tell him what he needs to do.

Mr. Elnitski noted that the defects that were noted can easily be corrected.

Mr. Larry Lingle moved to deny the conditional use request based on the health, safety and welfare of the community based on the information that has been presented. Mr. Tom Moyer seconded the motion.

Vote: Mr. T. Moyer – yes

Mr. Lingle – yes

Mr. R. Moyer – yes

The hearing was closed the time being 7:50 p.m.

  
Sharon Royer, Secretary

**Benner Township Supervisors  
Lamar Advertising Conditional Use Hearing  
October 4, 2021**

The conditional use hearing for Lamar Advertising was called to order at 7:50 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Also in attendance were Brendan Kavanagh, Mike Beiter, Ellen Freeman, Scott Shaeffer, Scott King, Thomas Kupchinsky, Allen Strouse, Treva Deibler, Mark Torretti, John Kostas, Tom Eby, Jim Lanning, Rod Beard, Mike Lesniak, Matt Harlow, Dave Palmer, Brian Heiser, and Sharon Royer.

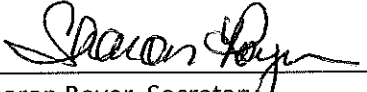
Mr. Kavanagh and Mr. Beiter were present from Lamar Advertising to go over their Conditional Use application. It was noted that Lamar currently has 4 smaller billboards located along the Benner Pike on the G.M. McCrossin property. They noted that they would like to replace these signs with one 36' X 10'6" double faced sign. One side of the sign would be digital with the other being stationary. Mr. Kavanagh presented the Board with diagrams as to where the proposed signs would be located on G.M. McCrossin's property. Mr. Lesniak noted that all bill boards of this size are required to come before the Board of Supervisors for conditional use approval. Mr. Randy Moyer moved to approve the application as presented. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes

Mr. Lingle – yes

Mr. R. Moyer – yes

The hearing was adjourned the time being 7:58 p.m.

  
Sharon Royer, Secretary

**Benner Township Supervisors  
Giant Company Inter-Municipal Transfer of Liquor Licenses  
Public Hearing  
October 4, 2021**

The public hearing on Resolution 21-7 was called to order at 7:59 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Also in attendance were Ellen Freeman, Scott Shaeffer, Scott King, Thomas Kupchinsky, Allen Strouse, Treva Deibler, Mark Torretti, John Kostas, Tom Eby, Jim Lanning, Rod Beard, Mike Lesniak, Matt Harlow, Dave Palmer, Brian Heiser, and Sharon Royer.

Ellen Freeman of Flaherty & O'Hara introduced herself as representing Giant Foods. She noted that Giant Foods is in the process of building a new facility in the Township along the Benner Pike. She noted that they plan to have a small section of their store where patrons can purchase A-1 class beverages consisting of beer and wines. It was noted that Giant currently has 133 liquor licenses in the state of Pennsylvania. Their stores participate in 100% carding. Employees undergo special training to work in this section of the store where cameras are used. This area also is restricted to limited hours of operation.

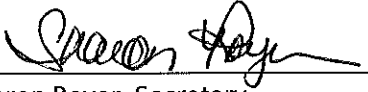
Proposed Resolution 21-7 was presented to the Board for their consideration. Mr. Randy Moyer moved to approve Resolution 21-7. Mr. Thomas Moyer seconded the motion.

Vote: Mr. T. Moyer – yes

Mr. Lingle – yes

Mr. R. Moyer – yes

The hearing was adjourned the time being 8:05 p.m.

  
Sharon Royer, Secretary

**Benner Township Supervisors**  
**Rezoning Request State College Airport LLC/State College Borough Water Authority**  
**Public Hearing**  
**October 4, 2021**

The hearing was called to order at 8:06 p.m. by Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Also in attendance were Matt Harlow, Dave Palmer, Brian Heiser, Thomas Kupchinsky, Allen Strouse, Treva Deibler, Mark Torretti, John Kostas, Tom Eby, Jim Lanning, Rod Beard, Mike Lesniak, and Sharon Royer. It was noted that a rezoning request had been granted previously to tax parcel 12-004-035 to change the zoning from Airport Industrial to R-2. Since that time, land swapping has taken place between the State College Borough Water Authority and Airport Park State College, LLC which has made the zoning district lines problematic for the Harvest Meadows Land Development Plan. It was noted that previously, State College Borough Water Authority had two lots which now has been combined and reconfigured into one. It is the wish of the Authority to have their property remain Industrial. The remaining surrounding property is slated to be developed within the confines of the R-2 Zoning District. Proposed Ordinance 135 spells out the tax parcels and the zoning districts to be assigned. No one present had any comments.

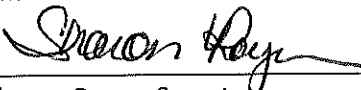
Mr. Randy Moyer moved to adopt Ordinance 135. Mr. Larry Lingle seconded the motion.

Vote: Mr. T. Moyer – yes

Mr. Lingle – yes

Mr. R. Moyer – yes

The hearing was adjourned the time being 8:09 p.m.

  
\_\_\_\_\_  
Sharon Royer, Secretary

**Benner Township Supervisors**  
**October 4, 2021**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:10 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Also in attendance were Thomas Kupchinsky, Allen Strouse, Treva Deibler, Mark Torretti, John Kostas, Tom Eby, Jim Lanning, Rod Beard, Mike Lesniak, and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

Thomas Kupchinsky: Mr. Kupchinsky noted that he felt that the Township should look into acquiring the property being proposed for development around the State College Borough Water Authority well field by eminent domain. He noted that this is a very important water source and should be protected.

Mark Torretti – Penn Terra Engineering/Belle Rose Townhomes: Mr. Torretti noted that he was present to go over a few items concerning the Belle Rose Townhome development.

*Stormwater:* Mr. Torretti noted that the stormwater piping, due to its location, will require a joint permit application with the developer and the township to PennDot. Mr. Torretti noted that he will come up with a draft agreement for the Township Solicitor and Engineer to review. It was noted that PennDot had been requiring these several years ago, kind of got away from them and are now once again requiring them.

*Planning Module:* Mr. Torretti noted that the first submission of the DEP Planning Module was rejected by DEP. DEP is now requiring a Component 3 Planning Module submission since a section of the sewage pipes will remain a private system and not be dedicated to Spring Benner Walker Joint Authority. Mr. Torretti noted that he is working on its completion and submit once it is completed. DEP is requiring an operation maintenance agreement between the developer and Spring Benner Walker Joint Authority.

## **MINUTES**

The minutes of September 2, 2021 were presented to the Board for their review and comments. Mr. R. Moyer moved to approve the minutes as presented. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

## **BILLS**

The bills of October 4, 2021, were presented to the Board for their review and approval. Mr. R. Moyer moved to approve the bills as presented in the amount of \$159,168.45. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

## **OLD BUSINESS**

Dubbs/Payne Conditional Use Decision: Mrs. Royer noted that the conditional use decision drafted by Attorney Beard was included in the Board's meeting packet. Mr. R. Moyer moved to approve the Dubbs/Payne conditional use decision as written. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

## **NEW BUSINESS**

Resignation Letter Ian Henderson: The Board is in receipt of the resignation email that was received from Ian Henderson from the Benner Township Zoning Hearing Board. Mr. R. Moyer moved to accept Mr. Henderson's resignation. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Zoning Hearing Board Appointment: Mrs. Royer noted that Mr. Dan Hoffman was in the office the other day and was asked if he would be interested in serving on the Township's Zoning Hearing Board and he indicated that he would. Mr. R. Moyer moved to appoint Mr. Hoffman to the remaining term of Mr. Henderson. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Sewage Planning Module RS Moyer Excavation & Contracting, LLC: Mrs. Royer noted that this information is the same information that the Board received and approved previously but DEP rejected it as they wanted the Planning Commission's approval prior to the Board of Supervisors. Mr. Lingle moved to approve the DEP Planning Module for RS Moyer Excavation & Contracting, LLC, for the 5 lot subdivision along Barns Lane, Resolution 21-8. Mr. T. Moyer seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – abstained

American Rescue Funds – Centre County Airport Authority: Mr. Lingle noted that the Airport Authority is trying to get a regular flight to Charlotte, NC or a major hub on the East Coast to aid the traveling public with more options. Mr. Lingle noted that most of the surrounding municipalities and well as the County and Penn State are pledging funds to entice American Airlines to add such a flight. Mr. Lingle noted that he would like to see the Township pledge \$5,000 of the ARF funds for this should the airline agree to add the service. He noted that this could take longer to see through because they are

experiencing a shortage of pilots. Mr. Lingle added that by making this relatively small contribution could have a great return to the Township with additional individuals flying out and paying the patron parking tax.

John Kostas noted that he believes that the airlines have already been bailed out enough already and do not need any more funds being handed to them especially when the Township is dealing with a PFAS issue at the airport.

Tom Eby noted that he agrees with John Kostas and doesn't believe that American Airlines should be paid additional funds to commit to adding flights.

Mr. Lingle moved to commit \$5,000 of the ARF should a deal be negotiated with American Airlines. Mr. R. Moyer seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Budget Work Session: It was decided that a budget work session would be held on October 20, 2021 at 8:00 a.m.

2022 Pension Minimum Municipal Obligation: Mrs. Royer noted that she received the 2022 pension contribution calculation from the Pension Plan Administrator. It is noted that the State requires the Township to acknowledge the amount and budget the full amount in the budget. Mr. R. Moyer moved to acknowledge receipt of the 2022 pension MMO. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Leaf Equipment: It was noted that College Township has offered the Township the opportunity to purchase a one man leaf collection truck as well as a tag along leaf collector for the total cost of \$15,000. Mr. T. Moyer noted that he went with Mr. O'Leary to look at the equipment and feels that this is a wonderful opportunity for the Township. Mr. R. Moyer moved to approve the purchase of the equipment for \$15,000 from College Township. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Trick or Treat 2021: The Board noted that they will designate Trick or Treat to line up with Bellefonte Borough and Spring Township for October 31<sup>st</sup> from 6 to 8.

## **CORRESPONDENCE**

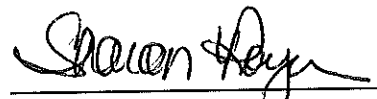
The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes August 23, 2021 & September 13, 2021
2. Benner Township Water Authority Minutes of August 17, 2021 & Key Points 9/21, 2021
3. Centre County Planning Commission Letters
  - a. RS Moyer Subdivision Comments on Planning Module
  - b. Centre County Airport Authority Maintenance Bldg. Comments
  - c. Time Extensions
    - i. All Storage Solutions Phase III
    - ii. Benner Pike Shopping Center
    - iii. Lands of LSC RP, LLC
  - d. Happy Valley Blended plan comments
  - e. Lot Addition/Replot Chris Jabco
  - f. Comments RS Moyer Excavation & Contracting Subdivision Plan

4. Conservation District Notices
  - a. Notice that Hawbaker was released from Co Permit for Centre Care
5. Franson Engineering Review Letters
  - a. Benner Pike Shopping Center Surety (grading only)
  - b. Happy Valley Blended (2<sup>nd</sup> Review)
  - c. UAJA Entry Road Upgrade Stormwater Review
6. Stormwater Management Plan for UAJA Road Improvements
7. Bellefonte EMS request for 2022 Funding
8. Chapter 102 Permit notification for Phases 6 & 7 of Nittany Glen
9. McCormick Taylor traffic review comments for Benner Pike Retail
10. Notice from Pleasant Valley Aviation, Inc. that they are applying for DCED Multimodal Funds
11. Letter dated 9/19/2021 that Kathy Evey sent to the FAA

**NOTES** – Mr. Kostas asked the Board if they would ask Mr. Franson to attend the next Township meeting since Cheryl SinClair from DEP is to attend to give a briefing on the PFAS. The Board noted that they would ask.

The regular meeting was adjourned at 8:35 p.m. for the Board to go into executive session to discuss pending litigation. It was noted that the meeting would not go back into session after the executive session ended.



Sharon Royer, Secretary