

Benner Township Planning Commission  
May 28, 2020

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by the Chairman, Willis Houser with board members Randy Moyer, Rick Weaver present in person and Lee Copper, Judson Mantz and Lynn Chaplin via phone. Also in attendance were Brian Heiser, Devon Warner, George Downsborough, Chris Groshel, Matt Harlow, David Flynn, Larry Lingle, Ed Dunkelberger, Robert Finley, James Meyer, Bryan Rodgers, Ryan Dunkelberger, Rod Beard and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

Dunkelberger Rezoning Request: Matt Harlow, from ELA Group, noted that he is representing Mr. Dunkelberger who is requesting that his 88.77 acre parcel located along Fillmore Road in the current Industrial Zoning District be rezoned to R-2 so that a residential community could be built. It was noted that Mr. Dunkelberger's parcel surrounds two lots owned by the State College Borough Water Authority. If the request to granted, there will be some swapping of property between the Dunkelberger lot and the State College Borough Water Authority lots to give the water authority additional Zone 1 well head protection.

Mrs. Royer noted that the Township has received letters from Penn State/Centre County Airport Authority, the CBICC, and the Happy Valley Adventure Bureau concerning this rezoning request and that copies of all of them were included in the Planning Commission's meeting packets.

Bryan Rodgers, Director of the University Park Airport, noted that they have concerns with the rezoning request as residential uses are not compatible with airport operations. He noted further that the Airport's 20 year Master Plan shows that the terminal would be expanded and relocated more to the area of current FedEx building along with roadway changes. Mr. Rodgers noted that Nate Campbell that was a Benner Township Planning Commission member, was a participating member of 20 year Master Plan process. Mr. Rodgers noted that the Airport was been experiencing tremendous growth prior to the COVID-19 pandemic with 2019 having a record number of enplanements.

Mr. Moyer questioned Mr. Rodgers how what is being proposed on this site on the opposite side of the road have anything to do with future development? He noted that the residential uses getting closer and closer to the airport are just not compatible with the plane noise and additional traffic.

Brian Heiser, Executive Director, of the State College Borough Water Authority noted that he didn't have any objections to the rezoning request and that they were delighted to be able to restructure the lot lines to encompass more of a buffer for their well heads. Mr. Heiser noted that he was not aware of the Airport Master Plan. Mr. Rodgers noted that it can be viewed on the airport's website at [www.universityparkairport.com](http://www.universityparkairport.com)

Mr. Moyer noted all of the high density development that has been taking place in Patton Township near the airport and wondered why no concerns have been raised with that.

George Downsborough, current Patton Township's Centre County Airport Authority member and former Patton Township Supervisor, noted that development in Patton Township is zoned as a planned airport zoning district that was designed based on noise profiles with more commercialized zoning near the airport, then mixed uses as you get further away.

Edwin Dunkelberger noted that he is confused with the sudden interest in his property, noting that he approached the Airport Authority and Penn State representatives including James Meyer of the Airport Authority and David Gray of Penn State about purchasing his property and there was no interest. He also noted that he found it odd that the airport would have a 20 year plan that encompasses or impacts property that they do not own.

Mr. Rodgers noted that he was not aware of the various meetings that Mr. Dunkelberger had with Penn State officials. Mr. Rodgers noted further that this parcel is not necessary for the airport to own to do their expansion, but that the residential land use isn't compatible with airport operations and that is where their concerns are.

Chris Groshel briefly went over the high points of the 20 year master plan. He noted the countless studies that have been done all around the country with residential uses being near airports and the problems that evolve when the two uses are located closely together. Mr. Groshel read a section out of the Township's pending zoning document in "Article 20 – Airport Regulations D. 4) That persons and landowners should be secure in the ownership and enjoyment of their property from unreasonable limitations on their use and from unreasonable effects of airport operations upon the enjoyment of their property;" He noted by changing the zoning that this will not be able to be obtained for those buying in this area.

Mr. Dunkelberger raised questions on other developments in the area. Mr. Groshel noted that it also depends on where the properties are located in conjunction with the centerline of the runway. Some of the developments that were brought up such as Walnut Grove Estates were built prior to airport expansion.

Bob Finley noted that he was the Assistant Vice President of Business and Finance at Penn State and has been affiliated with the Airport operations for many years. It was noted that this area has been zoned for industrial uses for years near the airport as it was a compatible land use for the airport. Mr. Finley noted that yes, residential uses are seen near other airports but that it is best to be avoided. Mr. Finley noted that the residential properties at the end of the runway off of Barns Lane have been purchased by Penn State to keep the complaints at a minimum. Mr. Finley also noted that there are safety concerns with locating residential developments in such close proximity to airports.

Aspects of the 20 year master plan were reviewed including road relocations and realignments.

Mr. Flynn noted that he doesn't understand what the fuss is about. Mr. Groshel noted that once the buffer is lost you can't get it back.

Mr. Heiser from State College Borough Water Authority noted that he would rather have residential next to the well heads instead of industrial uses that could possibly leach contaminants such as PFAS and PFOS as well as other emerging contaminants into the groundwater near the wells.

Mr. Moyer questioned if the main concern about this rezoning was the potential noise complaints to be received in the future? It was indicated that yes that is most of it. Mr. Moyer noted that the people purchasing a home in this area should be well aware of the airport's location when looking to purchase. Mr. Moyer noted that if this is such a concern to the airport then why didn't they purchase this property when they own everything else around the airport. Mr. Moyer noted that he feels that the person buying a house - it is their responsibility to make that decision based on what is around them, that they

need to be aware. He noted further that he, himself, lives on Barn's Lane and is well aware of the increased air traffic but lives with it and feels that others will as well.

Mr. Moyer made a motion to pass this rezoning request for the Dunkelberger property from Industrial to R-2 on to the Benner Township Supervisors for consideration.

A question was asked as to what the content of the letters that were received concerning this matter stated. Mrs. Royer noted that the letters from CBICC and the Adventure Bureau stressed the economic importance of the Airport to the region and encouraged protection for the airport for continued growth and expansion.

Mr. Weaver seconded Mr. Moyer's motion.

Vote: Mr. Moyer – yes                      Mr. Weaver – yes                      Mr. Copper – yes                      Mr. Mantz – yes  
Ms. Chaplin – yes                      Mr. Houser – yes  
Motion approved.

David Flynn Rezoning Request: It was noted that Mr. Flynn submitted his rezoning request some time ago but was out of town and couldn't be present for a presentation. Mr. Flynn is asking that his property with the tax parcel of 12-003-072A and 12-003-072A,001 comprising of 65.12 acres be rezoned from Agriculture to R-2. Mr. Flynn noted that while he doesn't have any immediate plans for his property, he feels that it would make his property more desirable to develop if it was zoned R-2. Discussion was held. The Planning Commission noted that this is a more difficult ask since nothing around this property is zoned this way and would be considered spot zoning. Mr. Moyer noted that the property could be sold and developed for houses just as other properties in the Ag District like Grove Park or Willowbend have been. It was noted that the property is worth, what it is worth and that unless the public utilities are on the property ie. sewer and water a developer isn't going to pay a premium for it. The cost of running the utilities would outway the benefit of the smaller lots and someone would be more likely to just develop it in larger lots with onsite water and sewer.

Due to the circumstances of the request which would make this parcel spot zoning and without having the infrastructure readily available, Mr. Moyer moved to deny this rezoning request. Mr. Houser seconded the motion.

Vote: Mr. Moyer – yes                      Mr. Weaver – yes                      Mr. Copper – yes                      Mr. Mantz – yes  
Ms. Chaplin – yes                      Mr. Houser – yes  
Motion approved.

**OLD BUSINESS**

Village of Nittany Glen Revised Preliminary Plan: The revised Preliminary Plan of the Village of Nittany Glen was presented. It was noted that plan depicts the addition of the duplex lots and overflow parking areas. The comments that the County Planning Office has now been satisfied and the plan is ready for signatures. Mr. Moyer moved to approve the Village of Nittany Glen Revised Preliminary Plan. Mr. Weaver seconded the motion.

Vote: Mr. Moyer – yes                      Mr. Weaver – yes                      Mr. Copper – yes                      Mr. Mantz – yes  
Ms. Chaplin – yes                      Mr. Houser – yes  
Motion approved.

Zoning Ordinance: Mrs. Royer noted that Mr. Wise has taken the comment letters received on the latest draft of the Zoning Ordinance and has gone through them and made comments. It is being

suggested that a joint meeting with the Planning Commission and Supervisors and Solicitor be held to go over the comments, make changes and complete the document. Mr. Moyer noted that he will get back in touch with the Commission about a meeting after touching base Mr. Wise on the comments.

**ADJOURNMENT**

Mr. Houser moved to adjourn the meeting the time being 8:11 p.m. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes                      Mr. Weaver – yes                      Mr. Copper – yes                      Mr. Mantz – yes

Ms. Chaplin – yes                      Mr. Houser – yes

Motion approved.

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Sharon Royer, Recording Secretary