

**Benner Township Planning Commission  
September 27, 2018**

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by the Chairman, Nate Campbell with members Paul Kurtz, Lee Copper and Anthony Gallucci were present. Members absent were Sherry Dawn Jackson, Jim Swartzell and Willis Houser. Also in attendance were Andrea Murrell, Helen Alters, Shirley Gryczuk, G.E. Clair, Randy Moyer, Andrew Swales, Renee Swancer, Thomas Eby, Mark Mahoney, Jeffrey Lucas, Jane Koppen, Tom Yackley, David Wise and John Elnitski and Sharon Royer.

The pledge of allegiance was recited by those present.

**MINUTES**

The minutes of September 13, 2018, were presented to the Board for their review and comments. Paul Kurtz moved to approve the minutes as presented to the Board. Mr. Copper seconded the motion.

Vote:

|                        |                     |                       |                    |
|------------------------|---------------------|-----------------------|--------------------|
| Mr. Campbell – yes     | Mr. Kurtz – yes     | Mr. Copper – yes      | Mr. Gallucci – yes |
| Mr. Swartzell – absent | Mr. Houser – absent | Mrs. Jackson – absent |                    |

**PROPOSED ZONING ORDINANCE PUBLIC COMMENT PERIOD**

Mr. Campbell noted that the Planning Commission will open the floor to the public to comment on the proposed Benner Township Zoning Ordinance:

**John Elnitski:** Mr. Elnitski presented the Planning Commission a letter addressed to them and the Supervisors dated September 27, 2018, from the Pleasant Valley Aviation, Inc. Mr. Elnitski noted that he feels as though Bellefonte Airport was targeted when the ordinance was written as the ordinance requires 30 acres for an airport when Bellefonte Airport is only 29.62 acres in size. Mr. Elnitski also noted that he has found inconsistencies in the proposed airport regulations with the State and Federal laws. Mr. Elnitski added that he and his family could develop their property under these proposed regulations and make a lot of money but that he doesn't wish to see the Township developed like that.

**Dr. Gerald Clair:** Dr. Clair noted that he owns approximately 60 acres in the Commercial Zoning District of the Township and that he is 100% against allowing the impervious coverage in the Commercial and Industrial Zones up to 80%. He stated that consideration needs to be looked at 100 years down the road not just the here and now. He stated that he feels that the detention ponds being created are a joke and are more of a funnel pond. He continued that we can live a long time without food but not water and if we don't allow open space for natural water infiltration that we are dooming ourselves for the future.

**Tom Eby:** Mr. Eby presented the Board with a copy of a letter that was submitted originally to the Planning Commission on July 12, 2018 dealing with zoning and source water protection. Mr. Eby noted that he feels that 1) the definition of public water should be included in the new zoning document and should be listed as a water system operated by Benner Township Water Authority 2) the Township should recognize the Benner Township Water Authority as the entity to over see all public water systems as defined by PA DEP in Benner Township 3) A private group or entity should not be permitted to own or operate a water system in the Township 4) any land development plans should take into consideration any source water protection plans of the Benner Township Water Authority. Mr. Eby read his letter aloud.

**Helen Alters:** Helen Alters questioned the Planning Commission on what the density will be? How is it going to change from what it is now? Discussion was held. Mr. Campbell noted that as the ordinance is drafted, in the Ag Zone and Forest Conservation with public water and sewer will allow 1/3 acre lots with no limits. Mrs. Alters replied that this type of proposed density isn't what this township is. She noted that she feels that the schools can't handle it and questioned where the water is going to come from.

**Paul Kurtz:** Mr. Kurtz noted that in the surrounding townships in their Ag Districts you can split off one lot for each 20 acres that you own. He noted that in this proposed ordinance you wouldn't have to do anything if you have access to public sewer and put in a public water system you could be permitted to put in 1/3 acre lots without restrictions.

**Renee Swancer:** Mrs. Swancer questioned if this proposed zoning was compatible with the Nittany Valley Comprehensive Plan or is the Township proposing to write its own comprehensive plan. Mrs. Swancer questioned if SBWJA can handle the potential sewer flow that could be created. She also questioned if privately owned water systems could be considered public water systems under these regulations.

**Andy Swales:** Mr. Swales questioned how are these changes being driven? Are they developer driven? He noted that as he sees it, it is. He noted that having sufficient, good quality water is essential for everyone and feels that these proposed regulations are short sided. Mr. Swales noted that he isn't sure that he would want to continue to live here as much of the character of the Township could change.

**Dr. Clair:** Dr. Clair noted that he is very concerned with stormwater runoff with all of the new proposed development. He also questioned that if this draft isn't recommended by the Planning Commission then where did this draft come from?

Several residents questioned where was Appendix A that was referred to in the draft document? What was it? And where is it?

**Mr. Campbell:** Mr. Campbell noted that this is not the draft that the Planning Commission worked on for the last two years. He noted that it is a skeleton of what the Planning Commission put together.

**Andrea Murrell:** Ms. Murrell commented that she finds this draft irresponsible without any environmental conditions. She noted further that she would hope that a vote on this draft would be postponed until the items that seem to be missing can be addressed. She noted that with the newsletter that was sent out, that the residents don't really see the changes that are being proposed. They are basically seeing a map that doesn't look much different than what is currently in place.

Mr. Campbell noted that he and the rest of the Planning Commission do not feel that this draft is ready to forward. Questions were raised on the process of adoption and questions on when this document will become pending.

**Mrs. Alters** questioned if any of the Planning Commission members spoke with the farmers. Mr. Campbell noted that he has only spoken with the Corls. Members noted that the farmers stand to make a lot of money as it is now and that they don't begrudge them for wanting to be able to make the money.

**Mr. Wise** questioned if the Planning Commission has researched what the other townships do as far as development ratios in their Ag districts. Mr. Campbell noted that Spring, Walker, Marion and College Townships all have a 1 to 20 ratio. Mr. Campbell noted that this may not be right for our Township with all of the state owned land in the Township but feels that not having anything at all isn't the right decision either. Mr. Campbell noted that the Planning Commission had Rural Cluster Zoning in the draft that was given to the Supervisors but that it has been removed.

**Renee Swancer:** Mrs. Swancer questioned if this is the vision that the Supervisors want for the township?

**Randy Moyer:** Mr. Moyer noted that when the Roth Plan was adopted there were 9 active dairy farms in the Township, today there is 2. Milk prices have tanked. Farmers have become ill and are no longer able to farm. He noted that the 15,000 sq. foot lots may be written in the ordinance, but that water and sewer can't be easily obtained. He noted that this doesn't include terrain, sinkholes, stormwater, roads, etc. He noted that he feels that the farmers are entitled to get fair prices for their land and feels that as the ordinance is written it would be similar to the remainder of the residents only being entitled to 1/20<sup>th</sup> of their pensions.

Much discussion was held. Mr. Campbell noted that he believes that the land should be zoned for what it is. If there is a need at some point to make a change then rezoning can be looked at and changed then.

**John Elnitski:** Mr. Elnitski noted that once all of these farms are developed out that the taxes that are received are not enough to cover the services that these new homes will require. He noted that the developers will leave after their money is made and will leave the township with the mess to deal with down the road.

**Tom Eby:** Mr. Eby noted that he would like to see more township park land, something that isn't located in the flood plain that is getting destroyed all of the time.

**Jeff Lucas:** Mr. Lucas noted that he feels that this draft is a free for all. That it is too developer friendly.

**David Wise:** Mr. Wise agreed that some additional work on this draft is needed but that it is much closer to being complete than it has ever been.

**Renee Swancer:** Mrs. Swancer suggested that the Board should create an analysis of what is currently passed and what is being proposed. Show the changes and see how the residents feel about it. See if the residents support this kind of change. Mrs. Swancer noted that she is concerned that if the Supervisors make this ordinance pending what could possibly be submitted.

Mr. Campbell noted that he has also discovered that the traffic study requirements for new development is also missing from this draft. He explained that if issues aren't recognized when being built that the costs for the needed improvement later on will be placed on the backs of the entire township and not the developer's. He noted that he has compiled a list of changes that he feels is needed to the draft.

Questions were asked how the R-3 zoning district came into being. Mr. Campbell explained that the Village of Nittany Glen was rezoned to the R-3 so that the development could keep the density that it

was designed for under the current MHP but to now allow for stick built homes to be built. It was noted that now the zoning district has been rewritten that townhomes and duplexes can be built anywhere in the R-3 zoning district as well, which is not what the Planning Commission wanted, as they didn't feel that it was fair to the existing residents of the Village of Nittany Glen as this type of housing was not what they bought into.

Mrs. Royer noted that the Planning Commission are also in receipt of letters from Trout Unlimited and Scott Brumbaugh expressing their concerns with the environmental regulations that were in the Roth Plan being removed from this draft of the Zoning Ordinance.

Mr. Moyer noted that this ordinance isn't a done deal. He noted that he has indicated his willingness to sit down and meet with the Planning Commission to discuss changes. More discussion was held. Mr. Campbell noted that he feels that if the Supervisors would have attended their meetings this could've been completed a long time ago.

Mr. Wise noted that he feels that there is merit in having the Nittany Valley Municipalities and the Centre County Planning Office begin their 45 day review of the document to see if there is anything additional that they find issues with.

Several residents noted that they are concerned with this draft going into the pending status and feels that changes should be made before this document before it is advertised.

More discussion was held on zoning districts and when the rezoning should take place. Mr. Campbell noted again that he feels that if the farmers need to sell their land then at that time consideration for rezoning should be held, that is shouldn't be done ahead of time on a massive scale.

Paul Kurtz made a motion that the Planning Commission **denies** recommending this current draft of the Zoning Ordinance to the Board of Supervisors for adoption. Lee Copper seconded the motion.

Vote:

Mr. Campbell – yes

Mr. Kurtz – yes

Mr. Copper – yes

Mr. Gallucci – yes

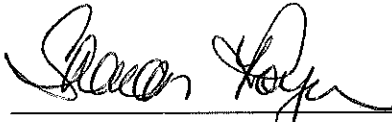
Mr. Swartzell – absent

Mr. Houser – absent

Mrs. Jackson – absent

#### **ADJOURNMENT**

The meeting was adjourned the time being 8:43 p.m.



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Sharon Royer, Recording Secretary