

**Benner Township Supervisors
Public Hearing on Proposed Zoning Ordinance Amendments
September 5, 2023**

The public hearing on proposed amendments of Zoning Ordinance 134 was called to order at 7:00 p.m. by the Chairman, Randy Moyer with member Tom Moyer present. Mr. Lingle was absent. Also in attendance was Michal Stump, David Roberts, John Elnitski, Rod Beard and Sharon Royer.

Mr. Beard noted that the proposed zoning amendments were originally authorized by the Supervisors back in May. A hearing was held in June, however questions were raised on the clarity of the advertisement, therefore, the amendments were further clarified and readvertised in the Centre Daily Times on August 18th and 25th. A copy of the proposed amendments were forwarded to the Nittany Valley Joint Planning Commission municipalities and the Centre County Planning Office. Comments were received by the County Planning Office however nothing was received from any of the Nittany Valley municipalities.

Mr. Beard read aloud the comments that were received from the County Planning Office in a letter dated August 23, 2023.

Comment A.) affirmative

Comment B.) affirmative

Comment C.) negative

Comment D.) affirmative this is correct

Comment E.) negative they are Conditional uses in both zones

Comment F.) Mr. Beard agrees with this comment.

Comment G.) Mr. Beard noted that he disagrees with the comment and believes that the word next should remain.

Comment H.) Agrees. These changes will be made.

Comment I.) Agrees. This will be changed to keep consistency.

Comment J.) Mr. Beard noted that while the comment makes sense, he doesn't see 25' in 2,500' making that much of a difference.

David Roberts questioned that the main changes in this revision were dealing with Alternative Energy? Mr. Beard noted the yes most of the changes were dealing with clarifying areas dealing with that and other wording and inconsistencies that have been found by the Zoning Officer and others in the past year.

With no further questions, the public hearing was closed the time being 7:10 p.m.



Sharon Royer, Sec.

September 5, 2023

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:10 p.m. by the Chairman, Randy Moyer with member Tom Moyer present. Mr. Lingle was absent. Also in attendance was Michal Stump, David Roberts, John Elnitski, Rod Beard and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

David Roberts: Mr. Roberts noted that he wants to raise his concerns once again about the construction of the Bellefonte Warehouse and how the stormwater is being proposed to be handled. He noted that Dan Alters and himself went to the Conservation Office and conducted a file review of the NPDES permit. Mr. Roberts noted that for some reason when the plans for the warehouse were pulled the first time, that the NPDES review continued it was not halted. Mr. Roberts noted that part of the NPDES permit includes a map by Penn Terra indicating that 122.56 acres would drain to a sinkhole. Mr. Roberts indicated that after he and Mr. Alters reviewed the file and discussed with DEP, that now DEP is going to make sinkhole development a part of their review of the submission. Mr. Robert noted that Benner Township Ordinance 84 – Stormwater Management Ordinance, Section 306 talks specifically about sinkhole protection. He noted that another document that was found while doing the file review was a 2007 Report from CMT Labs that speaks of a close depression where a sinkhole could develop yet the plan shows that all of the water from the site is going to go to this closed depression. He noted that correspondence from Langan indicates that this closed depression will be used as infiltration for the entire site and that this does not match up with what other documents are suggesting that only a small part of the development should drain to this area. Mr. Roberts noted that Langan also notes several times that this meets the Township's Stormwater Management Ordinance. Mr. Roberts questioned if the Township plans to conduct an evaluation of the closed depression by a certified hydrogeologist to see if sinkhole development could happen prior to any further approvals being given? He noted that he feels that Benner Township staff should be part of this evaluation. Mr. Roberts noted that he is stating these concerns as a Benner Township resident, a member of the Nittany Valley Environmental Coalition and the Moshannon Group Sierra Club. He noted that there is also concerns about the mechanisms to be put in place that are to control thermal impacts.

Mr. R. Moyer noted that this project is going through the review process. Engineering, DEP, County Planning, the Conservation District, etc. He noted that the developers must show that they can comply with the ordinances that are adopted. He noted that we can't request them to adhere to standards that are not adopted. Mr. Roberts noted that he would like to see the Township make everyone aware that is reviewing this project's plans about the potential of sinkhole issues. Mr. Roberts noted that he will try to meet with Mr. Franson to point out his concerns.

MINUTES

The minutes of August 7, 2023 were presented to the Board for their review and comments. Mr. Randy Moyer moved to approve the minutes as presented. Mr. Tom Moyer seconded the motion.

Mr. R. Moyer – yes

BILLS

The bill list for the Township's General Fund in the amount of \$92,465.49 was presented to the Board for their review and approval. Mr. R. Moyer moved to approve the bills as presented. Mr. T. Moyer seconded the motion.

Mr. R. Moyer – yes

ACCOUNTS RECEIVABLE

It was noted that the accounts receivable for the General fund was \$254,206.61. Mr. R. Moyer moved to approve the receivables as presented. Mr. T. Moyer seconded the motion.

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

OLD BUSINESS

Ordinance 141: With the public hearing being held, Mr. R. Moyer asked if there were any further comments before the Board considered adoption of the ordinance. Hearing no further comments, Mr. R. Moyer moved to adopt Ordinance 141. Mr. T. Moyer seconded the motion.

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

NEW BUSINESS

Tree Ordinance: It was noted that the Road Superintendent is asking the Board if they would consider the adoption of an Ordinance that would require residents to trim or remove dead trees from their property if they endanger the health, safety and welfare of Township roadways and the traveling public. It was noted that this ordinance would only deal with Township owned roads. Mr. R. Moyer moved to authorize Mr. Beard to work on drafting an ordinance dealing with such as outlined in the Second Class Township Code. Mr. T. Moyer seconded the motion.

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

2024 Pension Minimum Municipal Obligation: Mrs. Royer noted that the Township is in receipt of the formula from the pension actuary for the Township's required 2024 pension contribution amount. It is required that the Township budget the full amount of the MMO even though a state contribution towards the MMO has always been received. Mr. R. Moyer moved to budget \$41,993 in the 2024 budget for the Pension MMO. Mr. T. Moyer seconded the motion.

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

Shiloh Road Agreement: Mrs. Royer noted that when the ground from the Rockview Prison off of Shiloh Road was distributed to Penn State, the Game Commission, the Fish Commission and Township; there was a road maintenance agreement where the four entities each contributed \$2,500 a year into a fund to help pay for road maintenance on Shiloh Road. The agreement was for 10 years and is ending next year. A meeting has been scheduled to discuss this agreement and the possibility of renewing it. After discussion, Mr. R. Moyer moved that the Township would be in agreement to renew the current agreement if the contribution rate was kept the same. Mr. T. Moyer seconded the motion.

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

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes – July 24, 2023 & August 14, 2023
2. BTWA – Minutes July 18, 2023
 - i. Key Points – August 15, 2023
3. Centre County Planning Commission Letters
 - i. Shirley Grove/Duane Grove Lot Addition/Replot
 - ii. WaWa Comment letter
 - iii. Time Extensions
 1. The Cascade
 2. Bellefonte Warehouse
 3. Belle Rose Townhomes
 - iv. Waiver request Preliminary Plan Vs Final Plan G.M. McCrossin

4. DEP Letters
 - i. Cascade Sewage Planning Module approval letter
 - ii. PFAS Update
5. Conservation District Letters
 - i. Logan Greene Earth Disturbance inspection
 - ii. Jason Coslo Earth Disturbance inspection
6. Elnitski Response Campground Appeal
7. Franson Engineering Comment letters
 - i. RE: WaWa Plan
 - ii. Cascade
8. PennDot approval of Cascade Development TIS
9. Letter from Comcast Re: Capital Projects Fund Broadband Infrastructure Program
10. Notice of NPDES permit applied for Cascade
11. Spring Creek Watershed Commission – 2024 Budget Request
12. July Zoning Permit report
13. Rob Watts TIS review of Cascade Development
14. Penn Dot review on WaWa TIS
15. Notice from Diamond Communications Re: new telecommunications tower 1441 Buffalo Run Road
 - i. Historic review correspondence from CCPC
16. Letter from Dan Alters Re: Bellefonte Warehouse NPDES permit

Mr. David Roberts noted that he would like the Board to read and consider #16, the letter from Dan Alters and the concerns that he pointed out with the Bellefonte Warehouse project such as the closed depression on the property to be used for stormwater retention, thermal warming to area streams, and parking lot contamination.

ADJOURNMENT

The meeting was adjourned the time being 7:31 p.m.



Sharon Royer, Secretary