

**Benner Township Planning Commission**

**March 22, 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 Lee Copper, Sherry Dawn Jackson, Willis Houser and Paul Kurtz present. Members Anthony Gallucci and Jim Swartzell were absent. Also in attendance were Tony Fructal, David Wise, Mike Lesniak, Aaron Smith and Sharon Royer.

The pledge of allegiance was recited.

**MINUTES**

The minutes of February 8, 2018, were presented to the Board for their review and comment. Mr. Kurtz moved to approve the minutes as presented. Mr. Houser seconded the motion.

Vote: Mr. Campbell – yes                      Mr. Copper – yes                      Mr. Houser – yes  
      Mrs. Jackson – yes                      Mr. Kurtz – yes                      Mr. Swartzell –absent  
      Mr. Gallucci – absent

**PERSONS TO ADDRESS THE BOARD**

**Aaron Smith – Nittany Engineering:**

Sullivan’s Mini Storage Final Plan Phase I: Mr. Smith was present to present the Phase VII Building #8 Final Land Development Plan for Sullivan’s Mini Storage. It was noted that the building has been completed and inspected and found to be ready for signatures and plan recording so that they may occupy the building. Mr. Houser moved to approve the Phase VII Building #8 Final Land Development Plan for Sullivan’s. Mr. Kurtz seconded the motion.

Vote: Mr. Campbell – yes                      Mr. Copper – yes                      Mr. Houser – yes  
      Mrs. Jackson – yes                      Mr. Kurtz – yes                      Mr. Swartzell –absent  
      Mr. Gallucci – absent

All Storage Solutions Phase I Final Plan: Mr. Smith was present to present the Phase I Final Plan of All Storage Solutions. It was noted that Phase I includes converting the existing house into an office, and the construction of a 50’ X 240’ RV storage building and a 40’ X 190’ mini storage warehouse building. It was noted that all outstanding engineering items have been addressed as well as the County’s comments. Mr. Kurtz moved to approve the Phase 1 Final Plan for All Storage Solutions. Mr. Copper seconded the motion.

Vote: Mr. Campbell – yes                      Mr. Copper – yes                      Mr. Houser – yes  
      Mrs. Jackson – yes                      Mr. Kurtz – yes                      Mr. Swartzell –absent  
      Mr. Gallucci – absent

**Tony Fructal – Penn Terra Engineering:**

Nittany Express Land Development Plan: Mr. Fructal was present to present the Final Land Development Plan for Nittany Express. Mr. Fructal noted that this is the same plan that the Planning Commission saw a few months ago for the Conditional Use Hearing. This project represents a parking lot for overflow parking for the car rental agencies and a building to house the office and general maintenance for the taxi cab service. It was noted that the comments from the county and the township’s engineer has been addressed. Mr. Campbell moved to approve the final Land Development Plan for Nittany Express. Mr. Kurtz seconded the motion.

Vote: Mr. Campbell – yes  
Mrs. Jackson – yes  
Mr. Gallucci – absent

Mr. Copper – yes  
Mr. Kurtz – yes

Mr. Houser – yes  
Mr. Swartzell –absent

**Keystone Payroll:** Mr. Fructal presented the Planning Commission with the Keystone Payroll Land Development Plan. It was noted that this building is also to be constructed in Airport Park. It was noted that there is sales agreement for CMJ Real Estate to purchase the lot from Copperbeaches. It was noted that Keystone Payroll handles payroll payments and paperwork for a number of companies. Most of the transactions are handled electronically and customers rarely visit the building. The only traffic to the site will be from employees of the company. Mr. Fructal noted that the only remaining item that they are waiting on is the NPDES approval. Mr. Campbell moved to conditionally approve the Keystone Payroll Land Development Plan pending receiving the NPDES approval letter. Mr. Copper seconded the motion.

Vote: Mr. Campbell – yes  
Mrs. Jackson – yes  
Mr. Gallucci – absent

Mr. Copper – yes  
Mr. Kurtz – yes

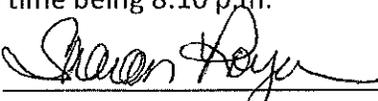
Mr. Houser – yes  
Mr. Swartzell –absent

**Zoning Officer Introduction:** Mr. Wise introduced Michael Lesniak of Penns Valley Code Enforcement Agency as the Township’s new Zoning Officer. Mr. Lesniak provided the Planning Commission with his background information, noting that he is a retired police officer from Rochester, New York. Mr. Lesniak noted that due to the other meetings that he attends with the other township’s that he works for that he will not be able to attend all of the Planning Commission’s meetings. The Board welcomed Mr. Lesniak to the Township.

**Zoning Ordinance/Zoning Map:** Mr. Wise noted that the draft Zoning Ordinance has been turned over to Mr. Lesniak and the Penns Valley Code Enforcement Agency for their review. It was noted that after a brief review it was found that some sections were incomplete, some uses were not specified, some sections that were referenced in the document didn’t exist. Therefore a much more detailed review will need to take place. It was also determined that retyping the document and formatting it as it went would be a better solution to making sure that nothing was missed. It was anticipated that this could take a few months to complete. Mr. Wise presented the Planning Commission with the proposed Zoning Map. It was noted that not much has really changed with the map. All of the Industrial Zoning Districts in the old ordinance (Light Industrial, Campus Industrial and Airport Industrial) have now been combined into one. The same thing has happened with the Commercial Districts. Very few other changes are being proposed. Those changes were marked on the draft map. The Planning Commission noted that they didn’t see anything objectionable with the proposed map.

**ADJOURNMENT**

The meeting was adjourned with the time being 8:10 p.m.

  
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Sharon Royer, Recording Secretary

**Benner Township Planning Commission**  
**September 13, 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 SherryDawn Jackson present. Members Jim Swartzell, Willis Houser and Anthony Gallucci were absent. Also in attendance were Sharon Royer, Mike Lesniak and Michael MacNamara.

**MINUTES**

The minutes of July 26, 2018, were presented to the Board for their review and comments. Mr. Kurtz moved to approve the minutes as presented. Mrs. Jackson seconded the motion.

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

**PERSONS TO ADDRESS THE BOARD**

Silcotek Land Development Plan: Michael MacNamara was present to review the land development plan for Silcotek. It was noted that Silcotek plans on expanding their facility by 32,830 sq feet of gross floor area. Once the facility is expanded it is proposed that an additional 48 jobs will be created. The expanded parking area will have a total of 95 spaces. It was noted that this is more parking than required by the Township's ordinance. Mr. MacNamara noted that the stormwater detention basin was built to handle this expansion when it was originally designed and constructed. He noted that there were a few questions raised concerning possible issues with the traffic signal and signalization but it appears that this expansion won't be enough to trigger anything. Mr. MacNamara noted that he has addressed all of the other comments except for Don Franson's engineering comments as he is still waiting for them.

Mr. Campbell moved to conditionally approve the plan pending the traffic study approval and Mr. Franson's comments are satisfied. Mr. Kurtz seconded the motion.

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

**OLD BUSINESS**

Zoning Ordinance: The Board held discussion on the draft Zoning Ordinance document.

Mr. Campbell noted that during his review of the draft that he noted that all of the ratios for development in the Agricultural and Forest Conservation Districts have been removed. He noted that ratios are standard in most municipalities for these districts. He noted that there is no longer a maximum permitted lot area listed in the AG district. Open space requirements have been taken out of the document. Commented that with the requirements as they are written in the AG and FC that pretty much the entire township could be developed as R-2/R-3 with the ability to build at such a high density and no ratio requirements.

Mr. Campbell also noted that the maximum lot coverage has now been changed to 80% in the Commercial and Industrial Zones. He noted that he has checked with various other townships around and that the most they allow is 70%. Some have it written that it could be up to 80% but that best management practices are required.

Board members also noted that they disagree with the proposed R-3 regulations for the Village of Nittany Glen. Noting that they don't feel that it is fair for those that have purchased homes to possibly have townhomes constructed near their homes as that is not what they were told when they purchased. The Board noted that they feel that the property should be kept into two different zoning districts. If they wish to construct townhomes then they should be kept to the front and the single family homes in the back.

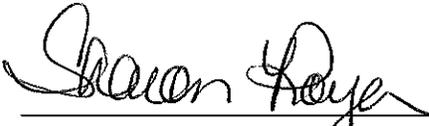
Mr. Kurtz noted that he was confused with Article 3, Section 3.6B and Article 15, Section 15.1 that he feels that the sections conflict with each other. Mr. Lesniak explained that these are two different issues. One is rebuilding after it existed and the other is for new, first time construction on existing non-conforming lots of record.

He also noted that the Master Use Schedule will need to be completed for the R-3 and MHP Zones. It was noted that since a last minute change took place that this was an oversight.

Mr. Campbell encouraged the other members to continue to review the document and make notes of things that they see for the next meeting.

#### **ADJOURNMENT**

The meeting was adjourned the time being 8:34 p.m.

  
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Sharon Royer, Recording Secretary

**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

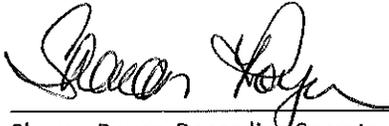
Mr. Swartzell – absent

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

**Benner Township Planning Commission  
October 11, 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, Sherry Dawn Jackson, Willis Houser, Lee Copper, and Anthony Gallucci present. Mr. Swartzell was absent. Also in attendance were Andrea Murrell, John Kostas, Shirley Gryczuk, Howard Grove Jr., Brian Grove, Randy Moyer, David Flynn, Ed Dunkelberger and Sharon Royer.

**MINUTES**

The minutes of September 27, 2018, were presented to the Board for their review and comments. Mr. Kurtz moved to approve the minutes as presented. Mr. Gallucci seconded the motion.

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

**PERSONS TO ADDRESS THE BOARD**

Howard Grove, Jr.: Mr. Grove (1425 Buffalo Run Road) noted that he was present to discuss the proposed Zoning Ordinance and how it would affect his family’s property. Mr. Grove noted that he feels that the farmers should have more of a say about what they can do with their properties due to the amount of money they pay annually in taxes.

John Kostas asked the Planning Commission to give him a quick history of Zoning, the Roth Plan and how the Board got to the point where they are now.

Mr. Campbell noted that the Roth Plan is the Zoning Ordinance. It was noted that it is called that because of the individual that drafted it, Harry Roth. When Lindsay Schoch was employed as the Zoning Officer, she, along with the Planning Commission, went through the Roth Plan and deleted over 100 pages from the Ordinance in order to make it less confusing. This was not the changes that the Board of Supervisors was looking for so then the Board hired Chuck Herr to prepare a draft zoning ordinance. Mr. Herr’s version was used as a templet and the Planning Commission along with Chris Anderson (then Zoning Officer) went through that draft document and made changes. This draft was then handed off to the Board of Supervisors to review. During this review period several amendments and deletions to the draft took place. This brings us to the present. These Zoning revisions from the beginning has been going on for over 4 years. It was noted that the Township has had some version of Zoning since the 1970s.

Ed Dunkelberger: Mr. Dunkelberger noted that he disagrees with the Roth Plan way of development in the Ag districts. He noted that he feels that it is entirely too restrictive and that when that plan was adopted that it essentially robbed him. He noted that when he purchased his property that he was zoned R-1 and paid R-1 prices. The Roth Plan then changed his property to AG which he feels is worth much less. He noted that the development needs to take advantage of public water and sewer. He also noted that he feels that open space equals wasted space and that farmland should be developed to its maximum.

David Flynn: Mr. Flynn noted that he is in favor of tasteful development. He noted that he feels that the development that was done next to the Township property was tastefully done.

Discussion was held concerning the public water systems and how three of the Township's larger developments sunk community wells in order to achieve the smaller lot sizes only then to ask that the Township's Water Authority take them over. There is now some mounting issues with the Grove Park water system having the acceptable limits coming close to needing further treatment that will be expensive. It was also pointed out that a good majority of farm land is not far from existing sewer lines. The Planning Commission noted that they are not against development but that they feel that it should be asked to be rezoned when the need arises that it needs rezoned. They also noted that they don't necessarily believe that the 20 to 1 ratio is a good fit for our township but feels that a compromise should be reached from what is currently proposed. It was noted that development is inevitable but thought needs to take place about the schools, water supplies, sewer limits, public transit and the demands for more services with higher populations.

Ed Dunkelberger: Mr. Dunkelberger noted that if the community wants open space then they should have to pay for it. He noted that the doesn't feel that it is the responsibility of the farmers to provide the open space that others want. He noted that they could donate funds for permanent Ag preservation through the county programs and could also allow the Township to purchase land for parks.

Randy Moyer: Mr. Moyer noted that the 1/3 acre lots are not a done deal but that what the Roth Plan had in it will not get approval by the Board of Supervisors.

Mr. Campbell noted that the challenge is to allow development without changing the character of the Township.

Andrea Murrell: Ms. Murrell noted that she is very concerned with the current proposal. She expressed a major concern with the township having and being able to provide clean water to it's residents. She noted that she feels strongly that the Water Authority should be involved in reviewing this draft. She also noted that she feels that the environmental aspects must be reinserted back into the document and feels that the document shouldn't be further advanced until this is completed.

Mr. Kurtz noted that he agrees that the water source needs to be protected. Some issues once they occur isn't an easy fix, if it can be fixed at all.

David Flynn: Mr. Flynn noted that he feels that public infrastructure (water and sewer) is necessary for responsible development.

Mr. Moyer provided a copy of College Township's Parking requirements for the Planning Commission to take under consideration. He noted that Spring Township is also considering adopting these regulations.

Mr. Moyer noted that the Board would like to keep within the timeframes that they have established. The Planning Commission noted that they would look for a compromise and get it sent out for everyone's review prior to their next meeting.

## **OLD BUSINESS**

Keystone Payroll: Mrs. Royer noted that the final plan for Keystone Payroll is now ready for signatures. It was noted that from the previous version that the Planning Commission saw, that the building has been turned allowing for additional room on the lot should at some point the building would need to be enlarged. Mr. Kurtz moved to approve the Keystone Payroll Land Development Plan as presented. Mr. Houser seconded the motion.

Vote: Mr. Campbell – yes  
Mr. Houser – yes  
Mr. Swartzell – absent

Mr. Kurtz – yes  
Mr. Copper – yes

Mrs. Jackson – yes  
Mr. Gallucci - yes

**ADJOURNMENT**

The meeting was adjourned the time being 8:40 p.m.

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Sharon Royer, Recording Secretary

**Benner Township Planning Commission  
December 13, 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 the following board members present: Lee Copper, Sherry Dawn Jackson, Jim Swartzell, Anthony Gallucci, Willis Houser, and Paul Kurtz present. Also in attendance were Mark Torretti, John Bonislawshi, Mike Lesniak, David Wise, Randy Moyer, Rod Beard, John Kostas, Thomas Eby, Renee Swancer, Shirley Gryczuk, Tony Fruchtl and Sharon Royer.

The Pledge of Allegiance was recited.

**MINUTES**

The minutes of October 11, 2018, were presented to the Board for their review and comments. Mr. Houser moved that the minutes be approved as presented. Mr. Kurtz seconded the motion.

Vote: Mr. Copper – yes                      Mrs. Jackson – yes                      Mr. Swartzell – yes                      Mr. Gallucci – yes  
Mr. Houser – yes                              Mr. Kurtz – yes                              Mr. Campbell – yes

**PERSONS TO ADDRESS THE BOARD**

Tony Fruchtl – Homeland Manufacturing: Tony Fruchtl of Penn Terra Engineering was present to go over the land development plans for Homeland Manufacturing. It was noted that this business will be located along Penn Tech Drive in Benner Commerce Park and will consist of a 12,000 sq. ft. building with a 24' X 24' maintenance building. It was noted that the stormwater will be handled by the basin located to the south of the property. Mr. Fruchtl noted that they are waiting for the final NPDES approval, the township to issue the Highway Occupancy Permit and the zoning letter as well as a few other minor items. Mr. Bonislawshi noted that his company makes electronic and circuit cards for various applications for the defense and medical industries. A question was raised as to what the company does with its waste. Mr. Bonislawshi explained that there is very little production waste, what little waste that they do have is recycled. No hazardous chemicals are used in their manufacturing process. Mr. Campbell moved to approve the Homeland Manufacturing Land Development Plan upon completion of the outstanding items. Mr. Gallucci seconded the motion.

Vote: Mr. Copper – yes                      Mrs. Jackson – yes                      Mr. Swartzell – yes                      Mr. Gallucci – yes  
Mr. Houser – yes                              Mr. Kurtz – yes                              Mr. Campbell – yes

Mark Torretti – ARL Building #3: Mr. Torretti noted that Penn State wishes to relocate some of their offices from campus out to the location of the other ARL facilities are located off of Rock Road. The building will be construction in the middle of the test track and will be a 20,000 sq. ft. two story building. Both offices and lab facilities will be located in the building. 9,600 sq. feet of the building will be used for testing facilities. The gravel roadway will be paved along with parking areas. The entrance will be gated only allowing authorized personnel to enter. It was noted that a very small amount of hazardous/explosive materials will be stored on site that is used in the testing and that this is done with required licenses that are obtained by the state and federal governments. Mr. Torretti explained to the Board how the stormwater on the property will be handled. Mr. Gallucci moved to approve the land development plan of ARL Building #3 upon all of the outstanding comments of the Centre County Planning Commission. Mr. Kurtz seconded the motion.

Vote: Mr. Copper – yes                      Mrs. Jackson – yes                      Mr. Swartzell – yes                      Mr. Gallucci – yes  
Mr. Houser – yes                              Mr. Kurtz – yes                              Mr. Campbell – yes

ARL Building #3 Sewage Planning Module: Mr. Torretti noted that a sewage planning module is required for this project. Mr. Herr, Sewage Officer, completed the required on lot sewage testing necessary to

obtain approval from DEP. Mr. Kurtz moved to approve the Sewage Planning Module for the ARL Building #3. Mr. Gallucci seconded the motion.

Vote: Mr. Copper – yes                      Mrs. Jackson – yes                      Mr. Swartzell – yes                      Mr. Gallucci – yes  
Mr. Houser – yes                              Mr. Kurtz – yes                              Mr. Campbell – yes

## **OLD BUSINESS**

Zoning Ordinance: Discussion was held as to how the Planning Commission would like to discuss the comments received on the draft Zoning Ordinance. It was noted that the Township’s newly appointed alternate Solicitor, Rod Beard is present. Mr. Beard noted that he received a copy of the comments that were received and reviewed all of them. It was decided that Mr. Beard would review each of the letters and give his take on the comments.

\*Barley Snyder – They would like the density changed in the R-3 District – This would be the preference of the Township as there is nothing requiring what they are asking for.

\*Andrea Murrell – Concerns about the environmentals not being included in the draft document specifically the Flood Plain regulations. Mr. Beard noted that this would require to be looked into more carefully. Mrs. Royer noted that the Floodplain Ordinance is a stand alone ordinance that was adopted as per FEMA/PEMA requirements.

\*Mark Torretti – Concerns on uses and parking. Notes that it appears that his concerns have been answered. Mr. Moyer noted that he has a draft of a revised parking requirement section for everyone to take a look at.

\*Spring Township – Mr. MacMath’s comments most of which state that he feels that we have too many conditional uses. Mr. Beard noted that he is ok with conditional uses and that they can protect the Township and feels that this is a preference left up to the individual townships to decide.

\*Planning Commission Members (Nate Campbell and Paul Kurtz) These comment letters focus on the lack of environmentals being included in the ordinance as well as the development ratios in the Ag and Forest Zones. Mr. Beard noted that again the environmentals should be looked at and as far as the ratios it needs to be looked at as to what is appropriate. Another concern that was mentioned was the allowable impervious coverages in the commercial and industrial zones. Mr. Beard noted that this should be looked at with the Township Engineer.

\*Scott Brumbaugh – Comments on the ratios for development in Ag and Forest Conservation Districts also has concerns with the lack of environmentals.

\*Spring Creek Chapter of Trout Unlimited – Concerns regarding the lack of environmental regulations being included.

\*Pleasant Valley Aviation, Inc. – concerns regarding the requirements, specifically lot size, to allow an airport. Mrs. Royer noted that she has sent the proposed airport regulations to the State Bureau of Aviation to take a look at to see if they still meet their requirements and recommendations. Mr. Beard noted that Pleasant Valley Aviation is a grandfathered use and won’t affect their current operations. Mr. Moyer pointed out that the lot size in this document is the same as it was in the Roth Plan and that Mr. Elnitski was a supervisor on the Board when it was adopted.

\*Tom Eby – Benner Township Water Authority – Concerns that there aren't enough regulations in place concerning public water systems being created in developments and would like the Board to take into consideration any Source Water Projection Plans adopted by the Water Authority.

\*Ed Dunkelberger- Feels that there should be minimal open space requirements in developments.

\*Centre County Planning Commission- Comments on lot sizes, impervious coverages, alternative energy uses, comments on Accessory dwelling units and suggested that perhaps this allowable use be expanded, suggested that home rental regulations (Air B&B) may want to be considered. Mrs. Royer noted that the office has received some calls in the past from neighbors that were concerned about their neighbors renting out their homes for football games, etc. However, no calls have been received recently. The Planning Commission noted that they felt that this was more of a law enforcement, disturbance of the peace issue and not a zoning issue. If things get out of hand the police should be called just like it would be for any other party.

Mr. Beard noted that from a legal standpoint he didn't see much in the comments that are potential problems they are more the preferences of the Township.

The Planning Commission then went over the County Planning Commission's comments to decide if they should be considered or not.

It was noted that the County had concerns with the minimum lot size to be allowed in the Forest Conservation District. The Planning Commission agreed that they also were concerned with what was in the draft.

Mr. Moyer gave the Board a copy of some revised parking regulations that he just received today from College Township. He noted that he hasn't had a chance to review to see what was different from the last copy that they gave him. He noted that he believed that it included language that would allow for combinable parking or shared parking. The Planning Commission agreed that they would like to see some shared parking regulations implemented.

The Planning Commission noted that they were not in favor of the just allowing the 80% impervious coverage in the commercial and industrial districts. They noted that if it was at 70% and that they could get to 80% if best management practices were implemented that they would find this approach more favorable.

The County Planning Commission noted that the AG district and developmental ratios are not consistent with the Comprehensive Plan. Mr. Moyer noted that the 15,000 sq. ft. only applies if the property has both public water and sewer. More discussion was held concerning coming up with a compromise. Mr. Campbell noted that the Planning Commission has recommended at 1:1 ratio, ½ acre lots with 40% open space with public water and sewer; ¾ acre lots with 30% open space with public water and sewer; 1 acre lots with 20% open space with public sewer and on lot water and 1 ½ acre lots with 10% open space with on lot water and septic systems.

Mr. Moyer noted that he believes that the more open space that you require to have the more pressure there will be to further develop more land. He also noted that he feels that problems can also arise as to who will then maintain the open space noting that we currently have a development that wants to get rid of the open space so that they no longer have to maintain it.

Mr. Moyer also noted that he feels that we should also be allowing ¾ acre lots with public sewer and an on lot well.

Renee Swancer asked the Planning Commission members what they vision for the Township? What do members want to see when they are driving down 550? Do they want to see houses everywhere or do they want to see farm fields and open space?

Mr. Kurtz noted that he would like to see the character of the Township remain the same. He noted that that doesn't mean absolutely no development can take place but not hap hazard development either.

Renee Swancer questioned how the Supervisors feel about this? Do they feel the same as the Planning Commission?

Mr. Moyer noted that he feels that the farmers should be able to do with their property as they wish. It is their retirement. He continued that if people want to maintain open space then they can donate funds to a farmland preservation program or purchase the properties themselves and keep it open.

Discussion was held concerning if the open spaced could be deed restricted. Mr. Beard noted that it could be but that it makes it difficult to keep track of. Discussion was then held concerning if the deed restriction could be done for 20 years or something similar before further developed and perhaps that is a way to handle it.

Alternative energy was discussed. Everyone agreed that a better definition needs to be created. Discussion was held concerning large solar ground arrays and not wanting to see these going up everywhere. It was suggested that the roof top units would be a better option. It was decided that allowing it as a Conditional Use could be the way to handle this.

The County questioned regarding placing the Spring Creek Canyon Overlay District on the zoning map. Questions were raised if the Township was going to keep this ordinance or appeal it. It was noted that it was believed that Mr. Franson mentioned that it didn't seem to be all that valuable as most of these regulations were already covered in the stormwater ordinance, floodplain ordinance and the County's regulations for erosion and sedimentation.

County questioned why the Henderson property was zoned the way it was with the steep slopes that it has. It was noted that it was zoned as multi-family under the Roth Plan and was unsure of why it was done this way then. Mrs. Royer noted that the Henderson's had been contacted and want their property to continue to be zoned the same way.

The County suggested that accessory dwelling units be added into the Zoning Ordinance in residential districts as a way to increase rental property opportunities in the Township and to supplement property owners incomes. Discussion was held concerning this. It was noted that people were taking it upon themselves to do just this and it ended up causing septic system issues/malfunctions and could also impact EDU flows and sewer capacity planning.

Mr. Campbell noted that the County's letter summarizes most of the overall comments that were received.

Mr. Campbell noted that he feels that as far as the Environmental regulations, he still feels that they should be listed and referenced to which entity will handle it be it the County Conservation District, DEP, PennDot, etc. The Planning Commission members agreed that they would be happy with this approach.

**Assignments:**

David Wise: to research the need or not for the Spring Creek Canyon overlay.

Mike Lesniak: to research what environmentals need to be listed in the ordinance and which ones just need referenced and pointed to another entity.

Everyone: Take another look at the development ratios for the Forest and Ag districts

**NOTES**

Mr. Wise noted that discussions are being held concerning public sewer service by SBWJA to the Shiloh Road, Rock Road and Walnut Grove areas.

**ADJOURNMENT**

The meeting was adjourned the time being 8:52 p.m.

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Sharon Royer, Secretary

**Benner Township Planning Commission**

**July 5, 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 Sherry Dawn Jackson, Willis Houser, Paul Kurtz and Anthony Gallucci present. Lee Copper and Jim Swartzell were absent. Also in attendance were David Wise, Chad Stafford and Sharon Royer.

**PLEDGE OF ALLEGIANCE**

Those present recited the pledge of allegiance.

**MINUTES**

The minutes of March 22, 2018, were presented to the Board for their review and comments. Mr. Kurtz moved to approve the minutes as presented. Mrs. Jackson seconded the motion.

Vote: Mrs. Jackson – yes                      Mr. Houser – yes                      Mr. Kurtz – yes  
Mr. Gallucci – yes                              Mr. Campbell – yes                      Mr. Copper – absent  
Mr. Swartzell – absent

**PERSONS TO ADDRESS THE BOARD**

Chad Stafford – Penn Terra Engineering:

***Village of Nittany Glen Phase III B.2, III-C, III D.1, and III D.2 Final Plan:*** Mrs. Royer noted that all of the comments for this next phase of the Manufactured Home Park has been addressed and that surety for this plan has been posted so that the plan may be recorded. The plan before the Board is for an additional 30 lots. It was noted that the remainder of the development has been sold to Berks Homes. The streets in the development are private and will remain that way. Mr. Stafford noted that as he understands it that development will remain a condo community. Mr. Stafford noted that it is Berks’ desire to stick build homes and at a meeting last week they noted that they would like to put full foundations under the homes. Discussion was held. Mr. Gallucci moved to approve the Village of Nittany Glen Phase III B.2, III-C, III D.1, and III D.2 Final Plan. Mr. Kurtz seconded the motion.

Vote: Mrs. Jackson – yes                      Mr. Houser – yes                      Mr. Kurtz – yes  
Mr. Gallucci – yes                              Mr. Campbell – yes                      Mr. Copper – absent  
Mr. Swartzell – absent

***Sewage Planning Module for Rodgers Subdivision (Rishel Hill Road):*** The Sewage Planning Module was presented for approval. It was noted that two lots are being subdivided off of the residue tract. Mr. Herr has performed the soil tests needed for the sewage planning module. Mr. Kurtz moved to approve the sewage planning module for the Rodgers Subdivision. Mr. Houser seconded the motion.

Vote: Mrs. Jackson – yes                      Mr. Houser – yes                      Mr. Kurtz – yes  
Mr. Gallucci – yes                              Mr. Campbell – yes                      Mr. Copper – absent  
Mr. Swartzell – absent

**NEW BUSINESS**

***Tomco Sewage Planning Module:*** The Board is in receipt of a sewage planning module for the Tomco Subdivision. It was noted that a 10.234 acre lot is being proposed to be taken off of the 157.841 parent tract. The son of the Tomco’s plans to build a home on this lot. It was noted that Mr. Herr has completed the

necessary soil testing for the planning module. Mr. Kurtz moved to approve the Tomco Sewage Planning Module. Mr. Gallucci seconded the motion.

Vote: Mrs. Jackson – yes

Mr. Houser – yes

Mr. Kurtz – yes

Mr. Gallucci – yes

Mr. Campbell – yes

Mr. Copper – absent

Mr. Swartzell – absent

**Zoning Ordinance Amendment Village of Nittany Glen:** As was discussed in the meeting earlier, Berks Homes has purchased Nittany Glen. It is their desire to stick build houses of similar size and character as the manufactured homes currently in the development. And as we have now learned this evening they want to construct full foundations under the homes. Much discussion was held. It was noted that this type of construction doesn't fall within the definition of manufactured homes. Board members questioned what was to stop Berks from combining lots together in future phases of the development and building larger homes or even two story homes once the stick building begins. Members noted that they didn't have anything against what Berks wanted to do but doesn't believe that it fits in a "Manufactured Home Park". Discussion that perhaps a new zoning district should be created that would deal with them since they are kind of a different type of development. They have their own private amenities, the roads are private, it is a condo community and the lots are small. Concerns were also shared about if stick build construction was allowed in the Manufactured Home Park what could potentially happen in the Township's other Manufactured Home Parks. It was decided to ask Mr. Jacobs of the County Planning Office if he had any suggestions on how this could best be handled.

#### NOTES

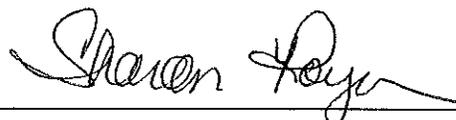
\*Mr. Wise noted that there is interest in building a motel on the lands of Dr. Clair along Shiloh Road. Which Authority will be providing the public sewer will once again become a topic to resolve so that the plans can proceed.

\*Mrs. Royer noted that Nextera Energy plans to come to the Board of Supervisors next meeting to discuss a potential project. It was noted that they specialize in Solar energy.

\*Mrs. Royer noted that Penn State administration was in and discussed that they may potentially want to locate a second test track in the Township. Mr. Wise noted that they told them that they would prefer it to be located near the one they already have. The Federal Highway Administration is also partnering in this project.

#### ADJOURNMENT

The meeting was adjourned the time being 8:55 p.m.



Sharon Royer, Recording Secretary