

April 1, 2019 public comments to Benner Township Supervisors

My name is David Thomas Roberts residing at 1995 Valley View Road in Benner Township.

I am here to ask the Township Supervisors to keep the entire Spring Creek Canyon Conservation Overlay Ordinance and both the Primary and Secondary Conservation Overlay Zones in Benner's zoning code.

It is the nature of zoning to have special requirements for areas where protections are needed such as within the Spring Creek Canyon Conservation Zones and in Benner's Forest Conservation Zones. These Conservation Zones were imposed on property owners because of the nature of the land and water as important natural resources.

I happen to live within a Forest Conservation Zone in Benner Township. My 1 1/2 acres within a Forest Zone has limited zoning restrictions I must comply with to protect sensitive environmental and recreational features along Bald Eagle Mountain. The restrictions in this unique forest setting are in place to avoid defoliation, deforestation, erosion, destruction of ground cover, and for the protection of our water resources.

People in Benner Township with property in the Spring Creek Conservation Zone must also comply with certain restrictions to protect sensitive environmental areas, water resources, and recreational features within the Spring Creek Valley.

The zoning restrictions in the Spring Creek Conservation Overlays are not unreasonable requirements. The Overlay Zones were enacted by Benner back in 2008 based on the Spring Creek Canyon Master Plan and were developed scientifically over the course of years following careful study, consideration, and analysis.

I emphasize the fact that the Secondary Conservation Zone does not prohibit development but simply places reasonable controls on development for the protection of our water resources.

The Spring Creek Canyon Secondary Conservation Zone does not prevent or prohibit development on property.

I understand and accept restrictions on my property in the Forest Conservation Zone because I care about our shared natural areas, our wildlife, and our water. I accept my responsibility to maintain the health of our community.

I hope that property owners in the Spring Creek Conservation Zone would also act as good community members and would be willing to accept limited restrictions on their properties to protect our shared natural resources.

However it appears that small special interest groups are having an undue influence on Benner Township with the goal to eliminate common sense, scientifically based controls for the protection of our natural resources.

Why are the voices of a few outweighing the voices of the many in Benner Township?

Why are special exclusions being made for a handful of property owners within the Spring Creek Canyon Conservation Zones.

Are certain property owners getting special treatment because they own more property than I do? After all I only own 1 1/2 acres while some of them own hundreds of acres.

I hope that is not the case. A property owner with 200 or even 500 acres has no greater rights and should have no more voice than any resident of Benner Township.

It should be clear we all have equal rights under the laws and Constitution of the United States and of Pennsylvania. I charge this board of supervisors to recognize that we all have equal rights and protections in Pennsylvania.

The Pennsylvania Constitution, Article I Section 27 provides our right for the protection of our natural resources and declares that -

“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

In a majority decision issued June 20, 2017, the Pennsylvania Supreme Court issued a ruling placing emphasis on the importance of our right for the protection of our natural resources.

I again ask that the Township Supervisors keep the entire Spring Creek Canyon Conservation Overlay Ordinance and both the Primary and Secondary Conservation Overlay Zones in Benner's zoning code.

If the Benner Supervisors fail to maintain the Spring Creek Canyon Overlays and the Environmental Articles within Benner's Zoning Code to protect and conserve our natural resources then the public will be forced to take steps to secure our public rights under the Pennsylvania Constitution.

Thank you.