



February 24, 2016

PLANNING COMMISSION WORK SESSION

Chairman Evans called the meeting to order at 7:00 P.M. Present for the Planning Commission were Messrs. Evans, Newlin, Caggiano, Stoll, and Heist. Also present was Steve English of Mr. Skypala's office, Assistant Township Manager Lee Milligan, Township Engineer Mike Coyne, and Geoff Grace of Grace Planning Associates.

Agenda Items: Upper Providence Township Plan#3-031 039-1113(ZTA).

Subdivision/Land Development Reviews

1). Upper Providence Township Plan#3-031 039-1113(ZTA), Flood Plain Zoning Text,
No Expiration Date.

Mr. Milligan started the conversation by explaining that this process started 3 years ago. FEMA distributed new maps for Municipal review, then asked for our Flood Plain Ordinance so they could review it. On multiple occasions the Township mailed copies to Montgomery County Planning, PEMA, FEMA and DCED, but we never received any reviews.

In January of this year, the Township received a letter from FEMA stating we would no longer be eligible for the National Flood Insurance Program if we didn't amend our Ordinance because it didn't comply. There was no indication about what didn't comply. The Township's Ordinance was always more restrictive than FEMA so we thought we were in compliance.

The Township responded to the letter by writing back to FEMA and explaining that we have given them 3 copies of our Ordinance with a promise to get back to us with a review and we still haven't received a review FEMA, PEMA or the County on the status of our Ordinance.

Mr. Milligan reported this information to the Staff Meeting a couple weeks ago and that afternoon he received a phone call from John Leshar at Montgomery County saying he was the gentleman that was supposed to review our Ordinance. His initial review showed where the Ordinance did not comply with the DCED and MCPC Model Ordinances.

Mr. Grace started the explanation of the Text Amendment. Everything marked in red has been added or needs to now be included from the 3rd Model Ordinance from the DCED.

We received a review from DCED last Friday, and from John Leshar, our contact at the County. They had 2 issues after the revisions were made. (These items are NOT in the revisions in this current handout)

1-The Ordinance still contradicts itself allowing and not allowing noxious chemicals in the Flood Plain in the Ordinance-this will be removed.

2-A section within the Flood Plain Ordinance that doesn't exist anymore-was removed.

Then, when it is corrected, send them a copy.

Mr. Milligan received a letter this afternoon saying that once this revision is completed we are to adopt the Ordinance, then send the new copy to Dan Fitzpatrick at the DCED. He will review and then send to FEMA for their final review and approval.

The DCED and the County have both blessed the Ordinance Draft that will include the new changes, so we can protect the residents within the Federal Guidelines. Technically the deadline is March 3rd, 2016. Since we have an Ordinance pending and are handling this in a timely manner, they won't suspend out Flood Insurance.

Mr. Heist clarified that the updates to the Flood Plain Ordinance seem like they are just trying to better define information as opposed to making changes.

Mr. Grace replied by saying that there aren't many changes-basically our Ordinance was stricter than FEMA's in the first place.

Some of the wording needed to be changed-prohibit to ban, terms, clarifications.

Mr. Evans stated that from a lending standpoint, if a property was in a Flood Zone they would require a letter from the municipality stating that it was ok to build.

In the Ordinance it states that if the cost to rebuild exceeds 25% of the market value of the structure on 2 separate occasions-Who & what determines if they get to rebuild?

Mr. Grace explained that the Zoning Officer or the Flood Plain Administrator get to make the initial determination..

If their ruling isn't acceptable to the Applicant, they can go to the Zoning Hearing Board. The Zoning Hearing Board can issue a Variance or Special Exception.

Mr. Heist asked who determined the market value of the structure?

Mr. English – The Zoning Officer would make the determination and if the property owner doesn't agree with it they can appeal that decision to the Zoning Hearing Board.

Mr. Grace...

1-100% Flood Plain Admin

2-Zoning Hearing Board if they don't like that.

3- As long as they show that they can comply with Ordinance 182-36, the Flood Plain Administrator ruling should be that they can rebuild.

Mr. Evans asked if we've ever had a case that we've ever said they can't rebuild.

Mr. Milligan-No.

PEMA has a grant and makes money available to a program of demolition based on repetitive loss. The Township, State and Federal Government support the permanent acquisition to transfer to Open Space. There has been 1 house in the Township that has followed all the way through the process to the end with this program and there are 42 or 43 houses in the Township in Port Providence and Mont Clare that have repetitive loss.

Mr. Evans asked what is permitted in terms of underground tanks?

Mr. Grace explained that underground tanks are on P.18, 182-28 Prohibited Uses. This is the section that is talked about in the first bullet in the FEMA letter where we had to remove from the Ordinance. You may be able to get a variance, but otherwise they are not allowed.

Mr. Caggiano –This has always been in the Ordinance.

Mr. Milligan said this refers to new only. If a property experiences a loss or it is damaged and it impacts that tank, we make them secure it, anchor it or get it above the base flood elevation-get the fuel tank out of basement-the reconstruction of properties non-conforming has to be done in accordance with the current regulations under the UCC.

Mr. Evans referred back to P.21 & 22. He asked if this included the basement?
Lowest floor elevation?

Mr. Milligan explained that by using the Canal Bar as an example. The basement is for incidental storage only with flood relief vents, which lets water in & out.

Mr. Heist asked about 615 Egypt Road-Thinks it is close to the Flood Plain if not in the Flood Plain.

Mr. English added that since the applications were in prior to the amended Ordinance they have a right to be reviewed under the current Ordinance.

Mr. Newlin asked about P.29, #7, that if a Variance was granted and increased risk of life-he clarified that they would have to notify the Township-correct?

Mr. Grace explained that this was new language that was in the 3rd Model Ordinance and he feels that it is covering the Township to say that we didn't allow this to happen-the Zoning Hearing Board allowed this for whatever the reason, so we are going to notify you in writing that you may end up incurring increased premium rates and increasing your risk.

Mr. Caggiano questioned regarding the FEMA map where the Flood Plain line crosses into a property by 50-100' and the property is several acres, does a study still need to be done?

Mr. Coyne replied that according to the new language on P.25(E) the County Review specifically pointed out, yes-anything with 50 lots or at least 5 acres where there is no base flood elevation available they will have to do an analysis, even if you aren't touching it.

Mr. Caggiano clarified that when someone was going to build a house on a 10 acre lot, but they even had a small piece of their parcel in the Flood Plain and nowhere near the house-they still need to get a detailed study?

Mr. Coyne-Yes.

Mr. Grace said they could get a Variance.

Mr. English-Yes, and financial hardship is not a reason for a Variance.

Mr. Milligan added that a designated Flood Plain, in reality, can go 200' in any direction. Doing these studies makes their maps more accurate. It is not a carved in stone elevation.

Mr. Coyne P.5, Item 2-Flood Hazard Map

We need to delineate and adopt a Flood Hazard Map.

Mr. Grace suggested we use the FEMA maps as our Flood Hazard Maps

Mr. Caggiano asked how much the Stream Study Analysis would cost.

Mr. Coyne answered about \$8,000-\$10,000 minimum.

Mr. Caggiano made a motion, seconded by Mr. Stoll to recommend approval to the Board of Supervisors, Plan#3-031 029-1113(ZTA), based on the following conditions;

1-The DCED recommended revisions should be incorporated in the final draft.

2-It is recommended that §182-32.J be amended to include items C & D of §182-28.1 Prohibited Uses.

3-Pursuant to §182-26.A(2) it is recommended that the Township Planner and Engineer develop the "Local Flood Hazard Map" to further define and establish this district.

Vote; Unanimous.

For the SEI, 100 Cider Mill Property...

Mr. Caggiano made a motion, seconded by Mr. Stoll to recommend denial to the Board of Supervisors, Plan#7-042 001-1081(PLD);

1-Based on based on the applicant addressing the technical deficiencies as outlined in the consultant review letters from The Fire Marshal of October 10, 2014, Suburban Lighting of November 18, 2014, and CL Milligan response of November 4, 2014.

2-Further this recommendation denial is conditioned upon the Applicant offering an

extension to allow additional review of this application.
Vote; Unanimous.

Mr. Caggiano asked about GSK and the parking structure totals. He thought it was adding 1800.

Mr. Milligan said 1500-1800 would be added, and heard an additional 2700-2800 total employees.

Mr. English said 3200 total. And all of the revisions were tied to improvements.

Mr. Caggiano made a motion, seconded by Mr. Stoll to recommend canceling the next meeting, March 9, 2016, due to no quorum.

Vote; Unanimous.

There was then a short discussion regarding;

1-Grading permits and ALD.

2-Changing the on-site sewer to the "not allowed" section.

3-Setbacks, Page 7, 2B.

Mr. Caggiano made a motion to adjourn the meeting, seconded by Mr. Stoll at 8:05p.m.

Respectfully submitted,

Chris Caggiano