

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, October 27, 2015 at the Township Administration Building, Abington, PA., with Vice Chairman, Mr. Ron Rosen presiding.

CALL TO ORDER: 7:30 p.m.

ROLL CALL: Present: SPEARMAN, COOPER, GAUTHIER,
ROSEN, RUSSELL, ROBINSON
Excused: WEGGEL, STRACKHOUSE

Also Present: Director of Code Enforcement MATTEO
Planning & Zoning Official PENECALE
County Planner NARCOWICH

PLEDGE OF ALLEGIANCE

Agenda Item PC1 – Proposed Ordinance No. 2100 – Stormwater Management:

Mr. Rosen read agenda Item PC1 into the record.

Mr. Penecale said this is the third watershed update, and in the past, there was the Pennypack Watershed ordinance, the Tacony/Tookany Frankford Watershed ordinance and proposed ordinance No. 2100, which is the culmination of those two watersheds as well as the Wissahickon watershed.

Michael R. Filmyer, P.E. Manager Municipal Services, with Cardno BCM, 920 Germantown Pike, Suite 200, Plymouth Meeting, PA, 19462, said Act 167 requires all watersheds to be individually studied and there are different criteria for each watershed. There are three watersheds in Abington Township, which are the Pennypack, the Tacony/Tookany Frankford and Wissahickon.

Part of Act 167 process is that various environmental groups work together as a team in putting this document together. DEP reviews and approves the document and then the team will put together an ordinance for the Township to adopt by January 8, 2016.

The Wissahickon watershed does not have an Act 167 plan approved yet, so we used an ordinance from DEP, called the “MS4” program, which is a stormwater program.

Proposed Ordinance No. 2100 - Stormwater Management Ordinance is a culmination of the implementation of requirements of the Tacony/Tookany Frankford Watershed Stormwater Management Plan; the Pennypack Creek Watershed Stormwater Management Plan; and the Wissahickon Creek Watershed Stormwater Management Plan.

He received a copy of Mr. Weggel's review and suggestions for revisions and his comments dated, October 20, 2015 was incorporated into proposed ordinance this afternoon. A copy of Mr. Weggel's comments was provided to members of the Planning Commission for their review.

Mr. Rosen questioned whether any of Mr. Weggel's comments were something that the Planning Commission should be made aware of.

Mr. Penecale replied Mr. Weggel's comments were extremely on-point and they were forwarded to Mr. Filmyer. Also, Mr. Narcowich, County Planner of the MCPC, provided a review letter dated, October 27, 2015 indicates that the County supports proposed Ordinance No. 2100.

More and more requirements are imposed by DEP to control stormwater onsite to reduce discharge into our public stormwater systems and also to filter out pollutants. The Township, as part of this MS4 program, has two street sweepers cleaning up road sediment from the roadways in order to reduce the amount of sedimentation into our streams.

Mr. Rosen asked for any comments from members of the Planning Commission.

Ms. Gauthier said in regards to the proposed ordinance; the edits are repeated on Page 5 between K and L and M and S. Page 9, the section numbers should be 408 and 409 under Item 2. Page 12 has a missing chart for Tookany.

Mr. Filmyer replied there is no chart for Tookany.

Ms. Gauthier continued that on Page 14 – add Section 409 to the chart. She asked about the language in the footnotes under the chart for Appendix A.

Mr. Filmyer replied he will check on that language.

Ms. Gauthier continued that on Page 17 – add property owner. Page 46 – under Item B4 – should read Section 409. Page 47 - Under Section 408 – the last sentence should be deleted. Also, she questioned Section 408 where it says, "If the applicable rear or side yard setback is less than fifty feet, the buffer width may be reduced to 25 percent of the setback to a minimum of 10 feet.

Mr. Filymer replied if the criteria are 50%, and if there is not 50 feet, the buffer is reduced to 25% of the setback.

Mr. Penecale added that the setback is measured from the edge of the protected area, which is language in the existing ordinance and was carried over to the new proposed ordinance. We will get further clarification on that paragraph.

Ms. Gauthier continued that on Page 54 – Area W – Under Item A – should read, “The peak rate requirements specified in Table 409.1W.” On Page 58 under TABLE 410-1 – TR-55 or WINTR-55 should read – applicable for land development plans within limitations described in TR-55 (55 is missing). Also, the Appendices do not match up with the ordinance.

Mr. Rosen asked for any public comments. There were none.

Mr. Matteo said proposed Ordinance No. 2100 will be placed on the Code Enforcement Committee of the Board of Commissioners’ agenda for advertisement for a public hearing to be held in January.

Mr. Penecale said in summary; Mr. Weggel’s comments dated, October 20, 2015 will be marked as Exhibit W1 and we will include Ms. Gauthier’s comments that were made this evening that will be marked as Exhibit G1. Also, we will get clarification for Page 47, Section 408 – last paragraph.

Mr. Rosen made a MOTION, seconded by Mr. Spearman to recommend approval of proposed Ordinance No. 2100 subject to the inclusion of Mr. Weggel’s comments dated, October 20, 2015 marked as Exhibit W1 and the inclusion of Ms. Gauthier’s comments marked as Exhibit G1 as well as further on clarification on Page 47, Section 408 – last paragraph.

MOTION was ADOPTED 6-0.

Agenda Item PC2 – Proposed Ordinance No. 2102 – “The Flood Plain Ordinance:”

Mr. Rosen read agenda Item PC2 into the record.

Mr. Penecale said this floodplain ordinance is exactly what was seen as part of the zoning ordinance rewrite review, so we took that subsection out of the draft zoning ordinance and placed it in a standalone ordinance. The Township’s proposed floodplain ordinance is similar to the County’s model floodplain ordinance, although there were several changes made to the Township’s proposed ordinance. FEMA’s recommendation is to allow for construction within a floodplain pending certain added construction requirements as well as elevation requirements.

Abington Township, since 1996, requires that no construction be permitted within a floodplain; however, what is permitted is to repair and replace some existing features and that language was continued forward. There is a resource requirement in a floodplain, and in Abington Township, setbacks are measured from the edge of that resource requirement and that is carried over from the massive amount of flooding and a massive amount of dollars spent post 1996 and post 2001 when this Township had to buyout properties built prior to 1978 when floodplain regulations went into effect.

Proposed Ordinance No. 2102 – Floodplain Ordinance has been reviewed as part of the draft rewrite zoning ordinance review; however, language was carried over from prior ordinance that requires resource setbacks to be measured from the edge of the floodplain and not from the property line. Abington Township has 683 properties within a floodplain, and once FEMA adopts the pending FIRM maps, if they remain unchanged, that number will increase to just over 1,700 properties, so over time, property owners will need to make repairs to these homes.

As part of the model ordinances, there is a requirement to make certain repairs and elevate certain features such as exterior mounted mechanical equipment; new additions; and elevated decks, etc., and those instances vary from one foot above flood elevation to two feet above flood elevation. Township’s proposed ordinance makes it standard across the board, so anywhere the model ordinance says one foot, we made it two feet, and anywhere the model ordinance says, one foot and a half, we increased it to two feet.

Mr. Rosen asked how did the Township determine there had to be a two-foot elevation?

Mr. Penecale replied Abington Township is engineered to handle the 100-year storm so the water does not leave streambanks, but the problem that the Township experiences is storm surges that are greater than the 100-year flood. We took what we knew in 1996 as being floodplain levels and was discussed with Township Engineer that if we were to go to the highest standard permitted by FEMA, which is two feet, not only would we be in line with FEMA’s recommendation, but we would provide the most form of protection.

FEMA will only allow us to go two feet above flood elevation and anything more than that we will end up with exterior mechanical units that would be at the level with windows or above window sills.

Mr. Rosen clarified that FEMA requires elevated additions two feet above the floodplain; how do we know what the floodplain elevation is?

Mr. Penecale replied those elevations are set by FEMA on the maps.

Mr. Spearman clarified that if there is a building adjacent to the floodplain, the mechanical equipment has to be elevated, but the footprint of the building will not be permitted to be increased at all. Is that correct?

Mr. Penecale replied that is correct. Also, Mr. Weggel submitted comments in regards to this propose ordinance, and all of the changes suggested by Mr. Weggel were made with the exception of two. The two were due to the fact that the sections of the floodplain do not exist in Abington and he confirmed that with the County’s environmental planner.

Majority of Mr. Weggel's comments were corrections that needed to be made due to grammatical errors. The only other change was the definition of the word "excavation" as listed in Section 600.5. The language said, "Start of construction," and Mr. Weggel asked for it to read, "Start of excavation;" however, the issue is there can be excavation within a floodplain, but we cannot change the elevation of the floodplain.

Ms. Gauthier referred to Section 600.9, Item B, which has typos.

Mr. Spearman referred to Section 600.10.4 Paragraph D – that refers to the 2006 IBC (International Building Code) and the State's current version is 2009 not 2006.

Mr. Penecale suggested changing that language to "current" IBC (International Building Code) so, as the ordinance progresses over the years, it will not need to be amended.

Ms. Gauthier commented there is a reference to the Apartment/Office District in the floodplain ordinance and that will be removed in the revised zoning ordinance.

Mr. Spearman questioned whether there will be adequate references to the floodplain maps at the Township so property owners will know whether they are in a floodplain or not.

Mr. Penecale replied copies of FIRM maps will be on-hand at the Township.

Mr. Rosen asked for any public comments. There were none.

Ms. Gauthier asked why are regulations regarding "fill" in Section 600.11.4 -0 included in the ordinance?

Mr. Penecale replied it is for the ZHB in the event an application is filed for a variance.

Mr. Matteo said both Items PC1 and PC2 will come before the Code Enforcement Committee of the Board of Commissioners on November 30, 2015 for a motion to advertise for a public hearing to be held in January, 2016.

Ms. Gauthier made a MOTION, seconded by Mr. Spearman to recommend approval of proposed Ordinance No. 2102 – The Flood Plain Ordinance subject to the amendment of this ordinance that includes suggestions/comments made by Mr. Weggel and Ms. Gauthier.

MOTION was ADOPTED 6-0.

Planning Commission Meeting

October 27, 2015

ADJOURNMENT: 8:32 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary