



# HATFIELD TOWNSHIP BOARD OF COMMISSIONERS WORKSHOP MEETING AGENDA

February 10, 2016

7:30 PM

**I. CALL TO ORDER**

**II. ROLL CALL**

- COMMISSIONER PRESIDENT ZIPFEL
- COMMISSIONER VICE PRESIDENT HUGHES
- COMMISSIONER ANDRIS
- COMMISSIONER RODGERS
- COMMISSIONER THOMAS

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF AGENDA**

**V. CITIZENS' COMMENTS – AGENDA ITEMS ONLY**

*Attention: Board of Commissioner Meetings are Video Recorded*

*All comments made at the podium. Please state your name and address for the record.  
Comments are guided by Resolution #10-10.*

**VI. CONSENT ITEMS**

*Motion to Enter into the Record*

- A.** Engineer's Report – *January*
- B.** Building Report – *January*
- C.** Police Report – *January*
- D.** HTMA Meeting Minutes – *December 8, 2015*
- E.** Planning Commission Meeting Minutes – *December 15, 2015, January 19, 2016*
- F.** Colmar Fire Company – *January*

**VII. COMMITTEE REPORTS**

**A. Planning and Zoning Committee – Commissioner Rodgers**

1. Fortuna Station (Cowpath/Lenhart) Land Development
2. Verus Partners (Campus Drive) Land Development
3. Frick’s Meetinghouse Subdivision
4. Floodplain Ordinance Update

**B. Public Works Committee – Vice President Hughes**

**C. Parks and Recreation Committee – Commissioner Thomas**

1. Frick’s Trail – Stepping Stones Public Hearing (Feb. 24)

**D. Public Safety Committee –President Zipfel**

1. Public Safety Day – Hatfield Aquatic Center
2. Hatfield Fire - \$400,000 Contribution – Ladder 17

**E. Finance Committee – Commissioner Andris**

**VIII. TOWNSHIP STAFF REPORTS**

**A. Township Manager’s Report**

1. Street Light Energy Savings - DVRPC

**IX. SOLICITOR’S REPORT**

**X. CITIZENS’ COMMENTS**

*Attention: Board of Commissioner Meetings are Video Recorded  
All comments made at the podium. Please state your name and address for the record.  
Comments are guided by Resolution #10-10.*

**MEMORANDUM**

**TO:** Aaron J. Bibro, Township Manager  
**FROM:** Bryan McAdam, P.E., Township Engineer  
**DATE:** February 4, 2016  
**SUBJECT:** Engineering Report - Project Status

**MEETINGS:**

January 4	Attended Board of Commissioners Reorganization Meeting
January 13	Attended Board of Commissioners Workshop Meeting
January 19	Attended Planning Commission Meeting
January 25	Attended Planning and Zoning Committee Meeting
January 27	Attended Board of Commissioners Meeting

**TOWNSHIP PROJECTS**

1. **Broad Street Sidewalk and Landscaping**

Project has been transferred to CKS for completion of bidding documents. A meeting was held with PennDOT on March 15, 2012 to clarify the remaining information necessary for completion of bidding documents. The Safety Study, preliminary plans and the Design Criteria Report were submitted on June 15, 2012, for review by PennDOT. The Safety Study and Design Criteria Report have been approved. The Solicitor has completed the right-of-way and easement documents. CKS is finalizing bidding documents. We anticipate the project going to be bid in the fall of 2015. A meeting was held on October 7, 2015 with PennDOT to discuss the project status and scheduling. The Township continues to provide requested documentation to PennDOT.

2. **MS4 Stormwater Management**

PA DEP has released new General Permit PAG-13 permit requirements, which had been the subject of discussion for nearly a year. CKS has prepared the application for the updated permit for submission to PA DEP. Outfall inspections continue as part of the permit requirements. The updated permit requirements include TMDL provisions, as well as additional mapping requirements. The NOI was submitted on September 14, 2012. The annual report for this reporting period was submitted to PA DEP on June 5, 2014. PA DEP has issued its review for the portion of the NOI located in the Skippack Creek Watershed. CKS has initiated discussions with the Township regarding the review comments.

3. **Floodplain Ordinance**

The Zoning Officer and Solicitor are reviewing the updated FEMA regulations and preparing an update to the Floodplain Ordinance for adoption in 2016.

#### 4. Growing Greener Grant Application

CKS submitted a grant application to naturalize three existing Township-owned detention basins on Stewart Drive, Downing Drive, and Fairgrounds Road (Clemens Park basin). The proposal is to naturalize the bottom of the basins in conjunction with the sediment removal requirements of the forthcoming MS4 NPDES Permit. PA DEP has awarded the Township a grant for \$41,750.00. The grant documents were received by the Township and resubmitted to PA DEP. Preparation of bid documents is complete. A single bid was received for the project and significantly exceeded the budgeted cost for the project. The project scope was reevaluated, and revisions were reviewed by PA DEP. The bid opening was held on April 30, 2014. Three bids were received. The bids were beyond the budgeted amount and a recommendation for rejection was submitted to the Township. The project has been revised in order to eliminate the use of chemicals to remove the existing vegetation. The Public Works Department has done the grading and seeding work in the Fairgrounds Road basin, and the grading and seeding preparation work has been completed in the Downing Drive basin. The Public Works Department has completed the grading and seeding in the Stewart Drive basin.

#### NEW SUBDIVISION/LAND DEVELOPMENT PROJECTS

5. Hatfield Ice - Project #P10-04 - Land Development Plans for the construction of a new practice rink with access off of Trewigtown Road. Plans were originally received July 12, 2010. Review comments and letter submitted July 20, 2010 by T&M. Revised plans were submitted and a CKS review letter dated January 2, 2014 was issued. Revised plans were submitted. A CKS review was distributed on July 13, 2015, and the project received a favorable recommendation from the Township Planning Commission at their July 21, 2015 meeting. The project received final approval at the August 26, 2015 Board of Commissioners Meeting. The escrow tabulation, for use with the Development Agreement, was distributed by CKS Engineers, Inc. on September 29, 2015. Execution of the Development Agreement and associated documents should occur shortly, with commencement of construction soon after.
6. Clemens Family Corporation - Ruth Business Center Warehouse #P11-01 - Proposed 90,000-square foot warehouse, with associated parking, stormwater management and water and sewer facilities, located on a 7.8-acre parcel on the east side of Clemens Road. Plan review, dated April 6, 2011, was sent to the applicant. The plan was discussed at the May 17, 2011 Planning Commission Meeting. Revisions are being made.
7. Derstine Run – remaining Phases – Project #P09-07 - The applicant submitted Amended Final Plans depicting revised phase lines for the project. The proposal breaks the previously approved 2-phase project into 4 phases. The project received Board approval at the November 16, 2011 Board of Commissioners Meeting. Utility revisions are being discussed for Phases 2 through 4. Phase 2 construction is substantially complete.
8. Hatfield Crossings, LLP - #P14-01 – The applicant proposes to develop a parcel created by a recent subdivision on Cowpath Road. The plan proposes a 10,000-SF daycare facility, as well as 4,500 SF of mixed retail and restaurant use. The CKS Engineers, Inc. review was issued on August 21, 2014. The applicant has put the project on hold.
9. Clemens Food Group - #P14-02 – The applicant is proposing a 10,000-SF warehouse addition on the north side of the existing processing building. The CKS Engineers, Inc. review was issued February 7, 2014. The plan received conditional approval at the March 26, 2014 Board of Commissioners Meeting. Plans were revised in response to approval conditions and all plan-related concerns were satisfactorily addressed. The applicant is coordinating aspects of

the Development Agreement with the Township Staff. The applicant has put the expansion(s) on hold.

10. The Ovation Group (719 Schwab Road) - #P14-05 – The applicant proposes two new building lots on the north side of Schwab Road. The CKS Engineers, Inc. review was distributed on September 8, 2014, and received Conditional Approval at the October 22, 2014 Board of Commissioners Meeting. The project received final approval at the July 22, 2015 Board of Commissioners Meeting. Proof plans and a construction cost estimate were submitted and reviewed. The CKS Engineers, Inc. review was distributed on October 19, 2015, with the escrow tabulation.
11. Penn Color Land Development - #P15-01 - The applicant proposes to construct a total of 11 buildings and building additions totaling approximately 235,000 SF. The additional space will be used for manufacturing and warehousing, as well as a new lab on the 86.87-acre site. The CKS Engineers, Inc. review was distributed on May 19, 2015. Revised plans were submitted and a new CKS Engineers, Inc. review was distributed on July 14, 2015. The project received a favorable recommendation at the July 21, 2015 Planning Commission Meeting. The project received final approval at the August 26, 2015 Board of Commissioners Meeting.
12. Clemens Corner - #P15-02 - The applicant proposes to construct a 7,200-SF retail building that will be portioned into four retail units on a previously developed 21.167-acre parcel. The CKS Engineers, Inc. review was distributed on April 2, 2015. The project received Conditional Approval at the April 22, 2015 Board of Commissioners Meeting.
13. Walker Minor Subdivision - #P15-03 – The applicant proposes to consolidate and subdivide several parcels located on School Road and Catherine Street (Paper Street) into two building lots. The CKS Engineers, Inc. review was distributed on July 10, 2015, and the application received final approval at the July 22, 2015 Board of Commissioners Meeting.
14. David Ruth Minor Subdivision - #P15-04 – The applicant proposes to subdivide a 1.36 acre parcel located on Line Lexington Road into two building lots. The CKS Engineers, Inc. review of the revised plan was distributed on January 25, 2016.
15. Josephine Berardi Minor Subdivision - #P15-05 – The applicant proposes to subdivide a 1.04 acre parcel located at the intersection of Moyer Road and Wimbledon Lane into two building lots. The CKS Engineers, Inc. review of the revised plan was distributed on January 22, 2016.
16. Citadel Federal Credit Union - #P15-06 – The applicant proposes to raze an existing bank building and replace it with a slightly larger bank in the Ralph's Corner Shopping Center. There are minor changes to the parking and access driveway layout, as well as minor adjustments to the stormwater management system. The CKS Engineers, Inc. review was distributed on September 8, 2015. The plan received approval at the October 28, 2015 Board of Commissioners Meeting. The applicant is coordinating resolution of approval conditions with the Township Staff.
17. Walnut Street Subdivision - #P15-07 – The applicant proposes 10 single-family dwellings on a 6.9-acre parcel on Walnut Street. The subdivision proposes an extension of the Fortuna Drive cul-de-sac. Stormwater management is to be addressed by enlargement of an existing adjacent detention basin. The project is to be served by public water and sanitary sewer. The CKS Engineers, Inc. review of the revised plans was distributed on February 3, 2016.
18. Fortuna Station - #P15-08 - The applicant proposes to subdivide a parcel of approximately 6.96 acres on the northeastern corner of the intersection of Cowpath and Lenhart Roads in the

TD Zoning District into 18 semi-detached single-family homes and 41 townhomes. The parcel was the subject of a zoning change and conditional use approval. The CKS Engineers, Inc. review was distributed on December 22, 2015.

19. Arbors Commercial - #P15-10 - This project was previously approved but not constructed. Revised plans were submitted which propose a portion of the site dedicated to commercial development and the remaining portion to contain a 100-car parking lot to be used by SEPTA. CKS Engineers, Inc. witnessed soil testing for stormwater management facilities in August. The CKS Engineers, Inc. review was distributed on October 14, 2015.
20. Verus Partners LLC (3020-3040 Campus Drive) - #P09-08 – This project proposes a 209,647-SF industrial building on a parcel previously approved for a flex space use. The current plan proposes the building, parking, internal drive and parking, serviced by public water and sanitary sewer, as well as stormwater management facilities. The previous applications had been approved via Resolutions 08-11 and 10-26. The CKS Engineers, Inc. review of the revised plan was distributed on January 11, 2016.

#### **APPROVED BUT INACTIVE SUBDIVISION/LAND DEVELOPMENT PROJECTS**

21. Oak Tree Office Campus (Altemose) - CKS will pick up project for construction inspection following execution of Development Agreement and Recording of plans. The project received Conditional Final Approval at the April 27, 2011 Board of Commissioners Meeting. This project has not been recorded. Development Agreement, escrow, etc. still to be done.
22. Raymond Au/309 Plaza - #P08-05 – This project had received conditional preliminary/final approval in 2009. The applicant is proposing a revision to one of the pad sites. The CKS review letter was distributed on December 9, 2013.

#### **NEW LAND DEVELOPMENT CONSTRUCTION**

23. Derstine Run – Phase 1 - Project #P09-07 - Phase 1 is complete.
24. Derstine Run – remaining Phases – Project #P09-07 - Utility revisions are being discussed for Phases 2 through 4. Phase 2 construction is substantially complete. Work required along Derstine Road has not been scheduled by the applicant or their general contractor. Follow-up with applicant is needed to request that remaining work be performed in the spring of 2016.
25. Chelsea Court - Project #P09-02 – Construction is complete. The Township is coordinating required corrections discovered during the 18-month Maintenance Period with the applicant.
26. LiDestri Keystone Properties, LLC (Zeiglers) Land Development - #P11-05 – The pre-construction meeting was held on March 21, 2012. Construction is complete and the applicant is working on Punch List items as per a recent site meeting with CKS and the applicant.
27. PT Hatfield, LP – Wawa #P11-02 - The pre-construction meeting was held on June 5, 2012. Construction is complete. All Punch List work was recently completed and a final escrow release was distributed by CKS Engineers, Inc.
28. Quakertown National Bank (QNB) Land Development - #P12-01 – The pre-construction meeting was held on July 31, 2012. Construction is nearly complete. The bank is currently open while remaining construction items are being addressed. A final Punch List has been issued. Several items remain to be completed, including remedial work in the rain gardens.

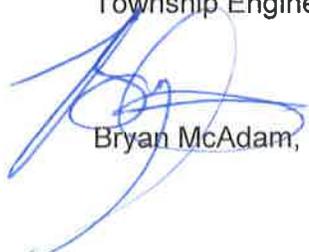
29. St. Mary's and St. Kyrillos Coptic Orthodox Church - Project #P10-07 – The pre-construction meeting was held in January 2013. Building construction is in progress. Site construction, including curb, road widening and parking area construction is in progress.
30. LiDestri Keystone LLC, Land Development (parking lot addition) - #P12-07 – The Pre-Construction Meeting was held on May 22, 2013. Construction is complete. A Punch List was distributed on January 24, 2014 by CKS Engineers, Inc. CKS staff recently met with an applicant's representative to review the outstanding items. The Notice of Termination for the NPDES Permit has recently been obtained.
31. Regent Valley Management (Walnut Street Parcel) - #P11-04 – This project is under construction. The applicant has recently requested a final inspection. The Punch List Inspection was completed and forwarded to the developer.
32. SIMCO-Ion Company - P#13-06 – The pre-construction meeting was held on December 11, 2013. Construction is nearly complete. The applicant/owner has requested and received a final inspection. Work on the Punch List items is in progress.
33. Oak Restaurants, LP (Taco Bell) - #P14-03 – The pre-construction meeting was held the week of June 20, 2014. Construction is complete.
34. Hatfield Elementary School - #P13-04 – The applicant has commenced interior building work and installed erosion control measures at the Hatfield Elementary School site. Installation of the temporary structures at the Pennfield Middle School is complete. Site work at the Hatfield Elementary School is nearly complete. CKS is currently preparing the Final Inspection Punch List.
35. Firefox Townhouse Development - #P06-03 – Phase 1 of this project, which is primarily in Montgomery Township, has commenced construction. No work in the Hatfield Township portion of the project has started yet. The design for the pedestrian bridge was forwarded to CKS for review; color selection of the bridge was forwarded to the Township and approved. The pedestrian bridge is under construction.
36. Snyder Square Townhouses (Regency Residential) - #P02-05 – The pre-construction meeting for Phase I was held on February 13, 2015. Construction is complete to base paving.
37. JK Investments - 2252 North Broad Street - #P14-08 – The pre-construction meeting was held on June 24, 2015. Construction is in progress.
38. Crest Commons, LLC - 703 Cowpath Road - #P14-07 – Construction is underway.
39. Clemens Food Group, Hog Barn Expansion – The pre-construction meeting was held on July 30, 2015. The project has been cancelled by the applicant.
40. Belmont/Mariwell Properties (Lauman Tract) – P#14-06 – Construction is in progress. Erosion control measures and tree protection fencing were installed. The roads are complete to base paving. House construction is in progress.
41. Electronic Fluorocarbons (A&C Realestate Investment LLC) - #P14-11 - The pre-construction meeting was held on September 17, 2015. Construction is ongoing.
42. D&V Associates (ABC Supply/Valts Roofing) - #P14-10 – The pre-construction meeting was held on November 2, 2015. Construction is ongoing.

43. Kelcor Holdings (Sequoia Supply) - #P14-09 – The pre-construction meeting was held on December 16, 2015. Construction is ongoing.

**PROJECTS IN MAINTENANCE PERIOD**

44. Mikelen Subdivision (Schwab Road) – Project #P10-06 – The public improvements were accepted for dedication and the project is in the 18-month maintenance period. Maintenance Bond Inspection was performed and the resultant Punch List was forwarded to the developer on July 20, 2015. Work on the Punch List is nearly complete. Minor restoration work remains.

Respectfully submitted,  
CKS ENGINEERS, INC.  
Township Engineers



Bryan McAdam, P.E.

BMc/mdm

cc: Ken Amey, Hatfield Township  
Kimberli J. Flanders, McCloskey and Faber, PC  
Joseph J. Nolan, CKS Engineers, Inc.  
James F. Weiss, CKS Engineers, Inc.  
File



To: Aaron Bibro, Township Manager  
From: Barbara Keifer, Safety and Code Enforcement Department  
Date: February 1, 2016  
Re: **January 2016 Building Report**

---

	<u># of Permits</u>	<u>Fees Collected</u>
Building	18	\$3865.00
Electrical	14	\$2755.00
Mechanical	4	\$570.00
Plumbing	2	\$180.00
Fire Protection	4	\$1270.00
Contractor Registrations	27	\$2025.00
Use & Occupancy	<u>10</u>	<u>\$790.00</u>
<b>TOTAL:</b>	<b>79</b>	<b>\$11455.00</b>

---

1950 School Road, Hatfield, PA 19440  
Phone: 215-855-0900 ● Fax: 215-855-0243  
Email: [mail@hatfieldtownship.org](mailto:mail@hatfieldtownship.org)  
[www.hatfieldtownship.org](http://www.hatfieldtownship.org)



## **Hatfield Township Police Activity Report**

The timeframe for this report is 01/01/16 – 01/31/16

(1821) Incidents were handled by Officers

(97) Selective Enforcements were conducted

(7) Non -Traffic\*\* arrests were made

(120) Traffic Citations were issued

(63) Parking Tickets were issued

(86) Traffic Courtesy/ Warnings Notices were issued

(252) Night Eyes/ Business checks/Directed Patrols were conducted

(9) Criminal\* Arrests were made

(3) DUI

(1) DUI's w/Accident

(40) Thefts were reported

Addendum:

**\*Criminal Arrests involved the following charges:** Bad Checks, Burglary, Criminal Trespass, Drug Possession, DUI, Endangering Welfare of Children, Harassment, Receiving Stolen Property, Retail Theft, Simple Assault,

**\*\* Non-Criminal arrests were made for:** Criminal Mischief, Disorderly Conduct, Harassment, Public Drunkenness.

CHARLES MURGIA, Chairman  
DONALD D. ATKISS, Vice Chairman  
RALPH HARVEY, Asst. Secretary  
BARRY WERT, Secretary/Asst. Treasurer  
CHARLES SIBEL, Treasurer

PETER R. DORNEY, Executive Director



CET ENGINEERING SERVICES  
Engineer  
717-541-0622

HAMBURG, RUBIN, MULLIN,  
MAXWELL & LUPIN  
Solicitor  
215-661-0400

HATFIELD TOWNSHIP MUNICIPAL AUTHORITY  
PUBLIC MEETING  
DECEMBER 8, 2015

I. The meeting of the Hatfield Township Municipal Authority was held on December 8, 2015 at 3200 Advance Lane, Colmar, PA.

II. The Hatfield Township Municipal Authority meeting was called to order at 7:37 p.m. The following Authority members were present: Charles Murgia, Donald Atkiss, Barry Wert, Charles Sibel and Ralph Harvey. Also present: Peter Dorney, Executive Director, Joseph Stammers, Plant Manager, Paul Mullin, Solicitor, Stan Chilson, Engineer and Diana Bonekemper taking notes.

III. Approval of minutes for November 10, 2015 – Motion was made by Charles Sibel to approve the minutes as presented, seconded by Barry Wert and approved by the Authority with the exception of Ralph Harvey, who was absent from that meeting.

IV. Citizens comments – no report

V. Union – no report

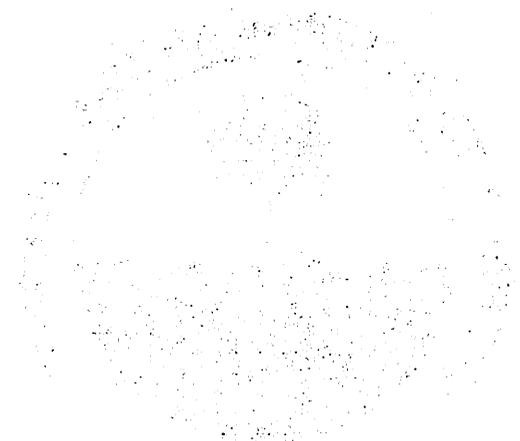
VI. Montgomery Township – Montgomery expressed displeasure with the meter report that came in. There will be a meeting scheduled in February with the lead arbitrator to evaluate the report.

VII. Executive Directors report

A. Ziegler's – Ziegler's has paid their penalty and has installed a discharge flow meter. Mr. Mullin has been in contact with their attorney about an escrow account. Zeigler prefers a letter of credit, which is acceptable to Mr. Mullin.

B. TMDL – nothing new to report

C. Hatfield Township invoice/agreement – We received the invoice from the Township for repaving of Trewigtown Rd. area worn during the interceptor project. Mr. Mullin prepared the agreement for paying the invoice. Motion was made by Charles Sibel to make the payment, seconded by Ralph Harvey and approved by the Authority.



Faded, illegible text block, possibly a header or introductory paragraph.

Faded, illegible text block, possibly a main body paragraph.

Faded, illegible text block, possibly a signature or date.

Faded, illegible text block, possibly a closing or footer.

Faded, illegible text block, possibly a second main body paragraph.

Faded, illegible text block, possibly a signature or date.

Faded, illegible text block, possibly a final paragraph or note.

D. Delinquency policy – Mr. Mullin prepared the draft delinquency policy. Delinquent accounts, with \$2500.00 or more owed will go forward with DJ action. Also, delinquents of over three (3) years will go forward with DJ action. Proper notifications will be made.

E. Brookside Manor Apts. – They are having new equipment fabricated for the inside of the wet well.

F. Lenhart Rd. – The developer is submitting their request for exception to DEP. They are moving forward with their plans. Part of GHD's evaluation will be whether or not we can eventually divert Broad St. flow down a new Lenhart Rd. line, which if we do will likely need to be a 15" line as opposed to a 12" line. The Board agreed that it would be prudent to install the 15" line now.

G. Arbors sewer line – Mr. Dorney met with the engineers for Arbors to discuss a sewer line installation to alleviate Broad St. surcharging. We would be putting in approximately 390 ft. of sewer line (12" sewer line). There was a discussion on the time frame in doing this and whether or not we can install the line prior to Arbors development.

H. Broad St. survey work – Mr. Parthemore, GHD, will have to review survey information to provide options for Broad St. There was a discussion on some of the potential options.

I. Draft air quality permit – We received our draft title V permit from DEP. There are a few minor issues in the Draft Permit that need to be questioned. Comments will be sent to DEP by Dec. 14<sup>th</sup>.

J. Draft budget – Mr. Dorney submitted a second version of a draft budget to the Board for review. Still not included are the Arbors diversion and the Lenhart Rd. job.

VIII. Pretreatment report – no report

IX. Engineer report – no report

X. Solicitors report – no report

XI. Treasurers report – After a review of the bills, Charles Sibel made the motion to pay the bills as presented, seconded by Donald Atkiss and approved by the Authority.

XII. Old Business

A. ACA tax – Mr. Dorney will report on this next month.

XIII. New Business

A. 2016 paving – Mr. Dorney discussed with the Township if we can combine our paving jobs with theirs. Mr. Wolfe recommended that they possibly do the work for us, since they do a lot of their own paving. An agreement will have to be set up if acceptable to the Township Commissioners.

B. EPA access – We received a letter from EPA requesting our signature on an agreement. Steve Hann is reviewing it and will contact EPS directly.

XIX. Other Business – Mr. Dorney reported that he has a webinar or conference call set up with EPA and NACWA, regarding implementation of the SSI regulations.

XV. Adjournment – Ralph Harvey made the motion to adjourn the meeting at 8:07 p.m., seconded by Barry Wert and approved by the Authority.

Submitted by,

Secretary

A handwritten signature in black ink, appearing to read "B. Wert", written over the printed text "Secretary".



**HATFIELD TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
December 15, 2015**

I. CALL TO ORDER

The meeting was called to order by Vice-Chair Miller at 7:30pm. Other members present were Mr. Allen, Mr. Guttenplan, and Mr. Mininger. Staff was represented by Mr. Sweeney and Mr. Amey.

II. MINUTES

A. Upon motion by Mr. Allen and second by Mr. Mininger, the minutes of the November 17, 2015 meeting were approved.

III. SUBDIVISIONS & LAND DEVELOPMENTS

A. (09-08) Verus Partners, LLC, 3020/3040 Campus Drive, Revisions and Modifications to Prior Approval

Roger Altemose of Altemose Constructors, Elkie Wetherill of Verus Partners, and Mike Preston of Liberty Engineering appeared for the applicant. Mr. Wetherill explained the proposal and described the differences between this project and the previously approved land development. The principal changes relate to building configuration, parking and circulation areas; much of the stormwater management system is already permitted and installed.

Mr. Wetherill and Mr. Preston discussed the review letters received to date and noted that they intend to comply with all comments.

The applicants agreed to return in January after resolving additional staff comments with the Fire Marshal, Landscape Architect, and Township Engineer.

B. (15-11) 2010 Realty Partners, LLC, 1970 and 2010 North Broad Street, Land Development, Zoned C

This application was formally received by the Planning Commission.

IV. OTHER BUSINESS

V. ADJOURNMENT

With no further business to transact, the meeting was adjourned at 9:00pm.



**HATFIELD TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
January 19, 2016**

I. CALL TO ORDER

The meeting was called to order by Vice-Chair Miller at 7:30pm. Other members present were Mr. Allen, Mr. Guttenplan, and Mr. Mininger. Staff was represented by Mr. Sweeney and Mr. Amey.

II. MINUTES

A. Upon motion by Mr. Guttenplan and second by Mr. Mininger, the minutes of the December 15, 2015 meeting were approved.

III. SUBDIVISIONS & LAND DEVELOPMENTS

A. (09-08) Verus Partners, LLC, 3020/3040 Campus Drive, Revisions and Modifications to Prior Approval

Roger Altemose of Altemose Constructors, Elkie Wetherill of Verus Partners, and Paul Szewczak of Liberty Engineering appeared for the applicant. Mr. Wetherill explained the progress that has taken place since December's meeting and noted that all review comments will be addressed in the final plans. The Planning Commission asked about the emergency access to the Praxair property and Mr. Wetherill explained how that access gate will function.

After a brief discussion, a motion to recommend approval was made by Mr. Allen, seconded by Mr. Guttenplan and passed unanimously.

B. (15-12) Frick's Meetinghouse, 2828 Line Lexington Road, Minor Subdivision, Zoned RA-1

The applicant was represented by Andy Schlosser, PE. Mr. Schlosser described this simple subdivision as an attempt by Frick's to separate the existing dwelling on their property from the larger tract that will remain in open space. If the subdivision is approved, the meetinghouse will sell the existing single family home and combine the remainder of the property with the other lands of Frick's, for a total land area of 20.9 acres.

With no significant staff review comments, a motion to recommend approval of this subdivision was made by Mr. Mininger, seconded by Mr. Allen, and passed unanimously.

IV. OTHER BUSINESS

V. ADJOURNMENT

With no further business to transact, the meeting was adjourned at 9:00pm.

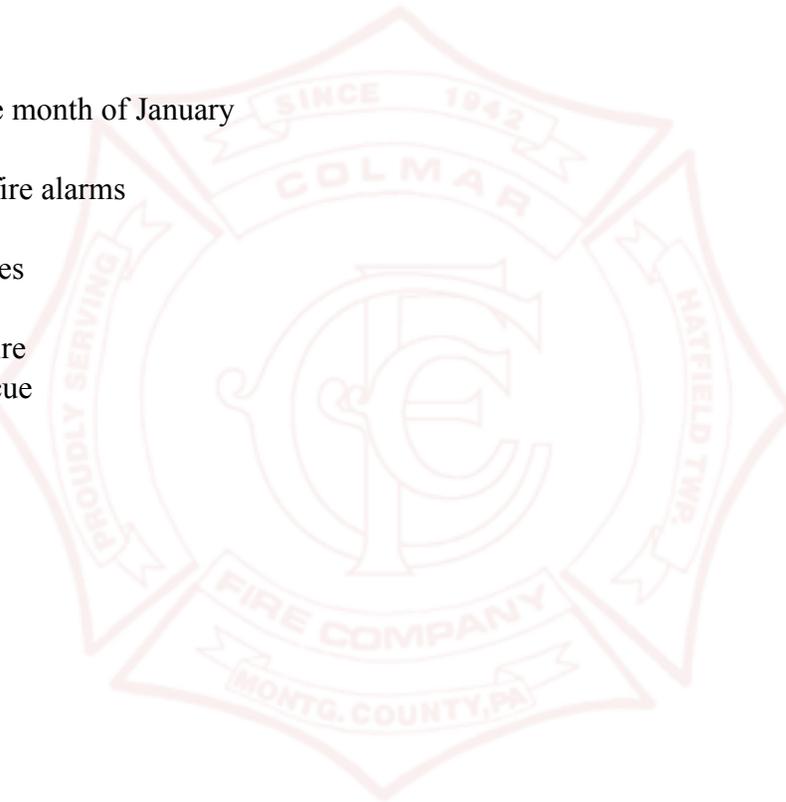
# Colmar Volunteer Fire Company

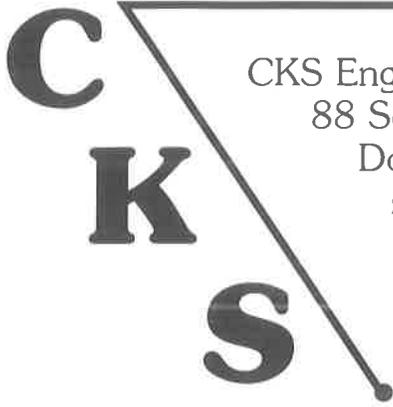
MONTGOMERY COUNTY  
2700 Walnut Street, Colmar, Pennsylvania 18915  
*Proudly Serving Hatfield Township Since 1942*  
**215-822-1444**

To: Aaron Bibro, Hatfield Twp. Manager  
From: Brad Seward, Fire Chief  
Date: February 2, 2016  
Subject: Colmar Fire Report January 2016

19 calls for the month of January

- 4- Automatic fire alarms
- 2- Fire police
- 4- Building fires
- 2- Vehicle fire
- 1- Dumpster fire
- 2- Vehicle rescue
- 3- Assit EMS
- 1- Gas leak





CKS Engineers, Inc.  
88 South Main Street  
Doylestown, PA 18901

215-340-0600 • FAX 215-340-1655

David W. Connell, P.E.  
Joseph J. Nolan, P.E.  
Thomas F. Zarko, P.E.  
James F. Weiss  
Patrick P. DiGangi, P.E.  
Ruth Cunnane

December 22, 2015  
Ref. #3537

Hatfield Township  
1950 School Road  
Hatfield, PA 19440

Attention: Aaron J. Bibro, Township Manager

Reference: Fortuna Station – Fortuna Station Development, L.P.  
Residential Subdivision & Land Development  
Project #P15-08

Dear Aaron:

We have reviewed the revised Subdivision and Land Development Plan submission for the above-referenced project, plans consisting of 26 sheets, dated August 5, 2015, last revised November 16, 2015, as well as a Post Construction Stormwater Management Report dated August 2015, last revised November 2015, each prepared by Woodrow & Associates. The applicant proposes to subdivide a parcel of approximately 6.96 acres (net area) on the northeastern corner of the intersection of Cowpath and Lenhart Roads in the "TD Transportation" Zoning District into 18 semi-detached single-family homes and 41 townhomes. The existing structures will be razed. The new dwellings will be served by stormwater management facilities, public water and public sanitary sewer.

The applicant applied for and received Conditional Use Approval to permit townhouses and semi-detached dwellings as required in the TD Transportation District at the July 22, 2015 Board of Commissioners Meeting.

The plan received a recommendation for approval from the Hatfield Township Planning Commission at their November 17, 2015 meeting, conditioned on satisfying all consultant comments.

We have reviewed the documents for compliance with applicable Zoning, Subdivision and Land Development, and Stormwater Management Ordinance requirements. We have the following comments:

1. The plan identifies the following waivers being requested from the Subdivision and Land Development and Stormwater Management Ordinance requirements:
  - a. Section 250-29.B.1 – from the requirement that the cartway width of Chapman Circle must be 34 feet as a local road. The plan is proposing a private street with a cartway width of 26 feet. We take no exception to this request, conditioned on truck turning templates being submitted that confirm satisfactory turning movement for larger vehicles; i.e., trash trucks, emergency services vehicles and school buses.
  - b. Section 250-29.D.1 – from the requirement that a street alignment have a minimum centerline radius of 150 feet. We take no exception with this request.
  - c. Section 250-29.D.2 – from the requirement that a street alignment have a 100-foot tangent between curves. We take no exception with this request.
  - d. Section 250-29.F.6 – from the requirement that curbs at a street intersection have a minimum radius of 25 feet. We take no exception to this request, and note that it relates to the radii for the entrance into the overflow parking area. As shown, all other curb radii at intersections are 25 feet or greater.
  - e. Section 250-31.A – from the requirement to provide sidewalk on both sides of all new streets. The plan does not propose sidewalk behind Units 25-42, as well as along the extension of Walnut Street adjacent to Unit 49. This design component was discussed during the Conditional Use Hearing. We take no exception to this request.
  - f. Section 250-31.C – from the requirement to provide a minimum sidewalk width of 6 feet. The plan proposes a sidewalk width of 5 feet on the interior of the site and a 6-foot-wide sidewalk along the Cowpath Road and Lenhart Road frontages. We take no exception to this request.
  - g. Section 250-38.A – a partial waiver from the buffer planting requirement. The request is to allow the use of larger caliper shade trees, taller evergreen trees and shrubs to offset deficiencies in other landscape requirement categories. This is the first of several requests for waivers of the landscaping requirements. Due to the various deficiencies, we have noted only the requests and have provided a more comprehensive statement regarding landscaping further along in this review.
  - h. Section 250-38.B – a partial waiver to provide a decreased quantity of street trees as a result of the proposed driveway and utility locations.

- i. Section 250-38.C.2 – a partial waiver to provide a decreased quantity of required plantings based on gross building area and net land area. The waiver request states that larger caliper tree sizes and taller heights are provided to compensate for the deficiency in the number of plantings proposed.
- j. Section 250-38.C.3 – a partial waiver to provide a decreased quantity of retention basin landscaping. The waiver request states that larger caliper and taller trees are provided to compensate for the deficiency in the number of plantings proposed.
- k. Section 250-38.E – from the requirement to replace all trees removed with a diameter greater than or equal to eight inches. The plan identifies 64 existing trees requiring replacement but does not propose any replacements. Instead, the request states the larger plant material planted elsewhere on site will compensate for the deficiencies.
- l. Section 250-40.B – from the requirement prohibiting perpendicular parking along a public street. Chapman Circle is intended to be a private roadway. The Ordinance does not prohibit perpendicular parking along private roads. As these roads will serve more as access drives rather than public through streets, we take no exception to this waiver request.
- m. Section 250-40.H – from the requirement that all curb radii in parking areas be no less than 5 feet. The plan proposes a 3-foot radius in the overflow parking area. We take no exception to this request.
- n. Section 242-12.K – from the requirement that all stormwater facilities are required to drain completely between 24 and 72 hours. The plan proposes a pond with a standing pool of water. In addition, the plan proposes an irrigation system; the irrigation system will draw runoff from the pond and disperse it amongst the plantings throughout the site as a means to provide groundwater recharge. We take no exception to this waiver request.
- o. Section 242-14.A.1 – from the requirement that post development volume be reduced to the pre-development condition for all storms equal to or less than the two-year storm. An on-site irrigation system is proposed, which will use water from the proposed pond to water the proposed on-site plantings. It is our understanding that the design is preliminary; accordingly, we defer full comment until the final irrigation system and accompanying calculations are submitted for review.

- p. Section 242-18.B.2.g.i – from the requirement that all storm piping be a minimum 18 inches in diameter. The plan proposes to use 15-inch diameter pipe for some of the pipe runs in the yard areas. We take no exception to this request. All pipes in the streets are at or above the minimum required diameter.
  - q. Section 242-18.B.2.g.ii – from the requirement that all storm pipe be reinforced concrete pipe (RCP). We take no exception to the pipe within the site being HDPE pipe, however, pipes in Township streets must be RCP; the proposed pipes in Lenhart Road must be revised to be RCP.
  - r. Section 250-29.A.12 – from the requirement prohibiting private streets. The plans indicate that Chapman Circle is intended to be a private roadway. If the waiver is granted, agreements outlining ownership and maintenance responsibilities will be required.
  - s. Section 250-29.F.7 – from the requirement that no plantings or vegetation can exceed a height of 6 inches with a 5-foot strip abutting the street right-of-way line on a reverse frontage lot. We take no exception with this request.
  - t. Section 242-18.B.8.n – from the requirement of a 4H:1V maximum slope for detention basin berms. The rain garden has 3:1 slopes proposed on the proposed berm. The wet pond shows a 2:1 slope for the permanent storage area (below the water surface elevation) and a 3:1 slope for the upper portion. We take no exception with this request.
  - u. Section 250-40.l – from the requirement that all paved parking areas to be set back from any property lines and future right-of-way lines as provided by the applicable Zoning Ordinance Section or 10 feet, whichever is greater. The overflow parking area is 8 feet from the property line adjacent to the railroad tracks. We take no exception with this request.
2. The project requires frontage improvements, notably, a traffic signal at the intersection of Lenhart Road and Cowpath Road, with applicable road widening, etc., as well as an at-grade pedestrian crossing of the adjacent railroad tracks. The design information for these improvements should be submitted for review.

These improvements were identified in a deed restriction recorded against the property in conjunction with the zoning change. We note that approvals of these improvements will be required from the Township, PennDOT and SEPTA.

Finally, Subdivision and Land Development Ordinance Section 250-87 requires a Traffic Impact Study and Act 209 Impact Fee. The details of these items should be discussed with the Township Staff.

3. Subdivision and Land Development Ordinance Section 250-64.A.2.a requires an area equaling 10% of the site to be dedicated for park and recreation area within a multi-family development.
4. Lighting must be provided to adequately illuminate the site. As shown, the site lighting design does not appear to provide sufficient illumination.

We recommend that additional light fixtures be added: one (1) for the portion of sidewalk connecting Chapman Circle to Cowpath Road and a streetlight at the intersection of Chapman Circle/Cowpath Road/Walnut Street. (282-247.D.5)

5. The plan has been revised to show ADA curb ramps, where appropriate. However, we believe that an additional ramp should be identified adjacent to Unit 42. (250-29.F.8)
6. As noted in more detail in the December 16, 2015 McCloskey & Faber, PC review, there are numerous deficiencies in the landscaping design. We noted several conceptual concerns in our previous letter; those items have been satisfactorily addressed. We have the following comments on the revised plan (250-38):

- A. Although the planting requirement tabulation was revised, it indicates both a surplus of plantings as well as deficiencies. After further consideration and discussion with the Township Landscape Architect, it appears that the "surplus" as shown is due only to the use of equivalencies for plant sizing. For instance, two 1½" caliper trees would be replaced with one 3" tree. Equivalencies of this sort are acceptable in some situations, but the corresponding caliper inch total cannot be applied as a surplus. The equivalencies are intended to accommodate larger tree sizes when the total number of plantings cannot feasibly be installed on a particular site. The tabulation needs to be revised to show the required number of plantings, the proposed number of plantings, and the deficiencies.
- B. In addition to the sizing equivalency, the plan suggests similar options for shrubs. We defer to the Township's Landscape Architect regarding equivalencies for shrubs.
- C. The plan proposes to install a slightly larger caliper tree for the street tree and parking area planting trees, and attempts to take a credit for the larger size. The requirement is to provide 2½" caliper trees; the plan proposes

3" trees and suggests that this additional half inch relates to a credit. We disagree. For these two plantings requirements, the trees should be installed per the ordinance. If plantings cannot be installed, the deficiency should be noted.

- D. We recommend that the applicant's engineer coordinate further revisions with the Township consultants, and note that we are in agreement with the comments as noted in the December 16, 2015 McCloskey & Faber review.
7. Approval of the proposed sanitary sewer services by the Hatfield Township Municipal Authority is required, including Sewage Facilities Planning Module approval or waiver from PA DEP. Additionally, an executed Service Agreement with Hatfield Township Municipal Authority should be submitted. (250-34.A.3)
  8. Approval of the proposed water system, as well as an executed Water Service Agreement from North Penn Water Authority, is required. (250.35)
  9. Approval is required from the Montgomery County Conservation District, as well as PA DEP, for construction activities. (242-19.B.1)
  10. Approval is required from the Township Fire Marshal who provided a number of comments in his letter dated December 2, 2015. (250-43.E.2)
  11. We have the following comments regarding the grading, erosion control and stormwater management design:
    - a. The plan proposes three separate stormwater management facilities to address the release rate, volume control, and water quality requirements of the Ordinance. The facilities are acceptable methods of providing these controls; however, some technical items need to be addressed prior to approval.
    - b. An Operations and Maintenance Agreement will be required. (242-31)
    - c. All detention basin outlet structure details should be revised to indicate O-ring RCP discharge pipes. (242-18.B.2.w)
    - d. A gate valve has been added to the outlet structure detail for wet pond B on sheet 13, as requested. However, it appears that the invert elevation does not correspond to this plan. The detail should be revised accordingly. (242-18.B.10.c)
    - e. The proposed pond is the primary water source for the internal irrigation system. Based on our conversation with the applicant's engineer, it is our

understanding that the pond is to be fed primarily by stormwater inflow, but possibly supplemented with public water, as needed. We previously requested that the plans be revised to include information for the apparatus necessary to provide public water, as well as a description of the watering schedule. However, the detail shown on Sheet 26 shows a well instead of the public water connection. Based on the response letter by the applicant's engineer, the design is not yet complete. Once the design is finalized, complete information about the system should be submitted and the plan revised accordingly. (242-18.B.10.d)

- f. The Stormwater Pipe Schedule on Sheet 4 indicates the pipes between ST-12/ST-13 and as 21" diameter, as do the calculations, but the "Stormwater Structure Schedule" suggests that the pipe between ST-12 and ST-13 is 24" diameter. This discrepancy should be addressed. (242-21.B.1.a.5)
- g. Utility crossings should be shown in the profiles for all proposed storm pipes. (242-21.B.1.a.5)
- h. The road profiles for Chapman Circle indicate a number of conflicts between the proposed storm pipe and waterline. It is our understanding that the waterline design is only shown for schematic reference only. Once final design is complete, the designer should identify utility crossings and provide the required clearance. (242-21.B.1.a.5)
- i. ST-24 and its outflow pipe connecting to ST-29 are not shown on the Walnut Street extension profile on Sheet 21. (242-21.B.1.a.5)
- j. The proposed design utilizes several methods to meet the volume reduction requirements of the Ordinance, such as amended soils in the rain garden, wet pond evapotranspiration, and landscaping.

Additionally, the design takes credit for the permanent storage of the wet pond that will be used for irrigation. We take no exception to this proposal, however, there is a discrepancy between the required volume to be stored as compared to the volume provided; we recommend the applicant's engineer discuss this matter with our office. (242-14.C.4)

12. The following drafting/engineering items should be addressed:

- a. After discussion with the Applicant and Township Staff about the appropriate name for the new stub street at the intersection of Cowpath Road and Walnut Street, it was determined that the stub should be named

Chapman Circle. We take no exception and defer to the Township Fire Marshal and Police Chief for approval of this street name. (250-29.A)

- b. Top and bottom wall elevations of the proposed retaining wall near the overflow parking area should be shown at regular intervals. In addition, the plan should be revised to include a detail for the proposed retaining walls. (242-21.B.1.a.3 & 250-67.E.4.a)
  - c. All proposed structures; i.e., inlets and manholes shown on the road profiles, must be identified by station and offset. The profiles do not provide the required offsets. (250-68.F.3.a)
  - d. A painted crosswalk detail has been added to the plans, as requested. The detail, however, should be revised to include the 18"-wide white painted crossbars. Any reference to the perpendicular striping being optional should be removed. (250-31.H)
  - e. There are several locations where trees are within 10 feet of an underground utility. These trees should be relocated. We take no exception to shrubs within 10 feet but not trees. (250-38.J)
  - f. Agreements for the two off-site grading easements shown on the Record Plan must be submitted for review by the Township Staff prior to final approval. (250-39.C.6)
  - g. The proposed path to Bevans Way ends directly in the center of Bevans Way. We recommend the path be installed to meet the existing sidewalk at the end of the street. (250-31.B)
13. The plans should be submitted to the following entities for review and comment:
- a. Hatfield Township Traffic Engineer (12/17/15 review)
  - b. Montgomery County Conservation District (12/15/15 review)
  - c. Montgomery County Planning Commission
  - d. Hatfield Township Fire Marshal (12/2/2015 review)
  - e. Hatfield Township Shade Tree Commission
  - f. North Penn Water Authority
  - g. Hatfield Township Municipal Authority

- h. Hatfield Township Landscape Architect (12/16/15 review)
- i. Southeastern Pennsylvania Transportation Authority (SEPTA)
- j. Pennsylvania Department of Transportation (PennDOT)

We recommend the plan be revised and resubmitted. Should you have any questions, please feel free to contact me.

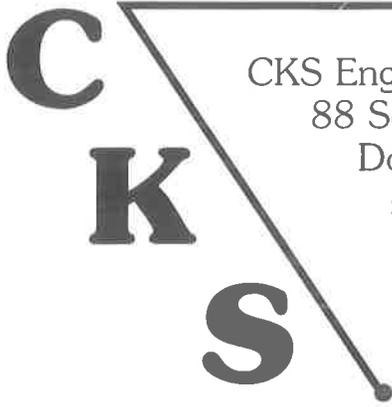
Very truly yours,  
CKS ENGINEERS, INC.  
Township Engineers



Bryan McAdam, P.E.

BMc/klk

cc: Ken Amey, Zoning Officer, Township Planner/Zoning Officer  
Barbara Keifer, Administrative Asst., Code Enforcement Dept.  
Christen Pionzio, Esq., Township Solicitor  
Anton Kuhner, Township Traffic Engineer, McMahon Associates, Inc.  
Kimberli Flanders, Township Landscape Architect, McCloskey & Faber, P.C.  
Fortuna Station Development, LP, Applicant  
Tim Woodrow, Woodrow & Associates  
File



CKS Engineers, Inc.  
88 South Main Street  
Doylestown, PA 18901  
215-340-0600 • FAX 215-340-1655

David W. Connell, P.E.  
Joseph J. Nolan, P.E.  
Thomas F. Zarko, P.E.  
James F. Weiss  
Patrick P. DiGangi, P.E.  
Ruth Cunnane

January 11, 2016  
Ref: #3506

Hatfield Township  
1950 School Road  
Hatfield, PA 19440

Attention: Aaron J. Bibro, Township Manager

Reference: Oak Tree Business Center – Verus Partners, LLC  
3020 and 3040 Campus Drive  
Commercial Subdivision & Land Development  
Project #P09-08

Dear Aaron:

CKS Engineers, Inc. has completed our review of the above-referenced land development plan. This submission, prepared by Liberty Engineering, Inc., consists of a 28-sheet plan set entitled "Revised Final Land Development Plans for Oak Tree Business Center", dated November 10, 2015, last revised January 5, 2016, a Stormwater Management Report, and an Erosion Control Narrative, each dated November 10, 2015, last revised January 5, 2016.

The property owner had received approvals in 2008 and 2010 for land development of this parcel. Those projects were approved but only the 2008 project was recorded. The current plan proposes a 209,647 SF industrial building (identified as Phase I) with parking, stormwater management, public water and public sanitary sewer facilities. The project also proposes a second phase, consisting primarily of a 140,353 SF building addition; the plan also references a flex space building approved as part of a previous application.

We have reviewed the documents for compliance with applicable Zoning, Subdivision and Land Development, and Stormwater Management Ordinance requirements, and have the following comments:

1. As briefly noted above, the parcel was part of two different plan approvals, each of which included conditions. Of note were the various Open Space and Traffic Impact fees as follows:

- a. Resolution 08-11 (101,053 SF Industrial Building):
  1. Open Space Fee of \$33,684.33
  2. Traffic Impact Fee of \$111,849.80
  
- b. Resolution 10-26 (Building "A" 95,553 SF and Building "B" 127,949 SF)
  1. Open Space Contribution of \$74,834.00
  2. Traffic Impact Fee of \$281,661.76
  3. Voluntary Contribution for Landscaping of \$27,375.00

We recommend that the Traffic Impact Fee and Landscaping contributions be adjusted relative to the current proposal. Accordingly, the applicant's engineer should provide the Township Traffic Engineer with supporting documentation for the proposed use. As noted in the engineer's response letter (dated January 5, 2016), trip generation calculations have been prepared for the proposed facility.

The previous plan included discussion in regard to the open space requirements of the ordinance. The applicant does not propose any open space as a result of the current proposal. Ordinance No. 250-64 allows for a fee in lieu of the required open space if determined to be an acceptable alternative by the Board of Commissioners. As the respective building sizes are similar to previous proposals, we recommend the previously established Open Space fees be maintained. (SLDO Sections 250-64.A.2, 250-87, 250-92, 250-38)

2. The applicant is requesting the following waivers from the Subdivision and Land Development Ordinance as described in January 4, 2016 correspondence from Liberty Engineering, Inc. The waiver requests should be noted on the Record Plan. The waivers requested are as follows:
  - a. From Section 250-30.C.2, requiring concrete curbing for parking areas and driveways. The plan proposes no curb in several locations. We take no exception to the design as shown.
  
  - b. From Section 250-30.C.2, to permit a curb reveal of six (6) inches where eight (8) inches is required. As this is a private site, we take no exception to this request.
  
  - c. From Section 250-31.B, requiring sidewalks within the industrial development. We take no exception to this request, conditioned on the previously approved perimeter pedestrian path being installed.
  
  - d. From Section 250-38.B.1, requiring street trees to be a maximum of 10 feet from the street right-of-way. The plan proposes the trees to be 17 feet from the right-of-way in order to minimize conflicts with existing overhead electric lines. We take no exception to this request.

- e. From Section 242-18.B.8.n, requiring detention basin side slopes to have a maximum slope of 4H:1V; the plan proposes 3H:1V side slopes for the proposed infiltration basin. We take no exception to this request; the steeper slope will allow for a larger basin bottom that, in turn, will provide a maximized infiltration area.
  - f. From Section 250-38.C.3, regarding detention basin landscaping. The request is to permit the planting requirements for a rain garden/water quality facility rather than a detention basin. We take no exception to this request.
  - g. From Section 250-38.J, requiring trees to be located outside of easements and no less than 10 feet from underground utility lines. We take no exception to the design as submitted.
  - h. From Section 250-40.H, requiring all curb radii to be no less than 5 feet. There are some curb islands with a 4.5 ft. radius. We take no exception to this request.
  - i. From Section 242-18.B.dd, requiring that inflow pipes into detention basins have an invert no less than six inches higher than the bottom of the basin. We take no exception to this request.
  - j. From Section 242-18.B.5.d, requiring storm sewer pipes to have matching crowns. There are some sections of the proposed system that have matching inverts due to site constraints. We take no exception to this request.
  - k. From Section 242-19.A, requiring slopes no greater than 4H:1V. Note 17 on the Grading Plan states that the maximum slope to be provided in non-paved areas is 2H:1V. The request is to allow for a 2H:1V slope in two locations along the perimeter of the site. We take no exception to the grading in those two locations. (242-19.A)
3. We assume that only those improvements required for Phase 1 will be included in the eventual escrow tabulation; however, the applicant should clarify their intention so that the respective approval resolutions, development agreements, plan recording, etc., can be prepared accordingly. We note that the plan has been prepared to identify the respective phases in a clear, practical manner; however, finalization of the approval documents will need to be established.
  4. Road opening permits will be required for work within the rights-of-way of Bergey Road and Campus Drive. (250-78.B)
  5. The plan proposes a large infiltration basin as well as modifications to the existing detention basin to address the respective requirements of the stormwater management ordinance. The design will adequately address the ordinance requirements for release rate, volume control, and water quality; however, some

minor drafting/engineering items related to the grading, stormwater management and erosion control measures should be addressed as follows:

- a. Curb elevations have been added to more clearly define the truck backup/parking area at the rear of the building; however, there appear to be minor discrepancies that will need to be addressed. (242-19.A)
  - b. Upon approval of the plan, an Operations and Maintenance Agreement will be required. (242-31)
  - c. The plan should include a note stating that the existing outlet structure information is the as-built information, with a corresponding date of the survey. (242-21)
6. We have the following comments regarding the proposed landscaping. We anticipate a more comprehensive review of the landscaping requirements from McCloskey & Faber, PC; our comments are comprehensive in nature:
- a. The landscaping plan reflects the phased nature of this project by including individual landscaping plans for each phase. We note that the plantings for each phase are tabulated and shown on the plans.  
  
It may be necessary for the landscaping of Phase 2 to be fully reviewed again if and when Phase 2 becomes reality. As such, our comments focus on Phase 1 of the landscaping plan.
  - b. The plan revisions have reduced the planting deficiencies; the current deficiencies (259 shade trees, 317 evergreen trees, 428 deciduous shrubs and 573 evergreen shrubs) are for both phases. We take no exception to the proposed plantings, conditioned on forthcoming comments from the Township Landscape Architect. (250-38)
7. Approval of the proposed sanitary sewer service by the Hatfield Township Municipal Authority is required, including Sewage Facilities Planning Module Approval or waiver from PA DEP. Additionally, an executed Service Agreement with Hatfield Township Municipal Authority should be submitted. (250-34.A.3)
8. Approval of the proposed water system, as well as an executed Water Service Agreement from North Penn Water Authority, is required. (250.35)
9. Approval is required from the Montgomery County Conservation District, as well as PA DEP, for construction activities. (242-19.B.1)
10. It appears that the details for the underground detention basin outlet structure, etc. have been removed from the plan. We recommend they be put back on the plan. (242-21.B)

11. The plans should be reviewed and approved by the following agencies:
  - a. Montgomery County Planning Commission
  - b. Montgomery County Conservation District
  - c. Hatfield Township Shade Tree Commission
  - d. Hatfield Township Fire Marshal
  - e. Hatfield Township Municipal Sewer Authority
  - f. North Penn Water Authority
  - g. Hatfield Township Landscape Architect
  - h. Hatfield Township Traffic Engineer

We recommend that the plans be revised to address the above comments to the satisfaction of the Township. Should you have any questions, please feel free to contact me.

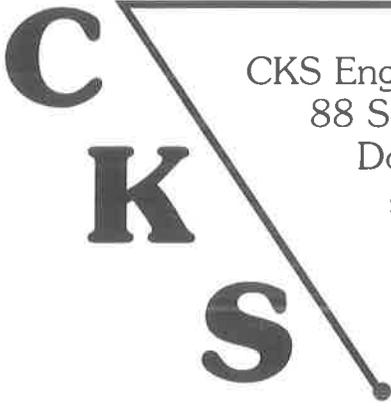
Very truly yours,  
CKS ENGINEERS, INC.  
Township Engineers



Bryan McAdam, P.E.

BMc/klk

cc: Ken Amey, Township Planner/Zoning Officer  
Barbara Keifer, Administrative Asst., Code Enforcement Dept.  
Christen Pionzio, Esq., Township Solicitor  
Anton Kuhner, McMahan Associates  
Kim Flanders, McCloskey & Faber  
Verus Partners, LLC, Applicant  
Oak Tree Associates, LP  
J. Michael Preston, Liberty Engineering  
File



CKS Engineers, Inc.  
88 South Main Street  
Doylestown, PA 18901

215-340-0600 • FAX 215-340-1655

David W. Connell, P.E.  
Joseph J. Nolan, P.E.  
Thomas F. Zarko, P.E.  
James F. Weiss  
Patrick P. DiGangi, P.E.  
Ruth Cunnane

January 8, 2016  
Ref: #3577

Hatfield Township  
1950 School Road  
Hatfield, PA 19440

Attention: Aaron J. Bibro, Township Manager

Reference: Frick's Church - Minor Subdivision  
2951 E. Orvilla Road and 2828 Line Lexington Road  
(Hatfield Township Project #P15-12)

Dear Mr. Bibro:

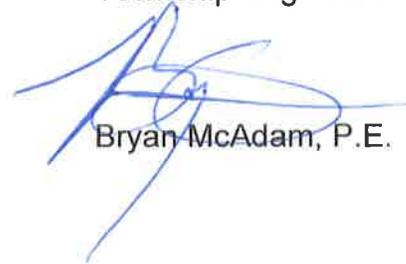
CKS Engineers, Inc. has completed our initial review of the above-referenced minor subdivision plan. The Frick's Church (applicant) owns two parcels in the RA1 Residential Zoning District. The parcels extend between Line Lexington Road and Orvilla Road, with frontage on each road. The plan proposes to subdivide Block 63, Unit 132 into two lots, and then consolidate the newly created portion (shown as "Parcel A") with the adjacent parcel (Block 63, Unit 48). The reconfiguration will not increase the number of parcels beyond the current total of two. There is an existing dwelling and outbuilding on Block 63, Unit 132 that will remain. No construction or improvements are proposed on either parcel at this time. This submission, prepared by Schlosser & Clauss, Inc., consists of a three-sheet plan, dated December 21, 2015, without revisions. Our comments are as follows:

1. The plan should be revised to label the proposed property line for Block 63, Unit 132. (250-69.D)
2. The plan should be revised to clarify the proposed parcel areas as net or gross. (250-69.D)
3. The "Zoning Information" tabulation should be revised to include the respective parcel information; i.e., building coverage, impervious surface, etc., before and after subdivision. (250-69.B, 250-69.D)

4. Legal descriptions of the rights-of-way offered for dedication should be provided for review.

We recommend the plan be revised prior to recording. Should you have any questions, please feel free to contact me.

Very truly yours,  
CKS ENGINEERS, INC.  
Township Engineers



Bryan McAdam, P.E.

BMc/mdm

cc: Board of Commissioners  
Planning Commission  
Kenneth Amey, Zoning Officer/Township Planner  
Christen Pionzio, Esq., Hamburg, Rubin, Mullin, Maxwell and Lupin  
Henry Rosenberger, Trustee, Applicant  
Andrew Schlosser, Schlosser & Clauss, Inc.  
File



**AND NOW**, the Board of Commissioners of Hatfield Township hereby enacts and ordains, and it is hereby **ENACTED AND ORDAINED** as follows:

### **SECTION 1.**

The official Zoning Map of Hatfield Township is hereby amended to include the identification of the FP - Floodplain Conservation District which shall be deemed an overlay on any areas of Hatfield Township classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

### **SECTION 2.**

Article II (“Definitions”), Section 282-6 of the Hatfield Township Code is hereby amended by removing and replacing the following definition(s):

**Building.** "Building" means any structure having enclosing walls and a roof, intended for supporting or sheltering a use or occupancy and attached to the land. "Building" includes "structure" and shall be construed as if followed by the words "or parts thereof." Included shall be all manufactured homes and trailers to be used for human habitation.

**Base Flood.** “Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or “1% annual chance flood”).

**Base Flood Elevation (BFE).** “Base flood elevation means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

**Floodplain.** “Floodplain” means that area defined in Article XXII as the Floodplain Conservation District. The floodplain definition contained in Section 282-163 shall be considered the definition for floodplain for all purposes and uses of this Zoning Code.

**Manufactured Home.** “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

### **SECTION 3.**

Article II (“Definitions”), Section 282-6 of the Hatfield Township Code is hereby amended by adding the following definitions, alphabetically, to the existing section:

**Existing Manufactured Home Park or Subdivision.** “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of

facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision.** “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood.** “Flood” means a temporary inundation of normally dry land areas.

**Flood Insurance Rate Map (FIRM).** “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS).** “Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**Floodplain Area.** “Floodplain area” means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**Floodproofing.** “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway.** “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Highest Adjacent Grade.** “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Manufactured Home Park or Subdivision.** “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New Manufactured Home Park or Subdivision.** “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Post-FIRM Structure.** “Post-FIRM structure” means a structure for which construction or substantial improvement occurred after 12/31/1974, or on or after the community's initial FIRM dated 11/15/1979, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

**Pre-FIRM Structure.** “Pre-FIRM structure” means a structure for which construction or substantial improvement occurred on or before 12/31/1974, or before the community's initial FIRM dated 11/15/1979, and, as such would not be required to be compliant with the regulations of the NFIP.

**Recreational Vehicle.** A vehicle which is:

- A. built on a single chassis;
- B. not more than 400 square feet, measured at the largest horizontal projections;
- C. designed to be self-propelled or permanently towable by a light-duty truck; and
- D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Flood Elevation.** “Regulatory flood elevation” is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1-1/2 feet.

**Special Flood Hazard Area (SFHA).** Special Flood Hazard Area (SFHA)” means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

#### **SECTION 4.**

Chapter 282, Article XXII (“FP Flood Plain Conservation District”) of the Hatfield Township Code is hereby amended by deleting the existing Article XXII regulations and adding the Article XXII (“FP Floodplain Conservation District”) as follows:

#### **Article XXII. FP Floodplain Conservation District**

##### **§282-161 Statutory Authorization**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of Hatfield Township does hereby order as follows:

##### **§282-162 Intent**

In addition to the purpose and statement of community development objectives found in this Zoning Code, the specific intent of the “FP” Floodplain Conservation District shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township. Furthermore, in light of the Township’s certification as eligible for Federal flood

insurance, it is the intent of such District to provide adequate protection for flood-prone properties within the Township. In advancing these principles and the general purpose of this Zoning Code, the following shall be specific objectives of the “FP” Floodplain Conservation District:

- A. Protect areas of the floodplain necessary to contain floodwaters.
- B. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.
- C. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.
- D. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- E. Minimize danger to public health by protecting water supply and natural drainage.
- F. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- G. Comply with federal and state floodplain management requirements.

### **§282-163 Applicability**

The Floodplain Conservation District is defined and established as a district applicable to those areas of the Township subject to inundation by the waters of the 1% annual chance flood (one-hundred-year flood) consisting of the following specific areas:

- A. Areas delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016 and subsequent revisions thereto. Said floodplain areas are identified in Section 282-167 and consist of the following specific areas:

- (1) Floodway
- (2) A Zone
- (3) AE Zone without Floodway
- (4) AE Zone adjacent to defined Floodway
- (5) Alluvial Soils:

- a. Alluvial soils as delineated by the USDA-NRCS Web-Based Soil Survey (available online at <http://websoilsurvey.nrcs.usda.gov/>), including the following soils:

- [1] Bowmansville (Bo);
- [2] Knauers (Bo);
- [3] Gibraltar (Gc);
- [4] Hatboro (Ha);
- [5] Rowland (Rt);

- [6] Rowland (RwA);
- [7] Rowland (RwB); and
- [8] Urban Land Occasionally Flooded (UIA).

- b. The Township will recognize a soils analysis prepared by a licensed soil scientist for specific alluvial soils delineation for an individual site and allow this study to supersede the USDA-NRCS web site.
- B. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
  - C. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.
  - D. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Special Flood Hazard area of Hatfield Township unless a Permit has been obtained from the Floodplain Administrator.
  - E. A Permit shall not be required for minor repairs to existing buildings or structures.
  - F. Except where this chapter prescribes a greater setback due to the boundaries of the floodplain, the minimum setback from any watercourse for a structure shall be equal to the horizontal distance from the top of bank of the watercourse, extended to a point at which the elevation is one (1) foot above the elevation of the top of bank, as verified by the Township Engineer.

### **§282-164 Abrogation and Greater Restrictions**

This ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

### **§282-165 Warning and Disclaimer of Liability**

- A. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Conservation District or that land uses permitted within such areas will be free from flooding or flood damages.

- B. This Ordinance shall not create liability on the part of the Township or any officer, employee, or appointed professional thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

## §282-166 Definitions

The following definitions are specific to the "Floodplain Conservation District"

- A. **Basement.** Any area of the building having its floor below ground level on all sides.
- B. **Development.** "Development" means any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.
- C. **Lowest Floor.** The lowest floor of the lowest fully enclosed area (including basement).
- D. **Minor Repair.** "Minor repair" means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- E. **New Construction.** "New Construction" means structures for which the start of construction commenced on or after the date of enactment of the floodplain regulations in Article XXVII, and includes any subsequent improvements thereto. Any construction started after 11/15/1979 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- F. **Start of Construction.** "Start of construction" includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- G. **Structure.** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- H. **Substantial Damage.** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- I. **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. Standards for alteration of historic structures are set forth in §282-175.2 of this Article.
- J. **Violation(s).** Violation(s) means the failure of a structure, use or other development to be fully compliant with the community's zoning regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

#### **§282-167 Identification**

- A. The Floodplain Conservation District shall be any areas of the Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
- B. Areas with alluvial soils as set forth in Section 282-163 of this Article.
- C. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be a part of this ordinance.

#### **§282-168 Description and Special Requirements of the Floodplain Conservation District**

The Floodplain Conservation District shall consist of the following specific areas/districts:

- A. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

cumulatively increasing the water surface elevation by more than one (1) foot at any point.

- (1) Within any floodway area, no encroachments, including fill, new construction, substantial Improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) Within any floodway area, no new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

- (1) The AE Area/District adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- (2) The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
  - a. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
  - b. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

C. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

### **§282-169 Changes in Identification of Area**

The Floodplain Conservation District may be revised or modified by the Township Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

### **§282-170 Boundary Disputes**

- A. In the case of any dispute concerning the boundaries of a FP Floodplain Conservation District, the initial determination shall be made by the Township Engineer.
- B. Any party aggrieved by such decision of the Township Engineer, which may include the grounds that the FIRM is or has become incorrect because of changes due to natural or other causes, or corrections indicated by additional detailed hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board as provided in Article XXVIII and in Sections 282-175.3, 282-175.4 and 282-175.5. The burden of proof shall be on the applicant.
- C. Insofar as changes in various natural conditions are included in such district, such changes may be validated by detailed on-site survey techniques. A determination of whether or not a proposed use is within the FP Floodplain Conservation District shall, upon appeal from the decision of the Township Engineer, be made by the Zoning Hearing Board upon receipt of the findings of the detailed on-site survey by the applicant. The Board may consider, in addition to other evidence and standards, the recommendations of the Planning Agency and the validation of the Federal Emergency Management Agency (FEMA) and/or other governmental agencies.

### **§282-171 Corporate Boundary Changes**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

### **§282-172 Uses Permitted by Right**

The following uses and no others shall be permitted by right in the Floodplain Conservation District in compliance with the requirements of this Article:

- A. Cultivation and harvesting of crops in accordance with recognized soil conservation practices;

- B. Pasture and grazing land in accordance with recognized soil conservation practices;
- C. Outdoor plant nurseries or orchards in accordance with recognized soil conservation practices;
- D. Wildlife sanctuaries, woodland preserves, arboretums and passive recreation or parks, including hiking, bicycle and bridle trails, but not including facilities subject to damage by flooding;
- E. Forestry, lumbering and reforestation in accordance with recognized natural resource conservation practices, but not permitting structures;
- F. Utility transmission lines;
- G. Sealed public water supply wells and pipelines, with approval of proper state agencies;
- H. Sanitary sewers and storm sewers, with approval of proper state agencies and the Township Engineer;
- I. Front, side and rear yards and the required lot area for any district; and
- J. Public roadways, with approval of applicable state agencies and the Township Board of Commissioners.

**§282-173 Uses Prohibited in the Floodplain Conservation District**

Any use or activity not authorized within Section 282-172, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited:

- A. Free-standing structures, buildings, mobile homes, manufactured homes, recreational vehicles, retaining walls and any grading or filling, with the exception of flood retention dams, as approved by the Pennsylvania Department of Environmental Protection and the Township Engineer;
- B. The relocation of any watercourse, without the approval of the Township Board of Commissioners or without a permit from the Pennsylvania Department of Environmental Protection. Where an encroachment permit is required by the Department, such permit application shall be forwarded to any affected adjacent municipality, the Pennsylvania Department of Community and Economic Development and the Federal Emergency Management Agency (FEMA) 30 days prior to any hearing or formal Board action;
- C. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and miscellaneous materials or storage of any buoyant, toxic or dangerous materials;
- D. On-site sewage disposal systems;
- E. Private water supply wells;

- F. Paved or all-weather parking lots, private roads and driveways;
- G. Encroachments or any development in the Floodway Area/District that would cause any rise in the one-hundred year (1% annual chance) base flood elevation; and
- H. Stripping of topsoil, ground cover or vegetation, or the removal of trees within 20 feet of a stream bank.

**§282-174 Banned uses.**

The following uses shall be banned in any FP Floodplain Conservation District and no variance thereto shall be granted:

- A. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances, or which will be used for any activity requiring the maintenance of a supply of more than five (5) gallons, or other comparable volume, of any other of the following dangerous materials or substances, on the premises or will involve the production, storage, or use of any amount of a radioactive substance:

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel oil, etc.)
- (13) Phosphorus
- (14) Potassium
- (15) Sodium

- (16) Sulfur and sulfur products
  - (17) Pesticides (including insecticides, fungicides, and rodenticides)
  - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. The construction, enlargement or expansion of any structure used or intended to be used for any of the following:
- (1) Hospitals.
  - (2) Nursing Homes.
  - (3) Jails or Prisons.
- C. The commencement of or any construction of a new manufactured home park or manufactured home subdivision or any substantial improvement to an existing manufactured home park or manufactured home subdivision.

### **§282-175 Special Requirements for Subdivisions**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### **§282-175.1 Nonconforming Structures and Uses in the Floodplain District**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 282-175.2 and Article XXV, Nonconforming Buildings, Structures and Uses, of this ordinance shall apply.

#### **§282-175.2 Improvements to Existing Structures in the Floodplain Conservation District**

The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway area that would cause any increase in the elevation of the base flood elevation.
- B. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District without floodway, as defined in Section 282-168B, that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

- C. Within any AE Area/District without a floodway, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- D. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- E. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- F. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- G. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

### **§282-175.3 Variances**

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

### **§282-175.4 Variance Procedures**

- A. Applications for approval of variances in the FP Floodplain Conservation District shall be considered using the standards listed in Section 282-175.5.
- B. The Zoning Hearing Board shall request the review and recommendations of the Pennsylvania Department of Environmental Protection and the County Conservation District at least 30 days prior to the public hearing.
- C. The Board shall request, at least 30 days prior to the public hearing, the review and recommendation of the Township Planning Commission and the Township Engineer.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.

- E. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
- F. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

### **§282-175.5 Standards for Granting Variances**

- A. For a use other than those permitted in Section 282-172 of this chapter, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
- B. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
- C. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- D. No variance shall be granted for any development regulated by Section 282-174 - Banned Uses.
- E. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
  - (1) That there is good and sufficient cause.
    - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
    - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- c. That such unnecessary hardship has not been created by the appellant.
  - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - e. The effect of the use shall not substantially alter the cross-section profile of the stream and floodplains at the location of the proposed use.
  - f. Lands abutting the waterway, both upstream and downstream, shall not be adversely affected by the proposed use.
  - g. The general welfare or public interest of the Township or of other municipalities in the same watershed shall not be adversely affected.
  - h. Any new structure permitted by a variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will:
- a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense,
  - b. Nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.
- F. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the base flood.

**§282-175.6 Technical Provisions in the Event of a Variance Being Granted**

In granting any variance, the Township shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

A. Pertaining To the Alteration or Relocation of Watercourse

- (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

- (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
  - (3) In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- B. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. The applicant is required to apply to FEMA for a conditional approval prior to permitting the encroachments to occur in accordance with 44 CFR Part 65.12. Upon conditional approval and prior to approving the proposed improvements, the Township is required to adopt a revision to the Floodplain Management Ordinance incorporating the increased base flood elevation and/or revised floodway for post-development conditions. Upon completion of the proposed encroachments, the applicant is required to provide as-built certifications to be submitted to FEMA for the final map revision in accordance with 44 CFR Part 67. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:
- (1) Any development that causes a rise in the base flood elevations within the floodway; or
  - (2) Any development occurring in Zone A and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
  - (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges.)
- C. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured fifty (50) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

#### **§282-175.7 Special Requirements for Manufactured Homes**

- A. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. Within any Floodway Area/District, manufactured homes shall be prohibited.
- C. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:

- (1) Placed on a permanent foundation.
  - (2) Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the Base Flood Elevation.
  - (3) Anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- E. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

#### **§282-175.8 Special Requirements for Recreational Vehicles**

- A. Recreational vehicles in the Floodplain Conservation District must either:
- (1) be on the site for fewer than 180 consecutive days, and
  - (2) be fully licensed and ready for highway use, or
  - (3) meet the permit requirements for manufactured homes in Section 282-175.7.

#### **§282-175.9 Elevation and Floodproofing Requirements**

- A. Residential Structures
- (1) In the Floodway or AE Zone, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
  - (2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 282-168.C of this ordinance.
  - (3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

## B. Non-residential Structures

- (1) In the Floodway or AE Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
  - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
  - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 282-168.C of this ordinance.
- (3) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- (4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

## C. Space below the lowest floor

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures

(1) Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- b. Floor area shall not exceed 200 square feet.
- c. The structure will have a low damage potential.
- d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- e. Power lines, wiring, and outlets will be elevated to at least 1½ feet above the regulatory flood elevation.
- f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- g. Sanitary facilities are prohibited.
- h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

[1] A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

[2] The bottom of all openings shall be no higher than one (1) foot above grade.

- [3] Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

### **§282-175.10 Design and Construction Standards**

The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:

- A. Fill: If fill is used, it shall:
- (1) Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - (2) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
  - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - (4) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
  - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems
- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - (3) No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - (4) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 282-174, Banned Uses, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
  - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
  - (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
- J. Paints and Adhesives.
- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
  - (2) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- K. Electrical Components.
- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- N. Uniform Construction Code Coordination. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
- (1) International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
  - (2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

### **§282-175.11 Designation of the Floodplain Administrator**

The Township Code Official within the Township Administration is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

### **§282-175.12 Permits Required**

A zoning permit shall be required before any construction or development is undertaken within the FP Floodplain Conservation District. An application for a zoning permit shall be filed with the Township Code Official, who shall make an initial determination on the proposal. Prior to the issuance of any zoning permit, the Code Official shall review such application to determine if all other necessary governmental permits, such as those required by state and federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the

Water Obstruction Act of 1913 and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.

### **§282-175.13 Duties and Responsibilities of the Floodplain Administrator**

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.
- D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Township Board of Commissioners for whatever action it considers necessary.
- F. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- G. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

### **§282-175.14 Application Procedures and Requirements**

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
  - (1) Name and address of applicant.

- (2) Name and address of owner of land on which proposed construction is to occur.
- (3) Name and address of contractor.
- (4) Site location including address.
- (5) Listing of other permits or variances required.
- (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any FP Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
- (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (4) Structures will be anchored to prevent floatation, collapse, or lateral movement.
- (5) Building materials are flood-resistant.
- (6) Appropriate practices that minimize flood damage have been used.
- (7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

- (1) A completed Permit Application Form.
- (2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- a. North arrow, scale, and date;
  - b. Topographic contour lines, if available;
  - c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
  - d. The location of all existing streets, drives, and other access ways;
  - e. The location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - f. All property lines and lot lines including dimensions, and the size of the site expressed in acres or square feet.
- (3) Plans of all proposed buildings, structures and other improvements, drawn at a scale of one eighth (1/8) inch being equal to one (1) foot or less showing the following:
- a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
  - b. The elevation of the base flood;
  - c. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
- (4) The following data and documentation:
- a. Detailed information concerning any proposed floodproofing measures and corresponding elevators.
  - b. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.
  - c. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an Floodway Area/District when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
  - d. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and

anticipated development, will not increase the base flood elevation more than one (1) foot at any point.

- e. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
- f. Detailed information needed to determine compliance with Section 282-175.10.F, Storage, and Section 282-174, Banned Uses, including:
  - [1] The amount, location and purpose of any materials or substances referred to in Sections 282-175.10.F and 282-174 which are intended to be used, produced, stored or otherwise maintained on site.
  - [2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of any amount the dangerous materials or substances listed in Section 282-174 during a base flood.
- e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

### **§282-175.15 Changes**

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

### **§282-175.16 Start of Construction**

- A. Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term "start of construction" shall be understood as defined in Section 282-166 of this ordinance.
- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to

approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

#### **§282-175.17 Enforcement**

##### **A. Enforcement Notices and Penalties**

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall follow the procedures outlined in Article XXX.

#### **§282-175.18 Appeals**

- A.** Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B.** Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and the Zoning Ordinance.
- C.** Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

#### **SECTION 5. SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### **SECTION 6. INCONSISTENT PROVISIONS.**

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

#### **SECTION 7. EFFECTIVE DATE.**

This Ordinance shall be effective five (5) days following its legal enactment

**ENACTED AND ORDAINED** by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Attest:**

**Board of Commissioners of Hatfield Township:**

\_\_\_\_\_  
**Aaron Bibro, Township Manager**

**By:** \_\_\_\_\_  
**Tom Zipfel, President**