

**Birmingham Township Planning Commission (BTPC)**  
**Minutes of the meeting May 9, 2017**

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:30pm in the township building.

PRESENT: Nick DiMarino, Scott Garrison, Eric Hawkins, Dan Hill, Mary Pat McCarthy, Frone Crawford

ABSENT:

Also present: Kimberly Venzie (Buckley LLP) and James Hatfield (Vandemark & Lynch)

A motion to approve the minutes of the April 11, 2017 meeting was made by Nick DiMarino and seconded by Scott Garrison. Motion carried unanimously.

**Floodplain Ordinance:**

Kim Venzie of Buckley Brion, LLP is in attendance and has been working with Jim Hatfield on updating the Birmingham Township floodplain ordinance.

FEMA is recommending more restraints to the current ordinance. Leslie Rhoads, the consultant hired by FEMA has highlighted areas within the ordinance that can be changed. Ms. Venzie has a couple sections in which she would like input from the PC.

Mr. DiMarino asked what the ultimate goal is here from FEMA. Ms. Venzie states that the goal is more restrictive guidelines. This document shows a progression of more constraints applied within the floodplain area. It will restrict development within the floodplain, require a permitting process within the floodplain that a property owner would need to abide by and also provide clarification for structures that are located within the floodplain. Ms. Venzie notes that the current BT ordinance already contains some of this language, but the new version has more meat to it.

Mr. Hawkins asked how the subdivision/land development ordinance works with the floodplain ordinance? Ms. Venzie states that the floodplain ordinance will be part of the zoning ordinance. If the floodplain maps have moved, they may further restrict development in the township. Mr. Hatfield states that in his recollection the maps it did not change much, if at all. The majority of the changes are in terms of ordinance wording. The map doesn't accurately reflect the smaller creeks as there are no elevations noted. This can negatively impact homeowners in terms of needing flood insurance as no elevations are on the map. The Brandywine Creek is located in zone AE and is a computer generated map. Letter of map amendments would be placed with the map (if a homeowner hires an engineering firm to document elevations), but the actual FEMA map does not change.

Ms. Venzie wants to review a couple of sections with the committee for guidance tonight.

The first is located in draft ordinance from FEMA: Article 5, Section 5.01 D

The old ordinance had certain uses permitted by right and certain uses that were permitted by special exception. These uses were specifically pulled into this ordinance to note that they are allowed. Mr. DiMarino notes that this section permits storage of many items. This may be a good time to tweak these items. Mr. Hatfield notes that this section is contained under special

exception and that the applicant would need to come before the township to gain approval in order to store any of these items in the floodplain area.

Ms. Venzie notes that she is looking for input from the PC tonight that would be included in a draft that would be sent to the FEMA coordinator again.

Mr. Crawford has a suggestion in the statutory authorization referencing the MPC. Ms. Venzie shows Mr. Crawford the sample language referencing this and he notes that is acceptable.

Kim references section 5.04 - Development which May Endanger Human Life. This section notes a more prohibitive list of materials and substances. She believes that this list will cover the items that the committee was concerned about and discussing earlier in the meeting. This list also references the items that FEMA is concerned with restricting in floodplains.

Article VI Section 6.01: General: prohibits any special developments such as hospitals, nursing homes or jails, or new manufactured home parks.. These used to be permitted with special exception, however are now prohibited under the proposed ordinance.

Article 5.07: Special Requirements for Recreational Vehicles should address the issue that Ms. McCarthy raised about storing RVs, jet skis, etc. This section provides for a variance as long as the storage is for less than 180 days and meets the other requirements in the ordinance.

Mr. Hill states that he feels the storage of equipment is a non-issue as the amount of oil that would come from a tractor would be moot when you are talking about thousands of gallons of water and 5 gallons of oil.

Mr. Crawford Article 8. Section 8.02: Variance Procedures and Conditions. He takes the position that the MPC preempts the condition that "no variance should be granted". He recommends language that would allow an applicant to overcome that presumption. Ms. Venzie notes that she will remove that language unless someone objects.

Mr. DiMarino has a question about Section 3.04: Application Procedures and Requirements: C-2c: he asks if this section refers to the FEMA map or something else? Mr. Hatfield notes that this would be on a site plan.

Mr. Hawkins wants to make sure that any changes to this ordinance will not allow an applicant to bypass the PC. In order to address this issue, Mr. Crawford suggests changing the wording in 3.06: Review of Application by Others from "may" to "must" if whatever is being applied for is also land development or subdivision. Mr. Crawford also recommended adding the words "having jurisdiction" after "Other appropriate agencies, and/or individuals."

Mr. Crawford notes there is a section that would clarify the need for at least two agencies/individuals to be involved decisions. This could be handled in Section 4.04 Boundary Disputes: the wording should read: "an initial determination, shall be made by the Township Floodplain Administrator or Zoning Officer with the review and advice of the Township Engineer."

Ms. Venzie would like a motion tonight. The date that the ordinance needs to be adopted by is September 29, 2017. In order to expedite the process, she would to have a motion to move it forward to the BOS, pending review by Mr. Crawford once the discussed changes are

incorporated and changed into the Birmingham Township Ordinance format. Mr. DiMarino makes a motion that the PC recommend approval to the BOS for the Floodplain Ordinance as amended and including the four changes discussed this evening and subject to reviewed by Mr. Crawford for approval. Seconded by Mr. Garrison and approved unanimously.

**East Bradford Township Official Map Update:**

Mr. DiMarino notes that the map has three trails entering into our township. Other than these three trails that end at our township line since there are no adjoining trails in our township; nothing else on this map directly affects Birmingham Township.

The PC recommends to the BOS that the only note to East Bradford Township regarding their Official Map is that their trails end where they reach the Birmingham Township border.

**New Business:**

Ms. McCarthy notes that there are organizations in township (i.e. Freddy's and the Dilworthtown Preschool) that are advertising using feather flags. She notes that they are not in accordance with our signage ordinances. Mr. Shirring states that this should be addressed by Mr. Jensen as part of enforcement of the ordinance.

Motion to adjourn the meeting was made at 8:39pm by Mr. DiMarino and seconded by Mr. Hill and approved unanimously. Next meeting is scheduled for June 13, 2017.

Respectfully submitted,  
Jennifer A. Boorse  
PC Secretary