

Minutes of the Meeting of the Lower Frankford Township Planning Commission  
Township Building, Wednesday, August 16, 2023, 5:30 pm

Attendees: vice-chair Keith Senecal; Planning Commission members Anna Bucher, Steve Hoffman, and Becky Merritt; Township Zoning Officer Greg Alleman; Supervisor Jim Burkholder; and representative of the Cumberland County Conservation District (CCCD) Matt Stough.

Absent: chair Ed Franco; alternates Scott Brownawell, Kristin Zeigler, and Mike Adler; Township Manager Karen Heishman, Township Engineer Doug Brehm.

The August meeting of the Lower Frankford Twp Planning Commission was called to order at 5:30 pm.

Steve Hoffman provided background for the proposed ordinance, which is necessary for Township residents to be eligible for flood insurance from the National Flood Insurance Program (NFIP), for the Township to be eligible for funding for pre-disaster programs, and for the Township to be eligible for funding in the event of disaster. Township Manager Karen Heishman worked with the County to integrate the FEMA-required changes with Article 7 of our 2019 Zoning Ordinance.

Keith Senecal summarized the proposed ordinance, pointing out that most of the proposed ordinance is identical to Article 7 – Floodplain and Conservation Overlay District. Many changes reflect changes in nomenclature, especially of floodway vs floodplain (AE-, A-, AO-, and AH-Areas/Districts) with associated differences in treatment between those areas (p9-13, and also 7.02.E&F on p25). The new position of Floodplain Administrator is established; but its assignment to the Zoning Officer represents continuity with the previous assignment of the role to the Building Permit Officer. FEMA regulations inform the changes, such as cost analysis in 3.03.C (p3) and reporting requirements in 3.03.I (p4). Starting date is redefined/clarified in 3.08 (p8). Fees are mentioned in 3.04.D (p7). Penalties are slightly expanded in 3.10.B (p9). Proposed for non-residential structures in 5.02.B.5 are requirements for an inspection and maintenance plan and flood emergency operation plan, including annual training drills (p14-15). “Partially enclosed” spaces below the lowest floor are now “fully enclosed” spaces in 5.02.C (p15-16). Historic structures are now addressed in 5.02.D (p16). Non-conversion agreements for some floodplain accessory structures and prohibition of hazardous materials from the same are added in 5.02.E.9&10 (p17). A standard for floodproofing is added in 5.04.D.2 (p22). Engineering requirements for large floodplain developments is addressed in 5.05 (p22). Recreational vehicles are newly addressed in 5.07 (p23). A large article 10 of definitions (p27-32) is added.

The technical details, Senecal asserted, are complex and difficult to understand. We should trust FEMA and accept them as appropriate. But the complexity will apply to each application; and he suggested that understanding and skills beyond that of the Zoning Officer and Planning Commission might be routinely needed. He presented the issue of floodway vs floodplain as the prime example of this complexity. Matt Stough of CCCD clarified that the 50 feet from the streambank definition of the border would be the default, and relatively easy to define. Greg Alleman, Township Zoning Officer and proposed Zoning Administrator, stated that he would be comfortable with the role, but would plan to consult the Township Engineer as would often be appropriate. Supervisor Jim Burkholder stated that the Board of Supervisors would support appropriate consultations. It was the consensus of the Commission that mandatory consultation with the Township Engineer should not be required.

The original synthesis of the Township Article 7 and the FEMA-requirements for the new ordinance included routine review by the CCCD, which was not included in the present proposal. Hampden

Township had proposed an advisory role for the CCCD; but the County replied that the CCCD role is determinative – does or does not the proposed building plan meet the requirements of the law? Deleting that role is not an option. Noteworthy is that the CCCD review applies only to the Erosion and Sediment (E&S) plan; the CCCD would not evaluate compliance with other aspects of the Ordinance. Steve Hoffman, with second by Becky Merritt, and unanimous approval by the Commission, moved that the wording suggested by the County be introduced as a new section 3.05 (with the old 3.05 and subsequent sections appropriately renumbered to 3.06, etc.). Specifically:

“Section 3.05 Review of Erosion and Sediment Plan by the Cumberland County Conservation District

The erosion and sediment plan for all applications proposing construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review to determine erosion and sediment control plan compliance with Title 25 PA Code Chapter 102 prior to the issuance of a permit.”

Matt Stough of CCCD discussed the advantages of having a Memorandum of Understanding (MOU) between the Township and CCCD. A MOU was proposed in 2017 but never finalized. The packet of documents for this meeting included a revised version of that MOU.

Steve Hoffman moved, Anna Bucher seconded, and the Commission unanimously approved, that the Planning Commission recommends to the Board of Supervisors that a MOU identical or similar to that amended MOU be approved, specifically including the mandatory review of E&S plans for all building proposals within the floodplain.

Keith Senecal moved, Steve Hoffman seconded, and the Commission unanimously approved, that a few nonsubstantive changes be made. Specifically, that “alternation” be corrected to “alteration” in 5.01.A.2 (p12); and that “or to” be deleted from the end of 8.02.E (p26) and that a period end that sentence. Other substantive and nonsubstantive changes were discussed but declined out of concern that changes in FEMA’s wording might cause problems or because the intent of the wording was clarified through discussion.

Becky Merritt moved, Steve Hoffman seconded, and the Commission unanimously approved, that the Planning Commission recommends to the Board of Supervisors that the proposed Lower Frankford Township Ordinance No. 2023-01, with the changes proposed above, be accepted as written, and that Article 7 – Floodplain and Conservation Overlay District – of the Lower Frankford Township 2019 Zoning Ordinance be nullified, having been replaced by Ordinance 2023-01.

It was noted that the next Planning Commission Meeting will be Wednesday, September 20<sup>th</sup> at 5:30 pm. Already on the agenda is the Halteman Conditional Use application, copies of which were made available for review.

There being no other business, the meeting was adjourned at 6:35 pm.

Respectfully submitted,

Keith Senecal, vice-chair and acting chair, Lower Frankford Township Planning Commission