

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2022**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Aaron Kostyk, Bob Dambman, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Dave Sander (Township Solicitor's office).

1. CALL TO ORDER: 7:00 PM by Chair Kostyk

2. ANNOUNCEMENTS & CORRESPONDENCE

- The October 25, 2022 Planning Commission meeting is cancelled
- A request was made to speak as close to the microphone as possible so that we can hear the recording for the meeting minutes.

3. APPROVAL OF MINUTES:

- On a motion by Mr. Doran, seconded by Ms. Glantz Patchen, the Planning Commission moved to approve the September 27, 2022 meeting minutes. Vote 5-0-1 (Mr. Dambman abstained, not present at that meeting and Mr. Quitel was not present for the vote)

4. ZONING HEARING BOARD APPEALS: None

5. CONDITIONAL USE APPLICATIONS: None

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- Review of SLD #09-22 Proposed Stormwater Management & Best Management Practices Ordinance

Ms. Heinrich gave a brief background and summary of the ordinance. As part of its Municipal Stormwater Program, PADEP is requiring municipalities to adopt or amend an ordinance that is consistent with PADEP's 2022 Model Stormwater Management Ordinance. PADEP's intention is that its use will satisfy both Act 167 requirements and for MS4's (Municipal Separate Storm Sewer System), regulatory requirements as implemented through NPDES permits. The ordinance incorporates PADEP's model ordinance into the Township's current Stormwater Management Ordinances (Chapter 58 & Resolution 2004-8). The requirement to amend the ordinance also provides the opportunity to merge Chapter 58 & Resolution 2004-8, which will create a centralized and clean Stormwater Management Ordinance. The main things the model ordinance adds or amends to our current ordinance is a bunch of new definitions; there is a clearer and longer list of prohibited discharges; there is a long section of what to do in areas of karst geology; there are additional design methods for water quality volume control; and a Riparian Buffer Easement requirement – it requires land developments to provide an easement along any stream and have it recorded at the County.

Planning Commission Questions & Comments:

Was this a long process to get to here (Ms. Heinrich responded: the MS4 program started in 2003, the Township needed to apply for a permit to operate the MS4. Every year the Township is required to do an annual report documenting how they met the requirements of the MS4 permit. One of this year's requirements is that the model ordinance be adopted). What is your opinion of the model ordinance, and does it adequately address the issues we have in the Township (Ms. Heinrich responded: it does, especially the section on the karst geology). The County review letter had concerns with the definition of pervious which included pervious pavers, was that addressed (Ms. Heinrich responded: it has, pervious pavers are evaluated on a case-by-case basis. Typically, how they count the pervious vs the impervious

with them is where the voids are). It seems that pervious and impervious should add up to 100% of surfaces. There seems to be a gap that doesn't fall under either definition (Ms. Heinrich responded: there is a spectrum and, in the calculations, results in different curve numbers ranging from 0-100. While grass and wooded areas are both pervious, they are a different level of pervious, so the curve number changes. Impervious surfaces would be anything with a curve number >95; completely blocks water going through the soil. Pervious would be everything else; allows some level of the water to get through). Does this document adequately address the increased occurrence of 100-year and 500-year rain events in the Township (Ms. Heinrich responded: yes, and the way it does that well is that it directs applicants to use NOAA rainfall data and it provides a link to a website so as the numbers change this will always be true, listing actual rainfall rates would be problematic since they are going to change over time). If they are consolidating Chapter 58 and Resolution 2004-8 what will be the new nomenclature (Ms. Heinrich responded: it will be Chapter 58; Resolution 2004-8 is technically a part of Chapter 58. A resolution was passed amending Chapter 58 and it was never merged into the actual document). There were comments and concerns on how it was all consolidated, feels same terms (Municipality vs Township) should be used in all sections (Mr. Sander clarified that Municipality is the big picture which means anybody at the Municipality can do it. You can't go wrong with Municipality or Township because that allows anybody at the Township to look at it and deal with it). What is the relationship between the site plan and an application for an Earth Disturbance permit (Ms. Heinrich responded: An Earth Disturbance permit is required anytime someone is disturbing over 1,200 sq.ft. of earth, adding 1,000 sq.ft of impervious or altering drainage patterns. If any of those triggers happen, they then must submit a stormwater management plan, calculations, and an erosion control plan). Can modifications be done prior to having the ordinance move on or what procedure does that entail (Ms. Heinrich responded: minor revisions can be made and won't have to come back to the Planning Commission, it can go right to the Board of Supervisors. If it is substantial, it will have to come back to the Planning Commission). Ms. Heinrich was asked to give examples for Design Methods for Water Quality (Section 58-14): it gives 2 options on how an applicant is to manage stormwater volumes. There is stormwater volume and there is stormwater rate. Mr. Quitel commented that we should make it clear that in the state of findings or purpose section that we want to encourage the use of stormwater basins and other stormwater management systems that contain functioning ecosystems. Mr. Doran offered to draft such as statement. The Commission discussed the definition of Waters of this Commonwealth. It was asked whether there were any changes for requirements during construction and where is that addressed. (Ms. Heinrich responded: in Article 8 – Inspections). Asked for clarification related to the 10,000 sf of disturbance under Volume Control (Ms. Heinrich responded: that number is the number that is currently in our ordinance for a minor Earth Disturbance permit or Regulated activity. There are 2 different requirements based on the size of the disturbance). In Section 58-16.B., the reference to Chapter 102 should be amended to indicate PA Code Chapter 102. Sections 58-17, 58-20 and 58-21 discuss plans not being approved or being disapproved and it was suggested there be some clarification. In Section 58-43 instead of stating appeals should be made to the Zoning Hearing Board it should be revised to state that appeals should be made to the Township. The language should be consistent with Section 58-46. Mr. Sander commented the proposed ordinance is not a land use ordinance based on MPC definitions and therefore the Zoning Hearing Board has no jurisdiction on any appeals of determinations made under this ordinance; as a stand-alone ordinance, appeals go to Common Pleas Court.

Motion:

Mr. Doran made a motion to recommend approval of the ordinance with the following modifications & edits: 1. The pervious definition – add meadow in the list of pervious surfaces; 2. Clean-up Township/Municipality language so that it's clear what governing body is referenced throughout the ordinance; 3. Page 100, Section 58-17 language regarding Earth Disturbance permits: Township Engineer waiver Section E13 should be changed to Section F; 4. Reference to Premise of the Comprehensive Plan, strengthen purpose statement to emphasize encouraging the use of stormwater basins and other stormwater management systems that contain functioning ecosystems which Mr. Doran indicated he will provide a draft of; 5. Section 58-16.B. reference to Chapter 102 should clarify that the reference is to the PA Code to make sure correct code is being referenced; 6. Sections 58-19 & 58-21 clean-up language regarding resubmission of disapproved stormwater management site plans and clarifying what the process

is and what disapproved means; 7. Sections 58-46 & 58-43.B. by Township Engineer and Solicitor regarding the right to appeal and the appropriate body to hear that appeal; 8. Section 58-17 reference to application – specify application for what and to make sure the language makes sense; seconded by Ms. Glantz Patchen. Vote 7-0

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. PLANNING COMMISSION MEMBERS COMMENTS: None

10. PUBLIC COMMENT FOR NON-AGENDA ITEMS: None

11. ADJOURNMENT

- On a motion made by Mr. Doran; seconded by Mr. Dambman, the meeting was adjourned at 8:12 PM.

Respectfully submitted,

Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.