

**Penn Township Planning Commission  
100 Municipal Building Road  
Duncannon, PA 17020**

**MINUTES OF APRIL 28, 2009**

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The Penn Township Planning Commission (PTPC) met on April 28, 2009 at 6:00 p.m. in the Municipal Building. PTPC members present were Ed Chism, Chairman, Art Dalla Piazza, Brian Maguire and Ken Martz. Township Secretary Helen Klinepeter (Secretary) was also present. A list of visitors attending is available in the Township Office. The meeting was recorded to aid in the preparation of the minutes. Chairman Chism called the meeting to order.

**VISITORS** – There was no visitors present.

Mr. Chism opened the meeting statement that the PTPC would review the pages and if anyone had and questions or comments to speak up. The following changes were made to the Floodplain Ordinance. The word floodproofing would be one word throughout the document. The 100 year would have a hyphen throughout the document. The phrase Building Code Official would replace Building Permit Officer. The 2006 in the IBC and IRC references would be changed to “current”

**Section 202.C.2.e** - the location of all existing and proposed improvements, buildings, structures, and other public or private facilities, including **railroad** tracks and facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development, **including the location of any existing or proposed subdivision and land development;**

**Section 202.C.2.g** - the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, **information pertaining to the floodway**, and the flow of water including direction and velocities.

**Section 202.C.3.c** - **the elevation of the one hundred (100)-year flood;**

- d.** if **available**, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100)-year flood; and
- i.** **supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1, Section 104.7 and 109.3 of the current IBC and Section R106.1.3 and R104.7 of the current IRC.**

**Section 202.D. b (ii)** - **a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred (100)-year flood.**

**Section 2.03** - **A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Code Official to any other appropriate agencies and/or individuals (e.g. County Conservation District, planning commission, municipal engineer, etc.) for review and comment.**

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**Section 2.06** - Work on the proposed construction and/or development shall begin within six (6) months and **shall be completed within twelve (12) months...**

**Section 2.07.C** - In the event the Building Code Official 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 Building Code Official shall revoke the building permit and report such fact to the **Board of Supervisors** for whatever action **is considered** necessary.

**E.** The requirements of the 34 PA Code Chapter 401-405 and the current IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the current IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

**Section 2.08** - Applications for a building permit shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Building Code Official at the rates **established from time to time by resolution of the Board of Supervisors**. In addition to the Schedule of Building Permit Fees it shall be the applicant's responsibility to pay all legal and engineering costs **involved** with the review of the application.

**Section 2.09.B** - Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Code Official or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than Twenty-five Dollars (\$25.00) nor more than **Six Hundred Dollars (\$600.00)** plus costs of prosecution.

**Section 3.00** - The identified floodplain area shall be those areas of the Township of Penn, which are subject to the one hundred (100)-year flood, as identified in the Flood Insurance Study (FIS) dated **June 19, 2009** and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

**Section 3.01** - The identified floodplain area shall consist of the following specific areas:

- A.** FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- B.** FF (Flood-Fringe Area) - the remaining portions of the one hundred (100)-year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100)-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

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- C. FE (Special Floodplain Area) – the area identified as Zone AE in the Flood Insurance Study, where on hundred (100)-year flood elevations have been provided, but no floodway has been delineated.
- D. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100)-year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100)-year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100)-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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 Township.

**Section 3.02** - The identified floodplain area may be revised or modified by the Board of Supervisors 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 Federal Emergency Management Agency (FEMA).

**Section 3.03** - ... be made by the Township Planning Commission...

**Section 4.00.A** - In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

- B. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

**Section 4.01.A.1** - Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

- 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

**Section 4.01.C** - Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

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1. No new construction or development shall be located within the area measured fifty (50)-feet landward from the top-of-**bank** of any watercourse.

#### **Section 4.02.A** - Residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated at least one and one-half (1 ½) feet above, the regulatory flood elevation. **The design and construction standards and specifications contained in the current IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the current IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.**

#### B. Non-residential Structures

1. Within any identified floodplain area, 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 by such structure shall remain either completely or essentially dry during any flood up to that height.
2. **Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100)-year flood elevation, shall be floodproofed in a completely or essentially dry manner 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.**
3. **The design and construction standards and specifications contained in the current IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.**

#### C. Space below the lowest floor.

2. a minimum of (2) 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.

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#### D. Accessory structures

2. floor area shall not exceed **six hundred** (600)-square feet.
5. power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the **one hundred** (100)-year flood elevation.

**Section 4.03.A.4** - be no steeper than one (1) vertical to two (2) **feet** horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved **by**, the Building Code Official; and

5. be used to the extent to which it does not adversely affect adjacent properties. **The provisions contained in the current IBC (Sec. 1801.1 and 1803.4) shall be utilized.**

#### 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. **The provisions contained in the current IBC (Appendix G401.5) shall be utilized.**

#### C. Water and Sanitary Sewer Facilities and Systems

3. **No part of any on-site sewage system shall be located within any identified floodplain area 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 34 PA Code (Chapters 401-405 as amended) and contained in the current IBC (Appendix G. Secs. 401.3 and 401.4), the current IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) 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.

#### H. Anchoring

3. **The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the current IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and**

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**Appendix G501.3), the current IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.**

#### I. Floors, Walls and Ceilings

4. Windows, **doors**, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
5. **The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the current IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the current IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).**

#### J. Paints and Adhesives

4. **The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the current IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the current IRC (Secs. R323.1.7).**

#### K. Electrical Components

3. **The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the current IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.**

#### L. Equipment

2. **The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the current IBC (Sec. 1612.4), the current IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.**

**Section 4.03. - 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.**

**International Building Code (IBC) Current or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.**

**International Residential Building Code (IRC) Current or the latest edition thereof:  
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.**

**Section 4.04.B - In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community **and Economic Development** as required by the Act, any new or substantially improved structure which:**

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- will involve the production, storage, or use of any amount of radioactive substances;  
shall be subject to the provisions of this section, in addition to all other applicable provisions.

**D. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection B., above, shall be:**

- 1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100)-year flood and,**
- 2. designed to prevent pollution from the structure or activity during the course of a one hundred (100)-year flood.**

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

E. New construction or development of any structure of the kind described in Subsection B., above, shall be prohibited within the area measured fifty (50)-feet landward from the top-of-bank of any watercourse.

**Section 4.05.B - Within any FA (General Floodplain Area) or FE (Special Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50)-feet landward from the top-of bank of any watercourse.**

**C. Where permitted within any floodplain area, 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 one and one half (1 ½) feet or more above the elevation of the one hundred (100)-year flood.**
- 3. anchored to resist flotation, collapse, or lateral movement.**
- 4. 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 current International Residential Building 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.**

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5. Consideration shall be given to the installation requirements of the current IBC (Appendix G, Sec. 501.1-3) and the current IRC (Sec. R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

**Section 5.00.A - The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:**

1. hospitals
2. nursing homes
3. jails or prisons

**Section 5.01.** - Applicants for Special Permits shall provide **eight** copies of the following items:

- C. 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:
  2. topography based upon the **North American Datum of 1983**, showing existing and proposed contours at intervals of two (2) feet;
  4. the location of all existing streets, drives, other **accessways**, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and **man-made** features affecting, or affected by, the proposed activity or development;
  7. the location of all proposed buildings, structures, utilities, and any other improvements; **and**
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; **and**
- E. The following data and documentation:
  6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land **Development**;"
  8. any other applicable permits **including**, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; **and**

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**Section 5.02** - Upon receipt of an application for a Special Permit by the Township the following procedures shall apply in addition to all other applicable permit procedures, which are already established:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
- C. If the Township decides to **deny the special permit**, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township **decides to issue the special permit**, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- G. If the Department of Community and Economic Development should decide to **deny the permit**, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

**Section 5.03.B.1.b** - **The lowest floor (including basement)** elevation will be at least one and one half (1 ½) feet above the one hundred (100)-year flood elevation.

**Section 6.01.B** - **No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100)-year flood elevation more than one (1) foot at any point.**

- C. 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.

**The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the current IBC (Sec. 3402.1 and 1612.4) and the current IRC (Secs. R105.3.1.1 and 323.1.4).**

- D. **The requirements of 34 PA Code Chapter 401-405, as amended and the current IRC (Secs. R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the current IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.**

**Section 7.01.A** - Except for a possible modification of the one and one half (1½)-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining

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specifically to development regulated by Special Permit (Article V) or to Development Which May Endanger Human Life (Section 4.04).

- F. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
3. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable **federal**, state or local ordinances and regulations.

### Section 8.01

2. **Basement - means any area of the building having its floor below ground level on all sides.**
3. **Building - a combination of materials to form a structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.**
11. **Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100)-year magnitude.**
12. **Historic structure - any structure that is:**
  - (i) **Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;**
  - (ii) **Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;**
  - (iii) **Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or**
  - (iv) **Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:**
    - (1) **By an approved state program as determined by the Secretary of the Interior or**
    - (2) **Directly by the Secretary of the Interior in states without approved programs.**

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15. **Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.**
16. **Manufactured home - 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.**
17. **Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.**
25. **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 or more of the market value of the structure before the damage occurred.**
26. **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 either:
  - (1) 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, or;
  - (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."**
27. **Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.**

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Upon completion of the review and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend to the Board of Supervisors to adopt the amended Floodplain Ordinance.

**Meeting Tapes & Notes** – Secretary informed that the PTPC of the right to know law in regards to the meeting tapes. She informed the PTPC of the PTS policy and requested to know the wishes of the PTPC. The consensus of the PTPC was to follow the policy of the PTS.

Upon the completion of all business and with a Maguire/Dalla Piazza motion, the PTPC voted unanimously to adjourn the meeting at 8:50 p.m.

Respectfully Submitted;

**Approved May 18, 2009**

Brian R. Maguire  
Secretary

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Upon the completion of all business and with a Maguire/Dalla Piazza motion, the PTPC voted unanimously to adjourn the meeting at 8:50 p.m.

Respectfully Submitted;

Brian R. Maguire  
Secretary