

June 2, 2020

Due to COVID-19 social contact restrictions, Mr. Miller, President of the Board, convened the work session via ZOOM video meeting at 7:00 p.m. on the above date. Present were Commissioners Eckles, Milazzo, Pavone and Smock. Also, present were: Jason M. Bobst; Sean Kilkenny, Esquire; Kathy K. Frederick; A. Dale Mabry; Michael Kelly; Michael Valyo; Jonathan Dzedzy; T.J. Figaniak and Erik Garton.

**Discussion/
Update**

The hope that everyone voted and voted safely was expressed by Mr. Miller. It was suggested by Mr. Miller that an item be added to this evening's agenda to consider a resolution denouncing and repudiating the statement of Montgomery County Commissioner Joseph Gale in the wake of the death of George Floyd.

In reference to a written statement by Chief Mabry, Ms. Pavone stated that she appreciated Chief's sentiments and was sorry to see this "systemic racism" becoming a political partisan issue. Chief Mabry replied that "no thanks is needed as anyone would agree that it was a tragedy."

A COVID-19 update was presented by Mr. Bobst who noted that currently there are 119 cases in West Norriton Township, an increase of 67 cases since April, and 5 deaths related thereto. According to Mr. Bobst, Montgomery County is moving to the "Yellow Phase" and, as such, he is working on a plan to reopen the Township building on a full-time basis to accommodate the needs of the residents.

Also, it was mentioned by Mr. Bobst that, at present, budget revenue projections for both EIT and Jeffersonville Golf Club have been met.

Manager

The items on the Agenda for the upcoming Board meeting were enumerated and addressed by Mr. Bobst as follows:

A. The bids for the Regents Park Paving Project will be opened tomorrow and over 60 possible bidders downloaded the specs;

B. Consider authorizing staff to advertise Ordinance No. 2020-739 updating townhouse regulations in the R3 zoning district which includes awarding by conditional use to maintain control. According to Mr. Bobst, we are looking to rewrite the entire zoning ordinance sometime in the future;

C. Consider authorizing staff to advertise Ordinance No. 2020-740 re: False Alarms by adding requirements, penalties and fees and an inspection phase, particularly for commercial properties. According to Mr. Valyo, there are between 180-200 false alarms annually and this would hold the property owners accountable.

D. Consider authorizing staff to advertise Ordinance No. 2020-741 – Riverview Blvd. from I to BP is a housekeeping item to coincide with

the next Ordinance (No. 2020-742);

E. Consider authorizing staff to advertise Ordinance No. 2020-742 amending BP District to Permit Townhouses is strictly a zoning amendment to allow for townhouses in BP & in I for parcels over 20 acres;

F. Consider adopting Resolution #20-1658 regarding a prior Land Development Waiver Resolution awarded to Outside Unlimited and assigning same to the new owner, Benchmark Site Holdings, LLC. Mr. Bobst mentioned that this will bind Benchmark to the same requirements for repairs to the property and basin.

G. Consider adopting Resolution authorizing execution of the 2021 DUI Grant. This is housekeeping item, per Mr. Bobst, as we have been administering this grant for over 25 years.

H. Consider authorizing execution of Stipulations for Tax Assessment Appeals for Bogard Street (Lubin) and Fishburne Street (O'Neill parcel) for a credit of \$34,000.00+ since the assessment of the properties came back lower. Mr. Bobst pointed out that NASD "drives the bus" on these things, and instead of spending money on our own appraisal and counsel to fight the appeal, once the plan is recorded, a new assessment will be made so the new, lower assessment may be short-lived.

I. As we are close to finalizing the project specs, consider authorizing staff to advertise the bid for the Padden Park Pavilion and Restroom/Storage Project. In that regard, Mr. Smock inquired about the completion of plans for the Project, while Ms. Eckles asked if the park pavilions are available to Township residents to rent. Mr. Dzedzy answered in the affirmative to both inquiries and stated that he would put out plans to the Commissioners next week. The timing of the parking lot repaving project at the firehouse was brought up by Ms. Milazzo. In response to a question by Ms. Pavone, Mr. Dzedzy stated that the tennis courts can be open in the "yellow phase" of the COVID crisis.

J. As requested by Mr. Miller, the consideration of authorizing staff and Commissioners to draft a Resolution condemning County Commissioner Gale's letter regarding social unrest was added to the agenda.

Public Comment *Kim Haymans-Geisler, 1810 Ardin Drive, submitted a public comment via email as follows:*

"I am following up on the key question I posed during last week's Township Planning Commission meeting. My area of interest that night concerned Ordinance No. 2016-700, the ordinance amending

West Norriton's zoning regulations in floodplains as adopted on March 8, 2016. As I recall, the text approved through ordinance revision was mandated by FEMA after a nationwide review of the Flood Insurance Rate Maps (FIRM).

Given the legislative intent of the 2016 ordinance, I am mystified by the West Norriton Board of Commissioners' push for rezoning along the Schuylkill River to allow for massive new development. Under the 2016 ordinance, our community was required to: "adopt a floodplain management ordinance that meets or exceeds the minimum National Flood Insurance Program (NFIP) requirements. The overriding purpose of the floodplain management regulations is to ensure that participating communities take into account flood hazards, to the extent that they are known, in all official actions relating to land management and use."

To date I have not heard any public discussion of the effects of the 2016 ordinance on this rezoning attempt to permit massive new townhome development at Riverview.

As stated on Page Two of Ordinance 2016-700, the article's intent is to:

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

Under Section 27-2203, will the Board please post to its website (for public scrutiny) the applicant's hydrologic and hydraulic analyses undertaken to date related to its construction proposal within the Floodplain Conservation District? Also, please post a description of this development proposal with related documents and maps that would be easy to view on the Township's website if not already there (not just a link from various meeting agendas). Please also include the review letters prepared by our planners assigned to West Norriton through MCPC. I am aware that the Montgomery County Planning Commission has recommended against a rezoning of the parcels under consideration by the current proposal.

I note with great concern the following warning on Page Three of the 2016 floodplain ordinance revisions, considering the project's location near Route 422: "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."

Under the "New construction" definition, I note that, "Any construction started after September 30, 1977 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." I see no evidence that new construction on 1330 apartment units had begun (even after the additional Township approvals granted in 2015). Therefore, the statement made by the township manager and the head of our township planning commission appear disingenuous to me. Multiple statements have been made to the effect that we are only given a choice between the "grandfathered" huge apartment plan for over 1300 apartments OR this new proposal for townhomes, to be enabled by the Board through rezoning.

I would like to turn the Board's attention to Section 27-2214 of the floodplain ordinance: "Uses

Prohibited in the Floodplain Conservation District," starting with Sections A and B:

"No new construction, alteration, or improvement of building and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year floodplain." AND "New construction of building or placement of fill within the 100 year floodplain is prohibited."

Are there any comments from the Board regarding the legal implications of the current proposal under Ordinance 2016-700? What could be the liability risk to the township and its officials if this project proceeds? What are the consequences of revisions to flood insurance premiums for prospective homeowners since adoption of the new rate maps? What are the projected impacts on the school district?"

Thereafter, Ms. Haymans-Geisler stated that she would be objecting to her public comment not been read.

There being no further public comment, upon motion of Ms. Milazzo, seconded by Ms. Eckles and unanimously agreed, that portion of the meeting was closed.

***Upcoming
Meeting Dates***

There is a ZOOM meeting of the Zoning Hearing Board on June 18th at 7:00 PM re: side yard setback for non-conforming lot at 48 Potts Avenue.

Adjournment

There being no further items on the Agenda, upon motion of Ms. Eckles seconded by Mr. Smock and unanimously approved, the work session was adjourned at 7:58 P.M.

*Kathy K. Frederick
Assistant Secretary*

