

UPPER MAKEFIELD TWP. PLANNING COMMISSION

April 4, 2011 – 3:00 p.m. Meeting
Municipal Complex, 1076 Eagle Road.

Present: Walt Wydro, Chair; Karin Traina, Vice Chair; Greg Pitonak, Hank Lieberman, Kathleen Pisauro, Ken Rubin, Dave Kuhns, Director, Planning & Zoning, Mary Ryan, Liaison, Larry Young, Township Engineer, Stephanie Teoli, Township Manager

I. PUBLIC COMMENT SESSION: No members of the public were present to comment.

II. CURRENT AND NEW BUSINESS: Mr. Wydro stated that the purpose of the meeting is to review the tentative agenda for the April 27th meeting. That will be a public meeting to inform the residents of the new FEMA maps. Mr. Baldwin, Chairman of the Board of Supervisors, will make the opening remarks and will introduce Lynn Bush who will conduct most of the meeting. Following Ms. Bush's presentation, questions from the public will be addressed. Next, Rob Kay, the Emergency Management Coordinator will review his duties with respect to the method of gauging the Delaware River for floods, the method of warning residents if there is imminent danger, evacuation warnings and emergency shelters. As these are federally generated maps, all the Township will do is provide information to the public regarding these regulations and the effects on residents regarding insurance.

While waiting for Lynn bush to arrive, Larry Young of Gilmore & Associates stated that as a result of the questions and concerns he listened to at the last meeting, he prepared a map to show the old and new areas overlaid on each other. However, the new maps are in GIA and the old maps were done graphically so they don't match up very well. Mr. Young though that by looking at the overlay however, that there is less floodplain than on the old maps and suggested possible reasons. At this point in the meeting Lynn Bush arrived and said that basically FEMA used better elevation information in creating the new maps and although there were a couple of special study areas, feels that the improved elevation information is the main reason for the differences. There was extra effort along the Delaware River and her understanding is that in addition to the elevation data FEMA made estimates about the depth of the channel.

There was a meeting with FEMA in February. At that meeting, FEMA basically said here are the maps and told the municipalities that they need to find who is in the floodplain and notify them. This caused a lot of anxiety by municipal representatives and by the evening meeting of the same day, FEMA changed its stance and instead suggested just making the maps available to the residents however each municipality communicates with its residents.

When the Bucks County Planning Commission met following the meetings with FEMA there were discussions regarding what the County should do. The County ultimately decided to do what Mr. Young attempted to do by creating a map overlay of the old and

the new. The County obtained some better quality maps from FEMA and as of this morning, has created a website which is not yet up and running. On that website, one can pan around the maps, find Upper Makefield Township, and make it available to the residents. The County added the tax map parcel numbers to the maps as well. This is the County's approach for making that information available and the website should be up and running sometime this week. Mr. Wydro suggested having the website available at the Special Meeting.

Regarding the appeals process, the first period was a 30 day period that Ms. Bush believes has now ended. This appeal time period was for challenges to simple factual issues such as misspellings. The next appeal period is for 90 days during which FEMA will accept substantive challenges as to locations of the floodplain and must be based on engineered study not anecdotal information. However, it was noted that FEMA always allows modifications to the floodplain. There was a discussion regarding the map modification process. Ms. Traina asked if this particular appeal process only applies to municipalities since a resident can always ask for a map amendment. Speculating, Ms. Bush stated that if residents find that they are now in the floodplain when the resident was not before, that resident might avoid being memorialized as being in the floodplain by appealing now.

Mr. Wydro thought that the Township should prepare a handout to residents regarding the appeal process and suggested language that "notwithstanding this appeal process, you will always have the right to appeal."

Regarding insurance, there is a period of time before new maps become effective within which a resident may purchase flood insurance if required to buy it for the first time, at a lower rate, but the bigger concern is home valuation. A case from Florida was cited where a home value decreased due to its placement in the floodplain; the affected party was reimbursed the difference in the home valuation by the government. This is something the Township should research this to see if this applies to all states.

Ms. Bush stated that the ordinance which must be adopted by November of 2012, will not be that different than the one the Township has now. The main difference will be that the ordinance will reference the final date of the new maps.

It was agreed that residents should be informed as to what items are necessary to appeal. Ms. Bush stated the items required for an appeal as follows:

- An elevation certificate,
- a registered copy of the deed to the property,
- the tax assessors map,
- a certified site plan/boundary survey,
- a copy of the flood insurance rate map,
- the flood insurance study; and
- a signed and dated property information form.

She said she wasn't sure if all were required but Ms. Ryan interjected that with respect to her appeal, she had to provide all of those documents. This should be included in the information to be provided to residents by the Township in addition to the FEMA website and other websites with helpful information. Mr. Lieberman asked if the Township should look at the maps to see if there are any properties on behalf of which the Township should appeal. Ms. Bush stated that Upper Makefield Township is far ahead other Townships with respect to this issue and that this is FEMA's jurisdiction not a community responsibility. Mr. Kulig added that if a resident is not in the floodplain any longer, the resident can just inform the mortgage institution and Mr. Wydro thought the Township should just stick with providing information.

Following discussions, Mr. Wydro provided some history regarding the 1978 Flood Study.

Ms. Bush asked the group if they would like someone from FEMA to attend the April 27th meeting and the group agreed that they would. Mr. Wydro then summarized that the Township will provide the County website information as well as a handout regarding essential requirements with a list of websites where a resident can have their questions answered.

There was a discussion of whether the Township should have an insurance consultant at the April 27th meeting but since there may not be universal answers, and due to Township liability, the Township should leave it to the individual homeowners to contact their own consultants. Although the meeting on the 27th will be a Planning Commission meeting, Ms. Ryan will extend an invitation to the Board of Supervisors as well.

Before the meeting was adjourned, Ms. Bush said she would like to return to discuss the solar and wind power ordinances some time in the near future in order to obtain comments for the Joint Planning Commission.

Neshaminy Creek Watershed Stormwater Management Plan Ordinance; continued from the March 23, 2011 P.C. Meeting: At the March 23, 2011 Planning Commission meeting, it was agreed that as Ms. Eberle has already reviewed this Ordinance for other Townships, that she provide recommendations for changes to the Planning Commission for the adoption of its own stand alone ordinance. Having done that since the March 23rd meeting, Mr. Wydro began by asking if there was a motion to approve the ordinance. Mr. Rubin stated "So moved" and Mr. Pitonak seconded the motion. Ms. Traina asked if the group shouldn't consider Ms. Eberle's notes and changes and noted the numbering issues within the table of contents. Mr. Young raised an issue with respect to what will be required of individual property owners with respect to recharge when dealing with small projects. Following that discussion, Ms. Ryan suggested a revised motion to include Ms. Eberle's recommendations. Ms. Traina then modified the initial motion to include Ms. Eberle's changes. All were in favor and the motion passed.

The meeting was adjourned.
Approved: May 25, 2011