

**Yardley Borough Council Meeting
Special Meeting
May 30, 2019**

The meeting was held in Council Chambers with the following members present:

David Bria	Sandi Brady	Ryan Berry	Bryon Marshall
Caroline Thompson	Matthew Ross		

Council members not in attendance: Mike Ruttler

Solicitor E. Closser, Engineer Tom Beach, and Borough Manager Paula Johnson. Council Vice President David Bria called the meeting to order at 7:35 pm and led with the Pledge of Allegiance.

Progress Reports

None

Other Reports

None

Old Business (Time Stamp: 7:35 pm)

1. The Purpose of this Special Meeting is to Have a Joint Discussion with the Yardley Borough Planning Commission to Discuss the Floodplain Ordinance

A discussion was held between Council, members of the Planning Commission, other experts in various fields, and members of the community who were present. These notes are laid out with initials to identify each of the speakers (key given below) and discussion organized under the various broad topics that were covered.

Council Members:

BM –Bryon Marshall

DB –David Bria

CT – Caroline Thompson

RB –Ryan Berry

SB –Sandi Brady

MR –Matt Ross

Other Borough Representatives:

EC – Solicitor E. Closser

TB – Engineer Tom Beach

PJ – Borough Manager Paula Johnson

Experts:

PG – Pete Guidotti, Chair of Planning Commission
MS - Matt Sinberg, Member of the Zoning Board
SM – Susan Mazzatelli, Certified Floodplain Manager
MW – Matt Walter, Certified Floodplain Manager
MI - Mike Italia, Zoning Officer
WF – Wes Foraker, Code Enforcement Officer
DC – Dave Collins, Sewer Authority

Other terms:

PC – Planning Commission
CRS – Community Rating System
ZHB – Zoning Hearing Board
FMV – Fair Market Value

Members of the community are identified by full name and address when first addressing the group; thereafter each is identified by his or her initials.

RB opened the meeting with a presentation of the general purpose of the meeting, which is a discussion of the PC's comprehensive review of the Borough's floodplain ordinance. The goal of this meeting is, at least in part, to give Council an opportunity to gather information in order to make recommendations to the PC which reflect the views of Council and the community. RB offered his broad objectives which are: To ensure the quality of life for residents in the floodplain through reasonable improvements of their properties; the preservation of property values of floodplain residents, which is the tax base of Yardley Borough; the protection of property and residents' safety; the preservation of the FEMA insurance program and any attainable discounts through the community rating system (CRS); if we will reform the ordinance, the consideration of the removal of bans on improvements in floodplain properties such that they conform with FEMA's base ordinance requirements; removal of all bans on accessory structures in floodplain properties such that compliance with FEMA's base ordinance requirements are not affected; clarification and standardization of our procedures; and preservation of CRS discounts and what those discounts currently cover and entail and how they will be affected if the ordinance is revised.

BM – We need clear, decisive, and easy to read and interpret information and need to work closely with PC on this process. Council also wants to save residents the expense of permits, hearings, and variances. The larger takeaway is how best to serve the community while preserving our CRS.

PG - PC is concerned about making piecemeal changes to the floodplain ordinance. There are conflicts and ambiguities in the ordinance, some of which can be improved/resolved by upgrading the language in the ordinance. Changes to the ordinance cost \$2,500-\$3,000 each so PC would like to minimize those costs to the Borough.

DB – Figure of \$2,500-\$3,000 is overstating the cost.

Residents do not understand, according to the current ordinance, why the following structures are not allowed:

- Vestibules on houses
- Overhangs with two poles
- Carports
- Garages and accessory structures

DB – Are accessory structures, specifically including the examples shown, prohibited?

MI – Yes, any permanent structure is prohibited if it is in the floodplain conservation district. The intent of this portion of the ordinance is to prevent debris during a flood event.

General Comments on Flood Insurance/Points System:

Michael Hayduk (MH) - 44 Breece, ZHB member. According to FEMA they are concerned about the increasing home values in the floodplain, which increases the pressures on flood insurance. There is a two-tier test to control the cost of insurance; not raising the base flood elevation and improving property values such that the cost of insurance gets out of control. Should we bring FEMA into the conversation?

SB – If a person improves his home to the point that it has to be brought into full compliance with the regulations, then that would actually decrease the cost of insurance.

Dave Collins (DC) – 97 N Delaware. There is a cap on coverage of \$250,000.

Irene Silveus (IS) – 135 Pennsylvania Avenue. During 2015 training FEMA asked that no variances ever be granted. We have asked to see the points system but FEMA is not forthcoming.

Discussion of Accessory Structures and their Definitions:

PG – Definitions proposed for different types of accessory structures.

Accessory dwelling unit – An addition used for habitation such as in-law suit, cabana. We can't overextend the impervious space limits no matter what.

Accessory, non-dwelling structure – garage, carport. Adding that these structures are permitted will clear up a lot of confusion and allow owners to add the space. Floor space not to exceed 600 square feet, use for parking, storage, never used for or converted to allow human or animal habitation.

DC – Accessory non-dwelling. If that provision were accepted, that would coincide with Chapter 18 of Borough Code states in regards to sewer connections on one parcel having two buildings.

SB – FEMA does not set size limits other than less than 600 sq ft and low cost. Do people really want all their neighbors to have 600 sq ft structures on their street?

Shed – Not to be used for human or animal habitation and with a limit of 200 square feet. Could also consider allowing X number on a given tax parcel.

Relocation of existing building or structures – Should homeowners have to go through the whole permitting process again to move these structures?

Suggestion is they be permitted to be relocated providing that they are further away from the water than they were before and they must be on the same tax parcel.

WF – Our ordinance does not prevent anyone from moving an accessory shed structure but we do make recommendations about where they can be placed. Moving it away from the river doesn't necessarily solve the problem but advice has to do with the flow of the water. Existing ordinance does make provision for this. Garage with footers or pad – to be avoided. Best to make changes that are low cost and low impact, i.e. structures that easily come detached cause little trouble and cause modest expense.

Vertical additions –

Would cantilever be allowed, provided you're above the 100-foot floodplain?

CRS

DM, Dan Mohn, 132 Longshore – FEMA recommended in 2005 that every home in the floodplain be torn down. We need to fight for the residents of the floodplain.

DB - What happens if a community makes changes that fly in the face of what FEMA recommends?

SM – CRS and Points are referred to a lot but first and foremost comes the Floodplain Ordinance and its enforcement. 2015 ordinance was crafted with Council, who took the position to take the floodplain ordinance at its strictest interpretation (no new construction). The intent is to carry out the ordinance so this community is resilient when the next flood comes. Limiting development in the floodplain limits risk to everyone. Ordinance should evolve a bit. CRS – Community is in good standing and it's a reward to the community to continue to do the good things it has been doing. Communities can go on probation for having too many variances. If disaster strikes and a community is on probation there is no flood mitigation money, no personal assistance. CRS discount is now 5%.

DM – What exactly is it that people/communities did to get put on probation?

SB – Doesn't think prohibiting any new construction is a minimum regulation to participate in flood insurance program. Patterns of variances for a specific type of structure would send signal to FEMA.

BM – From 2015 meeting took away that don't make such restrictive ordinances that you find yourself overburdening your residents. Suggests to make things as flexible as possible and meaningful to the community and then bring FEMA in to discuss.

IS – Wants oversight but not restriction. Ordinances are not being enforced equally.

MH – What are the guidelines for the ZHB to have when considering requests for variances?

SB – Hardships exist because of the land and the lot, not because of personal preferences.

SM – 25 million dollars in flood claims have paid in our community

MI – Zoning needs legal evidence to investigate any violations.

Fair Market Value and 50% figures

PG – Fair market Value – Several methods used to determine – tax assessors value, appraisal, and recent sale comps

DM - Would like to see the allowance of horizontal additions with additions to the footprint.

FEMA's documentation seems to allow this as long as the addition is above the level of the 100-year floodplain as long as it doesn't increase the value more than 50%.

SM - The intent is to get the owner the highest possible value of the structure.

TB – County information is used for value assessment

SB – FEMA has no standard for determining FMV. Borough just needs to be consistent with the method. FEMA recommended putting the definition in writing.

MS – 50% is a problem because it's cumulative and it includes repairs. Is 50% going to include the appliances or just the building and walls – that's what it should be, not the toilet and stove. Many people bought before there were ordinances.

DB – 50% is building code throughout the Borough, not specific to the floodplain

MW – 50% does include FMV stuff, expensive granite, high end fixtures do count toward the 50%.

MS – Contents should not be included.

IS – Can we require people to have flood insurance for improving/elevating the home?

DM – 50% is not a cumulative figure.

PG – Open questions on whether 50% is or is not cumulative. Is a new roof considered maintenance or an improvement?

MW – No variance is required but if it is extravagant then it would count to 50%

Specific Structures Currently Allowed/Not Allowed.

PG – As ordinance is written now and without a variance can a homeowner add the following.

Answers given per MW.

Ramps? Yes, if it is removed once no longer needed. What if it's a more permanent ramp? - No

Overhangs (Roof and two legs.) - No

Carports - No

Vestibules - No

Raised 2nd story decks – unsure

Deck – ground level – No

Internal construction – Moving plumbing/stacks/internal walls - unsure

RB – In closing, the expectation is that broad recommendations and any specifics be made by PC to be presented to Council who will then craft an ordinance which will be sent back to PC for review. Hopefully this will be done by July at the latest.

PG – Is there anything Council wants PC to avoid in the recommendations?

BM – Wants FEMA to review the ordinance as part of the process.

DB – Issue of 5% footprint changes is an important part of this review.

WF – In closing the Council and community needs to decide what it wants this town to be in 25+ years. Yardley is looking very favorable for next year for an increase in the discounts.

Mr. Bria motions to adjourn at 9:05 which is seconded by Mr. Berry.

Submitted by, Mary Ann McLean