



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P-N

May 4, 2016

The Honorable Joseph P. Saraceni
Supervisor, Town of Lysander
8220 Loop Road
Baldwinsville, New York 13027

Community: Town of Lysander,
Onondaga County,
New York
Community No.: 360583
Map Panels Affected: See Listing of Communities
Table

Dear Mr. Saraceni:

This is to formally notify you of the final flood elevation determination for your community in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulations. On January 6, 1982, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in the Town of Lysander. Recently, FEMA completed a re-evaluation of flood hazards in your community. On June 30, 2008, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community.

FEMA has not received any comments on the Preliminary copies of the FIS report and FIRM. Accordingly, the FIS report and FIRM for your community will become effective on November 4, 2016. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to November 4, 2016, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. Michael Moriarty
Director, Mitigation Division
FEMA Region II
26 Federal Plaza
New York, New York 10278-0002
(212) 680-3600

In addition to your community using the FIS to manage development in the floodplain, FEMA will use the FIS to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIS report and FIRM for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Onondaga County has been combined into one FIS report and FIRM. When the FIS report and FIRM are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

The FEMA Region II staff is available to assist you with your floodplain management measures and may be contacted by telephone at (212) 680-3600. If you have any questions concerning mapping issues in general or the enclosed SOMA please call our FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations, Answers to Questions About the NFIP, Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures, Use of Flood Insurance Study (FIS) Data as Available Data, and National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosures:
Final SOMA
Listing of Communities Table

cc: Community Map Repository
Mr. Tim Wolsey, Floodplain Administrator, Town of Lysander
The Honorable Joanne M. Mahoney, Executive, Onondaga County
Mr. A. T. Rhoads, Commissioner, Water Environment Protection, Onondaga County
Mr. Robert Schaefer, Mitigation Civil Engineer, FEMA Region II
Mr. William Nechamen, CFM, NFIP State Coordinator, New York Department of
Environmental Conservation (NYSDEC)
Mr. Kevin Delaney, NYSDEC, Region 7
Mr. Tim Walsh, Environmental Engineer 3, NYSDEC, Western NY Flood Hub (Regions 6-9)
Ms. Mary Binder, Environmental Program Specialist, NYSDEC, Western NY Flood Hub
(Regions 6-9)

FINAL SUMMARY OF MAP ACTIONS

Community: LYSANDER, TOWN OF

Community No: 360583

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on November 4, 2016.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	NY 762	10/26/1993	7914 GLENBROOK DRIVE	3605830015B	36067C0068F
LOMA	97-02-348A	12/24/1997	CLINTON HEIGHTS - LOT 82, SECTION C - 2864 HILTONWOOD	3605830015B	36067C0068F
LOMA	99-02-870A	07/28/1999	7912 GLENBROOK DRIVE	3605830015B	36067C0068F
LOMR-F	06-02-0152A	01/24/2006	ABBOTT'S LANDING SECTION 9, PORTION OF FARM LOT 87 - KILLOE ROAD	3605830015B	36067C0068F
LOMA	08-02-0888A	05/08/2008	2852 Hiltonwood Road; LOT 59 CLINTON HEIGHTS	3605830015B	36067C0068F
LOMA	08-02-1210A	08/07/2008	CLINTON HEIGHTS SUBDIV, LOT 60 - 2856 HILTONWOOD ROAD	3605830015B	36067C0068F
LOMA	11-02-1571A	05/17/2011	Lot 34, Morgan Riverside Park - 1054 Morgan Road	3605830035C	36067C0064F
LOMA	12-02-1330A	08/14/2012	RIVERVIEW TRACT, SECTION D, LOT 2-A - 9506 PENDERGAST ROAD	3605830010B	36067C0052F

FINAL SUMMARY OF MAP ACTIONS

Community: LYSANDER, TOWN OF

Community No: 360583

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	12-02-1186A	09/18/2012	CLINTON HEIGHTS, SECTION C, LOT 61 – 2860 HILTONWOOD ROAD	3605830015B	36067C0068F
LOMA	13-02-0193A	01/17/2013	LOT 75 – 8092 MILLS LANDING	3605830035C	36067C0041F
LOMA	14-02-0796A	03/18/2014	PART OF LOT 55 – 8854 FENNER ROAD	3605830030C	36067C0035F
LOMA	14-02-1876A	08/12/2014	PORTION OF LOT 87 – 2940 COLD SPRINGS ROAD	3605830015B	36067C0068F
LOMA	15-02-0237A	01/06/2015	LOT 54 & 55 – 8885 Fenner Rd	3605830030C	36067C0035F
LOMA	15-02-0739A	04/08/2015	SHRIVER'S ACRES TRACT, SECTION B, LOT 3 – 7908 GLENBROOK DRIVE	3605830015B	36067C0068F
LOMA	15-02-0809A	04/08/2015	ABBOTT'S LANDING SECTION 5, LOT 102 – 2728 HILTONWOOD ROAD	3605830015B	36067C0068F
LOMA	15-02-1936A	10/29/2015	SHRIVER'S ACRES, SECTION B, LOT 4 – 7904 GLENBROOK DRIVE	3605830015B	36067C0068F
LOMA	15-02-1954A	11/09/2015	Lot 74, - 2 Snogles Lane	3605830035C	36067C0041F
LOMA	16-02-0533A	02/02/2016	LOT 74 – 4 SNOGLES LANE	3605830035C	36067C0041F

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

FINAL SUMMARY OF MAP ACTIONS

Community: LYSANDER, TOWN OF

Community No: 360583

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

The table that follows is provided for your community's use in determining the FIRM panels affecting your community. Note, when referencing the FIRM panels in your floodplain management ordinances, the complete FIRM panel number should be referenced. For example, the first FIRM panel for Baldwinsville will read **36067C0061F** and the first panel entry for Dewitt will read **36067C0226F**. The countywide prefix 36067C and suffix F are common to all communities.

<u>LISTING OF COMMUNITIES</u>						
COMMUNITY NAME	COMMUNITY NUMBER	LOCATED ON PANELS	INITIAL NFIP MAP DATE	INITIAL FIRM DATE	MOST RECENT FIRM PANEL DATE	
BALDWINSVILLE, VILLAGE OF	360569	0061, 0062, 0063, 0064, 0066, 0068	MARCH 15, 1974	AUGUST 16, 1982	OCTOBER 6, 2016	
CAMILLUS, TOWN OF	360570	0159, 0170, 0180, 0181, 0182, 0183, 0184, 0187, 0189, 0190, 0191, 0192, 0195, 0203, 0211, 0213	SEPTEMBER 6, 1974	JUNE 15, 1981	OCTOBER 6, 2016	
CAMILLUS, VILLAGE OF	360571	0187, 0191	JULY 30, 1976	AUGUST 3, 1981	OCTOBER 6, 2016	
CICERO, TOWN OF	360572	0081, 0082, *0084, 0092, 0094, 0101, 0102, 0103, 0104, 0106, 0109, 0111, 0112, 0113, 0114, 0116, 0117, 0120, 0136, 0138, 0139, 0207, 0226, 0227, 0231, 0232, 0251, 0252	NOVEMBER 1, 1974	APRIL 4, 1983	OCTOBER 6, 2016	
CLAY, TOWN OF	360573	0014, 0018, 0057, 0058, 0059, 0067, 0076, 0077, 0078, 0079, 0081, 0082, 0083, *0084, 0086, 0087, 0088, 0089, 0091, 0092, 0093, 0094, 0202, 0206, 0207	JULY 1, 1977	APRIL 1, 1980	OCTOBER 6, 2016	
DEWITT, TOWN OF	360973	0226, 0227, 0228, 0229, 0231, 0233, 0236, 0237, 0238, 0239, 0241, 0243, 0244, 0351, 0352, *0356, 0357	MARCH 22, 1974	MARCH 1, 1979	OCTOBER 6, 2016	
EAST SYRACUSE, VILLAGE OF	360574	0228, 0233, 0237, 0241,	APRIL 12, 1974	AUGUST 3, 1981	OCTOBER 6, 2016	
ELBRIDGE, TOWN OF	360575	0151, 0152, 0153, 0154, 0156, 0157, 0158, 0159, 0161, 0162, 0163, 0164, 0170, 0190	MAY 31, 1974	AUGUST 16, 1982	OCTOBER 6, 2016	
ELBRIDGE, VILLAGE OF	360576	0162, 0164, 0170	MAY 31, 1974	AUGUST 16, 1982	OCTOBER 6, 2016	
FABIUS, TOWN OF	360577	0477, 0479, 0485, 0490, 0495, 0505, 0507, 0510, 0515, *0520	AUGUST 16, 1974	APRIL 30, 1986	OCTOBER 6, 2016	
FABIUS, VILLAGE OF	360689	0505	OCTOBER 6, 2016	OCTOBER 6, 2016	OCTOBER 6, 2016	
FAYETTEVILLE, VILLAGE OF	360578	0242, 0244, 0261, 0263	NOVEMBER 5, 1976	AUGUST 2, 1982	OCTOBER 6, 2016	
GEDDES, TOWN OF	360579	0069, 0182, 0184, 0201, 0202, 0203, 0204, 0208, 0211, 0212, 0213, 0214	MAY 17, 1974	FEBRUARY 17, 1982	OCTOBER 6, 2016	
JORDAN, VILLAGE OF	360580	0153, 0154, 0161, 0162	APRIL 12, 1974	AUGUST 16, 1982	OCTOBER 6, 2016	
LAFAYETTE, TOWN OF	360581	*0334, 0341, *0342, 0343, 0344, 0351, 0352, *0353, 0354, *0356, 0358, 0361, 0362, 0363, 0364 0366, *0368, *0456, 0457, 0477, *0480, 0485	AUGUST 2, 1974	APRIL 3, 1985	OCTOBER 6, 2016	
LIVERPOOL, VILLAGE OF	360582	0201, 0202	JULY 26, 1974	FEBRUARY 4, 1981	OCTOBER 6, 2016	
LYSANDER, TOWN OF	360583	0030, 0035, 0040, 0041, 0042, 0043, 0044, 0052, 0055, 0056, 0058, 0059, 0061, 0062, 0063, 0064, 0065, 0067, 0068, 0069, 0086, 0088, 0151, 0152, 0156, 0182	DECEMBER 13, 1974	JANUARY 6, 1982	OCTOBER 6, 2016	

MANLIUS, TOWN OF	360584	0231, 0232, 0233, 0234, 0241, 0242, 0243, 0244, 0251, 0252, 0253, 0254, 0258, 0261, 0262, 0263, 0264, 0266, 0268, 0357, 0376, 0377, 0381	FEBRUARY 22, 1974	DECEMBER 15, 1982	OCTOBER 6, 2016
MANLIUS, VILLAGE OF	360977	0244, 0263, 0264, 0357, 0376, 0377	AUGUST 2, 1974	SEPTEMBER 29, 1978	OCTOBER 6, 2016
MARCELLUS, TOWN OF	360585	0189, 0190, 0195, 0302, 0304, 0305, 0310, 0312, 0314, *0315, 0320	MAY 3, 1974	AUGUST 16, 1982	OCTOBER 6, 2016
MARCELLUS, VILLAGE OF	360586	0302, 0305	APRIL 12, 1974	JUNE 1, 1982	OCTOBER 6, 2016
MINOA, VILLAGE OF	361017	0234, 0253	JUNE 28, 1974	SEPTEMBER 2, 1982	OCTOBER 6, 2016
NORTH SYRACUSE, VILLAGE OF	360587	0094, 0113, 0207	OCTOBER 6, 2016	OCTOBER 6, 2016	OCTOBER 6, 2016
ONONDAGA, TOWN OF	360588	0195, 0211, 0212, 0213, 0214, 0218, 0219, 0238, 0310, 0320, 0326, *0327, 0328, *0329, 0331, 0332, *0333, *0334, 0340, 0341, 0343, 0351, *0353	AUGUST 30, 1974	JANUARY 18, 1984	OCTOBER 6, 2016
OTISCO, TOWN OF	360589	0320, 0340, 0343, 0431, 0432, 0435, *0452, *0454, 0455, *0456, *0458	MAY 31, 1974	JUNE 3, 1986	OCTOBER 6, 2016
POMPEY, TOWN OF	360590	*0356, 0357, 0358, 0359, 0366, *0367, *0368, *0369, 0376, 0377, 0378, 0379, 0381, 0383, *0386, 0387, *0388, 0389, 0391, 0392, 0393, 0394, 0485, 0505, 0507, 0510	MAY 31, 1974	JANUARY 3, 1979	OCTOBER 6, 2016
SALINA, TOWN OF	360591	143, 144, 331, 332, 0069, 0088, 0089, 0182, 0201, 0202, 0204, 0206, 0207, 0208, 0209, 0226, 0228	APRIL 11, 1975	AUGUST 16, 1982	OCTOBER 6, 2016
SKANEATELES, TOWN OF	360592	0164, 0170, 0190, 0277, 0279, 0281, 0283, 0285, 0290, 0291, 0292, 0295, 0305, *0315, 0405, 0410, 0430	NOVEMBER 8, 1974	JUNE 1, 1982	OCTOBER 6, 2016
SKANEATELES, VILLAGE OF	360593	0279, 0283, 0290, 0291	MAY 31, 1974	FEBRUARY 17, 1982	OCTOBER 6, 2016
SOLVAY, VILLAGE OF	361564	0203, 0204, 0211, 0212	OCTOBER 6, 2016	OCTOBER 6, 2016	OCTOBER 6, 2016
SPAFFORD, TOWN OF	360594	0295, 0314, *0315, 0320, 0410, 0428, 0429, 0430, 0431, 0432, 0435, 0441, 0442, 0444, *0454, 0455, 0465	DECEMBER 13, 1974	APRIL 30, 1986	OCTOBER 6, 2016
SYRACUSE, CITY OF	360595	0204, 0208, 0209, 0212, 0214, 0216, 0217, 0218, 0219, 0228, 0229, 0236, 0237, 0238, 0331, 0332	APRIL 12, 1974	MAY 3, 1982	OCTOBER 6, 2016
TULLY, TOWN OF	361296	*0454, *0456, 0457, *0458, 0459, 0465, 0470, 0477, 0479, *0480, 0486, 0490	OCTOBER 18, 1974	APRIL 30, 1986	OCTOBER 6, 2016
TULLY, VILLAGE OF	361552	0486	JANUARY 10, 1975	OCTOBER 18, 1974	OCTOBER 6, 2016
VAN BUREN, TOWN OF	360596	0040, 0041, 0042, 0043, 0044, 0061, 0063, 0064, 0068, 0069, 0152, 0156, 0157, 0158, 0159, 0180, 0181, 0182, 0183	MAY 3, 1974	JULY 17, 1978	OCTOBER 6, 2016

* PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS IDENTIFIED

May, 2016

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
LOCAL LAW FOR FLOOD DAMAGE PREVENTION
INSTRUCTIONS**

The attached MODEL LOCAL LAW is designed to comply with the floodplain management requirements of the National Flood Insurance Program contained in 44 CFR 60.3(b,c,&d). The Department of Environmental Conservation (DEC) has included several optional administrative provisions in the MODEL LOCAL LAW which are strongly recommended for proper administration. **Any changes made to this MODEL should be reviewed by the community's attorney and either the DEC or the Federal Emergency Management Agency (FEMA) before enacting. DEC and FEMA must be provided a list of any changes to this model at the time of filing.**

Department of State Filing Forms - insert all required information. Blank Local Law Filing Forms, including instructions and an online interactive version, can be found at <http://www.dos.state.ny.us/lgss/publications.htm>.

The following sections must be completed by the community:

Page 1, Sect. 1.1 - Insert legislative body and the name of the community twice.

Page 7 – If you are enacting this Local Law to comply with FEMA requirements associated with new community or county Flood Insurance Rate Maps, the Department of Environmental Conservation will include in this package a replacement Page 7 with the mapping information filled out. Simply insert the name of the community in Section 3.1 and **insert the location where the Flood Insurance Study and/or maps are on file**. Otherwise, follow the instructions for Page 7, below.

Page 7, Sect. 3.1 - Insert the name of the community.

Page 7, Sect. 3.2 - Complete (1) through (5) as necessary, according to the documents your community has been furnished by the Federal Emergency Management Agency (FEMA). Cross out or delete any unused subsections. Documents you may have received are:

(a) Flood Insurance Study report--a brown or buff colored booklet, which contains technical data on flooding in the community;

(b) Flood Insurance Rate Map (FIRM)--if this is an update due to a letter of map revision (LOMR) a map in either an 11"x17" flat or a Z-fold (road map style) format. If the map consists of more than one panel, an index panel is usually included. The FIRM shows locations of areas of special flood hazard in the community. If the update is due to new community or county digital FIRMs, the community will get a printout of the digital FIRMs.

If your community received only a single FIRM map, fill in (1). The community number, a six digit number whose first two digits are 36, is required and is found in the lower right corner of the FIRM. The community number may also have a letter suffix, which should also be included. Also include the "effective date" shown on the map.

If you received a FIRM map with more than one panel, fill in (2). Be sure to show the community number and the panel numbers (e.g., 361540 0001-0025) and the letter suffix, if one is shown. Also include the "effective date" shown on the index panel.

If you received a Flood Insurance Study report, fill in (3) with the community name, name of your county(s) as shown on the report and date.

If you are unsure what documents were sent to you, contact the DEC Regional Coordinator for your county or the DEC Central Office (listed on page iv).

Page 7, Sect. 3.2 – Insert the local location where the Flood Insurance Study and maps are on file. (e.g. Town/Village Offices, Clerk’s office)

Sect. 3.5 – Insert the name of the community.

Sect. 3.6 - Insert the name of the community.

Sect. 4.1 - Insert the **title or office** of the individual or group responsible for administering the local law, such as the Building Inspector, Code Enforcement Officer or Planning Board. May not be the same as Sect. 6.1(1).

Sect. 4.2-2 - Insert fee amount (if so desired) and community name.

Sect. 5.1-2 - Insert the name of the community in the seven blanks.

Sect. 6.1(1) - Insert the name of the appeals board (in many instances the Zoning Board of Appeals serves this role) and the name of the community. It may be necessary to create a 3-5 person board to fulfill these duties. **In accordance with Town/Village/City Law, the appeals board may neither be the Town/Village/City Board, nor have any common members, nor be the same body as named in Sect. 4.1.**

Sect. 6.1(2) - Insert the name of the appeals board.

Sect. 6.1(3) - Same as 6.1(2).

Sect. 6.1(4) - Same as 6.1(2).

Sect. 6.1(5) - Same as 6.1(2).

Page Following Section 6.0: Insert date of enactment, the names of the governing body, community and county, and the date on which the law becomes effective.

Attachment "A" (4 pages) to this document provides a recommended "Floodplain Development Permit Application" form. This form or its equivalent must be used in conjunction with Section 4.2 of this model local law.

Attachment "B" (1 page) to this document provides a recommended "Certificate of Compliance for Development in a Special Flood Hazard Area." This form or its equivalent should be used in conjunction with Section 4.4-7 of this model local law.

Please contact one of the DEC Central Office Program Coordinators listed on page iv should you have any questions about filling in the blanks or if you find any errors or omissions to these instructions, content, or attachments.

Optional Language is provided should your community wish to enact additional requirements to increase the level of safety. Note that many of these options result in points that can result in discounts on flood insurance premiums within communities that participate in FEMA’s Community Rating System. Contact DEC for information about the Community Rating System.

NOTE: This document must be adopted in a manner that is legally enforceable.

File the indicated number of certified copies with each of the five offices listed below.
Follow all instructions and use the official filing form.

1. **FEDERAL AGENCY** (1 copy)

Federal Emergency Management Agency
Mitigation Division
26 Federal Plaza, Room 1337
New York, New York 10278-0002

2. **COUNTY PLANNING** (1 copy)

The planning department for your county.

3. **SECRETARY OF STATE** (1 copy)

State Records and Law Bureau
Department of State
One Commerce Plaza
Albany, New York 12231

4. **DEC CENTRAL OFFICE** (1 copy)*

NYS Department of Environmental Conservation
Floodplain Management Section
Attn: William Nechamen
625 Broadway, 4th Floor
Albany, NY 12233-3504
(518) 402-8185

5. **DEC REGIONAL OFFICE** (1 copy)*

Regional Office address is determined by the county in which the community is located. See page iv for address of Regional Office covering your county.

***Please submit one copy of the "Local Law Acknowledgement" to the DEC Central Office and to the DEC Regional Office upon receipt from the Department of State.** However, to expedite approval of your Local Law, please send a copy of the Local Law to the DEC Central Office immediately upon passage, prior to receipt of the "Local Law Acknowledgement." If your community is applying for participation in the NFIP, also include the Enabling Resolution and the NFIP Application.

New York State Department of Environmental Conservation
 Bureau of Flood Protection and Dam Safety 625 Broadway, 4th Floor, Albany, NY 12233-3504 (518)402-8185

Floodplain Management Coordinators

Central Office Floodplain Management Coordinators: Main Number, 518-402-8185

Bill Nechamen: 518-402-8146 Chief, Floodplain Management william.nechamen@dec.ny.gov
 Kelli Higgins-Roche: 518-408-0340 Environmental Engineer 1 kelli.higgins-roche@dec.ny.gov
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Western NY Flood Hub, Assisting with Regions 6-9

Tim Walsh: 585-226-5437 Environmental Engineer 3 tim.walsh@dec.ny.gov
 Mary Binder: 585-226-5447 Environ. Program Spec. 1 mary.binder@dec.ny.gov

Regional Floodplain Management Coordinators

Region	Counties	Address	Floodplain Management Coordinator
1	Nassau & Suffolk	NYS DEC Region 1 SUNY @ Stony Brook 50 Circle Road Stony Brook, NY 11790 – 3409	Eric Star, (631) 444-0423 Olabisi Kenku, (631) 444-0409 eric.star@dec.ny.gov olabisi.kenku@dec.ny.gov
2	Bronx, Kings, New York, Queens & Richmond	NYS DEC Region 2 1 Hunters Point Plaza 4740 21st Street Long Island City, NY 11101-5407	Jean Occidental 718-482-4935 jean.occidental@dec.ny.gov
3 North	Dutchess, Orange, Putnam, Sullivan, & Ulster	NYS DEC Region 3 21 S. Putt Corners Rd. New Paltz, NY 12561	Mark Lewis (845)-256-3822 mark.lewis@dec.ny.gov
3 South	Westchester, Rockland	NYS DEC Region 3 100 Hillside Ave. White Plains, NY 10603	Berhanu Gonfa (914) 428-2505 Berhanu.gonfa@dec.ny.gov
4	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady & Schoharie	NYS DEC Region 4 1130 North Westcott Road, Schenectady, NY 12306	Tom Blanchard (518) 357-2379 tom.blanchard@dec.ny.gov
5	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren & Washington	NYS DEC Region 5 232 Hudson St. Warrensburg, NY 12885	Rob Streeter (518) 623-1221 robert.streeter@dec.ny.gov
6 South	Herkimer and Oneida. Contact Mary Binder (above) for other counties.	NYS DEC Region 6 207 Genesee Street Utica, NY 13501	Albert Ash (315) 793-2358 albert.ash@dec.ny.gov
7 North	Cayuga, Madison, Onondaga & Oswego	NYS DEC, Region 7 615 Erie Blvd. West Syracuse, NY 13204-2400	Kevin Delaney (315) 426-7501 kevin.delaney@dec.ny.gov
7 South	Broome and Tioga: Ben lead Chenango, Tompkins and Cortland: Dan lead	NYS DEC, Region 7 1679 NY Route 11 Kirkwood, NY 13795	Ben Girtain Plowe Dan Fuller (607) 775-2545 benjamin.girtainplowe@dec.ny.gov daniel.fuller@dec.ny.gov
8 North	Genesee, Livingston, Monroe, Ontario, Orleans, Northern Seneca, Wayne & Yates	NYS DEC, Region 8 6274 E. Avon-Lima Rd. Avon, NY 14414	Karis Manning (585) 226-5445 karis.manning@dec.ny.gov
8 South	Chemung, Schuyler, Southern Seneca, & Steuben	NYS DEC, Region 8 100 N. Main St., Suite 104 Elmira, NY 14901	Brad Chaffee (607) 732-2214 bradly.chaffee@dec.ny.gov
9	Allegany, Cattaraugus, Chautauqua, Erie, Niagara & Wyoming	NYS DEC, Region 9 270 Michigan Ave. Buffalo, NY 14203-2999	James Vogel (716) 851-7070 James.vogel@dec.ny.gov

A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The _____ of the _____ of _____ finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the _____ of _____ and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;

- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Accessory Structure" is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (i) by an approved state program as determined by the Secretary of the Interior or
- (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The 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".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lysander, Onondaga County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Lysander, Community Number 360583, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36067C0030F, 36067C0035F, 36067C0040F, 36067C0041F, 36067C0042F, 36067C0043F
36067C0044F, 36067C0052F, 36067C0055F, 36067C0056F, 36067C0058F, 36067C0059F
36067C0061F, 36067C0062F, 36067C0063F, 36067C0064F, 36067C0066F, 36067C0067F,
36067C0068F, 36067C0069F, 36067C0086F, 36067C0088F, 36067C0151F, 36067C0152F,
36067C0156F, 36067C0182F

whose effective date is October 6, 2016, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Onondaga County, New York, All Jurisdictions" dated October 6, 2016.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the _____ of _____ from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the _____ of _____, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

**SECTION 4.0
ADMINISTRATION**

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The _____ is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is

constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2; without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$ _____. In addition, the applicant shall be responsible for reimbursing the _____ of _____ for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the

FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;

- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the _____ of _____ agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the _____ of _____ for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the _____ of _____ for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construc-

tion, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the _____ of _____ agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the _____ of _____ for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the _____ of _____ for all costs related to the final map revisions.

- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the _____ of _____ shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas

below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is

supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately-anchored foundation system to resist flotation, collapse or lateral movement.

- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as two feet above the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

- (1) Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of Section 5.1-1, ANCHORING,
- (2) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO, or Zone A if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with Section 5.2-2(3).
- (5) Utilities must meet the requirements of Section 5.2-3, UTILITIES.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The _____ as established by the _____ of _____ shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The _____ shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the _____ may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the _____, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the _____ may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this _____ day of _____, 20__ by the
_____ of the _____
_____, _____ County, New York,
to be effective _____.

SEAL

ATTEST _____ CLERK

Attachment A
MODEL FLOODPLAIN DEVELOPMENT
APPLICATION FORM

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign): _____

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit is invalid if no work is commenced within six months of issuance, and expires 2 years from date of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE) _____ DATE _____

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

NAME	ADDRESS	TELEPHONE
APPLICANT	_____	_____
BUILDER	_____	_____
ENGINEER	_____	_____

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A map attached to this application, and a sketch showing the project layout would be helpful.

APPLICATION # _____

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

- | <u>ACTIVITY</u> | <u>STRUCTURE TYPE</u> |
|--|--|
| <input type="checkbox"/> New Structure | <input type="checkbox"/> Residential (1-4 Family) |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Residential (More than 4 Family) |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Non-residential (Floodproofing? <input type="checkbox"/> Yes) |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Combined Use (Residential & Commercial) |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Manufactured (Mobile) Home |
| <input type="checkbox"/> Replacement | (In Manufactured Home Park? <input type="checkbox"/> Yes <input type="checkbox"/> No) |

ESTIMATED COST OF PROJECT \$ _____

B. OTHER DEVELOPMENT ACTIVITIES:

- Fill Mining Drilling Grading
- Excavation (Except for Structural Development Checked Above)
- Watercourse Alteration (Including Dredging and Channel Modifications)
- Drainage Improvements (Including Culvert Work), Stormwater Control Structures or Ponds
- Road, Street or Bridge Construction
- Subdivision (New or Expansion)
- Individual Water or Sewer System
- Other (Please Specify) _____

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

The proposed development is located on FIRM Panel No. _____, Dated _____.

The Proposed Development:

- The proposed development is reasonably safe from flooding. Entire property is in Zone B, C or X.
- The proposed development is in adjacent to a flood prone area.
100-Year flood elevation at the site is:
_____ Ft. NGVD 1929/ NAVD 1988 (MSL)
 Unavailable
- See Section 4 for additional instructions for development that is or may be in a flood prone area.

SIGNED _____ DATE _____

APPEALS: Appealed to Board of Appeals? Yes No
Hearing date: _____
Appeals Board Decision --- Approved? Yes No

Conditions: _____

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Compliance is issued)

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is: _____ FT. NGVD 1929/
 NAVD 1988 (MSL).
Attach Elevation Certificate FEMA Form 81-31

2. Actual (As-Built) Elevation of floodproofing protection is _____ FT. NGVD 1929/ NAVD 1988 (MSL).
Attach Floodproofing Certificate FEMA Form 81-65

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR)

The LOCAL ADMINISTRATOR will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS: DATE _____	BY _____	DEFICIENCIES? <input type="checkbox"/> YES <input type="checkbox"/> NO
DATE _____	BY _____	DEFICIENCIES? <input type="checkbox"/> YES <input type="checkbox"/> NO
DATE _____	BY _____	DEFICIENCIES? <input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL ADMINISTRATOR)

Certificate of Compliance issued: DATE: _____

BY: _____

Attachment B

**SAMPLE
CERTIFICATE OF COMPLIANCE**

for Development in a Special Flood Hazard Area

**CERTIFICATE OF COMPLIANCE
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA**

(Owner Must Retain This Certificate)

Premises located at: _____

Owner: _____

Owner's Address: _____

Permit No. _____ Permit Date: _____

Check One:

- New Building
- Existing Building
- Fill
- Other:

The Local Floodplain Administrator is to complete a. or b. below:

a. Compliance is hereby certified with the requirements of Local Law No. _____, (yr) _____.

Signed: _____ Dated: _____

b. Compliance is hereby certified with the requirements of Local Law No. _____, (yr) _____, as modified by variance no. _____, dated _____.

Signed: _____ Dated: _____

Model Local Law for Flood Damage Prevention Optional Additional Language

General Comments.

The Model Local Law for Flood Damage Prevention contains language that complies with the floodplain management requirements of the National Flood Insurance Program (NFIP) contained in federal regulations 44 CFR 60.3 through 44 CFR 60.6. These requirements are minimum requirements for participation in the NFIP. The Federal Emergency Management Agency (FEMA) has calculated that buildings built to these standards suffer 70% less flood related damage than unprotected buildings. However, they can still suffer damage, so higher protection levels are warranted in most instances. For example, floods can be higher than the base flood elevation for various reasons, including larger storms, downstream obstructions, increased watershed development and floodplain filling. Setting higher standards protects against these risks.

Many of the following techniques result in lower flood insurance premiums either directly or through the Community Rating System (CRS). The CRS is a FEMA program that provides discounts for communities that take measures that are beyond the minimum requirements of the NFIP. CRS certification requires a community to accumulate at least 500 points. Flood insurance policies within communities with over 500 CRS points receive a five percent discount on each individual insurance premium. Flood insurance policies within flood hazard areas in CRS communities receive an additional five percent discount for each additional 500 points. Contact NYS DEC or visit the CRS Resource Center at <http://training.fema.gov/emiweb/crs/> for more information about the Community Rating System.

The following pages contain ideas for options to decrease your community's flood risk. These are all optional. Each page contains an explanation of the measure and language that may be used. Should your community decide to utilize any of these measures, please make sure that any changes are brought to the attention of NYSDEC so that we may review the final language and assure that it is compliant with FEMA's regulations.

For more information about techniques to reduce flood risk in your community, see the publication "No Adverse Impact: A Toolkit for Common Sense Floodplain Management" by the Association of State Floodplain Managers (ASFPM). The Toolkit may be viewed at http://www.floods.org/NoAdverseImpact/NAI_Toolkit_2003.pdf or ordered directly from ASFPM by calling 608-828-3000. Questions about these materials may be addressed to the NYS DEC Floodplain Management Section at 518-402-8185 or floodplain@dec.us.gov.

Model Local Law for Flood Damage Prevention
Optional Additional Language

Compensatory Storage.

Explanation: Riverine floodplains and coastal floodplains inland from the “V” wave runup zone are either approximate “A” zones, which have not had detailed engineering analyses or flood elevations, or detailed “AE” zones or “A” zones with a number attached, that have detailed flood elevation studies. In Riverine floodplains with detailed studies, there is usually also a floodway analysis. Development is excluded from the floodway unless an engineering analysis determines that the development results in zero increase in the Base Flood Elevation (elevation of the 100-year flood). However, development, including fill, is allowed in “A” zones outside of floodways.

Flood Insurance Studies assume that when the entire riverine floodplain is filled outside of the floodway, an increase of up to one foot in the Base Flood Elevation will occur at the location of the encroachment. Some communities may wish to avoid that potential increase, and to also make certain that an encroachment does not result in increased flood elevations upstream or downstream of the development, by requiring developments that encroach into the floodplain to provide compensatory flood storage.

The following language may be used for that purpose. Enforcement of the following policy could result in up to 70 credits towards flood insurance discounts in communities that participate in FEMA’s Community Rating System (CRS).

To provide compensatory storage for any encroachment within a flood hazard area, add the following language to your Local Law for Flood Damage Prevention. Note that your community’s section numbering may be different. Contact NYS DEC for assistance.

Add a new Part (3) to Section 5.1-2: “Encroachments”.

Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

Model Local Law for Flood Damage Prevention
Optional Additional Language

Repetitive Damage.

Explanation: FEMA's Increased Cost of Compliance (ICC) flood insurance coverage provides up to \$30,000 towards elevating, floodproofing, demolishing or relocating a structure that has been substantially damaged or repetitively damaged. However, that coverage is only available to a repetitively damaged structure within a community that has adopted an ICC definition in its local law. Should your community wish to add a repetitive damage clause, a change must be made in the "Substantial Damage" definition.

Should you wish to include the definition, an insured structure which has been damaged twice within a ten year period for which the average damage equals or exceeds 25% of the market value of the structure would qualify for up to \$30,000 towards elevating, floodproofing, demolishing or relocating the structure. Even without the repetitive damage clause, an insured structure that has been substantially damaged in a single flood event will qualify for this "increased cost of compliance" coverage.

Note that the \$30,000 in additional insurance coverage is available only up to the total limit of coverage under the National Flood Insurance Program. That limit is \$250,000 for a residential structure and \$500,000 for a non-residential structure. The total insurance claim plus the ICC claim may not exceed the above limits.

Should you decide to include a repetitive damage clause, the municipality will be responsible for keeping track of all flood related structural damages. Also, the requirement to bring a repetitively damaged structure up to the flood code would hold whether or not the property owner carries a flood insurance policy. This would apply to a building whether or not there has been a change in ownership of the building. Should you have questions about this requirement, please contact NYSDEC.

To add the definition, replace the definition on Page 6 of the model local law with the following language:

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Model Local Law for Flood Damage Prevention
Optional Additional Language

Cumulative Substantial Improvement.

Explanation. The NFIP allows improvements valued at up to 50% of the building's pre-improvement value to be permitted without meeting the flood protection requirements. Over the years, a community may issue a succession of permits for different repairs or improvements to the same structures. This can greatly increase the overall flood damage potential for the structure and within a community. The community may wish to define "substantial improvement" cumulatively so that once a threshold of improvement within a certain length of time is reached, the structure is considered to be substantially improved and must meet flood protection requirements.

Enforcement of the following policy could result in up to 110 credits towards flood insurance discounts in communities that participate in FEMA's Community Rating System (CRS).

To add the requirement, replace the definition of "Substantial improvement on Page 6 of the model law with the following language:

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." The 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".*

In addition, there must be a definition for "Cumulative Substantial Improvement" as follows:

"Cumulative Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

The community may wish to decrease the 50-percent threshold to a lower number, or change the ten-year tracking period. An alternative approach would be to remove the "cumulative substantial improvement" language and instead decrease the 50-percent improvement threshold.

Model Local Law for Flood Damage Prevention
Optional Additional Language

Critical Facilities.

Explanation: Certain special hazard or otherwise critical facilities should not be located within a flood prone area due to the serious danger to life and health and widespread social or economic dislocation that would result when the facility is subjected to flooding. Such facilities either have the potential to create significant environmental or health risk, or are needed for community support services during a disaster.

Requiring protection for critical facilities serves several purposes: it reduces threats to life and health; it reduces damage to vital public facilities; it reduces pollution of floodwaters by hazardous materials; and it ensures that the facilities will be operable during most flood emergencies.

The Community Rating System (CRS) provides 100 points to communities that prohibit critical facilities within the 500-year floodplain.

To add the requirement, add a definition of “Critical Facilities” to page 3 of the Model Local Law as follows:

Critical facilities means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;*
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;*
- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and*
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.*

Add a new Section 5.6 as follows:

5.6 Critical Facilities

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

Model Local Law for Flood Damage Prevention Optional Additional Language

Areas Behind Levees or below High Hazard Dams.

Explanation: Areas that are protected by levees that provide at least three feet of protection above the 100-year flood are usually not mapped as floodprone on FIRM's. Such levees can fail or overtop. There are also many areas that would be inundated by floodwaters should an upstream dam fail or overtop. While the probability of levee or dam failure is low in most areas, the consequences of such failure are large.

In the case of levees, a community may wish to apply flood elevation requirements to the levee protected area as though the levee was not there. In the case of a dam, the community may have access to an inundation map in the event of a dam failure.

For a community to apply flood protection development standards to areas below dams or behind levees, it must first have a map of the affected area. To include these areas, the definition of "Area of special flood hazard" definition would have to be amended to include areas that the community has identified through a map of levee protected areas and/or dam failure inundation zones. In addition, Section 3.2, which adopts the Flood Insurance Rate Map and Flood Insurance Study for the community, would have to be amended to include the appropriate maps.

FLOOD DAMAGE PREVENTION

Chapter 75

FLOOD DAMAGE PREVENTION

- § 75-1. Legislative findings.
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- § 75-15. Floodways.
- § 75-16. Appeals Board.
- § 75-17. Conditions for variances.

[HISTORY: Adopted by the Town Board of the Town of Lysander 12-21-81 as L.L. No. 2-1981; amended in its entirety 4-20-87 by L.L. No. 1-1987.¹ Amendments noted where applicable.]

¹ Editor's Note: The flood hazard area development permit application form and the form for the certificate of compliance were also both adopted with this local law and are on file in the office of the Town Clerk, where they are available for examination during regular business hours.

GENERAL REFERENCES

Environmental quality review — See Ch. 63.

Uniform Fire Prevention and Building Code — See Ch. 71.

Subdivision of land — See Ch. 117.

Zoning — See Ch. 139.

§ 75-1. Legislative findings.

The Town Board of the Town of Lysander finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Lysander and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted, amending Local Law No. 2 of 1981.

§ 75-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 75-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 75-4. Definitions and word usage.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM), with base flood depths from one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 - 99, V, VO, VE or VI - 30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not a part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING — Any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR — The same meaning as "basement."

COASTAL HIGH-HAZARD AREA — The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE, VO or V.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the areas of special flood hazard.

ELEVATED BUILDING — A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary-Floodway Map and the water surface elevations of the base flood.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The same meaning as “regulatory floodway.”

FLOOR — The top surface of an enclosed area in a building, including the basement, i.e., the top of the slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR — Lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building’s “lowest floor,” provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

MOBILE HOME — The same meaning as “manufactured home.”

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD — The same meaning as “base flood.”

PRINCIPALLY ABOVE GROUND — That at least fifty-one percent (51%) of the actual value of the structure, excluding land value, is above ground.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 75-12A(2) of this chapter.

SAND DUNES — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION — The initiation, excluding planning and design, of any phase of a project or physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages or sheds), storage trailers and building materials. For manufactured homes, the “actual start” means affixing of the manufactured home to its permanent site.

STRUCTURE — A walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

§ 75-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lysander.

§ 75-6. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Lysander, of Onondaga County, New York," dated July 6, 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the Lysander Town Hall, 6 Lock Street, Baldwinsville, New York.

§ 75-7. Supersession; most restrictive standards to govern.

- A. This chapter is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 75-8. Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than two hundred fifty dollars (\$250.) or imprisoned for not more than fifteen (15) days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lysander from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 75-16 and 75-17 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 75-9. Disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Lysander, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance to this chapter or any administrative decision lawfully made thereunder.

§ 75-10. Designation of local administrator.

The Town of Lysander Codes Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 75-11. Development permit.

A development permit shall be obtained before the start of construction or any other development within the areas of special flood hazard as established in § 75-6. Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

A. Application stage. The following information is required where applicable:

- (1) Elevation, in relation to mean sea level, of the proposed lowest floor, including basement or cellar of all structures.
- (2) Elevation, in relation to mean sea level, to which any nonresidential structure will be floodproofed.

- (3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 75-13C(1).
 - (4) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 75-14.
 - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Construction stage. Upon placement of the lowest floor, or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor, or floodproofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§ 75-12. Duties of local administrator.

- A. Duties of the local administrator shall include but shall not be limited to:
 - (1) Permit application review. The local administrator shall:
 - (a) Review all development permit applications to determine that the requirements of this chapter have been satisfied.
 - (b) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local govern-

mental agencies from which prior approval is required.

- (c) Review all development permit applications to determine if the proposed development adversely affects the areas of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - [1] If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
 - [2] If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
 - (d) Review all development permits for compliance with the provisions of § 75-13E, Encroachments.
- (2) Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 75-6, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 75-13D(4), in order to administer § 75-14, Specific standards for flood hazard reduction, and § 75-15, Floodways.
 - (3) Information to be obtained and maintained. The local administrator shall:
 - (a) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures and whether or not the structure contains a basement or cellar.
 - (b) For all new or substantially improved floodproofed structures:

- [1] Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed.
 - [2] Maintain the floodproofing certifications required in §§ 75-13 and 75-14.
 - (c) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances when granted and certificates of compliance.
- (4) Alteration of watercourses. The local administrator shall:
- (a) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
 - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Interpretation of FIRM boundaries. The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified areas of special flood hazard and actual field conditions. Base flood elevation data established pursuant to § 75-6 and/or § 75-12A(2), when available, shall be used to accurately delineate the areas of special flood hazard. The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the areas of special flood hazard when base flood elevations are not available.
- (6) Stop-work orders.
- (a) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disre-

gard of a stop-work order shall be subject to the penalties described in § 75-8 of this chapter.

- (b) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 75-8 of this chapter.
 - (7) Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.
 - (8) Certificate of compliance.
 - (a) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
 - (b) All other development occurring within the designated flood hazard areas will have, upon completion, a certificate of compliance issued by the local administrator.
- B. All certifications shall be based upon the inspections conducted subject to Subsection A(7) above and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§ 75-13. General standards for flood hazard reduction.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either fifty (50) lots or five (5) acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 75-12A(1)(c) on permit review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 75-12A(2) or 75-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface

elevation of the base flood more than one (1) foot at any point.

- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 75-12A(2), the requirements of § 75-15, Floodways, shall apply.

§ 75-14. Specific standards for flood hazard reduction.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 75-6, Basis for establishing areas of special flood hazard, and § 75-12A(2), Use of other base flood data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any resident structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction.

- (1) New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically, without human intervention, allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - [1] A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - [2] The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.
 - [3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - (b) If the structure is to be floodproofed:
 - [1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure

watertight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

[2] A licensed professional engineer or licensed land surveyor shall certify the specific elevation, in relation to mean sea level, to which the structure is floodproofed.

(2) The local administrator shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 75-12A(2) or two (2) feet above the highest adjacent grade where no elevation data is available.

(1) New construction of substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically, without human intervention, allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

- (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.
- (c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

§ 75-15. Floodways.

Located within areas of special flood hazard are areas designated as floodways. (See the definition in § 75-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 75-6 and 75-12A(2), all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in an increase in flood levels during the occurrence of the base flood discharge.

§ 75-16. Appeals Board.

- A. The Zoning Board of Appeals as established by the Town of Lysander shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

- (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity to the facility of a waterfront location, where applicable.
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters and the effects of wave action, if applicable, expected at the site.
 - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors in Subsection D(1) through (12) and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of vari-

ances as it deems necessary to further the purposes of this chapter.

- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 75-17. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on lots of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 75-16D(1) through (12) have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria of Subsections A, D, E and F of this section are met.
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.