

## Chapter 232: FLOOD DAMAGE PREVENTION

### § 232-1. Legislative intent and statutory authorization.

The Village Board of the Village of South Blooming Grove finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of South Blooming Grove 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. The people of the State of New York have in the New York State Constitution, Article IX, § 2, and Environmental Conservation Law, Article 36, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

### § 232-2. 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:

- 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 flood waters;
- 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 flood waters or which may increase flood hazards to other lands, and;
- F. Qualify and maintain for participation in the National Flood Insurance Program.

### § 232-3. Objectives.

The objectives of this local law are:

- A. To protect human life and health.
- B. To minimize expenditure of public money for costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To 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. 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.
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard and provide that developers are notified that property is in an area of special flood hazard.
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- I. To protect, preserve and enhance the natural flood-carrying capacity of the watercourses within the village.
- J. Maintain participation in the National Flood Insurance Program.

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### § 232-4. Definitions.

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

**APPEAL** — A request for a review of the interpretation of any provision of this chapter 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** — 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 sub-grade (below ground level) on all sides.

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

**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** — Any building construction and any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations or storage of equipment or materials within the area of special flood hazard.

**ELEVATED BUILDING** — 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** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. 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)** — An official map of the community published by the

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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 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)** — 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)** — The official map of the Village of South Blooming Grove on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards 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").

**FLOOD INSURANCE STUDY** — The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation 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 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 § 232-12 of this chapter.

**FLOOR** — The top surface of an enclosed area in a building (including basement), i.e., top of 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 facilities. The term does not include long-term storage, manufacture, sales or service facilities.

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

**HISTORIC STRUCTURE** — any structure that is:

- A. 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; and/or
- B. 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;
- C. 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
- D. 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** — the person appointed by the Village 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 the Village Engineer consultant.

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**LOWEST FLOOR** — The 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 non-elevation design requirement of this chapter.

**MANUFACTURED HOME** — 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.

**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** — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988, 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."

**NEW CONSTRUCTION** — 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** — The same meaning as "base flood."

**PRINCIPALLY ABOVE GROUND** — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

**RECREATIONAL VEHICLE** — a vehicle which is:

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

**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 § 232-12 of this chapter.

**START OF CONSTRUCTION** — The initiation, excluding planning and design, of any phase of a project, including physical alteration of the property, which 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, or other improvement is within 180 days after the date of issuance of a permit for new construction. 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. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and buildings materials. For manufactured homes the actual start means affixing of the manufactured home to its permanent site or preparation of the site before affixing of the manufactured home.

**STRUCTURE** — A walled and roofed building, a mobile home or 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 original state before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

### **SUBSTANTIAL IMPROVEMENT**

- A. Any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

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- (1) Before the improvement rehabilitation, addition, or repair is started; or
  - (2) If the structure has been damaged and is being restored, before the damage occurred.
- B.** For the purposes of this definition, substantial improvement, rehabilitation, or addition is considered to occur when the first alteration of any wall, ceiling, floor or other substantial 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, rehabilitation, or addition to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - (2) Any alteration of a 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 in a manner that would otherwise be prohibited by this chapter.

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### ARTICLE II General Provisions

#### § 232-5. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of South Blooming Grove.

#### § 232-6. Basis for establishing the areas of special flood hazard.

**A.** Flood Insurance Rate Map Panel Numbers:

36071C0314E,  
36071C0477E,

36071C0318E,  
36071C0481E,

36071C0319E,  
36071C0482E

- (1) Whose effective date is August 3, 2009, 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, Orange County, New York, All Jurisdictions" dated August 3, 2009.
- B.** The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: the Village of South Blooming Grove Village Hall, 811 State Route 208, Monroe, New York 10950, and / or the Building Inspector's Office, and /or the Village Engineer's Office.

#### § 232-7. Interpretation; conflict with other laws.

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, morals, safety or the general welfare. This Local Law includes all revisions to the National Flood Insurance Program through March 20, 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 chapter are in conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

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### § 232-8. Penalties for offenses.

No structure or land 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 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 not more than \$500 or imprisoned for not more than 60 days, or both, for each violation and, in addition, shall pay all costs and expenses involved in the case. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of South Blooming Grove from taking such other lawful action as necessary to prevent or remedy a violation 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 § 232-16 and §232-17 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

### § 232-9. Warning and 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 area of special flood hazards 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 Village of South Blooming Grove, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

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## ARTICLE III Administration

### § 232-10. Designation of the Administrator.

The Village Engineering Consultant is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions.

### § 232-11. Establishment of Floodplain Development Permit.

A floodplain development permit shall be obtained before the start of all construction or any other development begins within any area of special flood hazard as established in the Village of South Blooming Grove (as so stated in § 232-6 of this chapter). 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 § 232-6, without a valid floodplain development permit. Application for a development permit, shall be made on forms furnished by the local administrator and the Building Inspector and may include, but need not be limited to: plans in duplicate drawn to scale 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. FEES:

- (1) All applications for a floodplain development permit shall be accompanied by an application fee. In addition, the applicant shall be responsible for reimbursing the Village of South Blooming Grove for any additional costs necessary for review, inspection and approval of this project. The Local Administrator will require a deposit to cover these additional costs. A fee schedule shall be established by resolution of the Village Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of a permit, amended permit, renewed permits, certificate of compliance, temporary certificates, operating permits, and property inspections, and other actions of the Local Administrator described in or contemplated by this chapter.

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**B. Application stage.** 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 flood-proofed. Upon completion of the flood-proofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.
- (3) When required a certificate from a licensed professional engineer or architect that the utility flood proofing will meet the criteria in § 232-14C.
- (4) Certificate from a licensed professional engineer or architect that any nonresidential flood-proofed construction will meet the flood-proofing criteria in § 232-15B. NON-RESIDENTIAL STRUCTURES.
- (5) Description of that 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 232.6, 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.

**C. Construction stage.**

- (1) Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator and Building Inspector a certificate of the elevation of the lowest floor, or flood-proofed 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 flood-proofing is utilized for a particular building, the flood-proofing 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 Building Inspector shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- (2) 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).
- (3) 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.

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### § 232-12. Duties and Responsibilities of the Local Administrator and the Building Inspector.

Duties of the Local Administrator and Building Inspector shall include, but not be limited to:

#### A. Permit review.

- (1) Review all applications, development permits to determine that the permit requirements of this chapter have been satisfied, particularly with the requirements of subsection 232.11B, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review all document permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

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 232.13, **CONSTRUCTION STANDARDS** and, in particular, subsection 232.13A **SUBDIVISION PROPOSALS**.

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.

- (a) If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 232.13, GENERAL STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and 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.
  - (b) If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 232.13, GENERAL 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.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area 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. If located in the floodway, assure that the encroachment provisions of § 232-13B is met.
    - (a) If there is no adverse effect, then the permit may be granted consistent with the provisions of this chapter.
    - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
  - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

#### B. Use of other base flood data.

- (a) 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 232.11B(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

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- (b) 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.

### C. Information to be obtained and maintained.

- (1) Obtain and record the actual elevation (in relation to mean sea level) or the lowest floor (including basement or cellar) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood-proofed structures:
  - (a) Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
  - (b) Maintain the flood-proofing certifications required in § 232-15.
- (3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances when granted and certificates of compliance.

### D. Alteration of watercourses.

- (1) 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.
- (2) Require 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.

### E. Interpretation of FIRM boundaries.

The Local Administrator shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), but such interpretations shall not reduce the areas of special flood hazards as shown on the Flood Insurance Rate Maps, the Flood Boundary-Floodway Maps.

Interpretation of FIRM boundaries and In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available.

- (1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
- (2) Base flood elevation data established pursuant to § 232-6 and/or § 232-12B, when available, shall be used to accurately delineate the area of special flood hazard.
- (3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazard when base flood elevations are not available.

### F. 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 flood-proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood-proofed 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.

### G. Stop-work orders.

The Local Administrator and / or Building Inspector shall issue, or cause to be issued, a

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stop work order for:

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the Local Administrator and / or Building Inspector. Disregard of a stop-work order shall be subject to the penalties described in § 232-8 of this chapter.
- (2) 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 shall be subject to the penalties described in § 232-8 of this chapter.

**H Inspections.** The Local Administrator and/or Building Inspector 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, the approved variance, or with the requirements of the floodplain development permit and/or any variance provisions.

**I Certificate of compliance. In areas of special flood hazard, as determined by documents enumerated in Section 232.6;**

- (1) 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 and / or Building Inspector stating that the building or land conforms to the requirements of this chapter.
- (2) All other development occurring within the designated flood hazard area will have upon completion a certificate of compliance issued by the Local Administrator and / or Building Inspector.
- (3) All certifications shall be based upon the inspections conducted subject to Subsection H Inspections, and/or any certified elevations, hydraulic information, flood-proofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

**J Information To Be Retained**

The Local Administrator and / or the Building Inspector 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 232.12 F(1) and (2), and whether or not the structures contain a basement;
- (3) Flood-proofing certificates required pursuant to sub-section 232.12 F(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to ARTICLE V: VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 232.12 D, ALTERATION OF WATERCOURSES

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## ARTICLE IV Provisions for Flood Hazard Reduction

### § 232-13. 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 232.6.

#### A. 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 con-

## Chapter 232: FLOOD DAMAGE PREVENTION

structed so as to minimize flood damage; and,

- (3) Adequate drainage shall be provided to reduce exposure to flood damage

### B. Encroachments:

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:

- (1) 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,
- (2) The Village of South Blooming Grove 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 Village of South Blooming Grove for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of South Blooming Grove for all costs related to the final map revision.
- (3) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 232.6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
  - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
  - (ii) The Village of South Blooming Grove 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 Village of South Blooming Grove for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of South Blooming Grove for all costs related to the final map revisions.

### § 232-14. Standards for All Structures.

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.

#### A. Anchoring.

- (1) All new construction and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement of the structure. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) All mobile homes shall be anchored to resist flotation, collapse or lateral movement of the structure. Special requirements shall be that:
  - (a) Over-the-top ties shall be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one additional tie per side;
  - (b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring only four additional ties per side;
  - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
  - (d) Any additions to the mobile home shall be similarly anchored.

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### 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 to the maximum extent possible.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, 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:
  - (a) 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
  - (b) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
- (4) 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.

### C. Utilities.

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the 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 to or above the base flood elevation 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) 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 into the systems and discharge from the systems into floodwaters. 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.

### § 232-15. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth, the following standards are required:

#### A. Residential construction.

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 232.13(A), SUBDIVISION PROPOSALS, and 232.13(B), ENCROACHMENTS, and Section 232.14, 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 and substantially improved struc-

## Chapter 232: FLOOD DAMAGE PREVENTION

tures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

- (3) Within Zone AO, new and substantially improved structures shall 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 Flood Insurance Rate Map enumerated in Section 232.6 (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.

### B. Nonresidential construction.

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 232.13(B), SUBDIVISION PROPOSALS, and 232.13(B), ENCROACHMENTS, and Section 232.14, 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, together with attendant utility and sanitary facilities, shall either:
  - (a) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
  - (b) Be flood-proofed so that the structure is watertight below two feet above the base flood elevation 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:**
  - (a) 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
  - (b) together with attendant utility and sanitary facilities, be completely flood-proofed to that level to meet the flood-proofing standard specified in sub-section 232.15B(1)(b)
- (3) **If the structure is to be flood-proofed:**
  - (a) A licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction.
  - (b) A Flood-proofing 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 232.15B(1)(b) including the specific elevation (in relation to mean sea level) to which the structure is to be flood-proofed.
- (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.

### C. Manufactured Homes / Mobile homes And Recreational Vehicles.

The following standards in addition to the standards in Section 232.13, GENERAL STANDARDS, and Section 232.14, 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:

## Chapter 232: FLOOD DAMAGE PREVENTION

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
  - (a) be on site fewer than 180 consecutive days,
  - (b) be fully licensed and ready for highway use, or
  - (c) Meet the requirements for manufactured homes in paragraphs 232.15C (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 the depth number specified on the Flood Insurance Rate Map enumerated in Section 232.6 (at least two feet if no depth number is specified).

**D. Certificates.** All certificates required in this section shall be provided to the Local Administrator and the Building Inspector in the manner set forth in § 232-12C.

### § 232-16. Floodways.

Located within areas of special flood hazard established in § 232-6 are areas designated as floodways. Since the floodway is an extremely hazardous area due to erosion potential and the velocity of floodwaters, which carry debris and potential projectiles, the following provisions shall apply:

- A. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase whatsoever in flood levels during the occurrence of the base flood discharge.
- B. The placement of any Manufactured Homes, Mobile Homes, except in an existing mobile home park or existing Manufactured Homes, Mobile Home subdivision, shall be prohibited.
- C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, 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 foot at any point.

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## ARTICLE V Variance Procedure

### § 232-16. Appeal Board.

- A. The Zoning Board of Appeals, as established by the Village of South Blooming Grove Village Board, 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 there is an error in any requirement, decision or determination made by the Local Administrator and / or Building Inspector in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision

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to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

- D.** In passing upon appeals made to it, 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 time of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (11) 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.
  - (12) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- E.** Upon consideration of the factors of § 232-16D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this chapter.
- F.** The Local Administrator and the Zoning Board of Appeals shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

### § 232-17. Conditions for variances.

- A.** Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 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 § 232-16D have been fully considered. As the lot size increases beyond 1/2 acre the technical justification required for issuing the variance must also increase.
- B.** Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
  - (2) the variance is the minimum necessary to preserve the historic character and design of the structure.
- 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

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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 granting of a variance will not:
    - (a) Result in increased flood heights;
    - (b) Result in additional threats to public safety;
    - (c) Result in extraordinary public expense;
    - (d) Create nuisances;
    - (e) Cause fraud on or victimization for the public as identified in § 232-16D; or
    - (f) 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 over the signature of a community official that:
  - (1) 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
  - (2) 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 232.12 (J) of this Local Law.

### § 232-18. Enforcement.

The Local Administrator, Building Inspector, Village Engineer, Code Enforcement Officer or any other person authorized by resolution of the Village Board, may enforce prohibitions or limitations. All such enforcement officers shall have the right and authority to issue appearance tickets for the violation of any provision of this section or any prohibition or limitation imposed pursuant to this section.

### § 232-19. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

### § 232-20. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 232 of the Code of the Village of South Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health and / or the Federal Emergency Management Agency.

### § 232-21. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### § 232-22. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

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### § 232-23. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Attachment A
MODEL FLOODPLAIN DEVELOPMENT
APPLICATION FORM

APPLICATION # \_\_\_\_\_

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.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

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APPLICATION # \_\_\_\_\_

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### 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 \_\_\_\_\_

**Chapter 232: FLOOD DAMAGE PREVENTION**

APPLICATION # \_\_\_\_\_

**SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by LOCAL ADMINISTRATOR)**

The applicant must submit the documents checked below before the application can be processed:

- G A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and proposed development.
- G Development plans and specifications, drawn to scale, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the first floor, details of floodproofing of utilities located below the first floor, details of enclosures below the first floor, openings in foundation for entry and exit of floodwaters.  
Other \_\_\_\_\_
- G Elevation Certificate
- G Subdivision or other development plans (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide 100-year flood elevations if they are not otherwise available).
- G Plans showing the watercourse location, proposed relocations, Floodway location.
- G Topographic information showing existing and proposed grades, location of all proposed fill.
- G Top of new fill elevation \_\_\_\_\_ Ft. G NGVD 1929/ G NAVD 1988 (MSL)
- G PE Certification of Soil Compaction
- G Floodproofing protection level (non-residential only) \_\_\_\_ G NGVD 1929/ G NAVD 1988 (MSL)  
For floodproofed structures, applicant must attach certification from registered engineer or architect.
- G Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SECTION 5: PERMIT DETERMINATION (To be completed by LOCAL ADMINISTRATOR)**

I have determined that the proposed activity:   A.  Is  
  B.  Is not  
in conformance with provisions of Local Law # \_\_\_\_\_, (yr) \_\_\_\_\_. This permit is hereby issued subject to the conditions attached to and made part of this permit.

SIGNED \_\_\_\_\_, DATE \_\_\_\_\_

If BOX A is checked, the Local Administrator may issue a Development Permit upon payment of designated fee.  
If BOX B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from the Board of Appeals.

Expiration Date: \_\_\_\_\_

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APPLICATION # \_\_\_\_\_

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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?  YES  NO  
DATE \_\_\_\_\_ BY \_\_\_\_\_ DEFICIENCIES?  YES  NO  
DATE \_\_\_\_\_ BY \_\_\_\_\_ DEFICIENCIES?  YES  NO

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

Certificate of Compliance issued: DATE: \_\_\_\_\_

BY: \_\_\_\_\_

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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:

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Owner:

---

Owner's Address:

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Permit No. \_\_\_\_\_ Permit Date: \_\_\_\_\_

Check One:

- New Building
- Existing Building
- Fill
- Other:

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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:

\_\_\_\_\_