

Appendix D: Action Items

D.1. Land Use Management Tools

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Proposed Updates to the Flood Damage Prevention Local Law

The following is a compilation of flood damage prevention local laws from the Towns of Greece and Parma and Village of Hilton, which are based on the State’s Model Local Law for Flood Damage Prevention. The Model Local Law 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 are minimum requirements for participation in the NFIP.

In order to show the similarities and differences, sections of the law belonging to the Town of Greece are reflected in black print, the Town of Parma in **red** print, and the Village of Hilton in **blue** print. Additional requirements that increase the level of protection provided to floodplain development for the three municipalities are shown in *italics*. This optional language may earn CRS points under Activity 430 (Higher Regulatory Standards) for crediting floodplain development regulations that are more restrictive than the NFIP requirements.

Should any of the three municipalities decide to utilize some or all of these higher standards in their local law, it is recommended that NYSDEC first ensures compliance with FEMA’s regulations.

Town of Greece, Chapter 117. Flood Damage Prevention
Town of Parma, Chapter 59. Flood Damage Prevention
Village of Hilton, Chapter 12A Local Law # 2 2008

Article I. Authorization and Purpose/12A-1 ARTICLE I: Legislative Intent and Purpose

§ 117-1. Findings./§ 59-1. Findings./12A-1.1 Findings

The Town Board of the Town of Greece/**Town of Parma/Village Board of Trustees of the Village of Hilton** finds that the potential and/or actual damage from flooding and erosion may be a problem to the residents of the Town of Greece/**Town of Parma/Village of Hilton** and that such damages may include the 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/**local law** is adopted.

§ 117-2. Statement of purpose./§ 59-2. Purpose./12A-1.2 Statement of Purpose

It is the purpose of this chapter/**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./**(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.

B./**(2)** Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C./**(3)** Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

D./**(4)** Control filling, grading, dredging and other development which may increase erosion or flood damages.

E./**(5)** Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

F./**(6)** Qualify for and maintain participation in the National Flood Insurance Program.

§ 117-3. Objectives./§ 59-3. Objectives./12A-1.3 Objectives

The objectives of this chapter/**local law** are to:

A./**(1)** Protect human life and health.

B./**(2)** Minimize the expenditure of public money for costly flood-control projects.

C./**(3)** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D./**(4)** Minimize prolonged business interruptions.

E./**(5)** Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

F./**(6)** 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./**(7)** Provide that developers are notified that property is in an area of special flood hazard.

H./**(8)** Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 117-4. Word usage; definitions./§ 59-4. Word usage and definitions./ 12A-2 ARTICLE II : Definitions

A. 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/**local law** 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, 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 foot 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

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 "one-hundred-year floodplain." / For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard." / 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 subgrade (below ground level) on all sides.

BUILDING

See "structure."

CELLAR

Has the same meaning as "basement."

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, 18 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.

CRITICAL FACILITIES [Added 8-19-2008 by L.L. No. 2-2008]

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; and
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; and
- (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; and

(5) Communications infrastructure, such as cellular phone towers and equipment.

The Town of Greece added the definition of “Critical Facilities,” such as hospitals and hazardous materials storage sites, in order to identify any property that, if flooded, would result in severe consequences to public health and safety. Up to 80 CRS points are available for the Protection of Critical Facilities (PCF).

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 or storage of equipment or materials.

ELEVATED BUILDING

A nonbasement building built, in the case of a building in Zone 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 Zone 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 which is 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 Zone 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 floodwaters. In the case of Zone 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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

The Town of Greece added the definition of an “Existing Manufactured Home Park or Subdivision” in order to supplement the 3-foot pier foundation option for manufactured homes installation in existing manufactured home parks or subdivisions.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

The Town of Greece added the definition of “Expansion to an Existing Manufactured Home Park or Subdivision” in order to supplement the 3-foot pier foundation option for manufactured homes installation in existing manufactured home parks or subdivisions.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The federal agency that administers the National Flood Insurance Program.

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 ELEVATION STUDY

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)

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."

FLOOD or FLOODING

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
A general and temporary condition of partial or complete inundation of normally dry land areas from:
(a) The overflow of inland or tidal waters. (b) The unusual and rapid accumulation or runoff of surface waters from any source.
/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:

(2) The overflow of inland or tidal waters.

(3) The unusual and rapid accumulation or runoff of surface waters from any source.

(4) 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 Subsection (1) of this definition above.
/"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 Subsection (1)(a) above.
/"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.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see the definition of “flood or flooding”).

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

Has the same meaning as “regulatory floodway.”

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, manufacturing, 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.

HISTORIC STRUCTURE

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:
 - (5)/(i) By an approved state program as determined by the Secretary of the Interior; or
 - (6)/(ii) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR

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

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including the basement or cellar). An unfinished or flood-resistant enclosure, usable solely for the 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 nonelevation design requirements 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. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION

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 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.”

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 a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

The Town of Greece added the definition of “New Manufactured Home Park or Subdivision” in order to supplement the 3-foot pier foundation option for manufactured homes installation in existing manufactured home parks or subdivisions.

ONE-HUNDRED-YEAR FLOOD

Has the same meaning as “base flood.”

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred 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

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 § 117-13B of this chapter/[§ 59-13B](#) /[Section 4.4-2 of this Law](#).

REPETITIVE LOSS

Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

The Town of Greece added the definition of “Repetitive Loss” in order to qualify properties for FEMA’s Increased Cost of Compliance (ICC) flood insurance coverage, which provides up to \$30,000 towards elevating, floodproofing, demolishing or relocating a structure that has been substantially damaged or repetitively damaged. The following conditions must be met for a substantially damaged building to be eligible for an ICC claim: A building is eligible for an ICC claim payment if it is in a Special Flood Hazard Area and if the community determines it has been damaged by a flood whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50% of the market value of the building before the damage occurred, as determined by the community. The Flood Insurance Reform Act of 2004 expanded the definition of what qualifies as substantial damage for the purposes of an ICC claim, including regulations with substantial damage thresholds lower than 50% that not only qualify for LSI credit but also trigger ICC claim payments. (Note: The statutory ICC definition is not the same as the CRS definition of a repetitive loss property.)

START OF CONSTRUCTION

Includes substantial improvement and means 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 and 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, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

(1) 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% of the market value of the structure before the damage occurred.

(2) Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

The Town of Greece added a repetitive damage clause in its “Substantial Damage” definition. This clause qualifies properties for Increased Cost of Compliance (ICC) insurance coverage for repetitive losses.

By adopting the definition of “Repetitive Loss” and modifying the “Substantial Damage” definition, the Town of Parma and Village of Hilton may earn CRS points under CSI for enforcing a Cumulative Substantial Improvement Rule. CSI reduces flood damage by counting improvement and repair projects cumulatively so that buildings will be brought into compliance with flood protection standards sooner.

CRS points are awarded in the following ways:

- a. 40 points, if the regulations require that reconstruction and repairs to damaged buildings are counted cumulatively for at least 10 years;*
- b. 20 points, if the regulations require that reconstruction and repairs to damaged buildings are counted cumulatively for at least five years;*
- c. 20 points, if the community adopts regulatory language that qualifies properties for Increased Cost of Compliance insurance coverage for repetitive losses; or*
- d. 20 points, if the regulations require that any addition to a building be protected from damage from the base flood.*

Communities receiving CSI credit for a cumulative substantial improvement regulation must be aware that there may be instances in which the community’s criteria may require compliance with its floodplain management ordinance, but the building may not qualify for an ICC claim payment. Below are two options for ordinance language that is consistent with the definition of “repetitive loss structure” under the NFIP.

Option 1:

A. Adopt the following definition: “Repetitive loss” means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

B. And modify the “substantial improvement” definition as follows: “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed.

Option 2:

A. Modify the “substantial damage” definition as follows: “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means floodrelated damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred repetitive loss or 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

The Town of Greece, Town of Parma, and Village of Hilton may earn CRS points under Lower Substantial Improvement Threshold (LSI) by using a lower number than 50% in the substantial improvement requirement. A community's buildings are more likely to be brought up to code sooner if it uses a lower threshold to trigger a determination that an improvement or repair project is substantial.

CRS points are awarded in the following ways:

- a. 90 points, if the threshold is less than 10%;*
- b. 70 points, if the threshold is 10% to 24%;*
- c. 50 points, if the threshold is 25% to 39%;*
- d. 30 points, if the threshold is 40% to 44%;*
- e. 10 points, if the threshold is 45% to 49%; or*
- f. 20 points, if the regulatory threshold is no more than 25% of the bulk or square footage of the building's first floor*

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.

ZONE X (shaded)

In areas mapped as Zone X (shaded) on the community Flood Insurance Rate Map (FIRM), defined as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1-foot or with drainage areas less than 1-square mile; and areas protected by levees from 1% annual chance flood.

ZONE X (unshaded)

In areas mapped as Zone X (unshaded) on the community Flood Insurance Rate Map (FIRM), defined as areas determined to be outside the 0.2% annual chance floodplain.

Adding definitions for shaded and unshaded Zone X may earn the Town of Greece, Town of Parma, and Village of Hilton CRS points for the Freeboard (FRB) requirement and Activity 410 (Floodplain Mapping).

First, by requiring permit applicants to develop base flood elevations or study the impact of their projects on flood heights or velocities in floodplains where such data are not provided by the NFIP, the municipality can be credited under 412.a. New studies (NS). If the appropriate language is in the community's ordinance, the credit is provided—even if the areas have not yet been studied. What counts is that a regulatory flood elevation will be provided before the areas are developed. Additional credit is

available if the community's ordinance requires a floodway analysis to be performed in addition to the determination of flood elevations at the time of development.

Second, CRS points can then be achieved to meet the FRB requirement for new and substantially improved residential and nonresidential structures in areas of the 0.2% annual chance flood (500-year flood). For CRS credit, freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the building.

Article III. General Provisions/12A-3 ARTICLE III: General Provisions

§ 117-5. Applicability./§ 59-5. Applicability./12A-3.1 Lands to which Local Law applies

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Greece/**Town of Parma, Monroe County/Village of Hilton, Monroe County.**

§ 117-6. Basis for establishing areas of special flood hazard./§ 59-6. Basis for establishing areas of special flood hazard./12A-3.2 Basis for establishing areas of special flood hazard

A. The areas of special flood hazard for the Town of Greece, Community Number 360417, are identified and defined on the following documents prepared by the Federal Emergency Management Agency: [Amended 8-19-2008 by L.L. No. 2-2008]

(1) Flood Insurance Rate Map Panel Numbers 36055C0044G, 36055C0053G, 36055C0054G, 36055C0061G, 36055C0062G, 36055C0063G, 36055C0064G, 36055C0066G, 36055C0068G, 36055C0069G, 36055C0088G, 36055C0157G, 36055C0159G, 36055C0167G, 36055C0176G, 36055C0177G, 36055C0178G, 36055C0179G, 36055C0181G, 36055C0182G, 36055C0183G, 36055C0184G, 36055C0186G, 36055C0187G, 36055C0191G, 36055C0201G, the effective date of which is August 28, 2008.

(2) A scientific and engineering report entitled "Flood Insurance Study, Town of Greece, New York, Monroe County," dated August 28, 2008.

B. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the offices of the Town Clerk, Greece Town Hall, One Vince Tofany Boulevard, Rochester, New York 14616, and Engineering Division, Department of Public Works, 647 Long Pond Road, Rochester, New York 14612.

A. The areas of special flood hazard for the Town of Parma, Community Number 360425, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers: 36055C0029G, 36055C0033G, 36055C0034G, 36055C0037G, 36055C0040G, 36055C0041G, 36055C0042G, 36055C0043G, 36055C0044G, 36055C0053G, 36055C0061G, 36055C0063G, 36055C0155G, 36055C0156G, 36055C0157G, 36055C0158G, 36055C0159G, whose effective date is August 28, 2008, 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, Monroe County, New York, All Jurisdictions," dated August 28, 2008.

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 Town Hall in the Building Department.

The areas of special flood hazard for the Village of Hilton, Community Number 360420, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers: 36055C0041G, 36055C0042G, 36055C0043G, 36055C0044G, whose effective date is August 28, 2008, 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, Monroe County, New York, All Jurisdictions" dated August 28, 2008. 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: Village of Hilton Municipal Offices, 59 Henry Street Hilton, NY 14468 (585) 392-4144

§ 117-7. Interpretation; conflict with other provisions./§ 59-7. Interpretation; conflict with other provisions./ 12A-3.3 Interpretation, conflict with other laws

A. This chapter/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. [Amended 8-19-2008 by L.L. No. 2-2008] *The Town of Greece added an amendment.*

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 highest standards, shall govern.

12A-3.4 Severability

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

§ 117-8. Penalties for offenses./§ 59-8. Penalties for offenses./12A-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 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 \$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 Town of Greece/Town of Parma/Village of Hilton 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 Article VII/§§ 59-19 and 59-20/Section 6.0 will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency.

§ 117-9. Warning and disclaimer of liability./§ 59-9. Warning and disclaimer of liability./12A-3.6 Warning and disclaimer of liability

The degree of flood protection required by this chapter/ 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 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 Greece/Town of Parma/Village of Hilton, 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 thereunder.

Article IV. Administration/12A-4 ARTICLE IV: Administration

§ 117-10. Designation of local administrator./§ 59-10. Designation of local administrator./12A-4.1 Designation of Local Administrator

The Building Inspector/**Building Department**/Code Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

Up to 5 CRS points can be earned under Regulations Administration (RA) by the community's building department for IAS accreditation (International Accreditation Service).

§ 117-11. Floodplain development permit./§ 59-11. Floodplain development permit; fees./12A-4.2 The Floodplain Development Permit

A. 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 ensuring 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 § 117-6/§ 59-6, 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.

B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee to be established from time to time by the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Greece/**Town of Parma** for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of not more than \$500 to cover these additional costs.

12A-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.

12A-4.2-2 Fees

All applications for a floodplain development permit shall be accompanied by an application fee of \$75.00. In addition, the applicant shall be responsible for reimbursing the Village of Hilton for any

additional costs necessary for review, inspection and approval of this project. The Village Clerk may require a deposit of no more than \$500.00 to cover these additional costs.

§ 117-12. Application for permit./§ 59-12. Permit application./12A-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.

A./**(1)** The proposed elevation, in relation to mean sea level, of the lowest floor (including the basement or cellar) of any new or substantially improved structure to be located in Zone 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.

B./**(2)** The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential 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.

C./**(3)** A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 117-15C/§ 59-15C/Section 5.2-3, Utilities.

D./**(4)** A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 117-17/§ 59-17/Section 5.4, Nonresidential structures.

E./**(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 § 117-6/§ 59-6/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.

F./**(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.

G./**(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 five acres (*optional language: greater than 1, 2, 5 acres*).

Although Local Drainage Protection (LDP) is usually found in the building code (R401.3 Drainage), rather than in the floodplain or stormwater management regulations, the following language can possibly be added to the permit application form: as a condition of receiving a building permit, the applicant must prepare a site plan that (a) accounts for street flooding and local drainage from and onto adjoining properties, and (b) protects the building from local drainage flows. Otherwise, regulations can require the applicant to provide positive drainage away from the building site to an approved point of collection that does not create a hazard or problem on neighboring properties or requires that the applicant provide positive drainage away from the building site.

Additionally, 16 CRS points are available for Regulations Administration (RA) if the Town of Greece, Town of Parma, and/or Village of Hilton conduct at least three inspections for each permitted development project in the regulatory floodplain according to the following criteria (see also E. Inspections./12A-4.4-5 Inspection):

1. *The permit application records must include a site plan that shows*
 - a. *The site plan's scale and north orientation arrow;*
 - b. *The parcel boundaries and the location and names of adjacent streets;*
 - c. *All watercourses on the parcel;*
 - d. *All floodplain, V-Zone, coastal A-Zone, and floodway boundaries that run through the parcel;*
 - e. *All required buffer or setback lines from shorelines or channel banks;*
 - f. *All drainage and utility easements;*
 - g. *All areas to be cleared, cut, graded, or filled; and*
 - h. *The location of all existing and proposed fences, walls, and other structures.*
2. *If the permit includes a new building or an expansion of an existing building,*
 - a. *The site plan must show the footprint of all existing and proposed buildings and building additions.*
 - b. *The permit application papers must include:*
 - (1) *The elevation of the lowest floor of the building (or addition) and of an attached garage, including the elevation of the interior grade or floor of a crawlspace;*
 - (2) *The location and elevation of all mechanical and utility equipment servicing the building; and*
 - (3) *For buildings with solid foundation walls and buildings with enclosures below the base flood elevation, the total area of each enclosed area (in square feet) measured on the outside, the location and specifications of all flood openings, and either the total net open area (in square inches) of flood openings below the base flood elevation, accounting for screens, louvers, faceplates, and grilles; or a statement of certification if engineered openings are specified*

§ 117-13. Powers and duties of local administrator./§ 59-13. Powers and duties of local administrator./12A-4.4 Duties and Responsibilities of the Local Administrator

Duties of the local administrator shall include but not be limited to the following:

A. Permit application review./12A-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 § 117-12/§ 59-12/subsection 4.3, Application for permit, and for compliance with the provisions and standards of this chapter/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 Article V, Construction Standards, and, in particular, § 117-14A, Subdivision proposals/§§ 59-14 through 59-18 and, in particular, § 59-14A, Subdivision proposals/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 Article V, Construction Standards/§§ 59-14 through 59-18/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 resubmit 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.

If all proposed development projects in the floodplain and all final inspections and project approvals are reviewed and approved by a Certified Floodplain Manager (CFM), 25 CRS points are available under Regulations Administration (RA). The credit is provided as long as no new floodplain development project is used or occupied without the review and approval of a CFM.

B. Use of other flood data./ 12A-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 § 117-12G/§ 59-12G/paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
- (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 chapter.

The Town of Greece, Town of Parma, and Village of Hilton could require that builders and developers provide regulatory flood data as a condition of a floodplain development permit (Activity 410). The total New studies (NS) credit varies according to two factors: the study scope and the previous flood zone as shown on the community's FIRM in effect at the time the new study was adopted. Different levels of credit are provided for each of four levels of detail in a flood study:

- *The first level is for delineating an approximate A or V Zone in a B, C, D, or X Zone. This would designate a regulatory floodplain where the FIRM does not show one. For approximate A and V Zones, base flood elevations are not provided. Credit is also provided if an approximate A or V Zone is remapped without the publication of base flood elevations.*
- *More points are provided if the community ensures that flood elevations are obtained for a single site at the time of development for all development. Many SFHAs without base flood elevations have low development potential and do not warrant extensive, detailed studies. Many communities regulate these areas by requiring developers to perform an engineering analysis to calculate a flood elevation for the site at the time of application for a development permit.*
- *More points are obtained if the elevations are provided for a large area in advance of development. Typically this provision would be in the form of a profile prepared for a relatively long reach of a stream, elevations for a length of shoreline, depths for AO Zones, and elevations*

for AH Zones. For this credit, the area is studied before an application for a development permit and the study covers a larger area.

- *There is approximately a 30% increase in the credit for the development of a profile when the study includes the delineation of a floodway. If the floodway delineation is based on a higher standard than the NFIP's one-foot allowable surcharge, then additional credit is provided.*

Floodplain regulations must either be amended to adopt the new study or authorize a local official, such as the engineer, to approve new base flood elevations, floodways and velocity zones in unstudied areas. If the latter, there must be a record showing that the new study has been approved by the official. Development must be regulated to the same standards as in an SFHA for which FEMA provided base flood elevations (e.g., as if the area were an AE or VE Zone, or numbered A, V, or AO Zone) and provide the data to FEMA.

C. Alteration of watercourses./12A-4.4-3 Alteration of watercourses

The local administrator shall:

- (1) Notify adjacent communities 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 Director, 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.

D. Construction stage./12A-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, the local administrator shall 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 the 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.

E. Inspections./12A-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.

The Town of Greece, Town of Parma, and Village of Hilton can earn CRS points for procedures on administering its floodplain management regulations (Regulations Administration (RA). Credit is for conducting three detailed inspections for each new building in the regulatory floodplain:

- (1). *The first inspection is conducted when the site is staked out or otherwise marked. The inspector checks that areas subject to special requirements are clearly marked on the ground. For example, if the floodway, coastal A-Zone, or V-Zone line goes through the parcel or there is a natural area that is not to be disturbed, it could be staked out. If there are no such areas, then this inspection does not need to be*

conducted for CRS credit (however, it is still a good idea to place stakes or other markings to show the building footprint in order to verify setbacks and other code requirements).

(2). The second inspection is conducted when the lowest floor is built for a building or building addition. The builder provides the community with documentation of the surveyed lowest floor elevation. The inspector checks that:

- a. The foundation or forms for the structure are correctly located on the site;*
- b. Where buildings have foundation walls or other enclosures below the base flood elevation, the location and size of the openings are as specified on the approved plans; and*
- c. In coastal high hazard areas (V Zones) and coastal A Zones, slabs placed under the building are not connected to the foundation.*

The inspection records must include a record that the elevation of the lowest floor was surveyed and found to be compliant. This could be, but does not have to be, a FEMA Elevation Certificate. At this point the inspector verifies that the lowest floor will be at or above the required elevation. This inspection is not needed if the project does not involve construction of a new building or a substantial improvement.

(3). The third inspection is conducted when the project is finished, the Elevation Certificate is submitted, and before or during the final building inspection. The inspector checks that:

- a. The foundation and floor elevation have not been altered since the second inspection;*
- b. All areas below the required elevation are constructed with materials resistant to flood damage;*
- c. All required manufactured home tie downs are in place;*
- d. Where buildings have foundation walls or other enclosures below the base flood elevation, the location and size of the openings are as specified on the approved plans and recorded on the Elevation Certificate;*
- e. All electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other equipment is located, elevated, or protected as specified on the approved plans and recorded on the Elevation Certificate;*
- f. There has been no alteration of the ground since the second inspection OR the ground has been graded according to the approved plans (e.g., the lowest floor is at the correct height above the highest adjacent grade);*
- g. V-Zone and breakaway wall certificates have been obtained, as appropriate, for new and substantially improved buildings in V-Zone and coastal A Zone areas; and*
- h. Buildings with enclosures in coastal A Zones meet the A-Zone vent requirements.*

(4). The inspection records must include:

- a. A completed FEMA Elevation or Floodproofing Certificate, as appropriate, that has been checked by the community for completeness and accuracy;*
- b. Photographs of all sides of the structure;*
- c. Close-up photographs of typical openings; and*
- d. Photographs of all mechanical and utility equipment located outside the building showing (1) its relation to the building and ground and (2) its required anchoring.*

F. Stop-work orders./12A-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 § 117-8/§ 59-8/Section 3.5 of this chapter/local law.

(2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the

conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 117-8/§ 59-8/Section 3.5 of this chapter/local law.

G. Certificate of compliance./12A-4.4-7 Certificate of compliance

(1) In areas of special flood hazard, as determined by documents enumerated in § 117-6/§ 59-6/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 chapter/ 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 Subsection E, Inspections/12A-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.

H. Information to be retained./12A-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 Subsection D(1) and (2)/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 Subsection D(1)/sub-section 4.4-4(1) and whether or not the structures contain a basement.

(4) Variances issued pursuant to Article VII, Variance Procedure/§§ 59-19 and 59-20/Section 6.0, Variance Procedures.

(5) Notices required under Subsection C, Alteration of watercourses/§ 59-13C/sub-section 4.4-3, Alteration of Watercourses.

Article V. Construction Standards/Article V. Construction Standards

§ 117-14. General standards./§ 59-14. General standards./ 12A-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 §117-6/§ 59-6/Section 3.2.

A. Subdivision proposals./12A-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.

CRS points for Other Higher Standards (OHS) may be available to the Town of Greece, Town of Parma, and Village of Hilton by adding the following to the section for Subdivisions:

- (4) Approval shall not be given for streets within a subdivision, which would be subject to flooding in the base flood. All street surfaces must be located at or above the base flood elevation to provide access for emergency vehicles during a flood;*
- (5) All new multi-family and commercial buildings must provide access to dry land;*
- (6) Proposals for new residential subdivisions that exceed ____ number of units shall have an evacuation plan; and/or*
- (7) The installation of new septic systems in the 1- and/or 0.2-percent annual chance floodplains shall be prohibited.*

B. Encroachments./ [12A-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:

- (a/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
- (b/ii) The Town of Greece/[Town of Parma](#)/[the Village of Hilton](#) 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 Town of Greece for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Greece/[Town of Parma](#)/[Village of Hilton](#) 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 § 117-6/[§ 59-6/Section 3.2](#), no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (a/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
- (b/ii) The Town of Greece/[Town of Parma](#)/[the Village of Hilton](#) 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 Town of Greece for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Greece/[Town of Parma](#)/[Village of Hilton](#) for all costs related to the final map revisions.

The Town of Greece, Town of Parma, and the Village of Hilton may earn a maximum of 1,330 CRS points for Development Limitations (DL) that compensate for the loss of floodplain storage caused by filling in the floodplain. The use of fill reduces floodplain storage capacity and has an adverse impact on native vegetation, wetlands, drainage, and water quality. Credit for prohibition of fill (DL1) includes prohibiting the construction of buildings on fill, which means not approving Conditional Letters or Letters of Map Revision based on Fill (CLOMR-F or LOMR-F).

One method to offset the impacts of the use of fill is to require compensatory storage through regulations that require new developments to provide compensatory storage at hydrologically equivalent sites up to a ratio of 1.5 to 1.

Examples:

“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. 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.” Credit for Higher Regulatory Standards, Edition: 2006, page 32.

“Fill within the special flood hazard area shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.” A Guide for Higher Standards in Floodplain Management (07.13.2011), page 5.

Credit for the prohibition of buildings (DL2) requires regulations that prohibit buildings within the regulatory floodplain. Prohibition of outdoor storage of materials (DL3) includes three sub-elements: (a) prohibition of all materials (DL3a); (b) prohibition of hazardous materials (DL3b); and (c) storage of hazardous materials (DL3c).

§ 117-15. Standards for all structures./§ 59-15. Standards for all structures./ 12A 5.2 Standards for all Structures

A. Anchoring./ 12A-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.

B. Construction materials and methods./ 12A-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.

CRS points are available for Foundation Protection (FDN). For FDN1 credit, all new buildings in the regulatory floodplain: (a) Must be constructed on foundations that are designed and sealed by a registered design professional as complying with the requirements of the International Building Code, the International Residential Code, or ASCE 24, and (b) Must not be constructed on fill. For FDN2 credit, all new buildings constructed on fill in the regulatory floodplain: (a) Must be constructed on properly designed and compacted fill (e.g., fill that meets the criteria of (1) Section 1803.5.8 and Section 1804.4 of the International Building Code, (2) Section 2.4 of ASCE 24, or (3) their equivalent); (b) Must be on fill that has appropriate protection from erosion and scour; and (c) Must meet a compensatory storage requirement (for the building and fill) that meets the credit criteria of DL1a. For FDN3 credit, all new buildings built on fill in the regulatory floodplain: (a) Must be constructed on properly designed and compacted fill (e.g., fill that meets the criteria of (1) Section 1803.5.8 and Section 1804.4 of the

International Building Code, (2) Section 2.4 of ASCE 24, or (3) their equivalent), and (b) Must be on fill that has appropriate protection from erosion and scour.

(3) For enclosed areas (a) below the lowest floor of a structure within Zone 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 usable 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 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/1/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 shall be provided; and
- (b/2/ii) The bottom of all such openings shall be 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 that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted in an identified A Zone/Enclosed areas subgrade on all sides are considered basements and are not permitted. [Amended 8-19-2008 by L.L. No. 2-2008]/Enclosed areas subgrade on all sides are considered basements and are not permitted.(=Village of Hilton)

The Town of Greece added the base floodplain or Special Flood Hazard Area to its regulatory language on enclosures. Enclosure Limits (ENL) credits regulatory standards that prohibit the enclosure of the building's area that lies below the base flood elevation. If regulations prohibit any building enclosures, including breakaway walls, below the base flood elevation, 240 points can be earned. Regulations that prohibit breakaway walls and enclosures of areas of greater than 299 square feet below the base flood elevation receive 100 points.

Nonconversion agreements require that the owner not alter the building at a later date so as to violate the building code or flood damage prevention ordinance requirements that are signed when the building is completed and the owner applies for a certificate of occupancy or a use permit. This is done after the final inspection, when the community confirms that the building meets all building code and flood damage prevention ordinance requirements. If regulations require that the owner of a building sign a nonconversion agreement that is filed with the deed and other property records, then:

- (a) 90 points, if the community will inspect the enclosed area at least once a year;
- (b) 60 points, if the community is granted the right to inspect the enclosed area at any time; or
- (c) 30 points, if the agreement does not mention inspections.

C. Utilities./12A-5.2-3 Utilities

(1) Machinery and equipment servicing a building must either be elevated to one foot or more above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

The Town of Greece has a one-foot freeboard requirement for utilities. For CRS credit, Freeboard (FRB) must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the building. All building utilities, including ductwork, must be elevated or protected to the freeboard level and all portions of the building below the freeboard level must be constructed using materials resistant to flood damage. If the utilities and ductwork are not required to be elevated, floodproofed, or otherwise protected to the base flood elevation, there is no credit for FRB.

/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. 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.(=Village of Hilton)

(2) New and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of 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.

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

§ 117-16. Residential structures./§ 59-16. Elevation of residential structures./12A 5.3 Residential Structures

A. Elevation./12A 5.3-1 Elevation

The following standards, in addition to the standards in § 117-14A, Subdivision proposals, § 117-14B, Encroachments, and § 117-15, Standards for all structures, apply to structures located in areas of special flood hazard as indicated:/ *The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 59-14A, Subdivision proposals, and § 59-14B, Encroachments, and § 59-15, Standards for all structures:/ 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/A) 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 two feet or more above the base flood level. [Amended 8-19-2008 by L.L. No. 2-2008]/*elevated to or above the base flood level/elevated to or above two feet above the base flood elevation.*

The Town of Greece and Village of Hilton both have a two-foot freeboard requirement for new and substantially improved residential structures located in the base floodplain, or Special Flood Hazard Area. A freeboard requirement means that new buildings will be protected to a level higher than the NFIP's base flood elevation. For Freeboard (FRB) credit, freeboard must be applied to the elevation of the lowest floor of the building or to the elevation to which a nonresidential building is dry floodproofed, and to all components of the building, including all utilities, ductwork, and attached garages.

Beginning in 2007 via the Residential Code of New York State (RCNYS) and Building Code of New York State (BCNYS), new buildings and substantially improved buildings in flood hazard areas (including A Zone) or coastal high hazard areas (including V Zone) are required to have the lowest floor elevated above the design flood elevation (DFE) plus the appropriate freeboard of two feet for a residential structure, or as determined by ASCE 24-05 for other structures. Up to 100 CRS points for Building Code (BC) can be earned by a community for adopting and enforcing the International Code Series.

(2/B) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor elevated at least three feet above the highest adjacent grade.

(3/C) Within Zone AO, new and substantially improved structures shall have the lowest floor 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 § 117-6/§ 59-6/Section 3.2 (at least two feet if no depth number is specified).

(4/D) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

The Town of Greece, Town of Parma, and Village of Hilton may also add freeboard requirements for new and substantially improved residential structures located in the 0.2% annual chance floodplain (500-year), or the (shaded) Zone X.

Example:

In areas mapped as (shaded) Zone X on the community Flood Insurance Rate Map (FIRM), the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade or above the crown of the nearest street, whichever is higher.

A Guide for Higher Standards in Floodplain Management (07.13.2011), page 4.

§ 117-17. Nonresidential structures./§ 59-17. Nonresidential structures./12A 5.4 Non-Residential Structures

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 117-14A/§ 59-14A, Subdivision proposals/sub-sections 5.1-1, Subdivision Proposals, § 117-14B/§ 59-14B, Encroachments/ 5.1-2, Encroachments, and § 117-15/§ 59-15, Standards for all structures/Section 5.2, Standards for all structures:

A./(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 nonresidential structure, together with attendant utility and sanitary facilities, shall either:

(1/i) Have the lowest floor, including the basement or cellar, elevated one foot or more above the base flood elevation/~~elevated to or above two feet above the base flood elevation;~~
elevated to or above two feet above the base flood elevation; or

(2/ii) Be floodproofed so that the structure is watertight below a level one foot or more above the base flood level/ ~~below two feet above the base flood level/~~ 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.

The Town of Greece requires new and substantially improved nonresidential structures to be elevated one-foot or more above the base flood elevation while the Town of Parma and Village of Hilton have two-foot freeboard requirements. Similarly, the Town of Parma and Village of Hilton have requirements for floodproofing using flood-damage-resistant materials below two feet above the base flood level while the Town of Greece only requires a level one foot or more above the base flood level.

B./**(2)** Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

- (1/i) Have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
- (2/ii) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(1)/**Subsection A(2)/sub-section 5.4(1)(ii)**.

C./**(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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(1)/**Subsection A(2)/Section 5.4(1)(ii)**, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D./**(4)** Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

E./**(5)** Within Zone A, when no base flood elevation data are available, the lowest floor shall be elevated at least three feet above the highest adjacent grade.

§ 117-18. Manufactured homes and recreational vehicles./**§ 59-18. Manufactured homes and recreational vehicles./12A 5.5 Manufactured Homes and Recreational Vehicles**

The following standards, in addition to the standards in § 117-14/**§ 59-14, General standards/Section 5.1, General Standards**, and § 117-15/**§ 59-15, Standards for all Structures/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:

A./**(1)** Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (a/i) Be on site fewer than 180 consecutive days;
 - (b/ii) Be fully licensed and ready for highway use; or
 - (c/iii) Meet the requirements for manufactured homes in Subsections B, D and E/**Subsections B, C and D below/paragraphs 5.5(2), (3) and (4)**.
- (2) 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.

B./**(2)** A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either outside of an existing manufactured home park or subdivision as herein defined, in a new manufactured home park or subdivision as herein defined, in an expansion to an existing manufactured home park or subdivision as herein defined, or in an existing manufactured home park or

subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor is elevated two feet or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry, stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. [Amended 8-19-2008 by L.L. No. 2-2008]

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 the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (=Village of Hilton)

C. A manufactured home to be placed or substantially improved in Zone A1-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

- (1) Elevated in a manner such as required in Subsection B above; or
- (2) 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. Elevation on piers consisting of dry, stacked blocks is prohibited.

The Town of Greece provides limited exemption to elevating to the BFE by allowing elevating to no less than 36 inches in height above grade for lots in existing manufactured home parks in Zones A1-30, AE, or AH on the community's FIRM. It is a compromise to balance the flood hazard against the economic impacts on some manufactured park owners that would result if elevation to the BFE were required. There are often practical difficulties in elevating manufactured homes to the BFE in many older parks due to small lot sizes and the split ownership of the manufactured home and the lot itself.

The selection of the 36-inch pier foundation does not apply to the repair or replacement of a manufactured home on a site in an existing manufactured home park where a manufactured home has been substantially damaged by flood.

D./C./**(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. Elevation on piers consisting of dry, stacked blocks is prohibited.

E./D./**(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 § 117-6/§ 59-6/Section 3.2 (at least two feet if no depth number is specified). Elevation on piers consisting of dry, stacked blocks is prohibited.

Article VI. Critical Facilities [Amended 8-19-2008 by L.L. No. 2-2008]

§ 117-19. New projects.

In order to prevent 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 five-hundred-year flood zone shown as a B Zone or Shaded X Zone on the Community's Flood Insurance Rate Maps.

The Town of Greece prohibits new critical facilities in the 500-year floodplain, which includes the 100-year floodplain, floodway, and/or V Zone.

By adopting the definition of "critical facility" as provided in Section 130, Glossary, in the Coordinator's Manual, the Town of Parma and Village of Hilton may earn CRS points under Protection for Critical Facilities (PCF). CRS provides credit for regulations that protect critical facilities from the 500-year flood or if new and substantially improved critical facilities are protected from damage and loss of access as a result of the 500-year flood or the flood of record, whichever is higher.

Article VII. Variance Procedure/ARTICLE VI: Variance Procedures

§ 117-20. Appeals board./§ 59-19. Appeals board./12A-6.1 Zoning Board of Appeals

A./**(1)** The Board of Zoning Appeals as established by the Town of Greece/ **Town of Parma** shall hear and decide appeals and requests for variances from the requirements of this chapter/ **local law**.

B./**(2)** The Board of Zoning 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/ **local law**.

C./**(3)** Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

D./**(4)** In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter/ **local law** and:

- (1)/**(i)** The danger that materials may be swept onto other lands to the injury of others;
- (2)/**(ii)** The danger to life and property due to flooding or erosion damage;
- (3)/**(iii)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4)/**(iv)** The importance of the services provided by the proposed facility to the community;
- (5)/**(v)** The necessity to the facility of a waterfront location, where applicable;
- (6) /**(vi)** The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7)/**(vii)** The compatibility of the proposed use with existing and anticipated development;
- (8) /**(viii)** The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
- (9)/**(ix)** The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) /**(x)** The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (11) /**(xi)** 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
- (12)/**(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.

E./~~(5)~~ Upon consideration of the factors of Subsection D/~~Section 6.I (4)~~ and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter/ ~~local law~~.

F./~~(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.
§ 117-21. Conditions for variances./~~§ 59-20. Conditions for variances.~~/~~12A-6.2 Conditions for variances~~

A./~~(1)~~ 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 § 117-20D(1) through (12)/~~§ 59-19D(1) through (12)~~/items (i-xii) in ~~Section 6.I(4)~~ have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.

B./~~(2)~~ Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

- (1)/~~(i)~~ The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.
- (2)/~~(ii)~~ The variance is the minimum necessary to preserve the historic character and design of the structure.

C./~~(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:

- (1)/~~(i)~~ The criteria of Subsections A, D, E and F/~~subparagraphs I, 4, 5, and 6~~ of this section are met.
- (2)/~~(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.

D./~~(4)~~ Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E./~~(5)~~ Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. /~~(6)~~ Variances shall only be issued upon receiving written justification of:

- (1)/ ~~(i)~~ A showing of good and sufficient cause;
- (2)/ ~~(ii)~~ A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3)/ ~~(iii)~~ 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./~~Notification.~~/~~(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 ~~(a)~~/~~(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 ~~(b)~~/~~(ii)~~ such construction below the base flood level increases risk to life and to property. Such notification shall be maintained with a record of all variance actions and provided to the Federal

Emergency Management Agency and to the New York State Department of Environmental Conservation upon request/(2) Such notification shall be maintained with the record of all variance actions as required in § 59-13H of this chapter/Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

ARTICLE VIII: Effective Date

12A-7 Effective Date

This local law became effective upon publication and filing with the Secretary of State.

Appendix D: Action Items

D.2. Model Floodplain Protection Overlay District Intermunicipal Agreement

MODEL

Intermunicipal Floodplain Overlay District Agreement
Town of Greece, Town of Parma and Village of Hilton

THIS FLOODPLAIN OVERLAY DISTRICT AGREEMENT (the “Agreement”) is made effective as of this __ day of _____, 201_, by and among the Town of Greece, a New York municipality, with offices located 1 Vince Tofany Boulevard, Greece, New York 14612; the Town of Parma, a New York municipality, with offices located 1300 Hilton Parma Corners Road, Hilton, New York 14468; and the Village of Hilton, a New York municipality, with offices located at 59 Henry Street, Hilton, New York 14468 (collectively “the Municipalities”).

WHEREAS, the Municipalities have experienced severe flooding in the past, causing excessive damage to property, erosion, and putting the life and safety of residents in jeopardy;

WHEREAS, the Municipalities have adopted Flood Damage Prevention laws intended to 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; require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters; control filling, grading, dredging and other development which may increase erosion or flood damages; regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and qualify for and maintain participation in the National Flood Insurance Program;

WHEREAS, the Municipalities desire to further strengthen flood mitigation efforts by creating a Floodplain Overlay District (FOD);

WHEREAS, New York Town Law §284 (4)(e) permits municipalities to enter into agreement to create an intermunicipal overlay district for the purpose of protecting, enhancing or developing community resources that encompass two or more municipalities;

WHEREAS, the FOD modifies the traditional form of zoning and encourages development in the Municipalities that takes into account proximity to floodplains and encourages efficient use of land and natural resources, while ensuring compatibility with surrounding land uses;

WHEREAS, an FOD authorized pursuant to Town Law §284 (4)(e) is intended to provide a better and more desirable living and physical environment than what would be possible under zoning regulations that apply to the development of a traditional zoning district;

WHEREAS, the Municipalities enacted FOD Ordinances **(to be done concurrently with signing of this Agreement - list here)**, which, *inter alia*, amended the zoning map of each municipality and provided for such rules, conditions, and instructions for the development of certain real property located in the Municipalities and designated as the FOD.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereby agree as follows:

1. Purposes.

The purposes of the FOD are as follows:

- i. To promote and protect the general health, welfare and/or safety of the community.
- ii. To encourage the use of appropriate construction practices in order to prevent or minimize flood damage in the future.
- iii. To reduce the financial burdens and costs imposed on the community, governmental or municipal units, and its residents, by preventing excessive development in areas subject to flooding.
- iv. To reduce damage to public and private property resulting from flooding waters.
- v. To minimize danger to public health by protecting water supply and natural drainage.
- vi. To require all those uses, activities and development that do occur in flood-prone areas to be protected and or flood-proofed against flooding and flood damage.
- vii. To comply with federal and state floodplain management requirements.
- viii. To eliminate hazards to emergency management officials.
- ix. To prevent the occurrence of public emergencies resulting from a reduction in water quality, contamination, and/or pollution due to flooding
- x. To implement the recommendations concerning natural features, conservation management and land use, as endorsed by comprehensive plans of the Municipalities (?)

2. Delineation of FOD boundaries.

The FOD shall be a conservation overlay to the underlying zoning districts of the Municipalities. The FOD boundaries are described in Annex A to this Agreement.

3. Regulated Activities.

A. A FOD permit is required to:

- i. Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- ii. Construct a fence if specified in a schedule to this overlay.
- iii. Construct bicycle pathways and trails.
- iv. Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- v. Remove, destroy or lop any vegetation, including dead vegetation. This does not apply if a schedule to this overlay specifically states that a permit is not required.

4. Standards for FOD permit review (*these are options for municipalities to consider and negotiate*).

- A. As a condition of receiving a FOD permit, the applicant must prepare a site plan that (i) accounts for street flooding and local drainage from and onto adjoining properties; and (ii) protects the building from local drainage flows.
- B. Any applicant for a permit to undertake a regulated activity within the FOD must show that the proposed activity will not adversely affect the following:
 - i. Water quality
 - ii. Watercourse flood-carrying capacities
 - iii. Rate of sedimentation
 - iv. Velocity of surface water runoff
 - v. Natural characteristics of the watercourse or floodplain
 - vi. Soil stability
 - vii. Fish and wildlife habitat
- C. Any applicant for a permit to undertake a regulated activity within the FOD must show that the proposed activity:
 - i. Prohibits fill or requires compensatory storage;
 - ii. Protects new buildings, facilities and/or substantial improvements from local drainage flooding;
 - iii. Demonstrates that new buildings, facilities and/or substantial improvements are well above the street level or otherwise protected from shallow drainage flooding;
 - iv. Demonstrates that foundations are protected from erosion and scour;
 - v. Prohibits any building enclosures, including solid breakaway walls, below the base flood elevation;
 - vi. Prohibits hazardous materials;
 - vii. Requires freeboard;
 - viii. Prohibits the installation of new septic systems;
 - ix. Requires all new multi-family and commercial buildings to provide access to dry land;
 - x. Requires an evacuation plan for new residential subdivisions (that exceed a certain number of units);

- xi. Requires that the developer provide detailed flood data needed in approximate A Zones for all developments, regardless of size, and in X Zones to map the floodplains for all drainage areas over a certain size (e.g., 40 acres);
- xii. Complies with green infrastructure practices;
- xiii. Delineates and places into permanent conservation undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain;
- xiv. Defines, delineates and preserves naturally vegetated buffers along perennial streams, rivers, shorelines and wetlands;
- xv. Limits clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities;
- xvi. Uses clustering, conservation design or open space design to reduce impervious cover, preserve more open space and protect water resources;
- xvii. Restores the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of post construction practices;
- xviii. Minimizes roadway widths and lengths to reduce site impervious area;
- xix. Minimizes sidewalk lengths and widths to reduce site impervious area;
- xx. Minimizes driveway lengths and widths to reduce site impervious area;
- xxi. Minimizes the number of cul-de-sacs and incorporate landscaped areas to reduce their impervious cover;
- xxii. Reduces the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio;
- xxiii. Reduces imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate;
Uses natural drainage paths, or properly designed vegetated channels, instead of constructing underground storm sewers or concrete open channels;
- xxiv. Plants or conserves trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization;
- xxv. Directs runoff from residential rooftop areas and upland overland runoff flow to designated pervious areas to reduce runoff volumes and rates;
- xxvi. Manages and treats small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression;
- xxvii. Captures runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof; Installs small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices;
- xxviii. Captures and stores stormwater runoff in cisterns or rain barrels to be used for irrigation systems or filtered and reused for non-contact activities; or
- xxix. Installs pervious types of pavements that provide an alternative to conventional paved surfaces.

5. Administration.

- A. The Municipalities shall appoint a Floodplain Administrator to administer and implement this Agreement. The duties and responsibilities of the Floodplain Administrator include but are not limited to the following:
 - i. Review an application for a building permit to determine if the proposed activity lies within the FOD;
 - ii. Review an application for a building permit to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of appropriate regulations;
 - iii. Review an application for a building permit to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- B. All proposed development projects in the FOD and all final inspections and project approvals must be reviewed and approved by a CFM. Additionally, the community *may* conduct at least three inspections for each permitted development project in the FOD according to the Community Rating System's regulations administration (RA3).

6. Compliance and Liability.

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered in the FOD except in full compliance with the terms and provisions of this Agreement and any other applicable ordinances and regulations that may apply to the FOD.
- B. The degree of flood protection sought by the provisions of this Agreement is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. This Agreement does not imply that districts outside the FOD or land uses permitted within such district will be free from flooding or flood damages.
- C. This Agreement shall not create liability on the part of the Municipalities or any officer or employee thereof for any flood damages that result from reliance on this Agreement or any administrative decision lawfully made thereunder.

7. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Agreement shall be declared invalid for any reason whatever, such decision shall not affect the remaining

portions of this Agreement. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this Agreement are hereby declared to be severable.

8. Duration.

That the duration of this Agreement shall be in perpetuity, unless sooner terminated and dissolved by operation of law or by mutual agreement of the Municipalities.

9. Modification of Agreement.

This Agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become part of this Agreement.

10. Indemnification.

Each party shall indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of activities under his Agreement.

11. Entire Agreement.

This Agreement constitutes the entire Agreement between the parties and supersedes any and all prior agreements between the parties hereto for the services herein to be provided. This Agreement shall be governed by and construed in accordance with the laws of New York State without regard to its conflict of laws or principles.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date referenced above.

TOWN OF GREECE

VILLAGE OF HILTON

TOWN OF PARMA

Annex A
FOD Boundaries

Schedule A

Appendix D.3.: Action Items

D.3. Community Rating System

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Community Rating System Review

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes communities for enforcing floodplain management activities that exceed the minimum NFIP requirements. There are many benefits to enhanced floodplain management such as improved public safety, property loss reduction, open space and natural resource protection, and better post-disaster recovery. A discount of up to 45% off flood insurance premiums is also available to policyholders in participating communities.

Any community that is in full compliance with the NFIP may apply to join the CRS. CRS credit points are earned for a wide range of floodplain management activities, which are organized under four categories: (1) Public Information Activities, (2) Mapping and Regulations, (3) Flood Damage Reduction Activities, and (4) Warning and Response. Communities apply for a CRS classification and are awarded credit points that reflect the impact of their floodplain management activities. The Insurance Services Office’s ISO/CRS Specialist reviews the community’s program and verifies the CRS credit.

Similar to fire insurance rating, the CRS uses a Class rating system to determine the premium discount for policyholders. All communities start out with a Class 10 rating (which provides no discount), then range from 5% (Class 9) to a maximum of 45% (Class 1). As a community engages in additional CRS-

credited actions, increased NFIP policy premium discounts are available. Communities advance in CRS Classes by improving their floodplain management efforts and making changes to help eliminate or reduce exposure to floods. In this way, CRS performance metrics create a baseline by which municipalities can measure their progress towards reducing vulnerability to flooding and improved resiliency (see Table 1).

CRS Class	Credit Points (cT)	Premium Reduction	
		In SFHA	Outside SFHA
1	4,500+	45%	10%
2	4,000–4,499	40%	10%
3	3,500–3,999	35%	10%
4	3,000–3,499	30%	10%
5	2,500–2,999	25%	10%
6	2,000–2,499	20%	10%
7	1,500–1,999	15%	5%
8	1,000–1,499	10%	5%
9	500–999	5%	5%
10	0–499	0	0

SFHA: Zones A, AE, A1–A30, V, V1–V30, AO, and AH.
Outside the SFHA: Zones X, B, C, A99, AR, and D.

Preferred Risk Policies are not eligible for CRS premium discounts because they already have premiums lower than other policies. Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage.

Some minus-rated policies may not be eligible for CRS premium discounts.

Premium discounts are subject to change. *CRS Coordinator's Manual (Edition: 2013)*

Table 1: CRS Classes, Credit Points, and Premium Discounts.

There are 19 activities that receive credit under the CRS:

- I. Public Information Activities (300 Series)
 - 1) 310 Elevation Certificates
 - 2) 320 Map Information Service
 - 3) 330 Outreach Projects
 - 4) 340 Hazard Disclosure
 - 5) 350 Flood Protection Information
 - 6) 360 Flood Protection Assistance
 - 7) 370 Flood Insurance Promotion
- II. Mapping and Regulations (400 Series)
 - 8) 410 Floodplain Mapping
 - 9) 420 Open Space Preservation
 - 10) 430 Higher Regulatory Standards
 - 11) 440 Flood Data Maintenance
 - 12) 450 Stormwater Management
- III. Flood Damage Reduction Activities (500 Series)

- 13) 510 Floodplain Management Planning
- 14) 520 Acquisition and Relocation
- 15) 530 Flood Protection
- 16) 540 Drainage System Maintenance
- IV. Warning and Response (600 Series)
- 17) 610 Flood Warning and Response
- 18) 620 Levees
- 19) 630 Dams

In New York State, there are 29 communities that participate in the CRS with 17,624 policies in force. Thirteen communities are rated a Class 9; fourteen are rated a Class 8; and two are rated a Class 7. California has a Class 1 rated community and Oklahoma (1) and Washington (2) both have Class 2 rated communities. Most CRS communities are a Class 8 (461). Florida has the most CRS communities in the United States with 216 participating communities, followed by California (83) and North Carolina (81). Puerto Rico and South Dakota have the fewest with one participating community, followed by Hawaii (2), North Dakota (2), Rhode Island (3), and Vermont (3). The average is about 24 communities per state (including Puerto Rico). In total, 1,211 communities participate in the CRS across the country.¹ The Town of Greece is a Class 8 with 10% discount in the SFHA.

The CRS provides Uniform Minimum Credit (UMC) for certain state laws, regulations, and standards that support floodplain management and have effectively reduced flood damages. In New York State, there are several activity areas where a community may earn points for enforcing State mandates.

Activity 340. Flood Hazard Disclosure

Approximately fifteen points are awarded to New York State communities under Other Disclosure Requirements (ODR) for the “Property Condition Disclosure Act,” which is Article 14 of the New York Real Property Law, Section 462. This law requires that the seller of residential real property complete, sign, and deliver a property condition disclosure statement to a buyer or buyer’s agent prior to the signing of a binding contract of sale. This is a statement of certain conditions and information concerning the property known to the seller, based upon actual knowledge. It is not a warranty of any kind by the seller or by any agent representing the seller, nor is it a substitute for any inspections or tests. The buyer is encouraged to obtain an independent professional inspection(s) and environmental tests and to check public records pertaining to the property.

¹ “Community Rating System Participation State Maps,” Federal Emergency Management Agency, accessed 11 May 2016, http://www.fema.gov/media-library-data/20130726-1830-25045-0453/crosstab_bystate_4may_2012.pdf.

The Property Condition Disclosure Statement asks the following questions in the Environmental section:

10. Is any or all of the property located in a designated floodplain?
11. Is any or all of the property located in a designated wetland?

Property Condition Disclosure Statement, or DOS-1614 (Rev. 8/06), is available on the New York State Department of State website.

Activity 450. Stormwater Management

The New York State Pollution Discharge Elimination System (SPDES) General Permit for construction activities awards communities with about ten points for Erosion and Sediment Control Regulation (ESC) and another twenty points for Water Quality Regulations (WQ).

A general SPDES permit for construction activities was approved for New York State by the Environmental Protection Agency on August 1, 1993. That permit was necessary for any construction site that disturbed five or more acres. The SPDES permit was revised in January, 2003 to incorporate the United States Environmental Protection Agency—National Pollutant Discharge Elimination System (NPDES) Phase 2 stormwater requirements. The SPDES General Permit regulates stormwater discharges from construction activities over 1 acre in size.

The Construction Permit (Soil Disturbance Permit) applies to anyone disturbing 1 acre or more of soil. A plan for managing runoff and controlling erosion and sedimentation, called a Stormwater Pollution Prevention Plan (SWPPP), must be developed. The owner or operator must submit Notice of Intent to NYS DEC for Permit Coverage. Most projects require an Erosion and Sediment Control Plan and a Water Quality and Quantity Control Plan. The Erosion and Sediment Control Plan is a description of temporary and permanent structural and vegetative measures for runoff control, soil stabilization and sediment control in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control*, dated August 2005. Construction sites are managed for stormwater by the amount of water that leaves the site (Quantity Control) and how polluted the runoff is (Quality Control). Practices must meet the performance criteria in the *New York State Stormwater Management Design Manual* (“Design Manual”), dated January 2015.

The SPDES General Permit also regulates municipalities that own storm sewer systems. Municipal Separate Storm Sewer Systems (MS4s) are stormwater conveyance systems (i.e. ditches, gutters, pipes) that discharges to waters of the U.S. and are owned by a state, city, town, village, or other public entity. MS4s are determined by population density of 1,000 persons per square mile (2010 Census Data). MS4 stormwater programs have six elements called minimum control measures (MCM). The Stormwater Phase II program requires regulated MS4s to incorporate MCMs 4 and 5 for construction site and post-construction runoff into local code. A Stormwater Management Local Law incorporates the SWPPP as part of the applicant's package for a local land use approval. In regulated communities, the owner or operator must acquire permission with a MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form.

Additional points (from 29.85 to 219) may be available for Stormwater Management Regulation (SMR) under Activity 450 for communities that manage new development of one acre or more and prevent increases in peak flows from the 10- and 100-year storms. Chapter 5: Green Infrastructure Practices of the 2015 Design Manual provides planning and design criteria on green infrastructure approach and specifications for acceptable runoff reduction practices, which is cited in the performance and design criteria of DEC's Sample Local Law for Stormwater Management and Erosion & Sediment Control (2006):

3.1 Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

Activity 430. Higher Regulatory Standards

The Uniform Fire Prevention and Building Code (Uniform Code) took effect in New York State on January 1, 1984 and prescribes minimum standards for both fire prevention and building construction. It is applicable in all municipalities of the State except New York City. New York State updated the Uniform Code and Energy Code in 2003 with several sub-units, based upon national model codes developed by

the International Code Council (ICC), which are widely used throughout the country and provide a greater level of consistency. The latest update to the Uniform Code was effective December 28, 2010 and is based on the 2006 International Codes with New York State amendments. The Energy Code, effective December 28, 2010, is based on the 2009 International Energy Conservation Code with New York State amendments. Although the task of developing and promulgating the Uniform Code is a State responsibility, Executive Law § 381 directs that the cities, towns, and villages are responsible for enforcing the code. An individual city, town, or village cannot choose to exclude itself from the provisions of the Uniform Code. Executive Law § 381 does permit a municipality to decline responsibility for enforcement of the code within its boundaries however by adopting a local law stating that it will pass enforcement onto the county.²

The 2010 Residential Code of New York State (2010 RCNYS) provides some development standards that are higher than or supplement the minimum NFIP criteria. There are two areas of the Uniform Code where communities can earn CRS points for enforcing the statewide mandate: Local Drainage Protection (LDP) and Freeboard (FRB). 2010 RCNYS applies to “detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures and one-family dwellings converted to bed and breakfast dwellings.” All other structures follow the Building Code of New York State (2010), which in turn refers to the American Society of Civil Engineers (ASCE), Flood Resistant Design and Construction (ASCE 24) for development in special flood hazard areas. ASCE 24 includes a freeboard of 0-2 feet depending on the classification of the building. For most buildings, it is one foot.

Ten points may be awarded for requiring positive drainage away from the foundation. The 2010 RCNYS requires drainage away from all buildings, not just those in special hazard areas:

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard.
Lots shall be graded to drain surface water away from foundation walls.
The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

Section R406 discusses foundation waterproofing and dampproofing. Dampproofing is required for all foundation walls that retain earth and enclose interior spaces and floors below grade from the top of

² *Administration and Enforcement of the Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code and “About the BSC,”* Division of Building Standards and Codes, accessed 11 May 2016, http://www.dos.ny.gov/DCEA/About_DCEA.html.

the footing to the finished grade. Waterproofing is required in areas where a high water table or other severe soil-water conditions are known to exist.

Freeboard is contained within the flood-resistant construction provisions in Section R324 of the 2010 RCNYS (Chapter 3 - Building Planning):

R324.1.3.3 Freeboard. A freeboard of two feet shall be added where the design flood elevation or other elevation requirements are specified.

Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) must be designed and constructed as established in Table R301.2(1).

Table R301.2 (1) Climatic and Geographic Design Criteria

Ground Snow Load ⁱ	Wind Speed ^d (mph)	Seismic Design Category ^e	Subject to Damage From			Ice Barrier Underlayment Required ^g	Flood Hazards ^f
			Weathering ^a	Frost line depth ^b	Termite ^c		

f. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

The NFIP requires that the lowest floor of residential structures be elevated to or above the base flood elevation and that non-residential structures be elevated or floodproofed to or above the base flood elevation. A freeboard requirement adds height above the base flood elevation to provide an extra margin of protection to account for waves, debris, miscalculations, or lack of data. New buildings and substantially improved buildings in flood hazard areas (including A Zone) or coastal high hazard areas (including V Zone) are required to have the lowest floor elevated above the design flood elevation (DFE) plus the appropriate freeboard of two feet for a residential structure in New York State. Between 7.5 and 375 points may be given for regulations in 2010 RCNYS requiring that three feet of freeboard be added to the design flood elevation and mechanical equipment of residential buildings in the numbered A and V zones.

Activity 510. Floodplain Management Planning

The CRS provides credit for preparing, adopting, implementing, evaluating, and updating a comprehensive floodplain management plan. Since floodplain management or hazard mitigation plans

can come in a variety of formats and organizational styles, the CRS does not specify what activities a plan must recommend. Instead, the CRS provides credit for plans that have been prepared according to the standard planning process:

- Step 1. Organize to prepare the plan
- Step 2. Involve the public
- Step 3. Coordinate
- Step 4. Assess the hazard
- Step 5. Assess the problem
- Step 6. Set goals
- Step 7. Review possible activities
- Step 8. Draft an action plan
- Step 9. Adopt the plan
- Step 10. Implement, evaluate, and revise

A Floodplain Management Plan can earn almost 400 CRS points for a jurisdiction. A FEMA-approved Hazard Mitigation Plan (HMP) can count as a Floodplain Management Plan, if the planning process is conducted in accordance with CRS requirements. The CRS requirements are more robust than the requirements of the Disaster Mitigation Act of 2000 (DMA 2000), against which FEMA judges an HMP. For instance, under the CRS, all Planning Committee meetings must be publicly advertised and open to the public.³

DMA 2000 provides the legal basis for FEMA mitigation planning requirements for State, local and Indian Tribal governments as a condition of mitigation grant assistance. The planning process includes hazard identification and risk assessment leading to the development of a comprehensive mitigation strategy for reducing risks to life and property. FEMA recommends four basic phases to developing a mitigation plan:

1. Organize for the effort and involve affected parties, especially the public;
2. Assess the hazard and the community's exposure to damage by the hazard;
3. Set goals and review and select appropriate measures to reach those goals; and
4. Adopt, implement, evaluate, and revise the plan periodically.

The Monroe County Department of Public Safety/Office of Emergency Management (OEM) is currently preparing a HMP for Monroe County and its participating municipalities (cities, towns, and villages). This

³ "Monroe County Hazard Mitigation Planning (HMP) Project Website," Meeting Materials, accessed 24 August 2015, file:///C:/Users/Jayne/Downloads/monroe%20hmp%20-%20sc%20ko%20mtg%20062915%20materials.pdf.

plan will update the Monroe County Pre-Disaster Hazard Mitigation Plan approved by FEMA in 2011. In order to be eligible for post-disaster mitigation funding from FEMA, hazard mitigation plans must be updated every five years.

Monroe County will be conducting this HMP update in accordance with the CRS requirements, with the goal of achieving up to approximately 300 CRS points for participating jurisdictions. A Planning Committee, comprised of Monroe County personnel and representatives from the participating municipalities and private sector, will be organized to review the planning process, provide a foundation for future requests for information to be obtained from the municipalities and other stakeholders, and to ensure meetings have a structured agenda. The planning process will also involve the public through meetings and other public information activities to encourage input.

Flood Smart Communities may also be eligible to receive CRS Credit for Floodplain Management Planning as a multi-jurisdictional floodplain action plan. Using a structured decision-making process to engage local government and community members, the goals of *Flood Smart Communities* are to reduce flood losses; improve protection of the floodplain's natural and beneficial functions; and provide more efficient use of public and private resources. Side benefits for the Town of Parma and Village of Hilton are to learn and apply to the CRS and for the Town of Greece to improve its CRS classification. The vulnerability assessment will be used to inform the development of recommendations to reduce flooding vulnerability.

Activity 630. Dams

Up to 30 points can be awarded for State Dam Safety (SDS) based on the Association of State Dam Safety Officials' Dam Safety Program Management Tool: 15 points for Risk Communication and Public Awareness and 15 points for Emergency Action Planning. The SDS credit earned by the state dam safety office is provided to all communities that would be affected by a flood from the failure of a high-hazard-potential dam. This activity must be documented with a description and a map. NYS DEC enforces requirements to operate and maintain dams in a safe condition, and monitors remedial work for compliance with dam safety criteria. On average, about 60 points have been awarded to CRS communities in New York State under Activity 630.⁴

⁴ The 2007 *CRS Coordinator's Manual* awards a maximum of 75 points for State dam safety program while the 2013 *CRS Coordinator's Manual* awards a maximum of 45 points.

State-mandated Standards (SMS)

A community may receive 13.3 to 20 points for state-mandated regulatory standards in the 400 series. Credit equals 0.10 times the sum of credit points for floodplain management regulatory standards. This element recognizes that state-required measures implemented in both CRS and non-CRS communities across that state are beneficial to the NFIP. Better staff training and state oversight are other benefits to state-mandated regulations than other regulatory provisions.

An example is the Coastal Erosion Hazard Area (CEHA) Permit Program as defined by Article 34 of the Environmental Conservation Law. The Coastal Erosion Hazard Areas Law empowers NYS DEC to identify and map coastal erosion hazard areas and to adopt regulations that control certain activities and development in those areas through a permitting system. The CEHA Permit Program provides written approval of regulated activities or land disturbance to properties within those coastal erosion hazard areas identified and mapped by DEC. There are 86 coastal communities in New York State that currently fall under CEHA jurisdiction: 42 communities have been certified by DEC and have their own coastal erosion hazard area law while the other 44 communities are managed by DEC. Additional credit may be available for open space preservation under Activity 420 (Open Space Preservation).

State-mandated freeboard and state-mandated building code are other examples discussed previously under Activity 430. Communities may receive additional credit under Activity 430 (Higher Regulatory Standards). To receive Freeboard credit, “freeboard must be applied to the elevation of the lowest floor of the building or to the elevation to which a nonresidential building is dry floodproofed, and to all components of the building, including all utilities, ductwork, and attached garages. All portions of the building below the freeboard level must be constructed using flood-damage-resistant materials. If the garage floor is below the freeboard level, the garage must meet the opening and wet floodproofing requirements for enclosures.”⁵

The International Code Series (I-Codes) is a family of codes developed and maintained by the International Code Council, Inc. that shares common goals with the National Flood Insurance Program (NFIP). The latest update to New York State’s Uniform Code is based on the 2006 International Codes, with New York State amendments. The 2006 edition of the International Building Code meets the

⁵ 2013 *CRS Coordinator’s Manual*, 430-11.

minimum design and construction requirements of the NFIP for all buildings and structures, including one- and two-family dwellings, and the 2006 edition of the International Residential Code meets the minimum requirements for flood-resistant design and construction of one- and two-family dwellings. Other requirements related to building utilities are contained in the I-Codes, such as the Mechanical and Plumbing Codes, which also meet minimum flood-resistant design and construction standards. CRS provides up to 100 points for adoption of the entire I-Code by the community, which must be enforceable throughout the whole community—not just the Special Flood Hazard Area.

Erosion and sedimentation control regulations may also receive credit under Activity 450 (Stormwater Management). SMS credit for state-mandated erosion and sedimentation control regulations (ESC) or water quality regulations (WQ) under Activity 450 (Stormwater Management) is provided only if the state mandate exceeds the requirements for a NPDES permit. New York’s SPDES Construction and MS4 programs contain requirements that are more stringent than the federal requirements; in particular, the requirement to implement green infrastructure.

Current Status of CRS Eligible Activities

A community survey was developed and administered to each of the municipal representatives based on the activities that receive credit under the CRS. The survey was used to collect information about what types of activities the Town of Parma and Village of Hilton are already doing that could earn CRS points (and earn the Town of Greece additional CRS-credited actions). The results of the survey are organized as a matrix on the following pages.

CRS Activity Areas	Town of Greece	Town of Parma	Village of Hilton
1. New buildings and substantial improvements in all identified Special Flood Hazard Areas (SFHAs) or 100-year floodplain should be properly elevated. This elevation information is recorded on the FEMA Elevation Certificate. The NFIP requires insurance agents to use this form when processing an application for an insurance policy. Does your municipality maintain Elevation Certificates?	Yes, 112 CRS points earned (162 max) for Elevation Certificates (after CRS application date) and Elevation Certificates on post-FIRM buildings.	Yes, the Building Department maintains Elevation Certificates with new construction.	No
2. Communities are often the best source of map information because they can supplement and clarify the Flood Insurance Rate Map (FIRM). This map information service can include help reading the FIRM, providing information about flood problems not shown on the FIRM, special flood-related hazards in the community, and/or historical flood information. A log of map services is usually kept. Does your municipality provide inquirers with information about the community's FIRM and other sources of local flood hazard information?	Yes, 140 CRS points earned (140 max) for basic FIRM information.	Yes, information is provided by the Building Department.	No
3. Research has shown that awareness of flood hazards is not enough to motivate people to take action to protect themselves and their property. Does your municipality provide the public with information needed to increase flood hazard awareness and motivate actions to reduce flood damage and encourage flood insurance coverage, such as newspaper articles, signs, mailings, brochures, and/or presentations?	No (315 max)	No	No
4. The New York Property Condition Disclosure Act requires that sellers disclose whether a property is located in a designated floodplain or designated wetland area and has flooding problems. Does your municipality assist with flood hazard disclosure or other flood-related hazards such as erosion, subsidence, or wetlands?	Yes, 5 CRS points earned (81 max).	Yes, via phone calls.	No
5. Does your municipality provide the public with detailed information about flooding, such as publications on flood protection topics housed in a public library or community website?	Yes, 23 CRS points earned (102 max) for flood protection library and locally pertinent documents.	No	No

6. Does your municipality provide one-on-one flood protection advice and assistance (i.e., by talking directly to the person making the inquiry, either face-to-face or over a telephone)? A qualified person must be willing and able to talk to inquirers about the flood hazard, flood protection measures, and/or possible financial assistance. Records of the service are kept.	Yes, 5 CRS points earned (71 max).	No	No
7. Has your municipality assessed the community's current level of flood insurance coverage and identified where coverage needs to be improved?	No (65 max)	No	No
8. FEMA and many communities in the United States have long recognized that the mapping and regulatory standards of the NFIP do not adequately address all of the flood problems in the country. There are many special localized situations in which flooding or flood-related problems do not fit the national norm for riverine and coastal floodplain management. Has your municipality improved the quality of local mapping or new flood studies to identify and regulate floodplain development?	No (1,346 max)	No	No
9. Has your municipality developed any tools to prevent flood damage by keeping flood-prone lands free of development and protecting the natural functions of floodplains?	Yes, 528 CRS pointed earned (900 max).	Open space preservation, deed restrictions, natural functions open space, and low-density zoning.	Deed restrictions.
10. Has your municipality adopted regulations that exceed the minimum criteria of the NFIP?	Yes, 219 CRS points earned (2,740) for protection of critical facilities, prohibition of fill/compensatory storage, state mandated standards, building code, and staff training.	No	No
11. Does your municipality conduct ay activities to make community floodplain data more accessible, current, useful, and/or accurate so that the information contributes to the improvement of local regulations, insurance rating, planning, disclosure, and property appraisals?	Yes, 112 CRS points earned (239 max) for additional map data (GIS), and FIRM maintenance.	Keeping old FIRMs and making them available and maintaining benchmarks so surveyors can find them and can depend on them to be accurate.	Keeping old FIRMs and making them available.

12. Has your municipality developed any tools to manage new development in the watershed?	Yes, 150 CRS points earned (670 max) for size of development regulated, design storm/managing stormwater volume, and watershed master plan.	Stormwater management regulations that regulate new development to ensure that the peak flow and volume of stormwater runoff that leaves a development site will be no greater than the runoff from the site before it was developed; erosion and sedimentation control regulations that minimize erosion on construction sites that could result in sedimentation and water pollution; and regulations that require best management practices to protect water quality within the community.	Stormwater management regulations that regulate new development to ensure that the peak flow and volume of stormwater runoff that leaves a development site will be no greater than the runoff from the site before it was developed; erosion and sedimentation control regulations that minimize erosion on construction sites that could result in sedimentation and water pollution; and regulations that require best management practices to protect water quality within the community.
13. Has your municipality developed a community-wide floodplain management plan that seeks to reduce the adverse impact of flood-related hazards on the community and help meet other community needs?	No (359 max)	No	No
14. Does your municipality have a site-specific plan to reduce flood losses in repetitively flooded areas or a natural floodplain functions plan (i.e., habitat conservation/protection, green infrastructure)?	No (359 max)	No	No

15. Has your municipality acquired, relocated, or otherwise removed existing buildings out of a flood hazard area?	No (3,200 max)	No	Yes, the Hilton Fire Hall on South Avenue (circa 1957) was flooded in 1974 and 2004. After the 2004 flood brought on by Hurricane Frances, funds from the FEMA Hazard Mitigation Grant Program were acquired to tear down and relocate the building. The property is now used as Fireman's Fields and features a deed restriction that prevents future development. The current Hilton Fire Hall was built and opened in May 2009. It is located at 120 Old Hojack Lane.
16. Has your municipality implemented retrofit projects such as elevating buildings above predicted flood levels or dry/wet floodproofing or constructed small flood control projects such as channel modifications or storm drain improvements?	No (2,800 max)	Yes, but don't record.	No

17. Does your municipality perform drainage system maintenance activities?	Yes, 195 CRS points earned (430 max) for channel debris removal and stream dumping regulations.	Annual inspection and regular maintenance of channels and associated conveyance facilities; identification of components of the conveyance system that are “choke points,” chronic dumping sites, obstructions to flows, or sites with erosion or sedimentation problems; and adopting and enforcing regulations that prohibit the dumping or disposal of debris throughout the community’s drainage system.	Annual inspection and regular maintenance of channels and associated conveyance facilities and identification of components of the conveyance system that are “choke points,” chronic dumping sites, obstructions to flows, or sites with erosion or sedimentation problems.
18. Does your community have a flood warning and response program (i.e., methods to warn the public of an impending flood or a plan for flood response operations)?	No (225 max)	No	No

Appendix D: Action Items

D.4. Decision Trees



