

Caroline Town Board Business Meeting and Public Hearing on Flood Damage Prevention Law Minutes of January 13, 2021

The Town Board Business Meeting and Public Hearing on Flood Damage Prevention Law held electronically via Zoom teleconference on January 13, 2021 at 7:05 p.m. hosted by Supervisor Witmer

Attendance: Mark Witmer, Supervisor
John Fracchia, Councilmember
Cal Snow, Councilmember
Tim Murray, Councilmember

Recording Secretary: Jessica L. Townsend, Town Clerk

Also Present: Highway Superintendent, Bob Spencer; Tompkins County Legislature Representative, Dan Klein and 13 members of the public attended the teleconference.

Public Hearing on Flood Damage Prevention Law

Supervisor Witmer opened the Public Hearing at 7:05 p.m. The current Flood Law was developed in 2011 has been updated in accordance with the Department of Conservation.

Terry Carroll – Spoke in favor of the Law. Shared appreciation of the Town Board for bringing this forward. Mr. Carroll worked with the Town on the Climate Vulnerability Assessment over the summer of 2020 and found that this Law was in agreement with recommendations from that evaluation.

Supervisor Witmer added that the flood maps will be made available for review on the town website.

Close public meeting at 7:10 p.m.

Privilege-of-the-Floor

Bruce Murray – Spoke in opposition of voting on the Comprehensive Plan. Feels that the town board is rushing the process and is attempting to finalize it before the expiration of the current moratorium. He believes that the current meetings being held via Zoom should not be considered as public meetings because of the inability for many residents to participate due to the lack of broadband, adding that more public outreach is needed. He shared further concern over the Zoning recommendations that were outlined in the Land Use and Economic Development Task Force Executive Report. Supervisor Witmer stated that the public meetings guidelines have been put in place by the Governor in order to protect the public during the COVID pandemic, but he feels that the Planning Board and Town Board has given sufficient opportunity for public input. He added that voting on the Comprehensive Plan does not mean the passing of Zoning. Councilmember Murray agreed and added that there were two Public Hearings on the Plan, both of which were advertised in the paper and through signage that was posted throughout the town. The Planning Board received substantial feedback from the community and is comfortable with moving forward on this.

Reports

Mark Witmer, Town Supervisor – The Town Supervisor’s Report is as follows:

Correspondence of Note:

- Received 2021 Proposed Legislative Program from the Association of Towns of NYS for the annual meeting (virtual, 14-17 February 2021).

Supervisor's Notes:

- Met with NYPA to learn about Smart Cities technology for LED streetlights. We have obtained a \$20,000 grant from NYS to support this additional technology for our LED streetlight project. Could provide local WiFi, road condition and/or flood sensors. The Town will need to define our design goals for Smart Cities Technology in the next month.
- Working with Program Director Emily Adams and EIC Chair Don Barber, submitted revised plan to NYSEDA for completion of Brighten Up Caroline residential LED bulb distribution. Planning for April 24 town-wide distribution effort.
- Tompkins County Council of Governments - Rod Howe, Supervisor T. Ithaca, and I met with Tompkins County Planning & Sustainability to discuss TCCOG committee to support the County's broadband study.

Jessie Townsend, Town Clerk – Tax season has begun, and the Clerk's Office has collected over \$500,000. Also, wants the public to be aware that the NYSDEC has authorized the Clerk to be an Agent and will now have the ability to sell hunting & fishing licenses.

Bob Spencer, Highway Superintendent – Crew has been working on the building repairs. Cell Tower update – Spectrum is on hold due to the weather. Equipment purchases – Gave a presentation showing a projected installment plan option. He has also created a repair cost sheet for town equipment. Looking into lease options as he understands the Town cannot withstand the cost of new equipment every year. He will be forwarding the spreadsheet to the Board for their review. Garbage – He has recently had multiple complaints regarding trash being dumped in areas around town. He encourages residents to notify him and report any trash being dumped along the roads.

Cal Snow, Councilmember – None

John Fracchia, Councilmember – Highway Garage - RFQ went out over the weekend and has heard back from several of them. Deadline is the end of January.

Tim Murray, Councilmember – None

Dan Klein – Will be continuing Facilities and Infrastructure Committee, Planning Energy and Environmental Quality Committee, Chair of TCAT Board. Tompkins County proposed a 5% increase of Air BnB's. Mr. Klein will be voting against it. Vaccinations are going slower than expected. The County has not received as many as for. The County is however using all the vaccines received.

Discussion and Action Items

Resolution 49 of 2021. Findings Statement of the Caroline Town Board Regarding Environmental Impacts of the Updated 2020 Town of Caroline Comprehensive Plan

A motion made by Supervisor Witmer and seconded by Councilmember Murray

The action under consideration is the adoption of an updated Comprehensive Plan, which is not truly a Type I Action as the amendments and their reorganization, as well as updated sampling and census data, are not really "new" or a significant reordering of land use plans or priorities. Yet, a Type I Action review was selected as providing the most comprehensive look at the plan, including the two areas where most significant changes have occurred: (1) the promotion and advancement of agricultural goals; and (2) the reordering of developmental priorities using new zoning and land use management techniques, encouraging development where infrastructure already exists, and proposing integrated community areas

with complete streets and multiple forms of interconnectivity. Overall, there are literally hundreds of changes, including correcting typographical errors and cross-references, but for purposes of environmental analysis these issues, as well as the removal of redundancies, paragraph or heading re-numberings, updated or new definitions, relocated textual references, and updated census and factual data shall be discounted, except where clearly relevant, as such changes are individually and cumulatively not likely to produce any negative environmental impacts.

Instead, changes that have the potential to trigger land use issues that affect Part 2 analyses will be the potential impacts that are the focus of this examination under SEQRA, as partly summarized in this Findings Statement per 6 NYCRR Part 617 and ECL Article 8. Thus, consistent with § 617.7(c), speculative future impacts are not given great weight in this analysis. As well, impacts that are designed to be analyzed as site or project specific impacts, such as air quality, are not a special focus. Nor is any meaningful weight given to other changes that were or could have been considered or included, as this review is focused on the Comprehensive Plan as written. The Comprehensive Plan is not a law or a binding statement or restatement of political or social goals; it is a guideline, a roadmap that helps identify how to achieve a certain future vision in recognition that change and development are constant pressures upon any community.

Thus, objections and concerns about matters that could also be changed will not be re-considered at this time, and the focus will rightly remain upon the potential environmental impacts of this plan. Thus, while there are things that any given individual or group may believe is good or bad, or right or wrong, this review is not focused on critiques but impacts--mainly in recognition that this plan is not perfect, will grow, and is but a snapshot in time of a shared community plan and vision that seeks to balance all such competing views and goals into one document. This review is then an impact analysis of such plan, and not an indictment of what is not included or could or should be there (or not be there, etc.).

Thus, in respect of this analysis the process of the Town included, among other things, the following: (i) the development by the Planning and Town Boards of a subject matter list of items for land use and the Comp. Plan that needed attention; (ii) the creation of a special committees and surveys, and consideration of their recommendations in results; (iii) input from County Planners and consulted professional planners and landscape architects to provide area-specific input; (v) input from various town and regional constituencies, and significant input and review from the public; (vi) public meetings, public information sessions, and a public hearings; (vii) a formal referral by such committee to the Town Board; (viii) work for over 12 months at several public meetings by the Planning Board, in each case subject to public input;(ix) a public hearing held by the Planning Board upon September 24, 2020; (x) and the Planning Board held a further public meetings to review and respond to all comments (by category); and (xi) the matter was formally referred to the Town Board and the Plan unanimously recommended by the Planning Board on November 11, 2020; and (xii) the Town Board duly noticed and held its formal public hearing on the plan upon December 10, 2020, allowing for public comment and further discussion as to the final form of this plan; and (xiii) the Planning Board and Town Board duly considered and implemented 239 reviews and recommendations of the County and did further conduct an environmental review under SEQRA to assess environmental issues and impacts, most or all of which are deemed positive overall impacts that will reduce the number and severity of actual and potential negative environmental impacts that could otherwise arise if no comprehensive plan and regulatory tools were in place to try to guide and temper development.

Further, and as noted by Environmental Conservation Law Article 8 and 6 NYCRR Part 617, an environmental review should take into account many factors, including: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the

potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and local needs and goals; and (vii) whether any known objections to the project relate to any of the identified potential impacts. Therefore, in this review the actual historical land development patterns will be weighted and deemed more reliable relative to potential impacts than mere speculation as to the potential future impacts arising from allegations of unchecked growth. Yet, the risk of growth and the conformance of these amendments to this updated Comprehensive Plan will still be weighed given the potential for impacts as identified and discussed in FEAF Part 2. Towards this end, it is noted that the environmental protection of open areas, agriculture, steep slopes, riparian, littoral and wetland areas, and other natural resources have been materially enhanced throughout this plan, from direct goals and recommendations to indirect effects, like zoning, overlay districting, smart streets, nodal development, and meeting County and State smart growth initiatives, etc.

Based thereupon, and in light of all identified impacts and matters and the attached summary outlining how the Comp. Plan addressed the key areas of the FEAF Parts 2 and 3, and as none of the matters listed in Part 2, or as are or were deemed to be or become moderate or significant actual or potential impacts as would cause a positive declaration to arise in relation to the consideration or adoption of this updated Comprehensive Plan, **a negative declaration is thus declared and ordered prepared.**

Attachment 1:

Summary Addressing Environmental Impacts

Impact on Land: The 2020 Town of Caroline Comprehensive Plan (hereinafter called "the Plan") addresses the need for future planning and development policies to minimize impacts on the land, especially in regard to protecting open space and agricultural lands. Among other recommendations, the Plan calls for regulations to promote livable communities, where residential development is concentrated in or near the hamlets, protect Prime Agricultural Lands, and discourage sprawl.

Impact on Geological Features: The Natural Resources chapter of the Plan calls attention to the 18 Unique Natural Areas in Caroline, recognized by their outstanding geological and biological features. The Plan also calls attention to Caroline's limited Prime Agricultural Lands and expresses the Town's vision to protect these lands because of their value as a key natural resource based on their intrinsic geological properties.

Impact on Surface Water: The Plan highlights the importance of Caroline's surface waters for local municipal water supplies (Six Mile Creek for the City and Town of Ithaca) and recharge of aquifers that supply water for Caroline residences and business via private water wells. The Plan's call for wise development policies that build livable communities concentrated in the three hamlets, as well as responsible protection of natural resources, will work to minimize impacts on surface waters. The Plan endorses Caroline's history of proactively addressing potential flooding and erosion by enacting a stormwater management local law and implementing natural stream-stabilization measures.

Impact on Groundwater: The Plan calls attention to Caroline's freshwater streams and wetlands and notes the federal and state protections that currently exist to protect surface waters that contribute to recharge of groundwaters that provide the Town's water supply. Aquifers are highlighted in the Natural Resources Chapter as critical for the Town's drinking water supply.

Impact on Flooding: The Plan endorses the Town's policies and practices in mitigating stormwater impacts through local laws, proactive mitigation projects, and responsible siting of developments.

Impact on Energy, Air, Transportation: The Plan encourages adoption of energy conservation and renewable energy technologies. The Plan recognizes that wise development to reduce the need to travel long distances for products and services, encourage public transportation, and transition to renewable energy sources will reduce air pollution, especially greenhouse gas emissions, from fossil fuel extraction and combustion. Caroline has made notable progress in promoting adoption of renewable energy technologies by the Town itself (solar PV and geothermal heating and cooling at the Town Offices and

Historic Town Hall) and by the efforts of its volunteer committee, Energy Independent Caroline, to educate and support residents throughout the county in adoption of solar photovoltaics, heat pumps, and insulation improvements through the Solarize model of community outreach and installer engagement.

Impact on Plants and Animals: Protection of the natural environment was highly ranked as a priority by Caroline residents and is highlighted in the Plan. The 18 Unique Natural Areas in Caroline have been designated by the Tompkins County Environmental Management Council for their unique geological and biological features. The Plan articulates a high priority of protecting the environment upon which plants and animals depend.

Impact on Agricultural Resources: The Plan calls attention to the decline of dairy farming in Caroline and increasing growth pressures that pose a threat to our agricultural lands (see Agriculture, in Snapshot of Changes). The Plan calls for the adoption of development guidance tools that promote development in the three hamlets and the implementation of alternative farming approaches and incentives for preserving agricultural lands.

Impact on Aesthetic Resources: In addition to the overall rural character of Caroline, the Plan notes Unique Natural Areas and Scenic Views as important natural resources. The important theme of the Plan in encouraging wisely designed and situated development will promote the protection of the aesthetic resources of Caroline.

Impact on Historic and Archeological Resources: The Plan implicitly encourages attention to preserving the historical features and sensibilities of Caroline by preserving its rural character.

Impact on Open Space and Recreation: The rural nature of Caroline that is a consequence of its abundant open spaces will be protected by judicious planning measures to promote concentrated residential communities. Measures to promote agricultural livelihoods will be critical to maintaining the rural nature of Caroline. The Plan recognizes the value to the community of recreational resources and encourages development of trails.

Impact on Critical Environmental Areas: There are no Critical Environmental Areas in Caroline. The Plan call attention to the 18 Unique Natural Areas. Although they receive no regulatory protections, residents and developers can be made aware of these areas.

Impact on Noise, Odor, and Light: The Plan notes that “visual appearance, noise and light pollution, and air and water quality” need to be addressed in the development approval process.

Impact on Human Health: The Plan promotes policies that protect human health (See Impacts on Energy, Air, Transportation, and Plants & Animals).

Consistency with Community Plans: The 2020 Caroline Comprehensive Plan is in harmony with the 2006 Caroline Comprehensive Plan: the “20-year Vision” of the 2006 Plan was retained in its entirety. The Plans principles and policies are consistent with existing community plans of neighboring towns and Tompkins County (2015 Comprehensive Plan). The Tompkins County Plan, as in Caroline’s Plan, envisions for rural areas “a working landscape of farms and forests providing products and jobs that support a strong rural economy...”

Consistency with Community Character: Development of the Plan was based on six years of careful work by Caroline’s Planning Board to elicit feedback to ensure full opportunity for community input. This included three initial Community Cafes, followed by a survey mailed to every resident, and three ensuing community meetings to solicit input on particular focus areas. The Plan explicitly recognizes the diversity of cultures and philosophies in the community, as well as the rural and residential areas of the town. The 2020 Plan is in harmony with the 2006 Plan, strengthening the conclusion that the Plan is consistent with Caroline’s community character.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 50 of 2021. Resolution of a negative declaration of environmental impact from the updated 2020 Comprehensive Plan.

A motion made by Supervisor Witmer and seconded by Councilmember Snow

Whereas, the [FINDINGS STATEMENT](#) of the Town Board recommends a negative declaration of environmental impact of the updated Town of Caroline Comprehensive Plan; and

Whereas, Tompkins County's 239 Review of the updated Plan finds that it is consistent with many of the principles and policies of the Tompkins County Comprehensive Plan; therefore be it

Resolved, the Caroline Town Board hereby determines a negative declaration of environmental impact from the updated Town of Caroline Comprehensive Plan.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 51 of 2021. Adoption of the 2020 Comprehensive Plan

A motion made by Councilmember Murray and seconded by Councilmember Fracchia

Whereas, the Town's updated Comprehensive Plan has been rigorously developed with community input and has been carefully reviewed and revised by the Planning Board, Town Board, and Tompkins County Department of Planning and Sustainability; and

Whereas, the Caroline Town Board has made a negative declaration of environmental impact of the updated Plan; therefore be it

Resolved, the Caroline Town Board hereby adopts the 2020 Comprehensive Plan; and further be it

Resolved, the Town Board extends its sincere appreciation to Planning Board members and other engaged residents of the Town for their energy and commitment to protecting and enhancing the qualities of Caroline that we all hold dear.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 52 of 2021. Adoption of the Flood Damage Prevention Law

A motion made by Supervisor Witmer and seconded by Councilmember Snow

Resolved, the Caroline Town Board adopts the Flood Damage Prevention Local Law #1 of 2021 as follows:

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

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

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

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

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

1.3 OBJECTIVES - The objectives of this local law are:

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

SECTION 2.0 DEFINITIONS

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

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

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

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

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

floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

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

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

"Building" see "Structure"

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

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

“Critical Facilities” means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, and/or water-reactive materials;
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury by a flood;
- (3) Police stations, fire stations, highway facilities (including roadway construction and winter ice-control materials), vehicle and equipment storage facilities, and emergency operation 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.
- (5) Warehouses.
- (6) Automobile repair and service facilities and junk yards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

"Recreational vehicle" means a vehicle which is:

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

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

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

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

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

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES - This local law shall apply to all areas of special flood hazard within the Town of Caroline.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD - The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

Flood Insurance Rate Map No.360843 C Maps 01-07, with effective date of June 19, 1985.
The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Rate Maps are on file at: Caroline Town Clerk's Office.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS - This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention. In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

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

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

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

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR - The Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE - A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and 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 Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES - All applications for a floodplain development permit shall be accompanied by an application fee established by a resolution of the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Caroline for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT - The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood-proofed. Upon completion of the flood-proofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility flood-proofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR - Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW - The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

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

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood-proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood-proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by

same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS - The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

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

4.4-7 CERTIFICATE OF COMPLIANCE

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

4.4-8 INFORMATION TO BE RETAINED - The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Flood-proofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0

CONSTRUCTION STANDARDS

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

5.1-1 SUBDIVISION PROPOSALS - The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

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

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Caroline 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 Caroline 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 Caroline for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Caroline 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 Caroline 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 Caroline for all costs related to the final map revisions.
- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Caroline shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

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

5.2-1 ANCHORING - New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;
 - (iii) openings not less than three inches in any direction.

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

5.2-3 UTILITIES

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

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

5.2-4 STORAGE TANKS

- Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- Above-ground tanks shall be:
 - (i) anchored to prevent floatation, collapse or lateral movement during conditions of the base flood or;
 - (ii) installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION - The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

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

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

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

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

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

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet (at least three feet if no depth number is specified).

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

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

5.7 CRITICAL FACILITIES

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

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Review Board as established by the Town Board of Town of Caroline shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Review Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Review Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Review Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

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

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(ii) such construction below the base flood level increases risks to life and property.

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

This local law shall take effect following its adoption.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Planning Discussion with Joan Jurkowich, Tompkins County Planning & Sustainability

Joan discussed the introduction of zoning in a community. She has worked on many different zoning ordinances, some with many guidelines, others with just a few. She emphasized that zoning doesn't have to be complex and that a basic zoning ordinance can be redefined in time. Because there is a Moratorium in place at this time, she recommended that a Zoning Commission be formed and that the concerns of the community be addressed first. The town's Planning Board is often named as the zoning commission. The Board will discuss this further at the next town meeting.

Community Choice Aggregation Discussion with Terry Carroll, Cooperative Extension

Terry described CCA as a bulk-buying club for energy supply. Energy delivery services are still provided by NYSEG but the energy supply comes from different vendors. CCA allows you to choose source of energy supply for the community. Municipalities must pass a local law to engage in this. This gives you the ability as a Municipality to purchase 100% renewable energy for the community. Residents will have the option to opt-out if they choose to. There are current discussions with other Tompkins County Municipalities regarding CCA. He recommends that the town engage and educate the community as much as possible about their options. Councilmember Murray shared concerns about the timing of this and asked if there is a deadline. The town has time to research this further and information can be found at www.southerntiercec.org

Introduction of Local Law to increase Planning Board to seven members.

TOWN OF CAROLINE

LOCAL LAW NUMBER 2 of 2021

Amendment of Town of Caroline Local Law #1 of 2002 to Increase Membership on the Town's Planning Board to Seven Persons

The Town Board of The Town of Caroline, New York, pursuant to a Resolution dated January 13, 2021 does hereby pass a local law as follows:

Section 1. Authority

This Local Law is adopted pursuant to the authority granted in the New York State Town Law, Section 271 of Town Law (Planning board, creation, appointment).

Section 2. Title

This Local Law shall be known as "Local Law Number XX of 2021", titled "Amendment of Town of Caroline Local Law #1 of 2002 to Increase Membership on the Town of Caroline Planning Board to Seven Persons."

Section 3. Purpose and Scope

The Town wishes to increase total membership on the Town’s Planning Board from five to seven persons to enable additional participation by residents in Planning Board initiatives. Otherwise, all other provisions of Local Law #1 of 2002 shall remain in effect.

Section 4. This local law shall take effect following its adoption.

Resolution 53 of 2021. Set Public Hearing on proposed Local Law to increase Planning Board members to seven members

A motion made by Supervisor Witmer and seconded by Councilmember Murray to schedule a Public Hearing for the proposed Local Law #2 of 2021 to amend the Town of Caroline Local Law #1 of 2002 has been set for February 2, 2021 beginning at 7:00 p.m.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 54 of 2021. Caroline Town Board Meeting Guidelines.

A motion made by Supervisor Witmer and seconded by Councilmember Murray Resolved, The Caroline Town Board adopts the meeting guidelines as follows:

Meeting Decorum and Responsibilities:

1. We are all equals at the table and are elected to serve the Town. We must at all times strive to make our meetings cordial and honorable. Recognizing our fallibility as humans, we acknowledge that adherence to meeting rules of procedure will facilitate a constructive meeting atmosphere and process. We therefore commit to the principles and practices of Robert’s Rules of Order.
2. Our communications with each other and the public must acknowledge the dignity or worth of other persons and points of view.
3. Each board member shall have an opportunity to speak once before speaking a second time; the presider (typically the Supervisor) shall guide this if needed. Adherence to this process will promote equal participation by members, a thoughtful pace that promotes well considered dialogue and curtails emotional reactions and mitigates against interruption.

Agenda Meeting:

1. Committee Reports.
2. Introduction of resolutions to be considered at the Business Meeting
3. Typical Public Hearing venue
4. Resolutions may be brought forward for matters considered to be time-sensitive and should be included on the meeting agenda if not pro-forma

Setting of agenda items for the Business Meeting. The Supervisor shall establish the order of the Business Meeting Agenda

Business Meeting:

1. Follow established agenda (items may be added)
2. Reports from department heads and County Legislator.
3. Opportunity for Committee Report updates
4. Resolutions taken in order and must be moved and seconded prior to discussion

Between Meetings:

1. By Thursday after the Agenda Meeting, the Supervisor shall post the agenda and resolutions on the website and send to the Webmaster for distribution on the town listserve. (abstract approvals, transfers, and budget amendments are typically added later, as well as pro-forma actions like approval of annual contracts)
2. The Clerk shall prepare and compile the Vouchers for payment of bills at the Business Meeting
3. Three Town Board Members shall inspect and sign-off on each voucher for accuracy and legitimacy
4. The Supervisor shall prepare the monthly statement of town accounts and prepare the budget amendment and transfer resolutions

General:

1. Opportunity for the public to address the Town Board during Privilege-of-the-Floor is at the discretion of the Board and may be provided at any meeting. Expectations are provided by the Town's Privilege-of-the-Floor Policy (Organizational Resolution #2).
2. To the extent possible, authors of resolutions shall distribute their draft resolution for review and feedback to the full board prior to public posting of the meeting's agenda.
3. Resolutions presented to the public are products of the town board's internal deliberations, intended for review and feedback from the public and further discussion by the board during public session.
4. If prepared, review of meeting minutes shall occur at the next meeting of the Town Board to facilitate the review process, respect and assist the Clerk's management of meeting records, and enhance provision of information about Town Board activities and initiatives to the public.
5. Public Hearings and Informational Presentations may be scheduled for either monthly meeting; items of business will typically be scheduled for the Business Meeting but may be scheduled for the Agenda Meeting if considered urgent.
6. Submission of written committee and department head reports prior to the meeting is encouraged in order to facilitate discussion.

And Further be it Resolved, these Town Board Meeting Guidelines shall henceforth be incorporated into the Town's Organizational Resolution #1, *Town Board Meeting Rules of Procedure*.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 55 of 2021. Approve 2021 Agreement with Tompkins County Soil & Water Cons. District for stormwater plan review services

A motion made by Supervisor Witmer and seconded by Councilmember Snow
Resolved, the Caroline Town Board hereby approves the 2021 Agreement with Tompkins County Soil & Water Conservation District for stormwater plan review services.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 56 of 2021. 2020 Budget Amendment

A motion made by Supervisor Witmer and seconded by Councilmember Snow
Resolved, the Caroline Town Board hereby approves of a 2020 budget amendment as follows:
\$18,000 Increase DA2665 Sales of Equipment
Increase DA5130.2 Highway Equipment Exp.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 57 2021. 2020 Encumbrance

A motion made by Supervisor Witmer and seconded by Councilmember Fracchia

Resolved, the Caroline Town Board hereby makes a 2020 Encumbrance as follows:

\$18,000 DA5130.2 for purchase of used mower from Tompkins County

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 58 of 2021. Notice of Permissive Referendum for expenditure of funds from Reserve Fund DA233 Highway Equipment:

A motion made by Supervisor Witmer and seconded by Councilmember Murray

Whereas, Reserve Fund DA233 (Highway Equipment Reserve) was established to provide funds for purchase of highway equipment; and

Whereas, the Caroline Town Board approved purchase of two snow plow trucks on December 28, 2020; therefore

Be it Resolved, the Caroline Town Board hereby authorizes the transfer of \$201,436.72 from DA233 to Expenditure Account DA5130.2 Highway Equipment Expenditures for the purchase of two snow plows. The establishment of the transfer becomes official upon completion of permissive referendum.

This resolution is subject to permissive referendum pursuant to the Local Finance Law and Town Law Article 7, and the funds so identified will be so expended for such reason unless a petition signed by the required number of qualified electors of the Town of Caroline is received on or before 9:00 A.M. (30 days after publication date), 2021, protesting such resolution and requesting a referendum thereupon.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 59 of 2021. General Fund, Highway Fund and Streetlighting Fund Abstracts

A motion was made by Supervisor Witmer and seconded by Councilmember Snow

Resolved the Caroline Town Board approves payment of vouchers for bills in the amounts of \$67,344.07 for the General Fund, \$61,427.10 for the Highway Fund, \$283.01 for the Streetlight Fund, and Fire Fund \$6080.17

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Resolution 60 of 2021. Approval of Minutes

A motion was made by Supervisor Witmer and seconded by Councilmember Snow to approve the Agenda Minutes of January 5, 2021 as submitted by Town Clerk, Jessica Townsend

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye

Discussion

Caroline Library - Discussion regarding imposing a 30-minute limit for patrons. The Town Board will discuss reopening at the next board meeting.

Councilmember Murray – Recommended that the Planning Board be designated as the zoning commission. He described the need to pursue this as soon as possible while under the current Moratorium. After some discussion, it was agreed that the Planning Board will discuss this at the meeting tomorrow night and the Board may call for a Special Meeting next week, if needed.

A motion to adjourn by Supervisor Witmer and seconded by Councilmember Murray and carried unanimously at 9:18 p.m.

---Adjourn---

Respectfully Submitted,

Jessica L. Townsend, Town Clerk