

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Text of the law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Little Falls

Local Law No. 4 **of the year 1991.**

A local law to provide amendment to Local Law #2-88, Flood Damage Prevention.

Be it enacted by the Town Board **of the**
Town of Little Falls **as follows:**

(AMENDMENT TO LOCAL LAW #2-88)

Section 1. That section 3.2 of Local Law No. 2 of 1988 be amended to read as follows:

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard have been identified by Federal Emergency Management Agency on Flood insurance Rate Map No. 3603110001B, dated March 28, 1980.

The above document is hereby adopted and declared to be part of this Local Law and is filed at Flint Ave Extension, Little Falls, NY 13365.

Section 2. That Local Law No 2 of 1988 be amended to provide for a variance procedure to hear and decide appeals and requests for variances from the requirements of this local law, said section to be entitled section 6.0 and shall read as follows:

Section 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

1. The Flood Damage Appeals Board as established by Town Board of the town of Little Falls shall hear and decide appeals and requests for variances from the requirements of this local law.
2. The Flood Damage Appeals 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 this decision of the Flood Damage Appeals Board may appeal such decision to the supreme court pursuant to Article 78 of the Civil Practice Law and Rules.
4. In passing such applications, the Flood Damage Appeals 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 flood plain 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 period 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 Flood Damage Appeals 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 increased beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction; rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.

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;

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 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:

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 level below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

Section 7

7.0 This local law takes effect on filing with New York State Department of State.

Enacted: December 30, 1991

Filed by the state on 1/13/1992