LIPM Minutes 2008-02-19
Attachment #3

February 18, 2008

TO: Ms. Emily Jacobs, LI PB Chair

FROM: Doug Webster

RE: Floodplain standards for Spar Property
Long Island

As you requested, I have drafted a list of Floodplain standards that appear to be applicable for the Spar property on Long Island.

-**State Statute:** Title 30-A, Section 4404, subsection 13 (Subdivision Statute Floodplain standards). This section of State law requires that the location of the flood elevation and flood hazard boundaries be shown on the subdivision plan. This portion of State law is in the common planning reference entitled "Planning and Land Use Laws" and is on page 117 in the 2008 version, page 109 in the 2006 version.

-**Town Subdivision standards:** Article 11, Section F, subsection 1.i (submission requirements on page 78) requires that the subdivision plat designate flood hazard areas.

-**Town Subdivision standards:** Article 11, Section G, subsection 1.m (review criteria on page 82) requires that the plan show the location of the 100-year flood and the flood hazard boundaries and that a note be on the plan indicating that all structures be constructed at least one foot above the base flood elevation.

-**Town Site Plan Review standards:** Article 10, Section 10.4, subsection B.13 (page 65) requires the applicant to submit documentation regarding the suitability of the proposed project for floodplain management regulations.

-**Town Floodplain Standards:** Article 12 on page 91. This Article of the Town's Land Use Ordinance contains the specific standards for construction in the Floodplain. A Flood Hazard Development Permit must be issued by the CEO, after review by the Planning Board, before construction can occur in a Floodplain. As I recall, at least a portion of the property presently before the Board is in a V or "velocity" floodzone which has rather restrictive standards. These standards are contained in Section IV, subsection K on page 97. While I am aware that there is an existing structure, given the nature of the proposed project, it seems likely that the threshold of "substantial improvement" (see page 105). If this is indeed the case, this means that the entire structure will be required to be brought up to current floodplain standards. This is specifically required in, again, Section IV, subsection K, sub 2 on page 97.

I trust this clarifies the applicable Floodplain standards. I encourage both the applicant and the Board to review the applicable standards and determine the implications of these Floodplain standards. Please feel free to contact me if there are further questions.