

******DRAFT******

PUBLIC HEARING UPON

LOCAL LAW #2 OF 2010

“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”.

December 2, 2010

Supervisor Galligan called the public hearing to order at 7:25 p.m. in the Town Hall.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
William B. Sipos, Councilman
Michael Creegan, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Dan Hogue, Highway Superintendent
Susan Hawvermale, Planning Board Chair
William D. Bavoso, Attorney for the Town

Supervisor Galligan explained again that this public hearing was left open from last month and tonight we have with us William Nechaman and Mark Lewis from the DEC, who are with the Flood Plain Management department. Mr. Nechaman gave a history of the flood insurance and flood plain program. In 1974 Forestburgh got a flood map that was very simple with no detail. FEMA rescinded those maps. In 2003 Congress passed a bill to enact map modernization across the nation. They tried to do a priority map within Sullivan County, that included Black Brook, the Neversink, the Bushkill and the Mongaup in 2007, and in 2009 the maps were presented. A series of meetings were held and no issues were raised. There was an appeal period, and no appeals were received and they are now going for finalization. Most communities participate in the flood program, even though they don't have maps at this point. The current requirement on the Town is that they should review the map and if there are areas in the flood plain, adopt legislation so that flood insurance may be purchased. With these maps you don't have to review the entire map, just the areas in the narrow flood designation areas. Banks can require anyone to purchase flood insurance regardless of if they are located in a flood plain or not. If the Town Board does not adopt this legislation, no one will be able to purchase flood insurance regardless of where their property is.

At this time, Supervisor Galligan invited the public to speak on this matter.

Bob Stewart - I took a look at the flood plain map, and I am somewhat familiar with GIS. I expected when I came that I would see some sort of an overlay on a map to be able to locate my property. I was fortunate that the Highway Superintendent was there, and we together, kind of found my place, and kind of deduced, where my property is. Black Brook is in my backyard. The flood plain doesn't reach to my house, it may reach to the footing of my deck. But looking at those maps, finding my property was hard enough. When you ask the public to make a review, when you provide maps that are essentially, very difficult to read, and I have the expectations, and I am glad to see you outlined here, I came expecting to see evidence of the great GIS technology of the 90's and I didn't see it, and I am still confused. I built my house before the 1974 date you spoke of and I don't have flood insurance. But now that I am older, but selling and somebody else mortgaging the house could be a problem. This whole thing is writ with confusion and misinformation and poor presentation to the public. I am quite disappointed.

Mr. Nechaman responded that the maps that are online are just copies of the paper maps. The GIS map that is on the back table I printed out from our GIS data.

Mr. Stewart continued saying that we were invited by our Town Board to come and review and study these maps and the maps that were provided, were basically unusable.

Mr. Nachaman continued that there are a lot of little communities that don't have GIS capabilities. I will make it a point to reach out to the County Planning Department and see if we can make it available online through them.

Dan Hogue, Sr. – You said before that these maps aren't final. Mr. Nechaman responded that no map is ever final. The maps that the Town is deciding to adopt, are the ones that you saw, the ones that were released in 2009. Even if the Town doesn't adopt it, the State building code will still cover it for construction and the same standards will have to apply.

Dan Hogue, Jr. – I am the Highway Superintendent here and the best I can tell, and I know the Town pretty well, and I agree with Mr. Stewart, those maps are hard to read. It looks like the flood plain line is the high water mark from previous floods that we have had here in town. These maps aren't intended to, and don't, I believe, address things like dams, breaching and overall flooding. However, if the Town adopts this, anyone will be able to purchase flood insurance if they live below a dam. If they don't adopt them, then nobody can get the insurance.

Councilman Sipos – Would you be kind enough to explain the costs that will be incurred by the homeowners who wish to purchase flood insurance. Just to give everyone a general overview. Mr. Nechaman responded that the people outside of the flood plain, they are considered for a preferred risk policy, it is the cheapest policy that FEMA offers. For an example if they have a structure, that has a basement and they are out of the flood plain, the cheapest policy they could purchase is \$304.00 annually on a \$100,000.00 value. If it were a structure in the flood plain, that \$100,000.00 value would cost them \$850.00 a year. The deductible would be \$1,500.00.

Councilman Galligan – Can you tell from the map where the house are located? Mr. Nechaman replied yes, the map he printed out shows the houses. Councilman Galligan continued that he is a surveyor, and he sees this all the time, where houses are located in "Zone A". Mr. Nechaman replied that from what he saw on what he printed, there are a few homes on Valley Road, there are 4 houses that are just outside the zone.

Dan Hogue, Jr. – A few years ago, Supervisor Galligan and I attended a class that the County put on, and I remember something about where the flood originated, if it's your property or your neighbor's property, for example if your neighbor's pool breaks and floods your house, your homeowners insurance will cover it. Mr. Nechaman replied that you listen well, I gave that presentation. In order to file a flood insurance claim, the definition is an overland flood from any source that has to cover a minimum of two acres or a portion of two properties. To be eligible for a claim to the flood insurance policy.

Councilman Creegan – Just to be clear for everybody here, even if the Town Board disagrees with where you drew the line, you would not change that line, based upon our opinion. I just want everybody in the public to understand that. Mr. Nechaman answered that is correct, not at this point. However, if you zoom in very close and find that a line that really doesn't match your topography, if you can generate more accurate topography, that can be submitted for a map amendment.

Councilman Galligan – Doesn't the Building Inspector have a lot of discretion if someone applies for a permit and they are marginally in or out. Mr. Nechaman stated that the building inspector would make that determination. With the old maps, it was hard to do. With some of the newer maps, it's easier, but if it is still a problem, I would have the developer bring in a survey to help figure it out.

Councilman Creegan – Have you ever seen where someone purchased flood insurance prior to a determination saying that the flood maps are ok and we agree with them, is it typically cheaper than if you buy it after the fact? Mr. Nechaman replied that used to be the case, but FEMA changed the regulations on that. The way it is now, and I'm pretty sure it won't affect anyone in Forestburgh, because no one is in the flood plain, If you had a situation where you had a larger flood plain than what existed before, there is now a two year window to purchase insurance.

Councilman Raponi – Mr. Stewart brought up the maps are you going to make it so the maps are clearer and better to see? Mr. Nechaman stated he will work with the County to use their GIS so that people can get a much clearer image. Delaware County did that so that if you go to their website, you can put in your address and find your property.

Supervisor Galligan – Whether or not the Town adopts these maps, and we have a flood of monumental proportion, like we had a few years ago, and we have to declare an emergency, will it have an effect on our ability to get funding from FEMA. Mr. Nechaman responded that it could. If there was a federal declaration of a disaster you wouldn't be able to get any federal aid for any structures located in a flood plain, aid for roads and bridges would still continue.

Councilman Galligan – There really is no down side to adopting these regulations are there? Mr. Nechaman replied he didn't believe so, because the state building code takes over and you have to abide by the building code and we are doing classes to train the building inspectors. Especially with smaller towns that don't have a lot of development, we understand that it's a complex program and that is why we are here to assist smaller communities. We have no regulatory authority in this program.

Mary Ann Toomey – Are you going to leave the smaller map and the larger map that is in the back? Yes.

The Board thanked Mr. Nechaman and Mr. Lewis for their attendance and help.

MOTION by Councilman Sipos, seconded by Councilman Creegan to close the public hearing. Vote: 5 ayes – 0 nays. Motion carried.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk