

# Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

Established 1789

Zoning Board of Appeals  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424

**PROPERTY OWNER:** Joel M. & Nancy E. Reiser  
**PROPERTY ADDRESS:** 5265 Menteth Drive  
**TAX MAP NUMBER:** 140.11-1-25.000  
**ZONING DISTRICT:** RLD

Board Members,

Please see below for determinations in relational to the proposed single-family residential home development at 5265 Menteth Drive. Also for reference, I have supplied the associated federally mandated Town Code and Federal Policy (NFIP) in regards to development within areas of Special Flood Hazard.

Per FEMA National Flood Insurance Policy 59.24, failure for a community to adequately enforce the regulations can result in the suspension of a community's eligibility to obtain federal floodplain insurance and federal disaster funding.

**Town Code: §115-14 B.** *"Encroachments.(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:*

*(a) 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"*

**Reference: FEMA Flood Insurance Study – March 3, 1997 (NGVD 1929)**

**TABLE 2 - SUMMARY OF STILLWATER ELEVATIONS**

<u>FLOODING SOURCE AND LOCATION</u>	<u>ELEVATION (feet NGVD)</u>			
	<u>10-YEAR</u>	<u>50-YEAR</u>	<u>100-YEAR</u>	<u>500-YEAR</u>
Canandaigua Lake	690.0	691.1	691.7	693.3

**Determination:**

The elevation of the Special Flood Hazard Area 'AE' (Canandaigua Lake Stillwater 1% Flood Elevation - 100-year) is 691.7' AMSL NGVD 1929 as detailed in the FEMA study of March 1997. There is no regulated floodway associated with Menteth Creek.

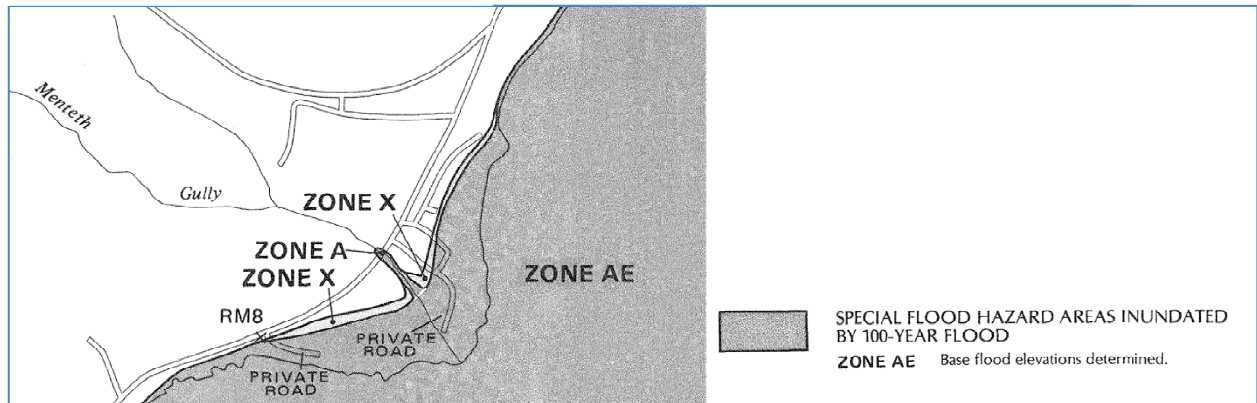
The proposed development will not increase the Canandaigua Lake Stillwater Zone 'AE' base flood elevation by more than one foot. The quantity of fill required to raise the lake level of Canandaigua Lake one foot is well in excess of the fill associated with this proposed project.

**Town Code: §115-16 Residential Structures**

*“A. Elevation. The following standards, in addition to the standards in § 115-14, Subsection A, Subdivision proposals, and Subsection B, Encroachments, and § 115-15, Standards for all structures, apply to structures located in areas of special flood hazard as indicated:*

*(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 at least two feet above the base flood level.*

**Reference: FEMA Flood Insurance Rate Map – Community ‘360598’ – Panel Number ‘0025 C’ - Special Flood Hazard Area ‘AE’ – March 3, 1997 (NGVD 1929)**



**Reference: Ontario County On-line Resources ‘OnCOR’ – Community ‘360598’ – Panel Number ‘0025 C’ - Special Flood Hazard Area ‘AE’ – March 3, 1997 (NGVD 1929) – Pictometry Image 2014**



**Determination:**

The proposed home is within Special Flood Hazard Zone 'AE' with a defined elevation of 691.7'AMSL NGVD 1929. Per submitted site plan, the proposed first floor finished floor elevation is at 694.0'AMSL. Proposed residential dwelling conforms to Town Code.

In addition, any 'substantial improvement' of any of the existing homes within the SFHA associated with Canandaigua Lake, would require the applicant to raise the existing structure a minimum of two feet above the base flood elevation.

**Town Code: §115-13 D. Construction stage.**

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

**Determination:**

Applicant has submitted the required Floodplain Development Permit application.

As the proposed development conforms to the requirements of Town Code and Federal Policy, the floodplain development permit will be issued (upon Planning Board Approval, with any other associated conditions of approval being met).

Upon placement of the lowest floor, the applicant will be required to provide a certificate, prepared by a licensed land surveyor, detailing the as-built elevation of the lowest floor.

Upon project completion, the applicant will be required to apply to FEMA for a Letter of Map Revision based on Fill (LOMR-F), prepared by a licensed land surveyor. (MT-1 Application)

**Town Code: §115-13** "Duties of the Local Administrator shall include, but not be limited to the following:" A. (3) – "Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property"

**Reference: FEMA Flood Insurance Study – March 3, 1997**

**2.3 Principal Flood Problems**

Flooding problems in the Town of Canandaigua occur mainly along the shoreline of Canandaigua Lake. Flooding can occur at any time of the year, but generally occurs in the spring as a result of the combination of rains and snowmelt. Flood damages to cottages adjacent to Canandaigua Lake generally result from flash floods on the numerous small tributaries to the lake. Occasionally, damages are also incurred in the late winter and spring from high winds that push ice floes above the shoreline (Reference 3).

**Development Determination:**

Adjacent structures and properties to the proposed development lie within a Special Flood Hazard Area. SFHA 'AE'

The elevations of the first floor levels of adjacent homes are below the Canandaigua Lake Stillwater 1% Flood Elevation - (100-year – 691.7'AMSL NGVD 1929) as detailed in the FEMA study of March 1997.

Much of the adjacent parcels are below the Canandaigua Lake Stillwater 10% Flood Elevation - (10-year – 690.0'AMSL NGVD 1929) as detailed in the FEMA study of March 1997.

The proposed fill within the subject parcel is as required by code to elevate the proposed dwelling out of the Special Flood Hazard Area (SFHA).

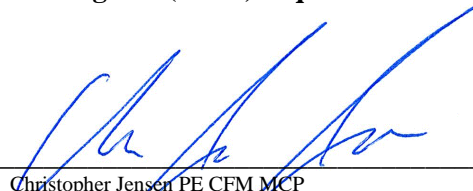
The FEMA Flood Insurance Study (Originally created in 1977, updated in 1997) identifies flood stage lake levels and wind related ice floes as the principle flood problems. Historical flooding, as referenced in communications (692.11'/June 1972 & 690.25'/May 2011) inundated the homes that are within the SFHA, and future 1% rain/flooding events will do so again.

Flooding of the homes/parcels along the shoreline of Canandaigua Lake are due to the fact the dwellings were constructed below the flood levels of Canandaigua Lake, prior to the flood studies and associated adoption of Town Codes and Federal Policy.

Physical damage to adjacent parcels/dwellings will not be a result of the applicant's proposed development, as the proposed fill will not raise the levels of Canandaigua Lake beyond the code mandated one foot maximum.

The proposed development within the SFHA conforms to the Town Code and associated Federal Insurance Program (NFIP) requirements.

BY: \_\_\_\_\_

  
Christopher Jensen PE CFM MCP  
Floodplain Administrator – Certified Floodplain Manager  
Code Enforcement Officer – Zoning Officer

DATE: February 7, 2017

cc: Binder  
Property File  
Town Clerk  
The Brocklebank Firm – Derek Brocklebank ESQ.