

Town of Canandaigua

APPLICATION #: _____

PAGE 1 OF 4

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign)

1. No work may start until a permit is issued. This includes grading.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit is invalid if no work is commenced within six months of issuance, and expires 2 years from date of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Floodplain Administrator or his/her representative to make reasonable inspections required to verify compliance.

I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICANT ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

APPLICANT'S SIGNATURE: [Signature] DATE: 10-10-2019

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

Applicant: Richard & Alyse Brovitz

Address: 3407 So. Ocean Blvd. -8C

City, State, Zip Code: Highland Beach, FL 33487 Telephone #: (585) 330-3737

Builder: _____

Address: _____

City, State, Zip Code: _____ Telephone #: _____

Engineer: Costich Engineering, Land Surveying & Landscape Architecture, D.P.C.

Address: 217 Lake Avenue

City, State, Zip Code: Rochester, NY 14608 Telephone #: 585-458-3020

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A map attached to this application, and a sketch showing the project layout would be helpful.

Project Location: 5265 Menteth Drive, Canandaigua, NY 14424

-See attached site plan

-See attached SFHA permit determination dated 02/07/2017

DESCRIPTION OF WORK: (Check all applicable boxes)**A. STRUCTURAL DEVELOPMENT:**

<u>ACTIVITY</u>	<u>STRUCTURE TYPE</u>
<input checked="" type="checkbox"/> New structure	<input checked="" type="checkbox"/> Residential (1-4 family)
<input type="checkbox"/> Addition	<input type="checkbox"/> Residential (More than 1 family)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Non-residential (Dry Floodproofing? <input type="checkbox"/> Yes)
<input type="checkbox"/> Relocation	<input type="checkbox"/> Combined Use (Residential & Commercial)
<input checked="" type="checkbox"/> Demolition	<input type="checkbox"/> Manufactured Home (In a manufactured home park? <input type="checkbox"/> Yes)
<input checked="" type="checkbox"/> Replacement	<input type="checkbox"/> Accessory Structure

B. OTHER DEVELOPMENT ACTIVITIES:

- ☐ Fill ☐ Mining ☐ Drilling ☒ Grading
- ☐ Excavation (Except for Structural Development checked above)
- ☐ Watercourse Alteration (Including dredging and channel modifications)
- ☐ Drainage Improvements (Including culvert work), Stormwater Control Structures or Ponds
- ☐ Road, Street or Bridge Construction
- ☐ Subdivision (New or Expansion) ☐ Manufactured Home, Recreational Vehicle or Trailer Park
- ☐ Individual Water or Sewer System
- ☐ Other (please specify): _____

C. ESTIMATED COST OF PROJECT: \$ 1,200,000

After completion of SECTION 2, Applicant should submit form to Development Office for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL FLOODPLAIN ADMINISTRATOR)

The proposed development is located in the Town / Village / City of _____ on
FIRM Panel No. _____, Dated _____.

- ☐ The proposed development site is reasonably safe from flooding (in Zone B, C or X).
(notify the applicant that NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED)

- ☐ The proposed development is located partially or completely in a "special flood hazard area."

Base flood elevation at the site is: _____ ft. ☐ NGVD 1929 ☐ NAVD 1988 ☐ other datum
☐ unavailable describe: _____

Required flood protection level is: _____ ft. ☐ NGVD 1929 ☐ NAVD 1988 ☐ other datum
describe: _____
_____ ft. above highest adjacent grade

- ☐ The proposed development is located in a regulatory floodway.
FBFM or FIRM Panel No. _____ Date: _____

- ☐ See Section 4 for additional instructions for development that is or may be in a flood prone area.

SIGNED (by LOCAL ADMINISTRATOR): _____ Date: _____

SECTION 4: ADDITIONAL INFORMATION REQUIRED (to be completed by LOCAL FLOODPLAIN ADMINISTRATOR)

The applicant must submit the documents checked below before the application can be processed:

☐ A **site plan** showing the location of all existing structures, water bodies, adjacent roads, lot dimensions, flood zone boundaries, and proposed development.

☐ **Development plans and specifications**, drawn to scale, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the flood protection level, details of floodproofing of utilities located below the flood protection level, and details of flood vents for enclosures below the flood protection level.

Other: _____

☐ If flood vents for enclosures below the flood protection level do not meet the minimum design criteria specified in the Local Law for Flood Damage Prevention, provide certification by a Professional Engineer or architect specifying that the proposed design will provide for equalization of hydrostatic flood forces.

☐ Certification by a Professional Engineer or architect that proposed utilities located below the flood protection level are resistant to flood damage.

☐ **Elevation certificate** for proposed building.

☐ Subdivision or other development plans. If the subdivision or development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide base flood elevations determined using detailed methods if that are not otherwise available.

☐ Plans showing the watercourse location, proposed relocations, technical evaluation by a licensed professional engineer demonstrating that the conveyance capacity will be maintained, application materials for FIRM revision, and maintenance plan for the relocated portion of the watercourse.

☐ **Topographic information** showing existing and proposed grades and the location of all proposed fill.

☐ Top of new fill elevation: _____ ft. ☐ NGVD 1929 ☐ NAVD 1988 ☐ other datum describe: _____

☐ Dry floodproofing protection level (non-residential only): _____ ft.
☐ NGVD 1929 ☐ NAVD 1988 ☐ other datum (describe): _____

For dry floodproofing structures, applicant must attach a FEMA Floodproofing Certificate signed by a registered engineer or architect.

☐ Certification from a Professional Engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the base flood. A copy of all data and calculations supporting this finding must also be submitted.

☐ Technical analysis by a Professional Engineer showing that the proposed development will not result in physical damage to any other property.

☐ Other: _____

NOTE: Any work performed prior to submittal of the above information and completion of Section 5 is at the risk of the Applicant.

SECTION 5: PERMIT DETERMINATION (To be completed by LOCAL FLOODPLAIN ADMINISTRATOR)

I have determined that the proposed activity: A. ☐ Is B. ☐ Is not
in conformance with Local Law _____ of _____. This permit is hereby issued subject to the
conditions attached to and made part of this permit.

SIGNED: _____ DATE: _____

If BOX A is checked, the Local Floodplain Administrator may issue a Development Permit upon payment
of designated fee.

If BOX B is checked, the Local Floodplain Administrator will provide a written summary of deficiencies.
Applicant may revise and resubmit an application to the Local Floodplain Administrator or may request a
hearing from the Board of Appeals.

APPEALS: Submitted to Board of Appeals? ☐ Yes ☐ No

Hearing date: _____

Board decision? APPROVED DENIED

Conditions: _____

SECTION 6: AS-BUILT ELEVATIONS AND CERTIFICATIONS (To be submitted by
APPLICANT before Certificate of Compliance is issued)

Certification of as-built elevations must be provided for project structures. Attach an Elevation Certificate
or Floodproofing Certificate completed by an authorized professional or official and complete 1 or 2 below.

1. Actual (as-built) elevation of the top of the lowest floor, including basement, is: _____ ft.
☐ NGVD 1929 ☐ NAVD 1988 ☐ other datum (describe): _____
or _____ ft. above highest adjacent grade. **Attach Elevation Certificate, FEMA Form 81-31.**
2. Actual (as-built) elevation of dry floodproofing protection is: _____ ft. ☐ NGVD 1929
☐ NAVD 1988 ☐ other datum (describe): _____
Attach Floodproofing Certificate, FEMA Form 81-65.

Attach any additional certifications that are required to document compliance. There may include: "no-rise"
certification, certification of flood resistant design, certification of soil compaction, non-conversion
agreement, etc.

SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL FLOODPLAIN ADMINISTRATOR)

The LOCAL FLOODPLAIN ADMINISTRATOR will complete this section as applicable based on
inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS: Date: _____ By: _____ Deficiencies? ☐ Yes ☐ No
Date: _____ By: _____ Deficiencies? ☐ Yes ☐ No
Date: _____ By: _____ Deficiencies? ☐ Yes ☐ No

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL FLOODPLAIN ADMINISTRATOR)

Certificate of Compliance issued: DATE: _____ By: _____

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)

<u>TABLE 2 - SUMMARY OF STILLWATER ELEVATIONS</u>				
<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.

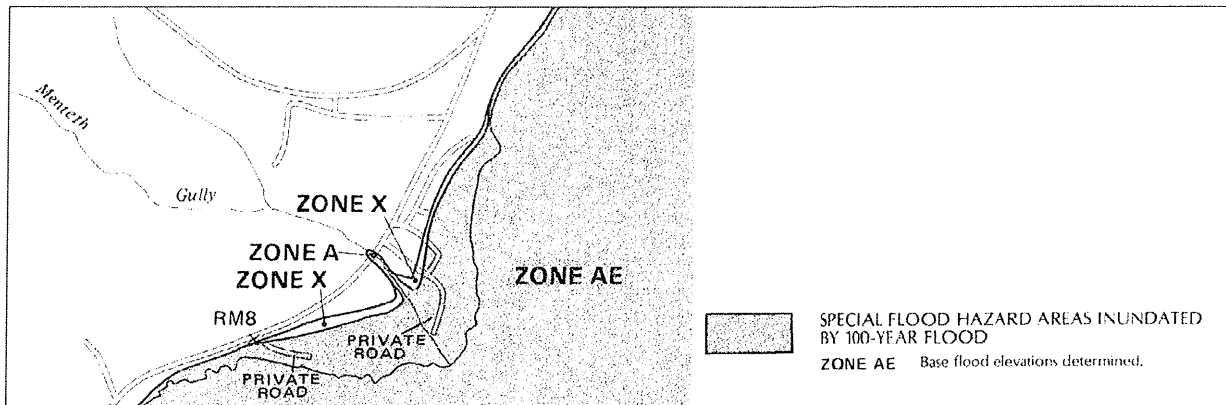
The proposed development will not increase the Canandaigua Lake Stillwater Zone 'AE' base flood elevation by more than one foot. The quantity of fill required to raise the lake level of Canandaigua Lake one foot is well in excess of the fill associated with this proposed project.

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.