

Village of Springville
5 West Main Street
Springville, N.Y. 14141-0017

January 22, 2018

7:00 P.M.

BY MOTION OF:

NOTES

-
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. MINUTES FROM MEETINGS
 - Regular Meeting Minutes of January 7, 2018 A.1
 4. PUBLIC HEARING - **RESCHEDULED UNTIL 2/4/19**
 - LL 2019-1 Changes to 180-40 No Standing
 - > Rt. 39 at Waverly
 - > Mechanic at Rt. 39
 5. PUBLIC COMMENT
 6. DEPARTMENT REPORTS
 - A. ADMINISTRATOR A.2
 - Approve recycling totes
 - Approve LL 2019-1 Public Hearing 2/4/19
 - Approve LL 2019-2 Tax Cap override Public Hearing 2/4/19
 - Approve Springville Journal as official paper
 - Approve Flood Plain Management Language Report
 - > Reschedule garbage bid date
 - > Budget hearings
 - B. SUPERINTENDENT'S REPORT A.3
 - Report
 - Streets Division Scrap/Surplus
 - Approve additional Sanitary Sewer Main Lining
 - C. POLICE
 - D. FIRE DEPARTMENT
 - E. BUILDING INSPECTOR/CEO
 - F. CONTROL CENTER A.4
 - December 2018
 6. NEW BUSINESS
 - Bliss – Development Agreement
 7. OLD BUSINESS
 8. BILLS
 9. CONSENT AGENDA
 10. TRUSTEE NOTES & PROJECT REPORTS
 11. EXECUTIVE SESSION
 12. ADJOURN

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ATTACHMENT NO. A¹

AGENDA DATE 1/22/19

VILLAGE OF SPRINGVILLE
2019 MINUTES

January 7, 2019

7:00 P. M.

The Regular Meeting of the Trustees of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.

Present were:

Mayor	William J. Krebs
Trustees	Alan Chamberlin Kim Pazzuti Elise Rose Nils Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul Weiss
Superintendent of Public Works	Kenneth W. Kostowniak
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Police Officer in Charge	Nicholas Budney
Fire Chief	Marc Gentner (out at 7:05pm)
Deputy Clerk	Holly Murtiff
Also Attending	Colleen Mahoney, Springville Journal Kellen Quigley, Springville Times Karen Howard, Senator Gallivan's Office

Mayor Krebs called the meeting to order at 7:00 PM.

I. Minutes

Minutes of the Regular Meeting of December 17, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed.

Minutes of the Executive Session of December 17, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti, Rose and Wikman voting yes, none opposed.

FIRE DEPARTMENT

Chief Gentner's report was given at this time so that he could leave to attend the Springville Volunteer Fire Department's monthly meeting.

Chief Gentner reported on the following;

- Calls
- Equipment
- Training
- Budget preparations

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PUBLIC COMMENT

Karen Howard of Senator Patrick Gullivan's office reminded the Mayor and Board that the Senator is available to the Village of Springville in any matter he can be of assistance.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

2. Joint Use of Poles and Right-of-Way
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to authorizing Mayor Krebs to sign an agreement for joint use of poles and rights-of-way with Armstrong Telecommunications pending approval of the Village Attorney. \$15 a pole is the current fee. Broadband attachment to our utility poles on 313 poles in the Village.

3. Recycling Totes
All attending discussed the details of accepting the DEC grant to cover approximately 50% of 65 gallon recycling totes for biweekly pick up starting 6/1/19. The balance of the cost would be coming from the 19/20 general fund budget. All recycling would have to be in these totes. After the conversation and with many questions it was decided to ask a representative from Waste Management attending the 1/22/19 Board meeting.

Motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti, Rose and Wikman voting yes, none opposed to table the matter until the January 22, 2019 Board meeting.

4. Waste Hauling Bid Ad
Motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti, Rose and Wikman voting yes, none opposed to approve advertising for bids for waste hauling contract to start 6/1/19 (included in the bid specs are the 65 gallon recycling totes) and the limit of 8 bags and 2 large items per residence per weekly trash pickup.

5. Hallway & Court Landing
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to approve the use of fund balance to pay the 65 Franklin St. – Hallway & Court landing remodel project. The cost of the project is \$36,210 and will come out of fund balance. Three quotes were obtained ranging from \$39,159 to \$36,210.

6. Hallway & Court Landing Contractor
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to approve Four Brothers Builders LLC as the contractor for the 65 Franklin St. – Hallway & Court landing remodel project. Three quotes were received and Four Brothers Builders LLC were the lowest. Contract amount is \$36,210. The asbestos survey work was already performed by the village.

Administrator Melock now reported on the following;

- She will be in Rochester 1/8/19 – 1/11/19 for OSHA training for PERMA which is the Village's workers comp carrier.
- 19/20 budget packets are out to the department heads.

SUPERINTENDENT REPORT

Superintendent Kostowniak reported on the following;

- 386 & 378 North Buffalo sanitary sewer lateral repair almost complete, the contractor will return to the address settling issue.

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- Village Electric Division responded to NYSEG mutual aid call on 1/01/19 through 1/03/19. Assisted in Concord, Gowanda, Hamburg and Orchard Park. Invoice to NYSEG is in progress, will report next meeting final amounts.
- Received responses from NYDOT in regards to paving NY 39 project next year. Project has a 7 week duration, actual milling and paving is approx. 2 weeks (weather dependent), mobile work zone with flaggers will be used. ADA ramp work will not impede traffic. **NYDOT responses are in bold.** Responses are from Brian Kirby (BK) at NYDOT.
 - Line of sight on Waverly and NYS 39 intersection. Please extend the no parking area and additional parking space length on the SW corner of the intersection along NYS 39 to allow better line of sight for vehicles in the intersection.
 - **The village should send NYSDOT a resolution requesting any parking changes. I (BK) plan on making the changes to our contract plans, but Traffic and Safety believes this needs to be formalized prior to construction.**
 - Better markings for NO LEFT TURN at this intersection. Many motorists do not see the R3-2 sign until they have started their left turn.
 - **Add a thru/right arrow to Waverly. Install another no left turn sign on the left side of Waverly.**
 - Address pavement lane markings / reconfigure lane taper @ NY 39 and Barnstead Drive. Many complaints about vehicles pulling off Barnstead Drive are unsafe.
 - **There was some signage and striping scheduled for this area. The signs were installed, but not sure on the striping.**
 - Please add pedestrian activated flashing beacons at least 5 crosswalks on NY 39. RRFB's (rectangular rapid flashing beacon) are preferred. The crosswalks are NY 39 & rail trail crossing, Waverly, N Central, Mechanic Street and Newman Street.
 - **A study will be completed for these requests. The study probably won't be completed until spring/summer 2019. Therefore, the RRFB's will not be part of this project (5813.47).**
 - Sanitary Manhole Covers --- **There are 5 manhole adjustments scheduled to be completed by the contractor. Does the Village want to supply new manhole frames and covers to the contractor to be installed during construction? The only cost to Village will be the cost of the frames and covers. Contractor will install as part of the adjustment item.**
 - ❖ Village response - Request re-use of any existing Manhole covers in good condition, will replace as needed.

7. LL 2019-1
Public
Hearing
- Motion was made by Trustee Pazzuti, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Pazzuti, Chamberlin, Rose and Wikman voting yes, none opposed to set a public hearing on January 22, 2019 at 7:00 pm for LL 2019-1, changes to Chapter 180-40 Vehicles & Traffic Article VII, Schedule XI, No Stopping. This change will extend the no standing area from S.W. corner of NY39 and Waverly Street an additional 25' westerly along NY 39 to improve line of sight issue. Advertisements will be placed in the appropriate publication.

Motion was made by Trustee Chamberlin, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Chamberlin, Rose, Pazzuti and Wikman voting yes, none opposed to set a public hearing on January 22, 2019 at 7:00 pm for LL 2019-1, changes to Chapter 180-40 Vehicles & Traffic Article VII, Schedule XI, No Stopping. This change will extend the no standing area from Mechanic Street Crosswalk on south side of NY 39 an additional 25' westerly along NY 39 east bound lane & 25' easterly on westbound lane to improve line of sight issue. NYDOT Traffic and Safety Division will review and advise of change as part of RRFB study.

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8. Code Clarifications Motion was made by Trustee Pazzuti, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Pazzuti, Chamberlin, Rose and Wikman voting yes, none opposed to make FEE table and code 193-84 clarifications: Water **Connection** fee pertains to new water service connections to public main 2" or greater installed by customer and Water **Tap** fee 193-87 pertains to water service connections under 2" in diameter to public main performed by Village. (No changes to the fee amount).

At this time Superintendent Kostowniak informed the Board of the purchase of a used 2013 Ford Transit Connect Wagon XLT Minivan for the Water/Sewer Division in the amount of \$12,596.00 . Purchase of this vehicle was allotted in the 2018 Sanitary Sewer capitol Project as a vehicle to mobilize the new CCTV Sewer Camera.

POLICE DEPARTMENT

Officer in Charge Budney gave the following report;

- SPD calls for December 2018
- ECSO calls for December 2018
- 2018 Year End SPD report

BUILDING INSPECTOR/CEO

BI/CEO Kaleta informed everyone that Bliss Construction will be before the Planning Board on 1/8/19 regarding the apartment building they hope to build.

CONTROL CENTER

Everyone is in receipt of an email from the Chaffee-Sardinia Volunteer Fire Department regarding the change in control center services for the Town of Sardinia.

10. Resignation Motion was made by Trustee Pazzuti, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Pazzuti, Rose, Chamberlin and Wikman voting yes, none opposed to accept the resignation of part time dispatcher Daniel DeMarie from the Springville Area Control Center.

OLD BUSINESS

11. E. Main St. Alleyway Mayor Krebs and the Trustees discussed a letter they are in receipt of from Shirley Cecela. Mrs. Cecela is the owner of 31 E. Main St. and the alley to the east of the building. Mrs. Cecela would like to donate ownership of the alleyway to the Village of Springville. After discussion Mayor Krebs called the item to vote, no motion, item died for lack of motion.

NEW BUSINESS

12. Springville LLC Tax Challenge After explanation from Village Attorney Paul Weiss, motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to accept proposed resolution to the Springville LLC tax challenge. The assessment will go from 2.3 million to 1.7 million in 2019/2020 and then up to 1.925 million in 2020/2021 and then will freeze until 2022/2023 and no refund will be given for previous years.

Village Attorney Paul Weiss gave an update on the following;

- 37 S. Central Avenue
- Developer's agreement

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Mayor Krebs informed everyone that Kristie Komenda and Tracy Maybray have both agreed to be on the Springville Public Arts Committee.

BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #186 through #200 total of \$179,183.82 of 2019/2020 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Wikman, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Wikman, Pazzuti, Chamberlin and Rose voting yes, none opposed.

CONSENT AGENDA

Motion was made by Trustee Wikman, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Wikman, Rose, Pazzuti and Chamberlin voting yes, none opposed to accept the consent agenda below.

PROJECT: 0000008665 - UTILITY CHANGES
PROPERTY: 75 WAVERLY ST
ISSUED DATE: 12/12/2018
ISSUED TO: PETROLEUM SERVICES INC.
650 LAKE AVE
HILTON, NY 14468

TYPE: UTILITY
CHANGES

PROJECT: 0000008666 - UTILITY CHANGES
PROPERTY: 5 PROSPECT AVE
ISSUED DATE: 12/13/2018
ISSUED TO: DYNAMIC ELECTRICAL SOLUTIONS
50 GLEN ST
SPRINGVILLE, NY 14141

TYPE: UTILITY
CHANGES

PROJECT: 0000008667 - SUBDIVISION
PROPERTY: WAVERLY ST
ISSUED DATE: 12/13/2018
ISSUED TO: BLISS SENIOR APPARTMENTS LLC
5500 MAIN STREET
SUITE 343
WILLIAMSVILLE, NY 14221

TYPE: SUBDIVISION

PROJECT: 0000008668 - DECKS
PROPERTY: 27 MYRTLE AVE
ISSUED DATE: 12/17/2018
ISSUED TO: LEWIS, DAVID
9470 MAREK ROAD
CATTARAUGUS, NY 14719

TYPE: DECKS

PROJECT: 0000008669 - RE ZONE FROM VI TO B1
PROPERTY: 243 W MAIN ST
ISSUED DATE: 12/17/2018
ISSUED TO: RORH LLC
243 W MAIN ST SUITE 6
SPRINGVILLE, NY 14141

TYPE: PLANNING
BOARD REVIEW

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PROJECT: 000008670 - RESIDENTIAL ALTERATION
PROPERTY: 44 HILLTOP DR
ISSUED DATE: 12/21/2018
ISSUED TO: SOLCIUS, LLC
76 BENBRO DRIVE
CHEEKTOWAGA, NY 14225

TYPE: RESIDENTIAL
ALTERATION

PROJECT: 000008671 - UTILITY CHANGES-ELECTRIC
PROPERTY: 44 HILLTOP DR
ISSUED DATE: 12/21/2018
ISSUED TO: SOLCIUS, LLC
76 BENBRO DRIVE
CHEEKTOWAGA, NY 14225

TYPE: ELECTRIC

PROJECT: 000008672 - ROOFING
PROPERTY: 181 NORTH ST
ISSUED DATE: 12/21/2018
ISSUED TO: HEIM, DANIEL
12910 DOWD ROAD
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 000008673 - UTILITY CHANGES-ELECTRIC
PROPERTY: 104 SMITH ST
ISSUED DATE: 1/02/2019
ISSUED TO: MOWERY, CODY
104 SMITH ST
SPRINGVILLE, NY 14141

TYPE: UTILITY
CHANGES

TRUSTEE NOTES & PROJECT REPORTS

Trustee Chamberlin had nothing to report.

Trustee Pazzuti had nothing to report.

Trustee Rose had nothing to report.

Trustee Wikman commented on the separation of the Control Center email that was received.

Mayor Krebs thanked the members of the Springville Control Center for all their hard work and attention in the separation transition. Mayor Krebs also took this opportunity to wish everyone a Happy New Year.

13. Adjourn

Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Rose and Pazzuti voting yes, none opposed to adjourn the Regular Session at 8:21 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk

1/22/19 Board approval needed:

ATTACHMENT NO. A2

AGENDA DATE 1/22/19

Resolutions:

1. Approve purchase of 65 gallon recycling totes to start June 1, 2019. All recycling must be only in the totes which would be picked up on a biweekly basis. DEC grant should cover 50% of the tote cost with the remainder coming from the 19-20 general fund budget.
2. Approve public hearing for proposed Local Law A of 2019 – Amendments to Chapter 180-40 Vehicles & Traffic Article VII, Schedule XI, No Stopping on Monday Feb 4th at 7:01 pm as the legal was not published in the Springville Times last week as requested by an error on the papers part. Local law will increase length of No Stopping on the south side W. Main St from 50 ft to 75 ft west of the intersection at Waverly St.
3. Approve public hearing for proposed Local Law B of 2019 Tax Cap Override for the 19-20 Budget. Hearing to be held on Feb 4th at 7:02 pm.
4. Approve sending the model law language regarding floodplain management to the DEC for approval. After DEC approves the law the village will through a public hearing repeal Section 200-6 FPO Floodplain Overlay District and replace it with the model law. See attached proposed model law.
5. Approve Springville Journal as the official paper of the Village of Springville effective January 23, 2019.

Discussion Items:

1. Garbage Bid date is now Feb 1st. Legal was not published in Springville Times due to error on the papers part.
2. Budget hearings Jan 23rd & 24th with department heads.

Village of Springville Local Law 2 of 2019 for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Board of Trustees of the Village of Springville finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Springville and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;

- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

“Accessory Structure” is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

“Appeal” means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

“Area of shallow flooding” means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”

“Cellar” has the same meaning as “Basement”.

“Crawl Space” means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions.

This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the

Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Village of Springville.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Maps:

36029C0690H, 36029C0693H, 36029C0694H, 36029C0805H, 36029C0806H

whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction

- (2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York (All Jurisdictions)" dated June 7, 2019.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

Village of Springville Municipal Office 5 W. Main St Springville NY 14141

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Springville from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Village of Springville, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee as stated in the village fee schedule. In addition, the applicant shall be responsible for reimbursing the Village of Springville for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.

- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2, the Local

Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 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. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 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:
 - (i) 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, or,
 - (ii) the Village of Springville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Springville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Springville for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the Village of Springville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Springville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Springville for all costs related to the final map revisions.

- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Village of Springville shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;

- (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow

devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.2-4 STORAGE TANKS

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent floatation, collapse or lateral movement during conditions of the base flood or;
 - b. installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (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 to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 plus two feet (at least three feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet (at least three feet if no depth number is specified).

5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

- (1) Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of Section 5.2-1, ANCHORING,
- (2) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with Section 5.2-2(3).
- (5) Utilities must meet the requirements of Section 5.2-3, UTILITIES.

SECTION 6.0
VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Village of Springville shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals 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 the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals 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 floodplain 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 periods 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 Zoning Board of Appeals 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 increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (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; and

- (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 the 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 of:
 - (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 below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this _____ day of _____, 20__ by the
_____ of the _____
_____, _____ County, New
York, to be effective _____.

SEAL

ATTEST _____ CLERK

VILLAGE OF SPRINGVILLE
DEPARTMENT OF PUBLIC WORKS
Kenneth W. Kostowniak
Superintendent of Public Works
kkostowniak@villageofspringvilleny.com

ATTACHMENT NO. A3
AGENDA DATE 1/22/19

Superintendent Report for January 7, 2019

Report:

Electric Division completed NYSEG Mutual Aid, invoice has been sent to Avangrid / RGE in the amount of \$40,734.65.

Streets Division Resolutions:

Here Be It Resolved that the following items are to be declared surplus and disposed of via on-line auction or scrap:

MoJack EX lawn mower lift - auction

Brush Hog skid steer mounted backhoe - Serial #12-01026 - auction

Jiffy Line sprayer Model 5000 – Serial #0804133A - auction

MTD walk behind chipper vacuum – Serial #1J046A10132 - actions

Assorted used, painted corrugated galvanized siding, sheets varying in size – (material demoed from DPW building remodel in ~2008) - scrap

Water / Sewer Resolution:

Sanitary sewer flows have decreased significantly, but are still slightly over permitted level. Village Supt. will be notifying some residents to perform work on their laterals to repair breaks that are leaking.

MDA Consulting will perform additional smoke testing on sanitary sewer main

Village Supt. will also be investigating properties that have sump pump connections illegally connected to sanitary sewer.

Request resolution to approve additional 1300 +/- lining of sanitary sewer main by United Survey Inc. not to exceed \$50,555.00 to install CIPP sanitary sewer main along the North side Waverly Street.

Water/SewerReport:

MDA Engineering completed smoke testing along NY 39. After reviewing information from USI crews performing grouting along north side of Waverly Street, I asked MDA Engineering to plan a smoke test program for the section of Sanitary sewer along Waverly Street, Pinewood and Ohio. This section of sewer has high infiltration and Inflow.



SPRINGVILLE FIRE CONTROL REPORT
DECEMBER 2018

1. PERSONAL

- A. BEN TESSMER IN TRAINING AS OF 11/21/18
- B. OPEN POSITION FOR PERM. 4PM-MID
- C. HAVE ONE APPLICATION

2. EQUIPMENT

- A. EVERYTHING OPERATIONAL

3. ADVISORY BOARD MEETING

- A. CANCELLED FOR NOW DO TO CSFD LEAVING SPRINGVILLE CONTROL

4. CSFD

- A. CSFD IS NOW BEING DISPATCHED BY EAST AURORA FIRE CONTROL
- B. CSFD TONES HAVE BEEN ELIMINATED FROM THE CONTROL CENTER COMPUTER.

5. MONTHLY CALL VOLUME REPORT

- A. MONTHLY CALL VOLUME REPORT SUBMITTED

CALL VOLUME MONTH OF DECEMBER

SPRINGVILLE-

38-EMS
7-FIRES
6-MVA
0-ASST
1-OTHER

TOTAL 52 CALLS

CHAFFEE-SARDINIA-

13-EMS
3-FIRES
4-MVA
0-ASST
0-OTHER

TOTAL 20 CALLS

EAST CONCORD-

7- EMS
2- FIRES
2- MVA
0-ASST
0-OTHER

TOTAL 16 CALLS

MORTONS CORNERS-

3- EMS
1- FIRES
2- MVA
0-ASST
0- OTHER

TOTAL 6 CALLS

MERCY EMS-

97-EMS
3-FIRES
17- MVA
0-ASST
4- OTHER

TOTAL 121 CALLS

**TOTAL OF 210 CALLS UNDER SPRINGVILLE FIRE CONTROL
TOTAL OF 1836 CALLS FOR THE YEAR 2018**

RESPECTIVELY SUBMITTED,
RICK JOHNSON SR. DISPATCHER

VILLAGE OF
SPRINGVILLE
January 22, 2019
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CONSENT AGENDA

Building applications received by the Building Inspector/CEO Kaleta, Planning Board, Zoning Board of Appeal and Historic Preservation Commission as follows:

Planning Board meeting minutes of January 8, 2019. **CA.1**

PROJECT: 0000008674 - UTILITY CHANGES-ELECTRIC
PROPERTY: 141 SPRING ST
ISSUED DATE: 1/03/2019
ISSUED TO: GOLEMBIEWSKI, STEVE
8886 SNAKE RUN ROAD
EAST OTTO, NY 14729
TYPE: UTILITY CHANGES

PROJECT: 0000008675 - RESIDENTIAL ALTERATION
PROPERTY: 141 SPRING ST
ISSUED DATE: 1/03/2019
ISSUED TO: GOLEMBIEWSKI, STEVE
8886 SNAKE RUN ROAD
EAST OTTO, NY 14729
TYPE: RESIDENTIAL
ALTERATION

PROJECT: 0000008676 - FIRE INSPECTION
PROPERTY: 60 S CASCADE DR
ISSUED DATE: 1/07/2019
ISSUED TO: HAIR HAVEN SALON
10261 EDIES ROAD
SPRINGVILLE, NY 14141
TYPE: FIRE INSPECTION

PROJECT: 0000008677 - UTILITY CHANGES-WATER
PROPERTY: 311 ELM ST
ISSUED DATE: 1/10/2019
ISSUED TO: HOWIE, MICHAEL
269 FRANKLIN ST C4
SPRINGVILLE, NY 14141
TYPE: UTILITY CHANGES

PROJECT: 0000008678 - UTILITY CHANGES-SEWER
PROPERTY: 311 ELM ST
ISSUED DATE: 1/10/2019
ISSUED TO: HOWIE, MICHAEL
269 FRANKLIN ST C4
SPRINGVILLE, NY 14141
TYPE: UTILITY CHANGES

PROJECT: 0000008679 - UTILITY CHANGES-ELECTRIC
PROPERTY: 311 ELM ST
ISSUED DATE: 1/10/2019
ISSUED TO: HOWIE, MICHAEL
269 FRANKLIN ST C4
SPRINGVILLE, NY 14141
TYPE: UTILITY CHANGES

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January 22, 2019
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CONSENT AGENDA

PROJECT: 0000008680 - DRIVEWAY
PROPERTY: 311 ELM ST
ISSUED DATE: 1/10/2019
ISSUED TO: HOWIE, MICHAEL
269 FRANKLIN ST C4
SPRINGVILLE, NY 14141

TYPE: DRIVEWAY

PROJECT: 0000008681 - FIRE INSPECTION
PROPERTY: 195 W MAIN ST
ISSUED DATE: 1/10/2019
ISSUED TO: KIRBY, CHRIS
12364 TOWNSEND ROAD
SPRINGVILLE, NY 14141

TYPE: FIRE INSPECTION

PROJECT: 0000008682 - UTILITY CHANGES-ELECTRIC
PROPERTY: 606 FRANKLIN ST
ISSUED DATE: 1/14/2019
ISSUED TO: GERWITZ & MCNEIL ELECTRIC INC
5756 THORNWOOD DR
WEST VALLEY, 14171

TYPE: UTILITY CHANGES

PROJECT: 0000008683 - UTILITY CHANGES-WATER
PROPERTY: 54 HILLTOP DR
ISSUED DATE: 1/14/2019
ISSUED TO: BLACK, JAMES
182 HAMMOCKS DRIVE
ORCHARD PARK, NY 14127

TYPE: UTILITY CHANGES

PROJECT: 0000008684 - DRIVEWAY
PROPERTY: 54 HILLTOP DR
ISSUED DATE: 1/14/2019
ISSUED TO: BLACK, JAMES
182 HAMMOCKS DRIVE
ORCHARD PARK, NY 14127

TYPE: DRIVEWAY

PROJECT: 0000008685 - UTILITY CHANGES
PROPERTY: 54 HILLTOP DR
ISSUED DATE: 1/14/2019
ISSUED TO: BLACK, JAMES
182 HAMMOCKS DRIVE
ORCHARD PARK, NY 14127

TYPE: UTILITY CHANGES

PROJECT: 0000008686 - UTILITY CHANGES-ELECTRIC
PROPERTY: 54 HILLTOP DR
ISSUED DATE: 1/14/2019
ISSUED TO: BLACK, JAMES
182 HAMMOCKS DRIVE
ORCHARD PARK, NY 14127

TYPE: UTILITY CHANGES

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CONSENT AGENDA

PROJECT: 0000008687 - VIOLATION-VEHICLE
PROPERTY: 58 PARK ST
ISSUED DATE: 1/15/2019
ISSUED TO: BORDEN, BENITA
4741 FELTON HILL RD
WEST VALLEY, NY 14171

TYPE: VIOLATION

PROJECT: 0000008688 - SHEDS, UP TO 144 SQ.FT.
PROPERTY: 336 E MAIN ST
ISSUED DATE: 1/15/2019
ISSUED TO: TOEPFER, DONNA
336 E MAIN ST
SPRINGVILLE, NY 14141

TYPE: SHEDS

PROJECT: 0000008689 - NONRESIDENTIAL DEMO
PROPERTY: 34 S CASCADE DR
ISSUED DATE: 1/15/2019
ISSUED TO: PONDEROSA STEAK HOUSE
34 S CASCADE DR
SPRINGVILLE, NY 14141

TYPE: NONRESIDENTIAL
DEMO

**VILLAGE OF SPRINGVILLE
PLANNING BOARD MINUTES**

January 8, 2019

7:00 P.M.

A meeting of the Planning Board of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Chairman:	Bob Muhlbauer
Members:	Terry Skelton Joe Emerling Ken Heidle Greg Keyser
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Alan Chamberlin, Trustee Paul Bliss Sean Hopkins Max Borsuk, Springville Journal

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:05 pm.

Tonight on the agenda the Planning Board is addressing the following Public Hearing:

Application #8667 for Site Plan and Sub-Division: Bliss Senior Apartments LLC., Springville, NY, for vacant property located on Commerce Drive- located within a RM Residential District.

Mr. Sean Hopkins, Esq. was on hand as well as Mr. Paul Bliss, the proposed developer to answer questions that the Planning Board has regarding such a large project.

Chairman Muhlbauer invited the applicants to explain their request. Mr. Hopkins stated that they would like to build senior housing on property off of Commerce Drive, adjacent to the now existing senior center. The proposed project would house 59 units all geared towards seniors. Mr. Hopkins went on to explain that there will be both upstairs and downstairs units that will all have the capability of converting to handicap accessible. There will also be an elevator for the second floor tenants that may need it. Mr. Bliss also added that there will be an on premises manager as well as transportation that will be available. There will be common areas for assembly and the plan is to put in a sidewalk going to the Senior Center. The sidewalk hasn't been finalized as the applicants have to consult with the Town of Concord for that. It was also stated that the grounds would be landscaped and a sidewalk provided around the building and will be aesthetically pleasing.

One of the areas that the Planning Board wants to get resolved is the parking. Per the Code, there is supposed to be 2 parking spaces per dwelling unit. With there being 59 units in this facility, it would bring the parking space total to 118 required. At this time the applicants have on their site plan 86 spaces set aside for parking, this is including parking spaces that the applicants have dedicated to garages for this facility. Mr. Hopkins and Mr. Bliss both stated that they have built several senior housing complexes and that in their experience there is never 2 vehicles per apartment. This is mainly due to the demographic of the tenants. It was mentioned that this was the same case with the nearby senior housing, People Inc., when they were doing their site plan process. Mr. Kaleta stated that he will research and see how theirs was accomplished. It was unknown if a variance was acquired or if the Planning Board included it in the site plan. Mr. Kaleta informed the Planning Board that if they want to approve the less than required amount of parking spaces, they have to do it with a Super Majority. A Super Majority means that they would have to have 4 out of the 5 Board Members approve the Site Plan with the less than the required parking spaces.

Mr. Kaleta also stated that the applicants have been in contact with Springville's DPW Superintendent and they are working on the utilities and handling any issues that may arise. The newly implemented Developer's Agreement will also be filled out and completed with the DPW Superintendent and needs to be approved by the Village Board of Trustees prior to any permits being issued. With that being said, the applicants are also filing all necessary paperwork and permits that are required with the DEC.

Mr. Kaleta said that he has also heard back from Erie County Division of Planning. The County had the following comments based upon their review of the Project:

- The Village and developer should consider providing safe and convenient pedestrian amenities for the proposed senior housing complex to adjacent senior services.

As far as the sub-division is concerned, the applicants would like to take a 32 acre lot and subdivide it into two parcels. One parcel would be a 4.2 acre lot and the second parcel would be a 27.8 acre. The first 4.2 acre lot is where the applicants intend to build. At this time there are no plans for the second parcel.

Chairman Muhlbauer asked if anyone had any issues with Part I of the SEQR that has been completed. None of the Members had any concerns and agreed that Part II of the SEQR should be completed by Mike Kaleta.

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Planning Board Meeting
January 8, 2019

At this time the Planning Board tentatively agreed that the applicants could present to them the site plan with the less than required parking spaces to seek a Super Majority vote. This application is tabled until next month's meeting for possible final site plan and subdivision approval.

Member Greg Keyser asked if the Village's consulting engineer Don Hoefler could review the project as well due to the intricacies and size of the site plan. The Planning Board agreed and Mr. Kaleta will let Mr. Hoefler know.

With nothing else on the agenda this evening, Chairman Muhlbauer asked for a motion to accept the Minutes from the December 12, 2018 meeting. Member Joe Emerling made the motion, seconded by Member Ken Heidle. All in favor, none opposed.

Lastly, Chairman Muhlbauer asked for a motion to adjourn at 8:08pm. Member Greg Keyser made the motion, seconded by Member Terry Skelton. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,



Kellie R. Grube