

**Town of Walton
129 North Street
Walton, NY 13856**

Call to Order 6:00 PM

11 July 2022

- 1. Pledge of Allegiance – Patty Wood**
- 2. Invocation**
- 3. Floor time –**
- 4. Approval of Minutes – 13 June 2022**
- 5. Assessor, Code, Dog Control, FEMA Coordinator -**
- 6. Highway Report:**
- 7. Town Clerk Report:**
- 8. Supervisor Report:**

MOH Ceremony Update

LOMR Local Law

9. Committee/Council Reports

Public Works	Armstrong/Govern
Finance & Insurance	Wood/Govern
Legal & Ordinance	Govern/Wood
Land Use & Village Liaison	Rodriguez/Wood
Personnel	Govern/Armstrong
Union Negotiations	Cetta/Armstrong
Building & Grounds	Cetta/Armstrong
Technology	Wood/Rodriguez
Emergency Disaster	Cetta/Govern
Historical	Rodriguez/Armstrong

10. Approval of Abstracts:

General Fund A

General OV B

General Highway DA

General Highway DB

Executive Session:

- **Ongoing Work:** exemption processing, property review and data collection, updating property records and assessments, monitoring real estate listings, verifying property sales values, returning phone calls and emails, reviewing Real Property Tax Law, legislation, court cases and legal opinions.
- **The 2022 Final Assessment Roll** was verified and filed June 29th.
- **The 2023 property record file** is active and work on the 2023 assessment roll has begun.
- **FYI:** “Understanding the Equalization Rate” and “Equalization Rates” attached. URL to statewide equalization rates: <https://www.tax.ny.gov/research/property/assess/eqratescounty.htm>
- **2022 Homeowner Property Tax Rebate checks**
<https://www.tax.ny.gov/pit/property/homeowner-tax-rebate-credit.htm>
Some checks have already been mailed. There is no need to apply, this is an automatic rebate.
- **Property Owner Hotline Numbers**
Star Credit: **518-457-2036**
Homeowner Property Tax Rebate Check: **518-453-8146**
- **Resources and records online:**
 - Department of Taxation and Finance Municipal Profiles
<http://orps1.orpts.ny.gov/cfapps/MuniPro/>
 - Delaware County Real Property Tax Services
<http://www.co.delaware.nv.us/departments/tax/tax.htm>

Respectfully submitted July 2022

Penny Haddad, Assessor

TOWN OF WALTON HIGHWAY DEPARTMENT
25091 STATE HIGHWAY 10
WALTON, NY 13856
607-865-5120

TO: WALTON TOWN BOARD
FROM: JEFF OFFNICK, HIGHWAY SUPERINTENDENT
DATE: 7/7/22
RE: REPORT

- ✓ Our mowing crew has completed the first round of mowing.
- ✓ We have finished the grader patch work on the roads that we intend to seal this year.
- ✓ There has not much interest in the positions that we have available.
- ✓ Continuing to work on gravel bank permit issues.

Martin J. Way, Jr.
Dog Control Officer, Town of Walton
129 North Street
Walton, New York 13856
June 2022
Dog Control Activity Summary

Complaints	4
Dogs Seized	0
Returned to Owner	0
Humane Society	0
Dangerous Dog Cases	0
Assistance	1
Tickets Issued	8
Total Redemption Fees	\$ 0.00

Mileage 5 Miles

Town of Walton
Code Enforcement Office
Jonathan R Henderson

Monthly Summary Report
Month of June 2022

Building Permits Issued	2
Building Inspections Completed	14
Fire Inspections Completed	1
Notices of Violation Issued	0
Tickets Issued	0
Certificates Issued	4
Complaints Received	0
Floodplain Development	
Permits Issued	0
CO Searches	1



PO Box 88, 46610 State Hwy 10, Delhi, NY 13753
Phone: 607-746-3080 Fax: 607-746-7896
E-mail: info@heartofthecatskills.org

AGREEMENT

This agreement, made this 23 day of June 2022 between the Town of
Walton (the "Town"), in Delaware County, NY,
(town) (county)

and THE HUMANE SOCIETY OF CENTRAL DELAWARE COUNTY, INC. (d/b/a HEART OF THE CATSKILLS HUMANE SOCIETY) ("HCHS"), in Delhi, NY;

WHEREAS, the Town occasionally has stray or lost dogs and cats that are picked up by its employees;

NOW, THEREFORE, in consideration of the premises and the consideration hereinafter recited, the parties agree as follows:

1. The Town assumes all responsibility for the handling and turning over of any dog or cat to HCHS and agrees to hold harmless and defend HCHS from any and all claims in connection with the picking up and turning over of said animals, and euthanizing of any such animal turned over to HCHS by the Town.
2. In the case where the Town has a holding facility for the handling of stray dogs and cats, the Town will hold such animals for five days before turning over such animals to HCHS on the sixth day.
3. The Town agrees to pay HCHS a fee of forty dollars (\$40.00) for each dog and five dollars (\$5.00) for each cat turned over to HCHS by the Town, its agents or employees.
4. If the Town is not a township in Delaware County, the Town shall also pay an annual contract fee of \$250.00 to HCHS, due upon signing of this agreement.
5. For court ordered holds, or for any animal brought to HCHS in connection with allegations of animal cruelty, the Town will be charged a boarding fee of \$10 per day for each animal (either cat or dog) for the period of time of the hold or, in the case of an animal cruelty case, the period of time before the prosecuting authority notifies HCHS in writing that it does not require the animal to be held in connection with its prosecution, payable by the Town upon receipt of billing from HCHS.
6. HCHS assumes all responsibility for collecting fees from any person who redeems any animal that has been turned over to HCHS by the Town. HCHS assumes all responsibility for collecting impoundment fees from any person who redeems an animal that has been turned over to HCHS by the Town. HCHS will keep all impoundment fees as part of HCHS's \$40.00 fee (as set forth in

paragraph 3 above) and will bill the remainder of that fee to the Town, which fee shall be payable upon receipt of billing from HCHS.

7. The Town shall deliver the animals to HCHS by the Dog Control Officer of the Town, or a duly designated agent or employee of the Town. The Dog Control Officer shall keep a record of all such animals left with HCHS.

8. The Town understands that fees of HCHS are subject to change. HCHS will notify the Town thirty (30) days before any change is to take effect.

9. HCHS agrees to bill the Town for stray animals brought to the shelter by the Dog Control Officer.

10. HCHS agrees to accept, upon payment of the fees mentioned above, any animal brought to it by the Town and to take good care of each such animal as is HCHS's usual practice.

11. Following the expiration of the redemption period as outlined in Article 7 of the New York State Agriculture and Markets Law ("Article 7"), Section 117 (4)&(6), ownership of seized dogs will be transferred to HCHS pursuant to Article 7, Section 117 (7) for the purpose of placing them in adoptive homes, transferring them to the State University of New York, foster care or another approved shelter, or for any other lawful purpose as provided in Article 7, Section 117 (7-a).

12. This agreement may be cancelled upon review of same by the governing body of either party. Each party agrees to give other party thirty (30) days' written notice of cancellation.

The Humane Society of Central
Delaware County, Inc.

The Town

By: _____

Name: Brent Truitt
Title: Treasurer

By: _____

Name:

Title:

Name of Current Dog Control Officer: _____

Telephone Number of DCO: _____

2022 Occupancy Tax Recipient Contract Community Celebrations

THIS CONTRACT, entered into this 24 day of June, 2022 by and between the Delaware County Local Development Corporation, with offices at One Courthouse Square, Suite 4, Delhi, New York 13753 (the "LDC") and The Town of Walton, with offices at 129 North Street, Walton, NY 13856 (the "Recipient").

WITNESSETH THAT:

WHEREAS, Delaware County has entered into an administrative agreement with the LDC for the purposes of the execution and administration of contracts pertaining to the disbursement of occupancy tax funds, as well as the initial funding of such contracts.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties do mutually agree as follows:

SECTION 1. REPRESENTATIONS

Representations by the LDC: The LDC represents that it is acting as legal agent for the County and has full power and authority to consummate all transactions contemplated by this Agreement.

Representations by the Recipient: The Recipient is validly existing and in good standing under the laws of the State of New York, has the power and authority to carry on its business as now being conducted by it, to execute, deliver and perform this Contract and is duly authorized to enter into and perform this Contract.

SECTION 2. OBLIGATIONS OF THE RECIPIENT

In return for the stated amount contained in Section 3 of this contract, the Recipient hereby agrees to the following:

1. Recipient shall undertake and complete the Project as proposed and summarized below:

This project entails the utilization of **\$1,500** of occupancy tax funds for the promotion of the Town of Walton 225th Anniversary Celebration.

2. Recipient agrees to comply with all Federal, State and local laws and regulations relating to the Project.
3. Recipient shall provide the LDC with proof of project completion, and/or notice of project occurrence (in the case of an event), in order for the LDC, or a designee, to evaluate the effectiveness of the project, as may be appropriate.
4. Recipient shall, upon project completion, submit to the LDC a detailed financial report that will include a summary of **ALL** project revenues and expenditures, along with appropriate

documentation (receipts, proof of payment, bank statements, etc.). Expenditure documentation should include grant and matching expenses. Please note that we need proof of payment for the **TOTAL** Project Cost. Sufficiency of information provided by the Recipient shall be determined by the LDC.

5. Recipient shall, upon project completion, submit to the LDC a report on the success of the project. Such report should provide quantitative as well as qualitative measurements of the results/impact of the project including survey results, statistics and/or other compiled data. To the extent practicable, grant recipients are required to provide data demonstrating the impact of their project on the tourism industry. Sufficiency of information provided by the Recipient shall be determined by the LDC.

SECTION 3. CONTRACT AMOUNT

The LDC shall pay to the Recipient, upon contract execution, the amount of **\$1,500** for the performance of the Recipient's obligations as outlined in Section 2.

SECTION 4. EFFECTIVE DATE AND TERM

This Contract shall become effective upon its execution and shall remain in effect until the Recipient has substantially met the obligations outlined in Section 2.

SECTION 5. INDEMNIFICATION – LDC & COUNTY

To the fullest extent permitted by law, the Recipient shall defend, indemnify and hold harmless the LDC and Delaware County, its agents and employees from and against any and all claims, actions, damages, losses, expenses and costs of every nature and kind, including reasonable attorneys' fees, incurred by or asserted or imposed against the LDC and County arising out of their involvement in the funding of the project.

SECTION 6. AMENDMENTS

This Contract may be amended only by the written consent of the LDC and the Recipient.

Town of Walton
129 North Street
Walton, New York 13856
607-865-5766

OFFICE USE ONLY <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED Signature _____

APPLICATION FOR USE OF FACILITIES

I, Walton Chamber request permission to use:

Veterans Plaza (\$50.00 Deposit required) More Park
 Town Hall Board Room Highway Garage Parking Lot

Beginning Date 8/16/22 Time: From 5 to 8 pm

Ending Date _____ Time: From _____ to _____

Est. Number of People _____ Type of Activity Jason Wicks concert

Request use of Water Yes No Request use of Electric Yes No

PERSONAL INFORMATION

Name Bob Vitt Deck Diamond

Address 44 West St
Daytime Phone Number 865-9153 Cell Phone Number _____

GENERAL RULES

Initial each on line provided

1. The applicant or the undersigned must be in attendance and is responsible for any damage to Town property as a result of the use of the premises. _____
2. The applicant/undersigned is responsible for leaving the premises in the same condition as when he or she found the premises on the beginning date as listed above. This includes, but not limited to picking up garbage and replacing furniture. The Veterans Plaza refund will be refunded if the premise is clean and free from any damages (to be determined by an inspection).
3. There shall be no gambling, smoking, illegal narcotics, or intoxicating beverages on Town property. _____
4. I understand that there is no liability or accident insurance provided by the Town for non-town functions. The applicant hereby agrees to indemnify and hold harmless the Town of Walton from any liability, including attorney's fees in the cost of defense that might occur as a result of the use of the town's premises by the applicant and those individuals using the premises as a result of this application. _____
5. I understand Liability Insurance may be required for certain functions at the discretion of the Walton Town Board. _____
6. I understand there is no parking in the green area of Veterans Plaza, a municipal parking lot is available adjacent to the green space area. _____

Date _____

[Signature]
Signature of Applicant

Town of Walton
129 North Street
Walton, New York 13856
607-865-5766

OFFICE USE ONLY <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED Signature _____

APPLICATION FOR USE OF FACILITIES

I, Walton Chamber request permission to use:

Veterans Plaza (\$50.00 Deposit required) More Park
 Town Hall Board Room Highway Garage Parking Lot

Beginning Date 9/3/22 Time: From 8am to 8pm

Ending Date _____ Time: From _____ to _____

Est. Number of People _____ Type of Activity Party on the Plaza
marketplace
Request use of Water Yes No Request use of Electric Yes No bands

PERSONAL INFORMATION

Name Robert Vito Sheryl Crandall

Address 44 West St
Daytime Phone Number 607 865-9153 Cell Phone Number _____

GENERAL RULES

Initial each on line provided

1. The applicant or the undersigned must be in attendance and is responsible for any damage to Town property as a result of the use of the premises. _____
2. The applicant/undersigned is responsible for leaving the premises in the same condition as when he or she found the premises on the beginning date as listed above. This includes, but not limited to picking up garbage and replacing furniture. The Veterans Plaza refund will be refunded if the premise is clean and free from any damages (to be determined by an inspection).
3. There shall be no gambling, smoking, illegal narcotics, or intoxicating beverages on Town property. _____
4. I understand that there is no liability or accident insurance provided by the Town for non-town functions. The applicant hereby agrees to indemnify and hold harmless the Town of Walton from any liability, including attorney's fees in the cost of defense that might occur as a result of the use of the town's premises by the applicant and those individuals using the premises as a result of this application. _____
5. I understand Liability Insurance may be required for certain functions at the discretion of the Walton Town Board. _____
6. I understand there is no parking in the green area of Veterans Plaza, a municipal parking lot is available adjacent to the green space area. _____

Date _____

[Signature]
Signature of Applicant

Town of Walton
129 North Street
Walton, New York 13856
607-865-5766

OFFICE USE ONLY
<input type="checkbox"/> APPROVED
<input type="checkbox"/> DENIED
Signature _____

APPLICATION FOR USE OF FACILITIES

I, Walton Chamber request permission to use:

Veterans Plaza (\$50.00 Deposit required) More Park
 Town Hall Board Room Highway Garage Parking Lot

Beginning Date 10/8/22 Time: From 10am to 4pm

Ending Date _____ Time: From _____ to _____

Est. Number of People _____ Type of Activity Leaf Picking marketplace

Request use of Water Yes No Request use of Electric Yes No

PERSONAL INFORMATION

Name Patty Wood
Address 308 S. River Rd
Daytime Phone Number 865-9153 Cell Phone Number (607) 434-0361

GENERAL RULES

Initial each on line provided

1. The applicant or the undersigned must be in attendance and is responsible for any damage to Town property as a result of the use of the premises. pw
2. The applicant/undersigned is responsible for leaving the premises in the same condition as when he or she found the premises on the beginning date as listed above. This includes, but not limited to picking up garbage and replacing furniture. The Veterans Plaza refund will be refunded if the premise is clean and free from any damages (to be determined by an inspection).
3. There shall be no gambling, smoking, illegal narcotics, or intoxicating beverages on Town property. pw
4. I understand that there is no liability or accident insurance provided by the Town for non-town functions. The applicant hereby agrees to indemnify and hold harmless the Town of Walton from any liability, including attorney's fees in the cost of defense that might occur as a result of the use of the town's premises by the applicant and those individuals using the premises as a result of this application. pw
5. I understand Liability Insurance may be required for certain functions at the discretion of the Walton Town Board. pw
6. I understand there is no parking in the green area of Veterans Plaza, a municipal parking lot is available adjacent to the green space area. pw

Date 6/28/22

Patty Wood
Signature of Applicant

Town of Walton
129 North Street
Walton, New York 13856
607-865-5766

OFFICE USE ONLY
____ APPROVED
____ DENIED
_____ Signature

APPLICATION FOR USE OF FACILITIES

I, Walton Lions request permission to use:

Veterans Plaza (\$50.00 Deposit required) More Park
 Town Hall Board Room Highway Garage Parking Lot

Beginning Date Aug 13 2022 Time: From 10^{am} to 9 pm

Ending Date Aug 13 2022 Time: From _____ to 9 pm

Est. Number of People 100 Type of Activity Car Cruise & Vendor

Request use of Water Yes No

Request use of Electric Yes No

PERSONAL INFORMATION

Name Robert Vitti

Address 6413 Dunk Hill Rd Walton NY 13856

Daytime Phone Number 607 865-9153 Cell Phone Number 607 434-1176

GENERAL RULES

Initial each on line provided

1. The applicant or the undersigned must be in attendance and is responsible for any damage to Town property as a result of the use of the premises. RV
2. The applicant/undersigned is responsible for leaving the premises in the same condition as when he or she found the premises on the beginning date as listed above. This includes, but not limited to picking up garbage and replacing furniture. The Veterans Plaza refund will be refunded if the premise is clean and free from any damages (to be determined by an inspection).
3. There shall be no gambling, smoking, illegal narcotics, or intoxicating beverages on Town property. RV
4. I understand that there is no liability or accident insurance provided by the Town for non-town functions. The applicant hereby agrees to indemnify and hold harmless the Town of Walton from any liability, including attorney's fees in the cost of defense that might occur as a result of the use of the town's premises by the applicant and those individuals using the premises as a result of this application. RV
5. I understand Liability Insurance may be required for certain functions at the discretion of the Walton Town Board. RV
6. I understand there is no parking in the green area of Veterans Plaza, a municipal parking lot is available adjacent to the green space area. RV

6/28/22
Date

[Signature]
Signature of Applicant

Town Supervisors Monthly Statement To Town of Walton Board Members

Pursuant to Section 52 of the Town Law, the following is a statement of monies received and disbursed by the Town Supervisor during the month of JUNE 2022.

Fund	General Townwide (A)	General Outside (B)	Highway Townwide (DA)	Highway Outside (DB)	Good Neighbor (H)	Risk Retention (H)	Disaster Recovery (H)
RECEIPTS							
Balances First of Month							
Savings	\$ 728,190.51	\$ 108,052.57	\$ 817,668.05	\$ 989,654.06	\$ -	\$ -	\$ -
WAYNE BANK							
Checking	\$ 2,758.19	\$ 53.66	\$ 1,639.79	\$ 154.06			
TAXES/Penalty							
Interest	\$ 36.42	\$ 3.72	\$ 33.49	\$ 39.96			
Justice Fines	\$ 2,121.00						
Town Clerk Report	\$ 202.25						
Dog Licenses	\$ 936.00						
Building Permits		\$ 795.00					
CHIPS							
REIMBURSEMENT							
CELL TOWER RENTAL	\$ 5,692.78						
PLANNING/ZONING FEE		\$ 50.00					
FRANCHISE							
GRANT	\$ 13,550.41						
DRIVEWAY PERMIT							
MORTGAGE TAX	\$ 30,959.99						
HYDRO SEEDER							
FEMA							
Interest on Checking	\$ 0.29	\$ 0.05	\$ 0.12	\$ 0.07			
TOTAL REVENUE	\$ 53,499.14	\$ 848.77	\$ 33.61	\$ 40.03	\$ -	\$ -	\$ -

DISBURSEMENTS **A** **B** **DA** **DB** **H** **H** **H**

Payroll Transfers \$ 19,155.18 \$ 2,288.01 \$ 5,330.90 \$ 32,992.93
 General Checking (A/B) \$ 14,227.43 \$ 32,820.01 \$ 5,330.90 \$ 112,248.67
 TRANSFER
 BANK FEE
 INTUIT

TOTAL PAYMENTS \$ 33,382.61 \$ 35,108.02 \$ 5,330.90 \$ 45,241.60 \$ - \$ - \$ -

Balances End of Month \$ 751,065.23 \$ 73,846.98 \$ 814,010.55 \$ 944,606.55 \$ - \$ - \$ -

Reconciled Checking \$ 4,876.05 \$ 53.71 \$ 1,639.91 \$ 154.13

Savings \$ 746,189.18 \$ 73,793.27 \$ 812,370.64 \$ 944,452.42 \$ - \$ - \$ -

ARPA FUNDS \$116,928.67
 BOB GOULD O&M \$10,408.57
 OXBOW HOLLOW O&M \$18,581.56
 WALTON MT. O&M \$12,732.02
 CWC MURPHY HILL \$23,271.72
 HYDRO SEEDER- RESER \$4,089.87

Certificate of Deposit

Bank/Rate	WAYNE/0.40%	WAYNE/35%	WAYNE/0.35%	WAYNE/0.35%
Length	24-MONTH CD	12-MONTH CD	1-Year	12-MONTH
Amount	326,699.55	\$ 268,034.43	\$12,403.20	\$435,084.38
	WAYNE/.25%			
	15-MONTH CD			
	\$5,839.96			

TOWN CLERK'S MONTHLY REPORT

TOWN OF WALTON, NEW YORK
TO THE SUPERVISOR:

JUNE '2022

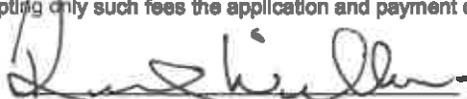
Pursuant to Section 27, Subd. 1 of the Town Law, I hereby make the following statement of all the fees and money received by me in connection with my office during the month above stated, excepting only such fees and monies the application and payment of which are otherwise provided for by law.

<u>RECEIPTS</u>		BEGINNING BALANCE	\$1,985.82
DA2665	SALE OF HWY EQUIPMENT		
A2401	INTEREST FROM NBDC	\$0.48	
A2545	MARRIAGE LICENSES	\$40.00	
A2545	MARRIAGE, DEATH, BIRTH CERTIFICATES	\$50.00	
A2545	GENEOLOGY		
B2555	BUILDING PERMITS	\$150.00	
A1255	MISC. FEES	\$103.50	
A2544	DOG LICENSES	\$657.00	
	PETTY CASH FROM TAXES		
A1010-1090	REAL PROPERTY TAX	\$488.48	
A2665	SURPLUS ITEMS		
A1090	REAL PROPERTY PENALTIES		
DB2545	HWY. DEPARTMENT	\$300.00	
DA2655	HWY. SLUICE		
A2545	DECALS	\$30.00	
A1170	FRANCHISE		
B2770	ZONING/PLANNING		
B2110	ZBA FEES		
B2115	PLANNING FEES		
	TOTAL RECEIPTS	\$1,819.44	
	GRAND TOTAL		\$3,785.26

DISBURSEMENTS

DECALS	\$193.88	
TOWN CLERK FEES/INTEREST TO SUPERVISOR	\$1,047.25	
53% OF DOG LICENSE TO SUPERVISOR	\$936.00	
TOWN TAX REVENUES TO SUPERVISOR	\$5.78	
AMOUNT PAID TO DEPT. OF AG. & MARKET	\$198.00	
AMOUNT PAID TO COUNTY FOR DOG FEES		
AMOUNT PAID TO STATE HEALTH FOR MARRI	\$67.50	
TOWN TAX TO COUNTY TREASURER	\$5.77	
NSF CHECKS		
REFUNDS		
OTHER (SUPERVISOR)		
TOTAL DISBURSEMENTS	\$2,453.98	
NET BALANCE		\$1,331.28
BANK BALANCE	\$3,690.16	
LESS OUT STANDING CHECKS	\$2,359.20	
(+) OUTSTANDING DEPOSITS	\$0.32	
ENDING BALANCE		\$1,331.28

STATE OF NEW YORK, COUNTY OF DELAWARE, TOWN OF WALTON
Ronda Williams, being duly sworn, says that she is the Town Clerk/Tax Collector for the Town of Walton, that the foregoing is a full and true statement during the month above stated, excepting only such fees the application and payment of which is otherwise provided for by law.


TOWN CLERK

TOWN CLERK'S MONTHLY REPORT

TOWN OF WALTON, NEW YORK
TO THE SUPERVISOR:

DECEMBER YTD '2022

Pursuant to Section 27, Subd. 1 of the Town Law, I hereby make the following statement of all the fees and money received by me in connection with my office during the month above stated, excepting only such fees and monies the application and payment of which are otherwise provided for by law.

RECEIPTS

BEGINNING BALANCE

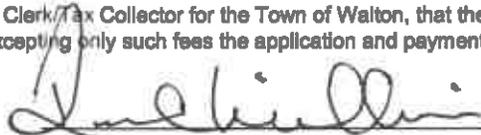
<u>DA2655</u>	SALE OF HWY EQUIPMENT	\$0.00	
A1090	INTEREST FROM NBDC	\$56.67	
A2545	MARRIAGE LICENSES	\$210.00	
A2545	MARRIAGE, DEATH, BIRTH CERTIFICATES	\$580.00	
A2545	GENEALOGY	\$44.00	
A2555	BUILDING PERMITS	\$2,465.00	
A1255	MISC. FEES	\$210.25	
A2544	DOG LICENSES	\$4,386.00	
	PETTY CASH FROM TAXES	\$100.00	
A1010-1090	REAL PROPERTY TAX	\$3,754,731.49	
A2665	SURPLUS ITEMS	\$0.00	
A1090	REAL PROPERTY PENALTIES	\$18,052.04	
DB2545	HWY. DEPARTMENT	\$900.00	
DA2655	HWY. SLUICE		
A2545	DECALS	\$507.55	
A1170	FRANCHISE	\$0.00	
B2770	ZONING/PLANNING	\$300.00	
B2110	ZBA FEES	\$0.00	
B2115	PLANNING FEES	\$0.00	
	TOTAL RECEIPTS	3,782,543.00	
	GRAND TOTAL		\$3,782,543.00

DISBURSEMENTS

	DECALS	\$450.67	
	TOWN CLERK FEES/INTEREST TO SUPERVISOR	\$3,957.06	
	53% OF DOG LICENSE TO SUPERVISOR	\$3,131.00	
	TOWN TAX REVENUES TO SUPERVISOR	\$1,684,389.64	
	AMOUNT PAID TO DEPT. OF AG. & MARKET	\$598.00	
	AMOUNT PAID TO COUNTY FOR DOG FEES		
	AMOUNT PAID TO STATE HEALTH FOR MARRI	\$135.00	
	TOWN TAX TO COUNTY TREASURER	\$2,079,089.30	
	NSF CHECKS	\$6,552.70	
	REFUNDS	\$2,908.35	
	OTHER	\$0.00	
	TOTAL DISBURSEMENTS	\$3,781,211.72	
	NET BALANCE		\$1,331.28
	BANK BALANCE		
	LESS OUT STANDING CHECKS		
	(+) OUTSTANDING DEPOSITS		
	ENDING BALANCE		\$0.00

STATE OF NEW YORK, COUNTY OF DELAWARE, TOWN OF WALTON

Ronda Williams, being duly sworn, says that she is the Town Clerk/Tax Collector for the Town of Walton, that the foregoing is a full and true statement during the month above stated, excepting only such fees the application and payment of which is otherwise provided for by law.


TOWN CLERK

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Flood Protection and Dam Safety
625 Broadway, Albany, New York 12233-3504
P: (518) 402-8185 | F: (518) 402-9029
www.dec.ny.gov

June 28, 2022

Joseph Cetta, Town Supervisor
Town of Walton
129 North Street
Walton, NY 13856

RE: LOMR Case No.: 21-02-0345P
Local Law for Flood Damage Prevention
Community ID #360215

Dear Joseph Cetta:

In accordance with the attached Letter of Map Revision (LOMR), the Flood Insurance Rate Maps (FIRM) map panel 36025C0536E, effective June 16, 2016, has been revised. This is a physical change to the municipality's FIRM and decreases the extent of the Special Flood Hazard Area (SFHA) and floodway of East Brook. The Town is required to adopt the LOMR to maintain eligibility in the National Flood Insurance Program (NFIP).

I have reviewed the local floodplain management regulations adopted by your community's Local Law for Flood Damage Prevention, Local Law #1 of 2012, amended by Local Law #1 of 2016. Given the recent changes to the New York Building Codes, we strongly recommend replacement of existing floodplain management regulations by repealing your existing local law and enacting the attached new model local law. The model has been updated to include state program changes made since the adoption of your existing regulations.

Please complete the model local law per the instructions. Note that Section 3.2 has already been completed to correctly reference the revised FIRM panels. However, please be sure to verify the location where the Flood Insurance Study and map panels are kept on file for public access is up to date. I also revised the definition for **substantial damage** and added a definition and section for **critical facilities** to be in line with the updates made in the 2016 amendment.

The model local law reflects minimum NFIP regulatory standards. We have also provided optional additional language that your community may wish to adopt to increase resistance to flood damages. Furthermore, these additional provisions can potentially earn points in FEMA's Community Rating System (CRS) program, which provides discounts to all flood insurance policy holders in communities that go above and beyond the minimum NFIP requirements for floodplain management. Currently, the Town is a CRS Class 8, earning flood insurance policy holders a 10% discount on their premium.



Department of
Environmental
Conservation

Before adopting the law, please provide a draft copy for our review. To allow for a complete review, provide a draft copy to this office no later than ninety (90) days prior to the effective date of the LOMR. The local law needs to be adopted by the community thirty (30) days prior to the effective date of the LOMR to avoid suspension eligibility, and by the effective date to avoid suspension.

To summarize, the key dates in the map adoption process are as follows:

Date the LOMR was issued:	May 3, 2022	~180 days prior to effective date
Deadline for Draft Local Law Submitted to DEC for Review:	August 5, 2022	90 days prior to effective date
Deadline for the Local Law to be adopted by the Community to prevent suspension eligibility:	October 4, 2022	30 days prior to effective date
Deadline for Local Law be adopted by community and approved by DEC & FEMA to avoid suspension:	November 3, 2022	Effective date of LOMR
FEMA Suspension Date if Local Law is not adopted by community and approved by DEC& FEMA:	November 4, 2022	Suspension date

If you have any questions or wish to discuss further, do not hesitate to contact me.

Sincerely,



Geoff Golick, EIT
Assistant Engineer, Floodplain Management

New York State Department of Environmental Conservation
625 Broadway 4th Floor, Albany, NY 12233-3504
P: (518) 402-7350 | F: (518) 402-9029 | geoffrey.golick@dec.ny.gov

Enclosures: LOMR Case No.: 21-02-0345P
Model Local Law for Flood Damage Prevention
Optional Additional Language

CC: Ronda Williams, Clerk
Stephen Dutcher, Code Enforcement Officer
Kelli Higgins-Roche, DEC Albany, Division of Water
Brad Wenskoski, DEC Albany, Division of Water
Dave Sherman, DEC Region 4, Division of Water

RESOLUTION No. ____
INTRODUCING A LOCAL LAW
REGARDING

**Flood Damage Prevention as authorized by the New York State
Constitution, Article IX, Section 2, and Environmental Conservation
Law, Article 36**

At a meeting of the Town Board of the Town of Walton, Delaware County, New York, held at 129 North Street, Walton, New York, on the 11th day of July , 2022, there were:

Supervisor Joseph Cetta Present / Not Present

Councilman Leonard Govern Present / Not Present

Councilman Luis Rodriguez-Betancourt Present / Not Present

Councilman Kevin Armstrong Present / Not Present

Councilwoman Patricia Wood Present / Not Present

Councilperson _____ offered the following resolution and moved for its adoption:

BE IT RESOLVED that an introductory Local Law entitled "Local Law #__ of 2022 Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36" is hereby introduced before the Town Board of the Town of Walton, Delaware County, New York pursuant to authority under the New York State Constitution, the provisions of § 10 of the New York State Municipal Home Rule Law, § 10 of the New York State Statute of Local Governments, and the New York State Town Law;

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board;

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at 129 North Street, Walton, New York, at _____ pm on _____, 2022;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Walton of said public hearing at least five (5) days prior thereto;

BE IT FURTHER RESOLVED that the Town Supervisor or his designee is authorized to prepare the Environmental Assessment Form under the

State Environmental Quality Review Act, and its implementing regulations;

BE IT FURTHER RESOLVED that the Town Supervisor or his designee is to provide notice, if required, under GML § 239-m to Delaware County Planning Board and abutting municipalities under Town Law § 264;

and BE IT FURTHER RESOLVED that the Town Supervisor or his designee is authorized to take any other action required under law in furtherance of this resolution and passage of the proposed local law.

On a motion by Councilperson _____, seconded by _____, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Joseph Cetta Aye - Nay - Abstain
Councilman Leonard Govern Aye - Nay - Abstain
Councilman Louis Rodriguez-Betencourt Aye - Nay - Abstain
Councilman Kevin Armstrong Aye - Nay - Abstain
Councilwoman Patricia Wood Aye - Nay - Abstain

Adopted this __th day of _____ 2022.

TO DO:

Sect. 4.1 - Insert the title or office of the individual or group responsible for administering the local law, such as the Building Inspector, Code Enforcement Officer or Planning Board. May not be the Zoning Board of Appeals.

Sect. 4.2-2 - Insert fee amount (if so desired) and community name.

LOCAL LAW # ____ of 2022

A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Town Board of the Town of Walton finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Walton 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.

"Critical facilities" means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;

- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

"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 damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 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 Town of Walton.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Walton, Community Number 360215 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36025C0290D, 36025C0537D, 36025C0539D, 36025C0541D, 36025C0543D,
36025C0729D, 36025C0734D, 36025C0753D

whose effective date is June 19, 2012, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) Flood Insurance Rate Map Panel Numbers:

36025C0295E, 36025C0505E, 36025C0506E, 36025C0507E, 36025C0508E,
36025C0509E, 36025C0515E, 36025C0516E, 36025C0517E, 36025C0518E,
36025C0519E, 36025C0526E, 36025C0527E, 36025C0528E, 36025C0529E,
36025C0535E, 36025C0536E, 36025C0538E, 36025C0727E, 36025C0731E,
36025C0732E, 36025C0751E

whose effective date is June 16, 2016, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (3) A scientific and engineering report entitled "Flood Insurance Study, Delaware County, New York, All Jurisdictions" dated June 16, 2016:
- (4) Letter of Map Revision (LOMR), Case No.: 21-02-0345P, effective November 3, 2022, revising FIRM panel: 36025C0536E, dated June 16, 2016.

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:
Town of Walton, 129 North Street, Walton, New York 13856.

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 Town of Walton 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 Town of Walton, 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 _____ 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 of \$ _____. In addition, the applicant shall be responsible for reimbursing the Town of Walton 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 residential structure to be located in a special flood hazard area. 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, of the lowest floor (including basement or cellar) of any new or substantially improved non-residential 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.

- (3) 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.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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 or not 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 so as 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 Town of Walton 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 Town of Walton for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Walton 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 Town of Walton 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 Town of Walton for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Walton 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 Town of Walton 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, at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation where permitted, 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 Special Flood Hazard Areas, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (3) Within Zone A, if the Base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
 - a. Obtain and reasonably use data available from a federal, state or other source plus 2 feet of freeboard or:
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices, plus freeboard. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (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 of freeboard, or not less than 3 feet if a depth number is not 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, AH and Zone A 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 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).
- (4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with Section 5.2-1, ANCHORING.

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.

5.7 CRITICAL FACILITIES

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

**SECTION 6.0
VARIANCE PROCEDURE**

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town of Walton 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 _____, 2022 by the Town Board of the Town of
Walton, Delaware County, New York, to be effective _____, 2022.

SEAL

ATTEST _____ CLERK

Attachment A
MODEL FLOODPLAIN DEVELOPMENT
APPLICATION FORM

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

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

1. No work may start until a permit is issued.
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 Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE)

DATE

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

NAME	ADDRESS	TELEPHONE
APPLICANT		
BUILDER		
ENGINEER		

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.

APPLICATION # _____

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

- | ACTIVITY | STRUCTURE TYPE |
|--|--|
| <input type="checkbox"/> New Structure | <input type="checkbox"/> Residential (1-4 Family) |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Residential (More than 4 Family) |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Non-residential (Floodproofing? <input type="checkbox"/> Yes <input type="checkbox"/> No) |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Combined Use (Residential & Commercial) |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Manufactured (Mobile) Home |
| <input type="checkbox"/> Replacement | (In Manufactured Home Park? <input type="checkbox"/> Yes <input type="checkbox"/> No) |

ESTIMATED COST OF PROJECT \$ _____

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)
- Individual Water or Sewer System
- Other (Please Specify) _____

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

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

The proposed development is located on FIRM Panel No. _____, Dated _____.

The Proposed Development:

- The proposed development is reasonably safe from flooding. Entire property is in Zone B, C or X.
- The proposed development is in adjacent to a flood prone area.
100-Year flood elevation at the site is:
_____ Ft. NGVD 1929/ NAVD 1988 (MSL)
 Unavailable
- See Section 4 for additional instructions for development that is or may be in a flood prone area.

SIGNED

DATE

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by LOCAL 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 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 first floor, details of floodproofing of utilities located below the first floor, details of enclosures below the first floor, openings in foundation for entry and exit of floodwaters.

Other _____

- Elevation Certificate
- Subdivision or other development plans (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide 100-year flood elevations if they are not otherwise available).
- Plans showing the watercourse location, proposed relocations, Floodway location.
- Topographic information showing existing and proposed grades, location of all proposed fill.
- Top of new fill elevation _____ Ft. NGVD 1929/ NAVD 1988 (MSL)
- PE Certification of Soil Compaction
- Floodproofing protection level (non-residential only) NGVD 1929/ NAVD 1988 (MSL)
For floodproofed structures, applicant must attach certification from registered engineer or architect.
- Other: _____

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

I have determined that the proposed activity: A. Is
B. Is not

in conformance with provisions of Local Law # _____, (yr) _____. 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 Administrator may issue a Development Permit upon payment of designated fee.
If BOX B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from the Board of Appeals.

Expiration Date: _____

APPEALS: Appealed to Board of Appeals? Yes No

Hearing date: _____

Appeals Board Decision --- Approved? Yes No

Conditions: _____

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

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is: _____ FT.
 NGVD 1929/ NAVD 1988 (MSL).
Attach Elevation Certificate FEMA Form 81-31

2. Actual (As-Built) Elevation of floodproofing protection is _____ FT. NGVD 1929/ NAVD 1988 (MSL).
Attach Floodproofing Certificate FEMA Form 81-65

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

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

The LOCAL 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 ADMINISTRATOR)

Certificate of Compliance issued: DATE: _____

BY: _____

Attachment B

**SAMPLE
CERTIFICATE OF COMPLIANCE**

for Development in a Special Flood Hazard Area

**CERTIFICATE OF COMPLIANCE
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA**

(Owner Must Retain This Certificate)

Premises located at:

Owner:

Owner's Address:

Permit No. _____ Permit Date: _____

Check One:

- New Building
- Existing Building
- Fill
- Other:

The Local Floodplain Administrator is to complete a. or b. below:

a. Compliance is hereby certified with the requirements of Local Law No. _____, (yr) _____.

Signed: _____ Dated: _____

b. Compliance is hereby certified with the requirements of Local Law No. _____, (yr) _____, as modified by variance no. _____, dated _____.

Signed: _____ Dated: _____