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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of New Paltz

Town

Village

Local Law No.-----of the year 2015

“A Local Law to Amend Section 140-19 “Floodplain District” of the Code of the Town of New Paltz.

Be it enacted by the Town Board of the

County

City

of New Paltz as follows:

Town

Village

Section 1. AMENDMENT

The definition “Cumulative Substantial Improvement” of Subdivision C, “Definitions” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz is hereby repealed and the remaining paragraphs are renumbered consistent with such repeal.

Section 2. AMENDMENT

Definition “Substantial Damage” of Subdivision C, “Definitions” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz is hereby amended by deleting the last sentence thereof and to have the paragraph read as follows:

“(v) Substantial Damage - 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% of the market value of the structure before the damage occurred.”

Section 3. AMENDMENT

Definition “Substantial Improvement” of Subdivision C, “Definitions” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, together with all subparagraphs thereof, is hereby repealed in its entirety.

Section 4. AMENDMENT

Paragraph (1) of Subdivision G, “Standards and Requirements” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby amended to read as follows:

“All new residential buildings located within the Flood Fringe (FF) Subdistrict shall meet the standards and criteria of Chapter 82, Flood Damage Prevention, of the Code of the Town of New Paltz.”

Section 5. AMENDMENT

Paragraph (2) of Subdivision G, “Standards and Requirements” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby repealed and the remaining paragraphs renumbered.

Section 6. AMENDMENT

Paragraph (3) of Subdivision G, “Standards and Requirements” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby amended to read as follows:

“(4) All new nonresidential commercial or light industrial buildings located within the Flood Fringe (FF) Subdistrict shall meet the standards and criteria of Chapter 82, Flood Damage Prevention, of the Code of the

Town of New Paltz. An architect's or engineer's certification that the nonresidential building or structure has been designed and constructed in compliance with FEMA and the New York State Uniform Fire Prevention and Building Code's standards and requirements must be provided, as applicable. No storage of materials shall be allowed below the base flood elevation."

Section 7. AMENDMENT

Paragraph (4) of Subdivision G, "Standards and requirements" of Section 140-19 "Flood Damage Prevention" of the Code of the Town of New Paltz, is hereby repealed and the remaining paragraphs renumbered.

Section 8. AMENDMENT

Paragraph (6) of Subdivision G, "Standards and requirements" of Section 140-19 "Flood Damage Prevention" of the Code of the Town of New Paltz, is hereby amended to read as follows:

"Incidental fill placement. The volume of fill materials to be placed in the floodplain shall be minimized to the extent practicable. With the exception of the fill placed above the existing natural ground elevation that is required to construct the immediate building site for the principal structure, wastewater treatment system and the required access to the residence, and excepting fill materials used for operations and activities of agriculture as defined in § 44-3 of the Code of the Town of New Paltz, additional fill materials placed above the existing natural ground elevation in the floodplain shall not exceed 40 cubic yards per building site, unless otherwise specifically allowed by the Town Building Inspector."

Section 9. AMENDMENT

Paragraph (10) of Subdivision G, "Standards and requirements" of Section 140-19 "Flood Damage Prevention" of the Code of the Town of New Paltz, is hereby amended to read as follows:

"Residential buildings placed on fill within Zones AE and AH of the floodplain shall be provided with well compacted fill materials necessary to establish a minimum ground elevation at the building's foundation that is a minimum of 1.0 foot above the base flood elevation (BFE), and that a minimum slope of 1.5% shall be required for drainage away from the building foundation for a minimum distance of 25 feet. Minimum requirements for soil fill compaction shall be 90% maximum dry density as determined by the Standard Proctor (ASTM D 698) test method. Laboratory soil density compaction test results shall be submitted to and accepted by the Building Inspector to demonstrate the required compliance for fill materials placement."

Section 10. AMENDMENT

Paragraph (2) of Subdivision H, “Non-conforming uses and structures” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby repealed and the remaining paragraphs renumbered.

Section 11. AMENDMENT

Paragraph (3) of Subdivision H, “Non-conforming uses and Structures” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby amended to read as follows:

“(2) Lawfully existing parcels of land located within the Floodplain District which are unimproved and which existed on the effective date of this section that are subsequently subdivided for the purpose of creating additional lots must comply with the standards and criteria of this section, Chapter 121 and Chapter 82 of the Code of the Town of New Paltz.”

Section 12. AMENDMENT

Paragraph (4) of Subdivision H, “Non-conforming Uses and Structures” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby repealed and the remaining paragraphs renumbered.

Section 13. AMENDMENT

Paragraph (6) of Subdivision H, “Non-conforming uses and Structures” of Section 140-19 “Flood Damage Prevention” of the Code of the Town of New Paltz, is hereby amended to read as follows:

“(6) No existing non-conforming dwelling which is located within the Floodplain District shall be enlarge such that the living area of such dwelling, excluding basement, shall be increased unless the enlarged facilities are constructed in compliance with the provisions of this section, Chapter 82 of the Code of the Town of New Paltz and with the provisions of the New York State Uniform Fire Prevention and Building Code.”

Section 14. SUPERCESSION

The Town Board hereby declares its legislative intent to supercede any provisions of any local law, rule, or regulation or provision of the Town Law inconsistent with this local law. The Town Law provisions intended to be superceded include all of Article 16 of the Town Law, ' ' 261-285 inclusive and any other provision of law that the Town may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply in the event the Town has failed to specify any provisions of law that may require supercession. The Town Board hereby declares that it would not have enacted this local law and superceded such inconsistent provision had it been apparent.

Section 15. SEVERABILITY

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would not have enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 16. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.