

APPROVED MINUTES of the City Council
Flood Workshop of the City Council of the
City of Rye held on May 14, 2007 at 8:00
P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
MATTHEW FAHEY
DUNCAN HENNES
HOWARD G. SEITZ
Councilmen

ABSENT: GEORGE PRATT, Councilman

ALSO PRESENT:

Board of Architectural Review: Eugene McGuire, David Cutner
Conservation Commission/Advisory Committee: Joe Murphy
Planning Commission: Carolyn Cunningham, Nicholas Everett,
Martha Monserrate
Zoning Board of Appeals: Alan Weil

STAFF:

Christian Miller, City Planner
Susan Morison, City Clerk
Scott Pickup, Assistant City Manager
Kevin Plunkett, Corporation Counsel
Vincenzo Tamburro, Building Inspector
Paul Shew, City Manager
Kristin Wilson, Corporation Counsel's Office

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. Introduction

Mayor Otis welcomed everyone. He said the City is continuing to evaluate all upstream remediation solutions, but this evening's workshop would concentrate on how residents who were flooded can rebuild faster than usual and how we can help them help themselves.

The Mayor announced that another meeting, with speakers from FEMA and the National Flood Insurance Office in attendance, to answer specific questions about raising homes in a flood area had been tentatively set for next Monday, May 21, 2007 at 8:00 PM.

4. Slide Presentation “ Re-Building Homes After Rye’s Flood”

Christian Miller, City Planner, presented an outline for those attending on the benefits and challenges of elevating one's home. Keeping in mind that “Raising the Bridge” is easier than “lowering the water,” benefits include peace of mind (life sanity); protection of life, property and home values; control of your own property; and no dependency on other entities. Concerns include aesthetic and community character impacts; exceeding local land use restrictions; projecting a “flood prone” image; and cost.

There are no elevation requirements as long as reconstruction does not exceed 50% of the market value of the structure and it is not new construction. The market value (which will be calculated as of March 1, 2007—prior to both major floods—by the Assessor's Department) is calculated by taking the assessed value total, less the land value, times a ratio divided by two. The most conservative elevation target would be to raise a home to conform to new (as of September, 2007) Flood Insurance Rate Map (FIRM) standards (approximately 8 feet above grade on Mendota), but at least above the April 15 flood level (which would be approximately 6 feet above grade. To be fully FEMA compliant the house would have to have habitable space and mechanicals above the base flood elevation, have no basement and have a pass-through design for the water. Additionally, fill cannot be imported to the site (See Chapter 100 of Rye's code); basement extensions must address hydrostatic pressure considerations and, as of July, 2007, sprinklers may be required (NYS Building Code).

City of Rye permit process requires a building permit, design review by the Board of Architectural Review, wetlands review and permits from Planning (if applicable); and, again if applicable, variances from the Board of Appeals (setbacks, height, stories, FAR).

For those who have to rebuild, timing is essential; the cost is high and not covered by insurance (especially if not rebuilt to be at FIRM standards). Preserving the residence and character is important, even for those actively pursuing raising their homes, but most will want to be lower (not higher) than the new FIRM standards and will want less bulk and height variances, but more setback. In other areas of Rye, “tear downs” and new

construction will be more common. There may be more desire to meet FIRM standards; and stories, height and FAR variances may be more necessary than setbacks.

What incentives and relief can the City provide for elevating a home? We could modify land use regulations, exempt or expedite land use review and look at financial incentives (temporary waivers of City fees, for example). There are some areas (such as freezing tax assessments) which would require NYS legislation.

Mr. Miller concluded by saying elevation is a 25-year-old policy which the City will always advocate and these land use laws should be permanent. He asked everyone (including the architects) to continue to proceed with all plans and to stay in close contact with himself and the Building Inspector. He turned the floor back to the Mayor for questions and further discussion of possible new procedures

5. Discussion – Possible Incentives/Procedures

The Mayor suggested setting up a high power/hybrid committee with representatives from each Board to expedite a simple review. Councilman Seitz suggested this would be perfect for a “plain vanilla” application, but that more complicated plans would have to go beyond the “one meeting” approval process. Carolyn Cunningham said the Planning Commission is very much in favor of encouraging elevations and wants to make the process easier, but mentioned the importance of neighbor notification and an official public hearing, regardless of the approval process. Nick Everett discussed the time period for this special committee (6 months? 1 year?) and the need to separate out those with severe needs with no options and those who can afford to take a little more time. Gene McGuire stressed the importance of review from the BAR for aesthetics and neighborhood integration. Joe Murphy supported the idea, feeling it would be good for inter-Board communication as well, and suggested the City consider a 60 day period for “fast tracking” every year so the impetus to raise homes can continue. There were some reservations about the hybrid committee idea. What to do if the application is not completely “plain vanilla simple”? How to insure that everything is still checked out and totally compliant? What would be the mechanism whereby the hybrid committee can kick the application back to the normal process if necessary? Mr. Weil stressed the importance of each member of the hybrid committee exercising extreme discipline to rule only on the issues before them (i.e. if there is no BAR issue, there should be no opinions on how the plan “looks). He said it is essential that the guidelines be very clear cut. Mr. McGuire pointed out three levels of plans: 1) recreate what is there, but higher is simplest; 2) change the house while you raise it; and 3) tear it down and start again as the most complicated. Each needs different levels of surveillance. One member of the audience was totally opposed to raising houses from an aesthetic point of view.

There was also considerable discussion about setting guidelines. How high should/could the house go? Should the height regulations be rolled back to pre-2003 limits? How many square feet will it take to raise mechanicals (ca. 100 square feet)?

(Paul Benowitz said he has had lots of requests to just raise the mechanicals rather than raise the house.) How do we define a “story”? How do you construct a garage (different for the brook, than when you might have wave action)? Mr. Cutner noted that elevating the home would eventually translate into a higher resale value, but it is important to waive as many fees as possible.

6. Summary of proposals

The following ideas should be considered in drafting temporary legislation to expedite any building processes:

- Amend laws to give relief from zoning requirements (e.g. building height, stories, FAR) when elevating homes.
- Allow additional FAR such as an extra 100 sq. feet if the mechanicals are moved above flood level.
- Waive building fees
- See if it is possible to freeze assessments for a short time.
- Set up a hybrid committee with power to expedite applications, but define carefully the new rules and regulations and the kinds of applications which should be approved by this committee.
- Establish criteria to prioritize the need of applicants.
- Establish a time frame for the committee, applications, etc.

Paul Benowitz said the meeting was quite amazing and he applauded the City for taking a leadership role and carving a path for other communities. Kathryn Doyle said even after three floods she would never leave this wonderful community and on behalf of everyone in the audience thanked everyone participating in the workshop.

6. Adjournment

As there was no further discussion, Councilman Hennes made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn the workshop at 10:02 P.M.

Respectfully submitted,

Susan Morison
City Clerk