

***APPROVED MINUTES*** of the Special Meeting of the City Council of the City of Rye held in City Hall on September 16, 2011 at 4:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
PETER JOVANOVIK  
SUZANNA KEITH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: RICHARD FILIPPPI  
PAULA J. GAMACHE  
Councilmembers

1. Pledge of Allegiance

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

2. Roll Call

Mayor French asked the City Manager to call the roll; a quorum was present to conduct official city business.

3. Consideration to adopt the proposed New York State changes to the Local Law for Flood Damage Prevention

City Manager Pickup provided a brief history of Chapter 100 (Floodplain Management) of the City Code. In 2007 the New York State Floodplain Manager (a division of the NYS Department of Environmental Conservation) forwarded their Model Ordinance to the City. Adoption of the ordinance was a requirement for the City and properties located in the floodplain to continue to participate in the National Flood Insurance Program. The City Council passed the law (Chapter 100) in September 2007. The goal was to establish standards of compliance for people who live in floodplain areas. The State Building Codes Division (under the Department of State) adopts the New York State Building Codes, which are adopted by the City of Rye and enforced at the local level by the Building Department. Key words in the floodplain law are “substantial improvement” or “new.” A homeowner who is building an entirely new structure must comply with elevating the home above the base flood elevation, which includes utilities. Substantial improvement would be damages that occur to a home that are greater than 50% of the value of the property. The value of homes in Rye is such that many do not meet the 50% threshold that triggers the elevation requirement. However, there is a utility section under the

NYS Building Codes that addresses replacement requirements, which is causing a conflict. The City has asked our NYS Regional Building Official (Erica Kreiger) to provide a written interpretation of this section as it relates to the floodplain law and to the building codes to resolve the conflict. The City is currently applying the stricter standard of the State Building Code. The Floodplain Administrator has updated the 2007 floodplain law, which adds additional language to differentiate the application of the standard for elevating above base flood elevation based on the flood insurance portion of the law. Most of the Rye properties will not meet that standard. It is suggested that the Council set a public hearing for the October 5<sup>th</sup> meeting on the updated law with the idea of adopting it in October or early November.

There was a lengthy discussion with residents in the audience regarding reconciling the differences between Chapter 100 and the Building Code as they look to repair their homes.

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to adopt the following Resolution:

**WHEREAS**, the Council wishes to amend Chapter 100, “Floodplain Management” of the Code of the City of Rye by amending Section 100-5(B) “Standards for all structures”; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on October 5, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law to amend Chapter 100, “Floodplain Management” of the Code of the City of Rye by amending § 100-5(B) “Standards for all structures”.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5th day of October, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will

be afforded an opportunity to be heard concerning a proposal to amend Chapter 100, "Floodplain Management" of the Code of the City of Rye by amending § 100-5(B) "Standards for all structures".

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse  
City Clerk  
Dated: September 27, 2011

4. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 5:55 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk