

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 flood plain 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 VILLAGE BOARD 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 reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic

Places on the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.

- (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;
 - (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:
 - (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 that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be it enacted this 13 day of JULY, 1987 by the
VILLAGE BOARD of WELLSBURG of
CHEMUNG County, New York, to be effective
UPON FILING.

Doris Morris

 DORIS MORRIS - MAYOR

SEAL

Ann Roland

 ATTEST. VILLAGE CLERK

ATTACHMENTS

A. Flood Hazard Area Development Permit Application Form.

B. Certificate of Compliance.

FOR OFFICIAL USE ONLY

Permit No. _____

Fee Received _____ Date _____

VILLAGE _____

of _____

WELLSBURG _____

CHEMUNG _____

County, New York

Permit Application for Development
in
Flood Hazard Areas

A. General instructions page 4 (Applicant to read and sign)

B. For assistance in completing or submittal of this application contact:

_____, Floodplain Administrator,

(Name)

(Address)

_____, NY () _____ - _____

1. Name and Address of Applicant

(First Name) _____ (MI) _____ (Last Name) _____

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: () _____ - _____

2. Name and Address of Owner (If Different)

(First Name) _____ (MI) _____ (Last Name) _____

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: () _____ - _____

3. Engineer, Architect, Land Surveyor (If Applicable)

(First Name) _____ (MI) _____ (Last Name) _____

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: () _____ - _____

PROJECT LOCATION

Street Address: _____ Tax Map No. _____

WELLSBURG, NY

Name of, distance and direction from nearest intersection or other landmark

Name of Waterway: _____

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

Structure Type

- | | |
|---|---|
| <input type="checkbox"/> New Construction | <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"/> Commercial |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Mobile Home (single lot) |
| <input type="checkbox"/> Replacement | <input type="checkbox"/> Mobile Home (Park) |
| | <input type="checkbox"/> Bridge or Culvert |

Estimated value of improvements if addition or alteration: _____

Other Development Activities

- Fill Excavation Mining Drilling Grading
- Watercourse alteration Water System Sewer System
- Subdivision (New) Subdivision (Expansion)
- Other (Explain) _____

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

Date

Signature of Applicant

VILLAGE of WEILSBURG
Flood Hazard Development Permit

Administrative Action
Completed by Floodplain Administrator

Proposed project located in _____ "A" zone with elevation
_____ "A" zone without elevation
_____ Floodway
_____ Coastal High Hazard Area (V-Zone)

Base flood elevation at site is _____

Source documents: _____

PLAN REVIEW

Elevation to which lowest floor is to be elevated _____ ft. (NGVD)
Elevation to which structure is to be floodproofed _____ ft. (NGVD)
Elevation to which compacted fill is to be elevated _____ ft. (NGVD)

ACTION

- _____ Permit is approved, proposed development in compliance with applicable floodplain management standards.
- _____ Additional information required for review. Specify: (i.e., encroachment analysis)

- _____ Permit is conditionally granted; conditions attached.
- _____ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature _____ Date _____
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is _____ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date _____ Signature _____

VILLAGE _____ of WELLSBURG

CHEMUNG County, New York

Development in Flood Hazard Areas
Instructions

1. Type or print in ink
2. Submit 4 copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) MSL (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.
4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature _____

Date _____

CERTIFICATE OF COMPLIANCE
for
FLOODPLAIN DEVELOPMENT

VILLAGE _____ of WELLSBURG _____
CHEMUNG County, N.Y.
(Applicant shall fill in all pertinent information in Section A including 1 or 2)

SECTION A	
Premises location _____ _____ _____	Permit No. _____ Variance No. _____ Date _____
Applicant Name & Address _____ _____	CHECK ONE New Building _____ Existing Building _____ Other (List) _____
Telephone No. _____	_____

1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.

Signed _____

Date _____

2. I certify that I have completed the above project in accordance with conditions of variance number _____, dated _____ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

Signed _____

Date _____

SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date _____ by _____

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. _____, or has a duly granted variance.

Signed _____
(Local Administrator)

Date _____

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 01 of 1987.

County
of the City of WELLSBURG was duly passed by the VILLAGE BOARD
Town of _____ (Name of Legislative Body)
Village _____
on JULY 13, 1987 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____

County
of the City of _____ was duly passed by the _____
Town of _____ (Name of Legislative Body)
Village _____
on _____ 19_____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer*
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____

County
of the City of _____ was duly passed by the _____
Town of _____ (Name of Legislative Body)
Village _____
on _____ 19_____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer*
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____

County
of the City of _____ was duly passed by the _____ on _____
Town of _____ (Name of Legislative Body)
Village _____
_____ 19_____ and was approved _____ by the _____ on _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer*
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revisions proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of § 35 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the _____ election held on _____ 19 _____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19 _____ of the County of _____ State of New York, having been submitted to the Electors at the General Election of November _____, 19 _____, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit, voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Ann Doland
Clerk of the _____ Village
ANN DOLAND

Date: JULY 16, 1987

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF CHEMUNG

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

..... *J. William B...*
Signature
..... VILLAGE ATTORNEY
Title

Date: July 16, 1987

..... of WELLSBURG
Village

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC. 09 1991

[Signature]
Secretary of State

(Please Use this Form for Filing your Local Law with the Secretary of State)

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.

~~XXXXX~~
~~City~~ of Wellsburg
~~Village~~
Village

Local Law No. #1 of the year 19 91

A local law AMENDING FLOOD DAMAGE PREVENTION LOCAL LAW #1-1987
(Insert Title)
as authorized by the New York State Constitution, Article IX Section 2,
and Environmental Conservation Law, Article 36.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~XXXXXX~~
~~City~~ of Wellsburg, Chemung County as follows:
~~Village~~
Village

Section 3.2 is amended as follows:

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Village of Wellsburg, New York, Chemung County" dated October 1, 1980 with Flood Insurance Rate Maps enumerated on Map Index No. 360157 0001 B dated June 15, 1981 and with accompanying Flood Boundary and Floodway Maps enumerated on Map Index No. 360257 0001 B dated June 15, 1981.

The above documents are, hereby, adopted and declared to be a part of this local law and are filed at the Village Office, 62 (207) Main Street, Wellsburg, New York.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1991
County
~~City~~ of Wellsburg was duly passed by the Board of Trustees
~~Town~~ Village (Name of Legislative Body)
on October 14, 1991, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
County
City
of the Town of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
County
City
of the Town of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19____, in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
County
City
of the Town of _____ was duly passed by the _____ on
Village (Name of Legislative Body)
_____ 19____ and was approved _____ by the _____ on
not disapproved _____ repassed after disapproval _____ Elective Chief Executive Officer *
_____ 19____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

C. Ann Doland
C. Ann Doland,

Village Clerk

Date: October 14, 1991

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF CHEMUNG

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

William O'Brien

Signature

William O'Brien, Village Attorney

Title

Date: October 14, 1991

of Wallburg

Village