# Flood Damage Prevention in Delaware County, NY

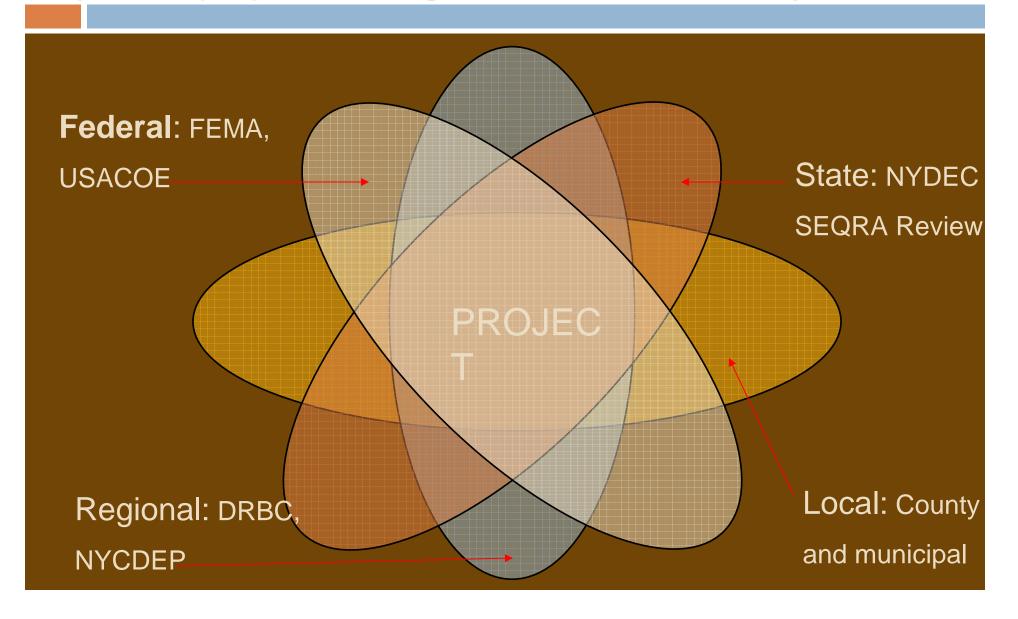


Nicole Franzese

**Delaware County Planning Department** 



#### Layers of project oversight in Delaware County



## SEQRA

- New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making.
- This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. SEQR requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action".

#### NYCDEP oversight

- More than 50% of Delaware County land area is in NYC watershed
- ☐ Extra set of restrictions in watershed:
  - Restrictions on impervious surface within 100 feet of watercourse or 300 feet of reservoir
  - Restrictions on building within 100 feet of watercourse or 300 feet of reservoir
  - Most projects require a separate
     Stormwater Pollution Prevention
     Plan and NYCDEP stormwater



#### County-Wide initiatives

- Regional Planning Documents
  - Multi-Jurisdictional All-Hazard Mitigation Plan
  - Stream Corridor Management Plans
  - Delaware County Action Plan

West Branch of the Delaware River Stream Corridor Management Plan



December 20

Prepared by: Delaware County Soul and Water Conservation Distri

In cooperation with: New York City Department of Environmental Protection Stream Management Program



Delaware County Multi-Jurisdictional Hazard Mitigation Plan

Draf

Submitted to NYSEMO October 31, 2005

### SCMP

- A voluntary program locally developed that defines stream stewardship and management for the entire community
  - ☐ Identification of problems and opportunities to address:
    - stream stability and property protection issues
    - □ flood issues
    - □ aesthetic, recreational and ecological concerns
  - Opportunity to work with government agencies and local groups to address stream maintenance issues
  - Identification of funding sources for locally sponsored projects

## DCAP

- Comprehensive locally driven watershed management program
- Components
  - Agriculture
  - Stormwater & Floodplain Management (Urban and Highway)
  - Stream Corridor Management
  - On-Site Septic Systems
  - Monitoring, Modeling and Research
  - □ Home Rule & Economic Prosperity

#### Stormwater & Floodplain Management

- Scientific Research
- SEQRA (State Environmental Quality Review Act) Reviews
- Stormwater Plans and Retro-fit Programs
- Highway Management Program
- Source Water Protection

#### Local oversight

- □ Review by Municipal Planning Boards SEQRA compliance
  - □ Site Plan Review Process
  - Local Flood Damage Prevention Law
  - Subdivision regulations
  - □ Zoning Restrictions ie. Development Limitation Overlays
  - □ Local planning documents
    - □ Stormwater Management Plans
    - Source Water Protection Plans
    - □ Comprehensive Plans

#### Case Study: Town of Andes

- Section 2.12B Zoning Law: Special use permit required for construction within 100 ft of a protected stream or NYSDEC designated wetland. Subdivisions, site plans and special use permits shall be held to the standard that buildings and parking areas must avoid the area within 100 ft of streams or wetlands to the maximum extent practical
- Section 4.4 (2) (c) pg. 32 Subdivision Regulations: Drainage facilities must be large enough to accommodate potential runoff from entire upstream watershed, based on 50-yr storm and assuming maximum development within watershed.
- □ Section 4.4 (2) (d) pg. 33 Subdivision Regulations: Planning Board may require study to determine subdivision's effect on downstream drainage. Where it is anticipated that additional runoff created would exceed capacity of downstream drainage facilities, Board may withhold approval until this condition is corrected.
- Pg. 39 Subdivision Regulations, Table 1: On-site septic must be located at least
   100 ft from a water body or wetland

#### Case Study: Town of Delhi

- <u>Subdivision regulations pg 35 Section 4.4-4 Flood Plain Areas:</u> Flood plain areas as defined by official HUD Flood Hazard Maps shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at discretion of planning board.
- Zoning Law pg 20 Section 407 (Development Limitations Overlay) A)

  Description: Development limitations include, but are not limited to, Flood Hazard Areas as identified by FEMA on the 1985 FIRM, slopes over 15%, elevations over 2000'.
- Zoning Law pg 21 Section 407 (Development Limitations Overlay) G)
  Other Provisions and Requirements: No further building construction for any purpose shall be permitted within the area designated as a Flood Hazard Area. Parking, open space and other uses not posing any obstructions to water flow may be permitted.
- □ Zoning Law pg 50 Section 706 Site Plan Review Submission

#### Summary

- Delaware County has several layers of regulatory structure in place to
  - control development in and around flood hazard areas
- ☐ It makes more sense to work within existing regulatory constraints
  - than to create new ones
- New floodplain maps are critical for proper planning and enforcement

## Contact Us

Delaware County Planning Department PO Box 367, Page Avenue Delhi, NY 13753

Phone: (607) 746-2944

Fax: (607) 746-8479

Email: pln@co.delaware.ny.us



Visit us on the web at:

http://www.delawarecountyplanningdepartment.com