

TOWN OF PLATTSBURGH
TOWN BOARD SEMI-MONTHLY MEETING
September 21, 2023

Resolution No. 023-213

**Resolution to Hold Public Hearing for Local
Law No. 5 of 2023: Amending Local Law
No. 4 of 2007 Flood Damage Prevention**

WHEREAS, the Town participates in the National Flood Insurance Program (NFIP); and

WHEREAS, the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for the Town by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the New York State Department of Environmental Conservation has advised the Town that it must adopt a new local law to reflect updated federal and state regulations; and

WHEREAS, in order to remain a participant in the National Flood Insurance Program (NFIP) a new law must be adopted by December 7, 2023; and

WHEREAS, Local Law No. 5 of 2023, A Local Law amending Local Law No. 4 of 2007 for Flood Damage Prevention, has been prepared; and

WHEREAS, the same has been placed on the desk of the all the members of the Town Board this date, together with a Full Environmental Assessment Form ("EAF") Part I, as having been prepared for such a public hearing on such proposed Local Law is necessary; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act", Section 8-0113 (SEQRA herein) provides for the review of any "ACTION" to determine the effect of said Action on the environment, along with any related administrative procedures for the implementation, authorization or approval of said Action; and

WHEREAS, Part 617.12 (b)-(2) of SEQRA, provides that "the adoption of changes in the allowable uses within any zoning districts affecting 25 or more acres," mandates the proposed amendments to said Local Law be defined as a TYPE I ACTION which requires specific acts by the Town of Plattsburgh prior to the adoption or rejection of said proposed amendments; and

WHEREAS, determination of the effect of said action on the environment will be necessary to determine whether a Draft Environmental Impact Statement (DEIS) is required; and

WHEREAS, the Town of Plattsburgh Town Board is identified as an involved agency in accordance with SEQRA for the purpose of assessing the effect of this Local Law on the environment and whether or not said effect is significant enough to warrant the preparation of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, a coordinated review will be conducted, and the Town of Plattsburgh Planning Board shall request to be designated lead Agency; and

WHEREAS, the Town Board of Town of Plattsburgh, as the project sponsor, is required to review and use the EAF to determine the significance of said proposed amendments; now, therefore be it

RESOLVED, the Town Board does hereby determine that the proposed Local Law amendment is a TYPE I ACTION and a coordinated review under SEQRA will be conducted, and, be it further

RESOLVED, the Town of Plattsburgh Town Board shall notify all involved or interested agencies of the proposed amendment, and request to be designated lead Agency; and be it further

RESOLVED, that the Town of Plattsburgh Town Board does hereby receive and place on file the draft Local Law and SEQRA Part I Long Form EAF; and, it is further

RESOLVED, the Town Board acknowledging receipt of the proposed Local Law No. 5 the Year 2023 a Local Law amending Local Law No. 4 of 2007 Flood Damage Prevention, and after review of the same, finds that the effect of such regulation would be town wide and finds that such action be a Type 1 action and hereby does declare itself as Lead Agency in connection with the proposed Local Law and having further found that no other agency is involved in the adoption of such regulation; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause notice of a public hearing on the proposed amendment to the Flood Damage Prevention Local Law and it be published in the Press Republican, in accordance with Town Law; and it is further

RESOLVED, that a public hearing be held on October 12th, 2023 at 6:05 p.m. for the purpose of hearing all persons for and against this proposed Local Law to be held at Town of Plattsburgh Town Hall Offices, 151 Banker Road, Plattsburgh, New York 12901; and be it further

RESOLVED, that the Town Clerk shall post that Notice on the bulletin board maintained by the Town Clerk pursuant to Town Law 30(6), and on the Town of Plattsburgh website, for a period of not less than five (5) days prior to that public hearing and copies be given to Steve Imhoff, Codes Enforcement Officer, and Trevor Cole, Senior Planner.

Motion:

Seconded by:

Discussion:

Yes No Absent Carried Tabled

**Thomas E. Wood
Barbara E. Hebert
Charles A. Kostyk
Dana M. Isabella
Michael S. Cashman**

DRAFT