

**TOWN OF PLATTSBURGH
TOWN BOARD WORK SESSION
October 12, 2023**

Resolution No. 023-227

**Local Law No. 5 of 2023 – A Local Law Amending
Local Law No. 4 of 2007 – Flood Damage Prevention**

WHEREAS, the Town Board of the Town of Plattsburgh finds that the potential and/or actual damages from flooding and erosion may be a problem for residents of the Town of Plattsburgh; and

WHEREAS, such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life; and

WHEREAS, the Town Board of the Town of Plattsburgh desires to amend the Town of Plattsburgh Flood Damage Prevention Local Law of 2007 for the following purposes:

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Regulate uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damages;
5. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
6. Quality and maintain for participation in the National Flood Insurance Program.

WHEREAS, notice of said public hearing was duly advertised in Press Republican, the official newspaper of Town of Plattsburgh on October 06, 2023 and in Town Hall and the Town website, and

WHEREAS, said public hearing was duly held on October 12th at 6:05 at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of said action on the environment; and

WHEREAS, said 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 Board is considered an involved agency in accordance with State Laws 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, the Town Board has previously declared the Local Law to be a Type I Action and a coordinated review was conducted; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; now, therefore be it

RESOLVED, that the Town Board, in consideration of the Planning Board report and recommendations, comments made at the public hearing on the Local Law, the review of part 1 and the completion of parts 2 and 3 of the EAF Long Form (herein SEQRA documentation), and the review of related materials, accordingly issues a negative declaration under SEQRA for the proposed Local Law, determining that said amendments will NOT have a significant effect on the environment, and the preparation of a DEIS is NOT required; and said declaration is hereby referenced and incorporated herein and shown as the attached SEQRA documentation; and, be it further

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby authorize and direct the Supervisor to complete and have prepared and to execute a “Notice of No Significant Environmental Impact” (NEGATIVE DECLARATION) for this Local Law and, be it further

RESOLVED, that the “Notice of No Significant Environmental Impact” (NEGATIVE DECLARATION), and all related material shall be maintained on file at the Town Offices of the Town Board and available for Public Inspection, and, the reasons for the decision are stated in the attached negative declaration, and be it further

RESOLVED, it is the opinion of the members of the Town Board that the best interests of the Town of Plattsburgh would be served by the adoption of said proposed amendment to the Town of Plattsburgh Local Law No. 4 of 2007 Flood Damage Prevention, and prompt filing of said law as adopted with the Department of State of the State of New York in order for said Local Law to become effective at the earliest possible date; and now therefore be it

RESOLVED, that proposed amendment to the Town of Plattsburgh Local Law of 2007 as aforementioned,” be hereby adopted as Town of Plattsburgh Local Law No. 5 of 2023 Flood Damage Prevention; and, it is further

RESOLVED, that the Town Clerk is hereby directed to cause said Town of Plattsburgh Local Law No. 5 of 2023 to be duly filed with the Department of State of the State of New York, as required by section 27, subdivision 1 of the Municipal Home Rule Law and submit one copy of the Local Law to the DEC Central Office.

Motioned by:

Seconded by:

Discussion:

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
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Thomas E. Wood
Barbara E. Hebert
Charles A. Kostyk
Dana M. Isabella
Michael S. Cashman