

TOWN BOARD: TOWN OF STONY POINT

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In the Matter of the Petition of

PETITION

BA MAR GROUP, LLC, a
Delaware limited liability company
Petitioner,

For a text amendment to the Town's Zoning Local Law to allow the utilization of the Advisory Base Flood Elevations set forth on the Flood Hazard Maps dated March 27, 2018 for the Ba Mar Manufactured Home Community

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TO THE HONORABLE TOWN BOARD OF THE TOWN OF STONY POINT:

1. In October 2012, Superstorm Sandy came ashore and flooded large portions of the New York metropolitan area, including parts of Stony Point along the Hudson River. Among the areas impacted was the Ba Mar Manufactured Home Community (hereinafter "Ba Mar"), in Grassy Point.
2. Soon thereafter, and in response to Sandy, the Federal Emergency Management Agency (FEMA) began the process of re-examining its flood insurance maps. The re-examination was performed quickly in order to be sure that additional areas that needed to be within federal flood insurance areas were added before the next flood event.
3. In 2014, FEMA issued new Advisory Base Flood Elevation (ABFE) maps. These maps were not intended to be final, nor was their adoption mandated. In fact, FEMA advises that **"For most communities in the region, the ABFE maps have now been replaced by**

preliminary FIRMs as the most recent flood hazard information available from FEMA [emphasis in original].”¹

4. Despite their advisory status, and despite the fact that they were intended to be updated and replaced, the Town of Stony Point adopted the ABFE maps to determine areas of special flood hazard.²
5. The Town’s adoption of the ABFE made sense at the time. However, in the ensuing three years, it has become apparent that the ABFE, as applied to the Grassy Point area, was too aggressive, and the resulting flood area classifications were too restrictive.
6. Petitioner, Ba Mar Group, LLC, a Delaware limited liability company (the “Petitioner”) is the owner in fee of property located at 400 Ba Mar Drive, Stony Point, New York, 10989 (Tax Lot 20.2-11-7.1) in the MHC (Manufactured Housing Community) zoning district (the “Property”). The Property consists of approximately 23.2 acres. It is commonly known as the Ba Mar Manufactured Home Community.
7. Most of Ba Mar was assigned to Zone V. Zone V is defined as:

Areas along coasts subject to inundation by the 1-percent-annual-chance flood event with additional hazards associated with storm-induced waves. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are

¹ <http://www.region2coastal.com/faqs/advisory-bfe-faq/>

² Local Law No. 1 of 2014, codified as Chapter 112 of the Stony Point Code.

shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.³

8. Ba Mar is not located “along coasts”. It is inland and protected by other lands from the main portion of the Hudson River Estuary. That does not mean that it is immune from flooding, but it does mean that the nature of flood waters differs from what would be experienced “along coasts” from ocean activity.
9. Your petitioner believes that more specific site specific data should be used to establish more applicable Advisory Base Flood Elevations for the Ba Mar Manufactured Home Community.
10. This, therefore, is a petition to amend §112-6-A. of the Town’s Zoning Code to address the impact of the ABFE by adding a new Subsection(4): “Notwithstanding the provisions of subsections (1), (2), and (3), above, with respect to the real property identified on the Town of Stony Point Tax Map as Section 20.02, Block 11, Lot 7.1 and 9, the areas of special flood hazard are identified on the “Revised Base Flood Elevation Map” dated March 27, 2018 prepared by Brooker Engineering, PLLC, and the documents supporting said Map.”
11. The proposed Revised Base Flood Elevations (RBFES) were determined by your petitioner’s consulting engineers. They used FEMA data, methodology and software, combined with site specific information that is publicly available to determine the RBFES for the Ba Mar Manufactured Home Community. This background information is submitted herewith for examination by the Town’s consultants and by the public.

³ <https://www.fema.gov/zone-v>

12. The RBFs are consistent with FEMA’s own statement that the ABFEs are intended to be replaced and updated with preliminary FIRMs. Unfortunately, although “most communities” have apparently already received the preliminary FIRMs, Ba Mar and Grassy Point have not. This delay has suspended the ability of your petitioner, and of the homeowners at Ba Mar Manufactured Home Community, to make decisions as to their future needs.

13. The text amendment proposed herein will provide numerous public benefits:

- (a) Insure the continuation of affordable housing in Stony Point while adhering to longstanding flood damage prevention.
- (b) Maintain Stony Point’s residential tax base.
- (c) Maintain opportunities for longstanding residents of Stony Point to remain in the Stony Point community.
- (d) Allow Ba Mar Manufactured Home Community homeowners and your petitioner to make decisions affecting their futures in Stony Point.

14. WHEREFORE, your Petitioner requests that the Town Board amend §112-6-A. of the Town’s Zoning Code to provide for a modification of the Advisory Base Flood Elevations for the Ba Mar Manufactured Home Community to the proposed Revised Base Flood Elevations.

Dated: May 16, 2018
Stony Point, New York

BA MAR GROUP, LLC,
a Delaware limited liability company

By: 

Lowell D. Salesin

Its: Authorized Agent

VERIFICATION

STATE OF MICHIGAN)

) ss.:

COUNTY OF OAKLAND)

Lowell D. Salesin, being duly affirmed, deposes and says:

I am the authorized agent of Bar Mar LLC, a Delaware limited liability company, the Petitioner herein. I have read the annexed Petition, know the contents thereof, and the same are true to the best of my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon information contained in the books and records of the Company.

BA MAR GROUP, LLC, a Delaware limited liability company

By:



Lowell D. Salesin

Its: Authorized Agent

Affirmed to before me this
16th day of May, 2018



Notary Public

LEZE L. CAMAJ
NOTARY PUBLIC, State of Michigan
County of Oakland
My Commission Expires: Oct. 03, 2019