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## FEMA Publishes Revised Flood Insurance Rate Map and New Flood Elevation Requirements



*David P. Leno*

The Federal Emergency Management Agency (FEMA) has recently revised its Flood Insurance Rate Map with respect to the designation of Special Flood Hazard Areas and base flood elevation requirements. The purpose of a Flood Insurance Rate Map is to designate the areas in a community that are subject to flooding and the risk associated with those flood hazards.

As a result, all projects for new structures, substantial repairs and/or renovations in excess of 50 percent of the market value of the structure, within a designated Special Flood Hazard Area, must comply with the new base flood elevation requirements, which are the required elevations of the lowest floor of a structure, including any basement. The elevations are measured in feet above sea level based on the North American Vertical Datum of 1988.

Additionally, Section R323.1.3.3 of the New York State Building Code (NYS Code) for residential structures requires an additional two feet to be added to the base flood elevation requirement.

This means that a property in a Special Flood Hazard Area that previously had a base flood elevation of seven may now have a base flood elevation of eleven under the new Flood Insurance Rate Map. Therefore, if a property owner is building a new structure at the property, this structure's lowest floor must be four feet higher than previously required.

The new Flood Insurance Rate Maps become effective in Nassau and Suffolk Counties on September 11, 2009 and September 25, 2009, respectively.

### WHO IS IMPACTED BY THE NEW REQUIREMENTS?

All applicants seeking building permits for new structures, substantial repairs and/or renovations in excess of 50 percent of the market value of the structure in Special Flood Hazard Areas will be subject to the new Flood Insurance Rate Map and base flood elevation requirements.

All building permits issued on or after the effective date of the revised Flood Insurance Rate Map must strictly comply with the new base flood elevation requirements. In addition, permits issued prior to the effective date, under which substantial construction has not commenced by the effective date, will also need to comply with the new base flood elevation requirements. Generally, substantial completion is defined as having a complete foundation in place.

Flood insurance costs and requirements are sure to change based on whether a property has been removed from or reclassified into a Special Flood Hazard Area. Homeowners are encouraged to reconsider their flood insurance needs prior to the effective date of the Flood Insurance Rate Map.

**TYPES OF DEVELOPMENTS SUBJECT TO THE NEW REQUIREMENTS**

All development projects, including buildings and other structures, mining, dredging, filling, paving, excavation, drilling, or storage of equipment and materials is subject to the new regulations if it occurs within a Special Flood Hazard Area.

**IMPACT ON PROPERTY DESIGNATIONS**

To determine if a property is in a current or proposed FEMA Special Flood Hazard Area, you may view the Flood Insurance Rate Map at the following web sites:

For Nassau County: [www.nassaunfloodmap.com](http://www.nassaunfloodmap.com)  
 For Suffolk County: [www.suffolknyfloodmaps.com](http://www.suffolknyfloodmaps.com)

Special Flood Hazard Areas are shown on these maps as shaded areas labeled with the letter “A” or “V” and sometimes followed by a number or a letter. The following chart provides a brief explanation of these areas.

SPECIAL FLOOD HAZARD AREA	DESIGNATION & EXPLANATION
V	Coastal flood hazard zones subject to wave run-up in addition to storm surge. Base flood elevation undetermined.
A	Includes all other special flood hazard zones. Base flood elevation undetermined.
VE, AE, V, and A zones followed by a number	Areas with required base flood elevations.

Local laws for flood damage prevention contain specific standards for the development in these Special Flood Hazard Areas. Zoning and land use legal counsel should be consulted to determine how the new designations will impact development schedules and requirements.

This article was prepared with the assistance of Meeka Levin, an associate in the Real Estate Department and a member of the Zoning & Land Use practice group at Ruskin Moscou Faltischek.



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