

Appendix D
Floodplain Management Plan
Eight-Step Review Process

Floodplain Management Plan

**Governor's Office of Storm Recovery
Federal Emergency Management Agency**

**Community Development Block Grant – Disaster Recovery
Hazard Mitigation Grant Program
Global Match Acquisition & Elevation
Village of Sidney and Sidney Center, New York**

Delaware County, New York
Effective Date: February 25, 2016

Executive Order 11988 – Floodplain Management

**Governor’s Office of Storm Recovery
Federal Emergency Management Agency**

**Community Development Block Grant – Disaster Recovery
Hazard Mitigation Grant Program
Global Match Acquisition & Elevation
Village of Sidney and Sidney Center, New York**

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This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—for the Hazard Mitigation Grant Program global Match Acquisition and Elevation Project (Project) in the Village of Sidney and Sidney Center, Delaware County, NY. This Floodplain Management Plan documents the eight-step decision making for the Project and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

Description of Proposed Program Activities

Hurricane Irene and Tropical Storm Lee were declared major disasters by President Barack H. Obama on August 31, 2011 and September 13, 2011, respectively, and subsequently amended (FEMA 4020-DR-NY and FEMA 4031-DR-NY). In the wake of Hurricane Irene and Tropical Storm Lee, along with other disasters that occurred nationwide in 2011, Congress appropriated funding in the Federal Fiscal Year 2011-2012 (FY 11-12) Budget for the Housing and Urban Development (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) program. Section 239 of Public Law 112-55 (the Appropriations Act) enacted on November 18, 2011, appropriated \$400 million through the CDBG-DR program to address necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing in disaster-impacted Counties. On April 16, 2012, HUD published Federal Register Notice 5628-N-01, which established the requirements and processes for \$71,654,116 in Federal CDBG-DR aid to New York State (the State). Under the CDBG-DR program, the State has established a number of individual programs to provide assistance for housing, economic development, resilience and retrofit, community planning and redevelopment, and public infrastructure. In addition, the State has created a matching program that utilizes CDBG-DR funds to cover the local matching requirement for several Federal funding sources, including the Hazard Mitigation Grant Program (HMGP).

HMGP, as administered by the New York State Department of Homeland Security and Emergency Services (DHSES) in cooperation with FEMA, is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (the Stafford

Act), Title 42, United States Code (U.S.C.) 5170c, and implementing regulations at 44 CFR 206 subpart N. It provides grants to eligible applicants to implement long-term hazard mitigation measures that reduce the risk of loss of life and property from future disasters. Eligible risk reduction activities include property acquisition and structure demolition for purposes of open space as well as elevation of structures in the floodplain.

The Governor's Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that Project activity in the floodplain would have on the human environment.

Funding for the Project will be provided by the HUD CDBG-DR program in cooperation with FEMA.

Homes in the Village of Sidney and Sidney Center sustained significant flood damage as a result of Tropical Storm Lee and a significant flooding event in 2006 (declared disaster number DR-1650). As demonstrated by these past storm events, residential structures need to be removed from or elevated above the floodplain to minimize potential impacts from future storm events.

As part of the proposed Project, individual properties in the Village of Sidney and Sidney Center would be elevated or acquired and demolished. Homes would be elevated such that the lowest floor would be at least two feet above the Base Flood Elevation. It is estimated that at least 35 and as many as approximately 74 homes are anticipated to be elevated the proposed project, though final applications for home elevation have not yet been completed and these numbers are subject to change.

In addition, the proposed Project would fund the purchase and demolition by Delaware County of identified properties in the Camp Street Neighborhood in the Village of Sidney and two properties in Sidney Center. The Village of Sidney properties to be acquired are located in the areas most susceptible to flooding. It is estimated that approximately 60 homes would be acquired and demolished, though final applications for acquisition have not yet been completed and this number is subject to change. Participation in the elevation or acquisition and demolition program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property.

After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under HMGP requirements.

Executive Order 11988 & 24 CFR Part 55

Under 24 CFR Part 55.20, an eight-step decision making process must be completed for proposed actions taking place in a floodplain. 24 CFR Part 55.20 implements Executive Order 11988—Floodplain Management. The order requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. Under this order, federal agencies should first look at avoiding all actions in or adversely affecting floodplains unless no practicable

alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action.

In addition, federal agencies are required to demonstrate that consideration of all practicable alternatives has resulted in the reduction or elimination of the long- and short-term adverse impacts associated with occupancy and modifications of the floodplain. This eight-step process includes assessing all practicable alternatives and incorporating public review.

Projects located within the SFHA are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other special flood hazard areas.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

24 CFR Part 55.1 (c)

Under 24 CFR Part 55.1 (c), except with respect to actions listed in Part 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

- (1) Any action, other than a functionally dependent use, located in a floodway;
- (2) Any critical action located in a coastal high hazard area (V zone) (a “critical action” is an action such as storage of volatile materials, irreplaceable record storage, or construction of a hospital or nursing home); or
- (3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

24 CFR Parts 55.11 & 55.20

Under 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in A or V zones only if the actions are reviewed in accordance with the floodplain management eight-

step decision making process (eight-step process) outlined in 24 CFR Part 55.20. The eight-step process was conducted for the HMGP Global Match Acquisition & Elevation Project as outlined below.

24 CFR Part 55.20 Eight-Step Process

Step One: Determine whether the proposed action is located in a 100-year floodplain (or a 500-year floodplain for a Critical Action).

The geographic scope for the HMGP Global Match Acquisition & Elevation Project is located in the jurisdictional area of Delaware County and includes 136 properties, of which 135 properties are located partially or wholly within in FEMA Zones “A” or “AE.”

The locations of the Project site and FEMA floodplain are provided in **EXHIBIT 1**.

Step Two: Notify the public at the earliest possible time of a proposal to consider an action in a floodplain (or in the 500-year floodplain for a Critical Action), and involve the affected and interested public in the decision making process.

Because the majority of the Project activities would be located in the floodplain, GOSR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Project activities in this area.

Once the early public notice and comment period is complete, GOSR will assess, consider, and respond to the comments received individually and collectively for the project file, then proceed to Step Three.

A 15-day “Early Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain” was published in Tri-Town News on December 3, 2015. The 15-day period expired on December 18, 2015. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on December 3, 2015: FEMA, U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS), U.S. Fish and Wildlife Service (FWS); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); Advisory Council on Historic Preservation (ACHP); U.S. Army Corps of Engineers (USACE); NYS Department Environmental Conservation (NYSDEC); the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP); NYS DHSES; and the NYS Department of Transportation (NYSDOT). The notice was also sent to Delaware County entities, Village of Sidney municipal offices, and historic preservation organizations in the Village of Sidney and throughout Delaware County (see **EXHIBIT 2** for the notice).

GOSR received **1** public comment on this notice. The comment received is provided in **EXHIBIT 4**.

Step Three: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (or the 500-year floodplain for a Critical Action).

After a consideration of the following alternatives and public comments received, Delaware County, FEMA, and GOSR have determined the best practicable alternative is the Proposed

Action. The alternative actions considered are as follows: No Action, Elevation or Reconstruction, Infrastructure, Home Relocation, and Acquisition and Demolition.

No Action Alternative

Under the No Action alternative, the funding for the proposed elevation or acquisition/demolition of the 134 Village of Sidney, and two Sidney Center, residential properties in high flood risk areas of the would not be authorized. There would be no elevation or purchase of properties.

Homeowners would not relocate outside of the high flood risk areas. The storm attenuation characteristics of the floodplain would not be improved, as such, the community located in the floodplain would be at continued risk of flood damage. Under the No Action alternative, the flood damaged and destroyed residential properties would remain under their current ownership. The homeowners would be responsible for the repair and rehabilitation of their properties. The homeowners may apply for other programs for financial assistance in the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, these homeowners and their properties would continue to be susceptible to future flooding and other damage resulting from future storm events due to their location in the flood area. The communities' storm attenuation characteristics would remain the same.

The extreme risk neighborhoods in the Village's 500- and 100-year floodplains have deteriorated physically and lost value since 2006. Between those properties in the various buyout programs, and those vacant or abandoned, some Sidney residential streets are largely empty and raise serious concerns for long-term viability. The homes in this neighborhood sell for far less than their pre-storm value, and this trend is expected to continue.

Without any financial assistance, depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade homes and properties, there is potential that repairs would be limited, not completed to current building codes, and would not include resiliency measures (e.g., elevating their homes), leaving their properties more vulnerable to future flooding conditions.

Elevation or Reconstruction

Under this alternative, individual property owners would receive assistance to elevate or reconstruct their homes in their original locations. This assistance would include financial support and requirements for resiliency upgrades to the individual properties that would reduce the potential damage from future storms. Under this alternative, homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation.

After the 2011 floods, Delaware County retained an engineering firm to evaluate the feasibility of elevating 45 homes in anticipation of seeking grant funding. The results of the analysis indicated homes would need to be elevated an additional two to as much as 6.5 feet, at costs estimated between \$29,000 and \$87,000. Based on FEMA's recent experience funding elevation projects, it is likely these costs would be significantly higher. Furthermore, some homes were not suitable for elevation due to existing deficiencies in structural integrity.

In addition, approximately 10 homes within the Project Area are located within the Sidney Municipal Airport Runway Protection Zone. Pursuant to 24 CFR Part 51D, it is HUD's general

policy to apply standards to prevent incompatible development around civil airports and military airfields. HUD assisted construction or major rehabilitation of any property located in a Runway Protection Zone is prohibited for a project to be frequently used or occupied by people. As such, HUD regulations would preclude the elevation of the homes located within the Sidney Municipal Airport Runway Protection Zone.

This alternative would not provide significant community resiliency as many homes in those areas most at risk of flooding would continue to be susceptible to flooding, and first responders and public works employees would still be required to remain on call before, during, and after flood events. Additionally, given the aging population in Delaware County, additional front stairs to enter a home is not considered desirable for all residents.

Infrastructure

After flooding in 2006, the Planning Division of the USACE Baltimore District initiated a flood risk analysis of the Village of Sidney as part of its Floodplain Management Services (FPMS) Program. The FPMS Program is authorized by Section 206 of the Flood Control Act of 1960, as amended, and provides technical services and planning guidance to federal and non-federal entities on floods and floodplain issues.

The study analyzed the flooding problem in two areas of the Village: (1) the area north of the D&H Railroad, which is subject to flooding from the Susquehanna River (“the Susquehanna Area”); and (2) the “Weir Creek (Amphenol Area)” south of the D&H Railroad, which is subject to flooding from Weir Creek. Most of the properties proposed for acquisition/demolition are located in the Susquehanna Area, which is the focus of this section of the EA.

The USACE evaluated a variety of flood risk reduction alternatives in an attempt to identify measures that would mitigate future flooding from the 1% annual chance (100-year) flood. Hydraulic modelling was used to estimate changes in 100-year flood elevation that might result from each alternative. General cost estimates were developed based on other similar projects. Detailed engineering and Benefit-Cost Analyses were not part of the study scope of work.

The following alternatives were evaluated for the Susquehanna Area:

- **Levee/floodwall system.** This alternative would require the construction of a levee/floodwall system 8,500 feet in length, with an average height of 10 feet, and an average base width of 60 feet for the levee and 12-15 feet for the floodwall. In order to function, this alternative would require installation of a flap gate for Weir Creek; flap gate and check valve for the Sidney Wastewater Treatment Plant; a closure structure for the Main Street Bridge; acquisition of approximately 20 properties; four pump stations; and removal of vegetation to create a 15-foot vegetative-free zone on either side. The levee/floodwall alternative was the only alternative to significantly reduce flooding in Sidney. However, flooding would increase slightly across the river in Unadilla Township (approximately 0.5 feet increase for a 100-year flood.) The estimated cost of this alternative is between \$35 to \$50 million, which does not take into account the cost of purchasing and transporting earthen materials for the levee should soil tests determine that local geology is not suitable for the levee structure. Environmental concerns include removal of hundreds of trees along the Susquehanna, increased flood levels in Unadilla, wetlands impacts, and aesthetics. Approximately 20 properties would need to be acquired. Operating and maintenance costs are high for this alternative.
- **Increasing hydraulic capacity under the State Route 8 Bridge.** This alternative would increase flow capacity of the Susquehanna at a point of constriction. This would require

installation of two additional piers to increase the bridge deck and girder length. The existing embankment would be excavated to make room for the new deck. In addition, channelization of the river would be required. This alternative would reduce 100-year flood elevations upstream of the bridge between 0.3 and 0.5 feet which is insufficient to reduce significant flood damages in Sidney. Environmental concerns include impacts to wetlands, disturbance of some plant and animal species. Approximately 80 buildings would need to be removed. The cost of this alternative was not estimated.

- **Diversion of the Unadilla River Channel.** This alternative would divert the Unadilla River from its current confluence with the Susquehanna just upstream of the State Route 8 Bridge to an old channel downstream of the bridge. The project design would include a 700 ft. long floodwall, one new bridge, one bridge enlargement, a few property buyouts, and dredging an old oxbow channel. Diversion of the river would reduce 100-year flood elevations by an average of 0.6 feet, which is insufficient to reduce flood damages to most structures in Sidney. The cost would be between \$15 million and \$25 million, not including the floodwall component or a new bridge that would be needed. Environmental concerns include impacts to wetlands and fish habitat.
- **Channelization/dredging of the Susquehanna.** This would require dredging and channelization from a point about 400 feet upstream of the Main Street Bridge to a point 1,400 feet downstream of the Route 8 Bridge, a distance of about 7,500 feet. The goal would be to decrease flood elevations by increasing channel capacity and velocity. Two large islands and several sand bars would be removed and concrete would be used to line the channel under the Main Street and State Route 8 bridges to prevent erosion around the abutments. Wing walls would be installed upstream and downstream of the bridge. This alternative would result in a decrease in the 100-year flood elevation by an average of 0.8 feet, which is insufficient to significantly reduce flood damages in Sidney. The cost of this alternative was estimated at between \$12 to \$14 million. Environmental concerns include impacts to wetlands and fish and wildlife habitat and removal of large trees. Downstream impacts were not evaluated in detail. It's possible this alternative would have an adverse effect on downstream communities due to the increased flows and velocity. Approximately 80 buildings would need to be removed.
- **Main Street Bridge improvements.** This alternative involves increasing the hydraulic capacity of the bridge to reduce flood elevations caused by backwater flooding upstream. The bridge opening would be increased horizontally and vertically to expand capacity. A permanent trapezoidal channel would be created similar to the one for the channelization alternative. In addition, the bridge deck would be raised approximately two feet. Improvements to the Main Street Bridge provide minimal reduction in the 100-year flood elevation (0.0 to 0.1 ft. decrease). Costs were not estimated due to the minimal benefits of this alternative.

The overall conclusion of the USACE study was that the levee/floodwall alternative would be the only feasible alternative that would eliminate flooding during a 100-year storm event for the portion of the Village of Sidney upstream of the Route 8 Bridge. However, this would be extremely expensive to construct, would have high operating and maintenance costs, would have environmental impacts, and would cause a slight increase in flooding in Unadilla Township. As such, the report recommended that whether or not a flood risk reduction project would be constructed, property owners should purchase flood insurance, and the community should prepare and implement flood evacuation plans, and adopt sound land-use management practices within the floodplain. This conclusion formed the basis of the Village of Sidney's subsequent flood mitigation strategies developed under the NY Rising Program.

Home Relocation

Under this alternative, homes with enough structural integrity to endure relocation would be detached from their foundations, lifted onto mobilized platforms, and relocated to a new site outside of the floodplain. The new site would be appropriately excavated and/or graded, footers would be placed, and new foundations capable of receiving the re-located structure would be constructed. Re-located homes would be placed onto their new foundation and secured. This alternative requires new site work and ground disturbing activities, potential extension of infrastructure such as water, sewer and electric connections, and also requires willing homeowners to purchase property to receive the structure prior to re-locating their home.

The Village of Sidney is exploring the possibility of annexing land outside the current village boundaries for the construction of new homes and/or for the relocation of existing flood-prone structures. Some Sidney property owners have expressed interest in relocating their homes rather than having them acquired and demolished. However, a relocation site with required infrastructure is currently not available. Should such a site become available in the future, properties that have not been demolished might be candidates for relocation. If state and/or federal funding is available in the future to support development of a new site and to relocate structures, additional state and federal environmental reviews would be undertaken at that time.

Acquisition and Demolition

The acquisition and demolition alternative would fund the purchase of the identified 134 properties in the Village of Sidney and two properties in Sidney Center by Delaware County. Participation in the acquisition and demolition program would be voluntary. Delaware County would not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County would demolish all structures (including walkways, paved driveways, and patios), foundations would be removed, and clean suitable fill would be brought in to fill the basements. Topsoil would then be placed over the sites, and they would be re-graded and seeded in a manner consistent with limiting site disturbance. The scope of work does not specifically include tree or shrub removal; however, minimal incidental removal of woody vegetation may be necessary for equipment access or as a result of the vegetation's close proximity to the foundation of the structure to be demolished. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements.

As part of this alternative, the acquired property where the homes were demolished would remain in Village of Sidney and Sidney Center ownership, and may be used for passive recreation or other uses that require minimal site improvement and investment. The Sidney Reconstruction Plan recommends the development of a 140-acre "GreenPlain" to transform vacated neighborhoods into a high-capacity, green infrastructure floodplain that would handle millions of gallons of floodwater and use natural areas to improve water quality. However, this alternative has also been determined to have an adverse impact on the historic and cultural resources of the Village of Sidney.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain (or 500-year floodplain for a Critical Action).

GOSR has evaluated the alternatives to the proposed Project activities in the floodplain, and has determined that the proposed activities must take place in the floodplain.

The proposed Project would have direct, beneficial impacts within the floodplain by reducing the impacts and losses associated with repeated flooding. By removing residential properties in areas of particularly high flood risk and elevating other residential properties to an elevation of at least two feet above the BFE, the risk to the human environment associated with occupancy of the floodplain will be alleviated as a result of the Project. Furthermore, properties acquired and demolished will be converted to open space, with the intent of serving as a green infrastructure floodplain to attenuate future flooding and improve water quality.

Construction activities associated with elevation, demolition, and site grading will also take place within the floodplain. Potential impacts to the floodplain from construction activities would be temporary and mitigated through detailed construction staging plans developed in partnership with the community to minimize disturbance throughout the construction period. Additionally, all Project work areas are previously disturbed areas and all appropriate state and federal permits will be obtained.

The proposed Project actions will have a beneficial outcome for the residents of the Village of Sidney and Sidney Center. Implementation of the Project would reduce the repetitive losses associated with occupancy of the floodplain.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain (including the 500-year floodplain for a Critical Action) and to restore and preserve its natural and beneficial values.

As proposed, the Project activities within the floodplain have direct, beneficial impacts to the safety of the human environment within the floodplain and to the nature and function of the floodplain itself.

By removing residential properties in areas of particularly high flood risk and elevating other residential properties to an elevation of at least two feet above the BFE, the risk to the human environment associated with occupancy of the floodplain will be alleviated as a result of the Project. Furthermore, properties acquired and demolished will be converted to open space, with the intent of serving as a green infrastructure floodplain to attenuate future flooding and improve water quality.

The Project would also implement and maintain erosion and sedimentation control measures during construction to prevent deposition of sediment and eroded soil in off-site wetlands and waters. Soil compaction would be controlled by minimizing activities in vegetated areas, including lawns. Best management practices (BMPs), such as silt fence and erosion prevention, may be implemented if required by permits or agency discretion. Work in areas of soils with high wind erosion potential may have to occur only during calm weather conditions or include additional watering and other dust suppression mitigation measures. Thorough planning, engineering review, and design, through the local permitting process, would minimize soil erosion and damage to the floodplain that could result from Project activities on sites with marginal soil properties.

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

GOSR has reevaluated the proposed action and determined that the CDBG-DR HMGP Global Match Acquisition & Elevation Project is still practicable in light of its exposure to flood hazards in the floodplain. As the intent of the project is to remove or elevate homes already located within the floodplain, it will neither aggravate the current hazard within the floodplain nor disrupt floodplain values. Rather, the proposed Project will reduce the risk and impacts of repeated flooding by elevating residences at least two feet above the BFE or demolishing residences and converting the associated property to open space. Furthermore, the creation and maintenance of open space in perpetuity will improve the natural qualities of the floodplain.

The project team will take the following steps to mitigate the effects during construction of the Project on the floodplain and to preserve natural and beneficial properties of the floodplain:

- 1) Site-specific hazard mitigation measures will be taken, including BMPs to reduce erosion and sedimentation, and proper disposal of debris and demolition and construction waste.

GOSR has also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: No Action, Elevation or Reconstruction, Infrastructure, Home Relocation, and Acquisition and Demolition. These alternatives do not meet the goals of the Project, as they do not mitigate the risk to residences within the floodplain while preserving the unique historic character of the Village of Sidney. Furthermore, all evaluated alternatives also require work in the floodplain; therefore there is no practicable alternative to locating the proposed action in the floodplain.

Step Seven: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain (or the 500-year floodplain for a Critical Action), publish a final notice.

It is GOSR's determination that the preferred alternative is the proposed HMGP Global Match Acquisition & Elevation Project. The benefits of the Project would be to reduce the risk to the human environment and repeated losses associated with frequent flooding of residential properties in the Village of Sidney and Sidney Center.

A 7-day "Combined Public Notice of the Availability of an Environmental Assessment and Final Notice and Public Explanation of a Proposed in a 500- and 100-Year Floodplain" was published in The Tri-Town News on February 11, 2016. The 7-day period expired on February 22, 2016. The notice targeted local residents, including those in the floodplain. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state agencies on February 11, 2016: NYS Department Environmental Conservation (NYSDEC); the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP); NYS DHSES; NYS Department of State (NYSDOS); and the NYS Department of Transportation (NYSDOT). The notice was also sent to Delaware County entities, Village of Sidney municipal offices, and historic preservation organizations in the Village of Sidney and throughout Delaware County (see **EXHIBIT 3** for the notice).

GOSR received 1 public comment on this notice. The comment received is provided in **EXHIBIT 4**.

Step Eight: Implement the Action

Step eight is implementation of the proposed action. GOSR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to project implementation, GOSR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

EXHIBIT 1 Project Location Floodplain Map

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

EXHIBIT 4 Public Comments Received

**EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review
and Proof of Publication**

**EARLY NOTICE AND PUBLIC EXPLANATION OF
A PROPOSED ACTIVITY IN A 500- and 100-YEAR FLOODPLAIN**

**Hazard Mitigation Grant Program Global Match Acquisition
Village of Sidney and Sidney Center, Delaware County, New York**

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR) and the Federal Emergency Management Agency (FEMA) are conducting an evaluation as required by Executive Order 11988 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and FEMA regulations at 44 CFR Part 9, to determine the potential effects that its activity in the floodplain would have on the human environment.

Homes in the Village of Sidney and Sidney Center sustained significant flood damage as a result of Tropical Storm Lee (declared disaster numbers Federal Emergency Management Agency [FEMA] 4020-DR-NY and FEMA 4031-DR-NY) and a significant flooding event in 2006 (declared disaster number DR-1650). As demonstrated by past storm events, residential structures need to be removed from or elevated above the floodplain to minimize potential impacts from future storm events.

As part of the proposed project, individual property owners in the Village of Sidney and Sidney Center would be acquired and demolished, elevated or relocated. Homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation. It is estimated that approximately 74 homes are anticipated to be elevated the proposed project, though final applications for home elevation have not yet been completed and this number is subject to change.

In addition, the proposed project would fund the purchase and demolition of identified properties in the Camp Street Neighborhood in the Village of Sidney and two properties in Sidney Center by Delaware County. The Village of Sidney properties to be acquired are located in the areas most susceptible to flooding. It is estimated that approximately 62 homes would be acquired and demolished, though final applications for acquisition have not yet been completed and this number is subject to change. Participation in the acquisition and demolition program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property.

After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the Hazard Mitigation Grant Program (HMGP) requirements.

Funding for the proposed project will be provided by the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in cooperation with FEMA.

A floodplain map based on the FEMA Flood Insurance Rate Maps (FIRMs) has been prepared for this project and are available for review at

<http://www.stormrecovery.ny.gov/environmental-docs>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal Government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the proposed action or a request for further information to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshcr.org; or by telephone at (646) 417-4660, Monday through Friday, 9:00 a.m. to 5:00 p.m. All comments received by **December 18, 2015** will be considered.

Thomas King, Assistant General Counsel and Certifying Officer

December 3, 2015

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FOR RENT

THE COUNTRY MOTEL
- Rt. 7, Sidney, offers clean and comfortable extended stay rooms at reasonable rates. All rooms have microwaves and refrigerators. Sorry no pets. Call 563-1035. 10-15tfc

DOWNTOWN SIDNEY - Near everything, 3 bedroom apt., lots of closets, Call 1-718-851-1328 or 607-376-2340. 8-6tfc

For Rent: 3 BR Mobile Home; W. Bainbridge, Call 607-334-9906.

WANTED TO BUY

HURLBURT COIN AND PAPER - Buying old U.S. gold, silver and copper coins, paper currency. Also buying antique fishing lures, gold and silver pocket watches. Cash offers. Appraisals. Ken - 607-235-2818. 12-4wtfc

For billing and subscription information, please call our toll free

LEGAL NOTICE

PUBLIC NOTICE
New York State CDBG-DR Application Available Review

The Village of Sidney announces that it intends to submit an application for New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funds on or about December 7, 2015 for the following project: Infrastructure Extension Project.

Activity: New York State CDBG-DR funds will be used to address improvements to water and sewer infrastructure.

Objective: To assess, design, and implement water and sewer infrastructure within the Village of Sidney, NY.

Location: Village of Sidney, NY.

Amount: Public Facilities and Improvements; \$154,170.00.

A copy of the application will be available for review at 21 Liberty Street, Sidney, NY 13838. Wednesday, November 25, 2015 through Monday, December 7, 2015, between the hours of 8:00 a.m. and 4:00 p.m.

All citizens, particularly persons of low and moderate income and residents of blighted areas, as well as those affected by the project are encouraged to submit their views and proposals by Monday, December 7, 2015 to the Village of Sidney at the following address:

Village of Sidney
21 Liberty Street
Sidney, NY 13838
(607) 563-2324
jredentel@gmail.com
Additional information regarding the availability and use of CDBG-DR funds is available upon request. 12-3(1w)b

LEGAL NOTICE

AFTON FIRE DISTRICT, 15 SPRING STREET, AFTON, NEW YORK

NOTICE OF ANNUAL ELECTION TOWN OF AFTON FIRE DISTRICT AFTON, CHENANGO CO., NEW YORK

The annual election of the Afton Fire District will be held on Tuesday, December 8, 2015 at the Afton Fire Station, 15 Spring Street, from 6 pm to 9 pm for the purpose of electing one (1) Fire Commissioner for a term of five (5) years, one (1) Fire Commissioner for a term of four (4) years, one (1) Fire Commissioner for a term of three (3) years and one (1) Fire Commissioner for a term of two (2) years. All duly registered residents of the Afton Fire District shall be eligible to vote.

Peter C. Vail, Secretary, Afton Fire District
1340 State Highway 7, Afton, NY 13730

12-3(3w)b

LEGAL

NOTICE OF SALE
PLEASE TAKE NOTICE

that pursuant to section 182 of the New York State Lien Law, the Undersigned Lienor **HOLY COW MINI STORAGE LLC, 198 Main St. Afton, NY 13730**, will **SELL** the following personal property in a Private Sale, for Nonpayment of Storage Charges, on December 12 2015 at 10:00 am, on the premises where the property has been stored, 1018 Co. Rd. 39, Bainbridge NY and 85 Caswell St. Afton, NY. In the matter of Units: B-4 Denise Lewis, B-15 Brian Smith, C-17 Ann Harvis and E-113 April Haynes. **HOLY COW MINI STORAGE LLC** reserves the right to postpone the Sale in whole or part for

LEGAL NOTICE

PLEASE TAKE NOTICE, THAT the Village of Bainbridge Board of Trustees will hold a public hearing on Tuesday, December 15, 2015 at 6:30 PM in the Village Clerk's Office, 33 West Main Street, Bainbridge. The purpose of the public hearing will be to receive comments from the public concerning the Comprehensive Plan for the Village of Bainbridge.

PLEASE TAKE FURTHER NOTICE THAT, any interested parties will be heard at this time.

BY THE DIRECTION OF THE

VILLAGE OF BAINBRIDGE

BOARD OF TRUSTEES
BRENDA L PARSONS
CLERK-TREASURER

DATED: November 30, 2015

12-3(1w)b

Please e-mail articles and photos to tnews@tritownnews.com. Please attach stories in Microsoft Word or RTF format or copy and paste the text into your e-mail body. Photos should be attached separately in JPG or TIF format and not be inserted in Word documents.

The deadline for all ads and articles is Monday at 4 p.m. except holiday weeks when the deadline is Friday at 4 p.m.

EARLY NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 500- and 100-YEAR FLOODPLAIN Hazard Mitigation Grant Program Global Match Application Village of Sidney and Sidney Center, Delaware County, New York

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR) and the Federal Emergency Management Agency (FEMA) are conducting an evaluation as required by Executive Order 11988 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and FEMA regulations at 44 CFR Part 9, to determine the potential effects that its activity in the floodplain would have on the human environment.

Homes in the Village of Sidney and Sidney Center sustained significant flood damage as a result of Tropical Storm Lee (declared disaster numbers Federal Emergency Management Agency [FEMA] 4020-DR-NY and FEMA 4031-DR-NY) and a significant flooding event in 2006 (declared disaster number DR-1650). As demonstrated by past storm events, residential structures need to be removed from or elevated above the floodplain to minimize potential impacts from future storm events.

As part of the proposed project, individual property owners in the Village of Sidney and Sidney Center would be acquired and demolished, elevated or relocated. Homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation. It is estimated that approximately 74 homes are anticipated to be elevated the proposed project, though final applications for home elevation have not yet been completed and this number is subject to change.

In addition, the proposed project would fund the purchase and demolition of identified properties in the Camp Street Neighborhood in the Village of Sidney and two properties in Sidney Center by Delaware County. The Village of Sidney properties to be acquired are located in the areas most susceptible to flooding. It is estimated that approximately 62 homes would be acquired and demolished, though final applications for acquisition have not yet been completed and this number is subject to change. Participation in the acquisition and demolition program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property.

After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the Hazard Mitigation Grant Program (HMGP) requirements.

Funding for the proposed project will be provided by the HUD Community Development Block Grant - Disaster Recovery (CDBG-DR) program in cooperation with FEMA.

A floodplain map based on the FEMA Flood Insurance Rate Maps (FIRMs) has been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal Government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the proposed action or a request for further information to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSOCDBG_DR_ER@nysocr.org; or by telephone at (646) 417-4660, Monday through Friday, 9:00 a.m. to 5:00 p.m. All comments received by December 18, 2015 will be considered.

Thomas King, Assistant General Counsel and Certifying Officer

December 3, 2015

**EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review
and Proof of Publication**

**The New York Governor's Office of Storm Recovery and
the Department of Homeland Security-Federal Emergency
Management Agency**

**COMBINED PUBLIC NOTICE OF THE AVAILABILITY OF AN ENVIRONMENTAL
ASSESSMENT AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED
ACTIVITY IN A 500- AND 100-YEAR FLOODPLAIN**

**Hazard Mitigation Grant Program Global Match Acquisition and Elevation
Village of Sidney and Sidney Center, Delaware County, New York**

The New York Governor's Office of Storm Recovery (GOSR), in cooperation with the United States Department of Homeland Security-Federal Emergency Management Agency (FEMA), proposes to provide federal funding to Delaware County, as Subrecipient, to mitigate flood risk to structures with the purpose of reducing the risk of flooding and flood damage in the Village of Sidney and Sidney Center, New York. GOSR, an office of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to mitigation flood hazards in the Village of Sidney and Sidney Center, New York. As part of the proposed project, individual properties in the Village of Sidney and Sidney Center would be acquired and demolished or elevated in place. The program is voluntary and each property owner must elect to be acquired and demolished, or in certain circumstances have their structures elevated at least 2 feet above the Base Flood Elevation.

An Environmental Assessment (EA) has been prepared to assess the potential impacts of the proposed action on the human and natural environment. The EA describes the purpose and need, project alternatives, the affected environment, potential environmental consequences and proposed mitigation measures. The alternatives to the proposed action considered are: 1) No Action; 2) Elevation or Reconstruction; 3) Flood Control Infrastructure; 4) Home Relocation; and 5) Acquisition and Demolition. The EA evaluates alternatives against applicable environmental laws, regulations and Executive Orders, including but not limited to the Clean Water Act, the National Historic Preservation Act and Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands).

Public Review: Public viewing of the EA is available online at <http://stormrecovery.ny.gov/environmental-docs> and at <http://www.fema.gov/resource-document-library> and is also available for in person viewing Monday – Friday, 9:00 AM – 5:00 PM at the following addresses: 1) Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Contact: Thomas J. King (518) 473-0015; and 2) Sidney Civic Center, Village Office front counter, 21 Liberty Street, Village of Sidney. Contact Sheena Felzak (607) 561-2324.

The comment period for the draft EA will end 15 days from the date of this publication or from the posting of the EA on the GOSR and FEMA website and distribution to the addresses listed above which ever date is later. Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260;

email: NYSCDBG_DR_ER@nyshcr.org; or by telephone at (518) 473-0015, Monday through Friday, 9:00 a.m. to 5:00 p.m. Each Agency will be issuing and signing its own Finding of No Significant Impact (FONSI). FEMA's Draft FONSI is FEMA's finding that that the preferred action will not have a significant impact on the human and natural environment. If no substantive comments are received, FEMA's draft FONSI will become final. If no substantive comments are received, a Finding of No Significant Impact FONSI will be signed by GOSR and a FONSI notice will be published initiating a final comment period of 15 days.

Final Notification of Activities in a Floodplain: This is to give notice that the GOSR and FEMA have conducted an evaluation as required by Executive Order 11988 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and FEMA regulations at 44 CFR Part 9, to determine the potential effects that its activity in the floodplain would have on the human environment.

This Notice pertains to the portion of the Project that is located within the Federal Emergency Management Agency (FEMA) flood hazard area. A project area and floodplain map based on the FEMA Base Flood Elevation Maps, has been prepared for this project and is available for review at <http://www.stormrecovery.ny.gov/environmental-docs>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Floodplain Management Plan: Floodplain Management Plan: GOSR and FEMA have reevaluated the alternatives to Project activities in the floodplain and have determined that there is no practicable alternative. A full copy of the Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 can be viewed online at <http://www.stormrecovery.ny.gov/environmental-docs>. Any individual, group, or agency may submit written comments on the Floodplain Management Plan to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshcr.org; or by telephone at (518) 473-0015, Monday through Friday, 9:00 a.m. to 5:00 p.m. All comments received by **February 22, 2016** will be considered.

BUY IT • SELL IT • FIND IT CLASSIFIEDS

FOR RENT

THE COUNTRY MOTEL - Rt. 7, Sidney, offers clean and comfortable extended stay rooms at reasonable rates. All rooms have microwaves and refrigerators. Sorry no pets. Call 563-1035. 10-15tfc

WANTED TO BUY

HURLBURT COIN AND PAPER - Buying old U.S. gold, silver and copper coins, paper currency. Also buying antique fishing lures, gold and silver pocket watches. Cash offers. Appraisals. Ken - 607-235-2818. 12-4wfc

FOR SALE

Affordable DirecTV and DishNetwork with local retailer. Don't get fooled by a 800 number, Call Peck Enterprises in Unadilla 607-369-5700. 2-15(8w)b

PUBLIC NOTICE

The Village of Bainbridge Board of Trustees will hold their regularly scheduled monthly meeting on Tuesday, February 16th at 6:30 pm in the Village Clerk's Office 33 West Main Street, Bainbridge. 2-11(1w)b

CARD OF THANKS

For everyone who took the time to donate, pray, make meals and think of our family, thank you. We are touched and are so blessed to know how many people loved Marcey and love us. The Hawkins and Rude Families. 2-11(1w)p

LEGAL NOTICE

VILLAGE OF SIDNEY NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE that a public hearing will be held by the Village of Sidney Board of Trustees on Monday, Feb. 22 at 7 p.m. in the board room in the Civic Center, 21 Liberty St. in the Village of Sidney, regarding an amendment to Taxi Cab ordinance Local Law #2016-1.
Persons with disabilities, who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance. 2-11(1w)b



EQUAL HOUSING OPPORTUNITY
All real estate advertising in this newspaper is subject to the Fair Housing Act, which makes it illegal to advertise "any preference limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference." Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.
This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination call HUD toll-free at 1-800-689-9777. The toll-free telephone number for the hearing impaired is 1-800-543-8294.

HELP WANTED

SUBSTITUTES NEEDED - Afton Central School has a need for substitutes in the following areas:
TEACHERS (4 yr. degree required)
AIDES (high school diploma or GED)
RN'S (current NYS license)
LIFEGUARDS
FOOD SERVICE HELPERS
CLEANERS
BUS DRIVERS
Applications are available in the District Office or on the school's website at www.aftoncsd.org. Please call the District Office at 607-639-8229 with questions. 2-11(2w)b

Have a couple hours you could spare? How about helping out your neighbors in the Harpursville/Windsor area? The Meals on Wheels program is in a great need of volunteer drivers to deliver meals. Our routes serve up to 14 seniors and can cover 20-30 mile round trip. A small gas stipend is offered. For details call 693-1566 between 10:30 am to 1:30 pm or leave a message. 2-11(2w)b

LEGAL NOTICE

COMPUTER TECHNICIAN: Full time. More information and application at <http://www.dcmoboces.com/jobs.cfm>. Apply to Human Resources, DCMO BOCES, 6678 Co Rd 32, Norwich NY 13815. 2-11(2w)b

LEGAL NOTICE

The Village of Unadilla is committed to providing Fair Housing within constitutional limitations to all Village residents. The Federal Fair Housing Law prohibits discrimination in the sale, rental or financing of housing based on race, color, religion, sex, national origin, handicap or familial status. If any individual or family feels that they have been discriminated against in obtaining suitable housing of their choice or if anyone requires additional information regarding Fair Housing, they can contact Suzette E. Hayes, Clerk/Treasurer and Fair Housing Officer at the Village of Unadilla, Community House, 193 Main Street, Unadilla during regular office hours. 2-11(1w)b

LEGAL NOTICE

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY NAME: Tealach Resources LLC, Articles of Organization were filed with the Secretary of State of New York (SSNY) on January 8, 2016.
Office Location: Delaware County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail a copy of process to the LLC, P.O. Box 417, Sidney Center, New York 13839.
Purpose: for any lawful purpose. 3-17(6w)b

LEGAL NOTICE

The New York Governor's Office of Storm Recovery and the Department of Homeland Security-Federal Emergency Management Agency

Combined Public Notice of the Availability of an Environmental Assessment and Final Notice and Public Explanation of a Proposed Activity in a 500- and 100-Year Floodplain

Hazard Mitigation Grant Program Global Match Acquisition and Elevation Village of Sidney and Sidney Center, Delaware County, New York

The New York Governor's Office of Storm Recovery (GOSR), in cooperation with the United States Department of Homeland Security-Federal Emergency Management Agency (FEMA), proposes to provide federal funding to Delaware County, as Subrecipient, to mitigate flood risk to structures with the purpose of reducing the risk of flooding and flood damage in the Village of Sidney and Sidney Center, New York. GOSR, an office of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), is responsible for direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to mitigate flood hazards in the Village of Sidney and Sidney Center, New York. As part of the proposed project, individual properties in the Village of Sidney and Sidney Center would be acquired and demolished or elevated in place. The program is voluntary and each property owner must elect to be acquired and demolished, or in certain circumstances have their structures elevated at least 2 feet above the Base Flood Elevation.

An Environmental Assessment (EA) has been prepared to assess the potential impacts of the proposed action on the human and natural environment. The EA describes the purpose and need, project alternatives, the affected environment, potential environmental consequences and proposed mitigation measures. The alternatives to the proposed action considered are: 1) No Action; 2) Elevation or Reconstruction; 3) Flood Control Infrastructure; 4) Home Relocation; and 5) Acquisition and Demolition. The EA evaluates alternatives against applicable environmental laws, regulations and Executive Orders, including but not limited to the Clean Water Act, the National Wetlands Preservation Act and Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands).

Public Review: Public viewing of the EA is available online at <http://stormrecovery.ny.gov/environmental-docs> and at <http://www.fema.gov/resource-document-library> and is also available for in person viewing Monday - Friday, 9:00 AM - 5:00 PM at the following addresses: 1) Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Contact: Thomas J. King (518) 473-0015; and 2) Sidney Civic Center, Village Office front counter, 21 Liberty Street, Village of Sidney. Contact Sheena Felzak (607) 561-2121. The comment period for the draft EA will end 15 days from the date of this publication or from the posting of the EA on the GOSR and FEMA website and distribution to the addresses listed above which ever date is later. Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshcr.org; or by telephone at (518) 473-0015, Monday through Friday, 9:00 a.m. to 5:00 p.m. Each Agency will be issuing and signing its own Finding of No Significant Impact (FONSI). FEMA's Draft FONSI is FEMA's finding that that the preferred action will not have a significant impact on the human and natural environment. If no substantive comments are received, FEMA's draft FONSI will become final. If no substantive comments are received, a Finding of No Significant Impact FONSI will be signed by GOSR and a FONSI notice will be published initiating a final comment period of 15 days.

Final Notification of Activities in a Floodplain: This is to give notice that the GOSR and FEMA have conducted an evaluation as required by Executive Order 11988 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and FEMA regulations at 44 CFR Part 9, to determine the potential effects that its activities on the floodplain would have on the human environment.

This Notice pertains to the portion of the Project that is located within the Federal Emergency Management Agency (FEMA) flood hazard area. A project area and floodplain map based on the FEMA Base Flood Elevation Maps, has been prepared for this project and is available for review at <http://www.stormrecovery.ny.gov/environmental-docs>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains, those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of business, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Floodplain Management Plan: Floodplain Management Plan: GOSR and FEMA have reevaluated the alternatives to Project activities in the floodplain and have determined that there is no practicable alternative. A full review of the Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 is available online at <http://www.stormrecovery.ny.gov/environmental-docs>. Any individual, group, or agency may submit written comments on the Floodplain Management Plan to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshcr.org; or by telephone at (518) 473-0015, Monday through Friday, 9:00 a.m. to 5:00 p.m. All comments received by February 22, 2016 will be considered.

EXHIBIT 4 Public Comments Received

Mr. Thomas King, General Counsel and Certifying Officer

Governor's Office of Storm Recovery

99 Washington Ave. ,Suite224

Albany, NY 12260

Re: HMGP,Sidney , NY

Dear Mr. King:

I am compelled to respond to your Early Notice and Public Explanation of a proposed activity in the Sidney flood plain.

The latest proposal appears to be another poorly developed, fragmented plan to address a serious flooding situation in Sidney that may , at the rate it's going, turn into an even worse case of chronic frustration to those left behind; setting the stage for further housing deterioration, neighborhood blight and tax base erosion. 62 more homes demolished, 74 "selected" homes elevated and hundreds of homes left behind to deteriorate and depreciate in value to worthlessness. Within 5 years, thanks to Fema flood insurance changes, insurance rates will not be affordable. Mortgages will not be obtainable. Properties will be abandoned. **The quality of life** in the flood plain with further demolitions in a shotgun pattern will be destroyed and it's not like people have a choice! Contrary to what you may have been told, people feel stuck, abandoned, frustrated, confused and misled. The Village's plan for Newtown Sidney at Plankenhorn is not a plan for them!

1. An eligible person in a \$80,000 or less house cannot take a buyout and buy a \$200,000 house nor can they pay the taxes on a \$200,000 house.
2. Most residents are not eligible in the first place because they bought their property after the flood or were not eligible because they were not substantially damaged when buyout lists were prepared although apparently the rules have changed since then and they don't need to have been substantially damaged but the lists are now closed and people were not afforded the opportunity to apply. I happen to be in the latter category. I was repeatedly informed that I was not eligible for a buyout because I was not substantially damaged and I concluded there was no point in applying for a buyout. However those in the same situation who had signed up anyway were made eligible creating situations where houses side by side (case in point Bridge Street) with one to be demo'ed and not the other and the left-behinds must stand by and watch a random pattern of homes demolished on virtually every block. This is wrong! Supposedly, when the rules changed, the "old list" was used and the number of slots that could be afforded by the funding amount were filled and the list closed. I would have thought that if the eligibility criteria changed , notice would have been given and homeowners could apply. Furthermore, priority for who is accepted was based on who fits into the GreenPlain project not on what properties are more severely flooded or which properties are more prone to continuing flood events. And here we go again. There is no logic in the latest plan based on who gets flooded and how severely . and whether a person is offered a buyout or an

- elevation is at the option of the owner? Why? This does nothing for neighborhood retainage , tax base, or community. It will instead destroy the neighborhood.
3. People were told that they could be bought out or they could have their house relocated even by helicopter. People were told many things which turned out to be not true.
 4. It has taken 9 years from the flood of 2006 and 4 years from 2011 to even put elevating on the table. It's about time. It should have been recognized and evaluated for feasibility long before this! The option of protection of neighborhoods should have also been evaluated for feasibility long ago but protection has been totally resisted in favor of Newtown. We are trying to plan our way out of this instead of solving the problem. Even with elevating, if you weren't on an early list (even if it was created when you were not eligible), you are not able to participate now! Again, this will be a shotgun pattern of demolition, elevation and homes at current levels. Just take a look at the home being elevated on River Street and see how it " fits" into the streetscape. This is poor planning, poor strategy, and poor communication. No wonder homeowners in the flood plain are at their wits end! The end result will be more holes in the neighborhood and no progress toward redevelopment. It will not benefit the majority that will be "left behind" nor will it enable the GreenPlain , in fact it will interfere with it.
 5. The Plankenhorn Development: Even if it was doable, it will not benefit flood victims. Not unless it includes a component that makes it affordable to actual flood victims which was talked about in the beginning but doesn't seem to be included now. And any money intended for flood victims should not be used for Newtown. Here again is a good example of poor planning: the Village was going to buy the land; no a developer will buy it; no a different developer will buy it; no- there is a dump there; we will split the project up; The Village will annex the land; maybe not; may be the Town should rezone the area in case the annexation doesn't happen or happen fast enough (years, not weeks have passed). Where are we? This is not a plan. There was talk about moving houses to Newtown , building a new municipal building, relocating the fire station and the waste treatment plant! Now they are building new drying beds at the waste treatment in the flood plain within the capture zone of our village public water supply wells (another story). The Village is also attempting to sell the Civic Center and convert it to mixed commercial/gov. and multi residential housing in the flood zone (and historical district).
 6. The State, contrary to an 11th hour determination by the Village Board, declared virtually the entire flood plain to be an historic district which action has served to create a major obstacle and years of delays to acquisitions, demolitions, buyouts and is inconsistent with demolitions for the GreenPlain.
 7. GreenPlain: It will not provide the flood mitigation claimed by Village officials even if fully implemented. Non buyout properties will remain.
 8. There are people who were substantially damaged in the floodplain who cannot afford to take the buyout. These are the people we should be helping. Something is wrong.
 10. A good portion of Main Street commercial properties are in the floodplain. Apparently they too will be left behind. And what about the churches in the flood zone or the Library that was flooded? It has been 4 years since the last flood and we don't have a viable, reasonable, logical, implementable plan. Another shotgun program for elevating 74 homes and demolishing 62 others is not going to do anything for those left behind. These are our residents going forward and should be a priority.
 11. This village needs a multifaceted, logical, doable plan. Putting all our eggs in one Newtown/GreenPlain basket isn't going to do it. This task should be done by a professional

problem solver (engineer). Planning should assist. I recognize that those charged with resolving the flood threat must “follow the money” but the plan needs to be more comprehensive than spotty demolition and elevation. It needs to be more creative. If it must be done piecemeal, each puzzle part should be designed to stand on its own; each part should be guided logically to avoid demolition next to elevation and so many people left behind. I would vision a program of (a) protection (ie. A relatively low berm) where feasible especially in the NE quadrant and extending down stream, (b) elevations where elevating is reasonable, and (c) acquisition/demolition where elevating is not reasonable; get past all these lists and offer one of the above to all. If, after a real feasibility evaluation of the berm by a qualified engineer, it is determined to be not feasible then go to (b) and (c) . All others including churches, and commercials should be flood proofed to the extent reasonable.

12. If you proceed with elevating and acq/dem , all property owners should be eligible for one or the other and coordinated clustering should be the policy and no one left behind unless they want to be.

Thank you for the opportunity to provide insight and input.

I would welcome the opportunity to discuss any of this in more detail.

John Woodyshek, PE (Village of Sidney Engineer 1977-2012)



King, Thomas J (STORMRECOVERY) <Thomas.King@stormrecovery.ny.gov> Fri, Feb 12, 2016 at 11:07 AM

To: "nyshcr.sm.nyscdbg.dr.er" <nyscdbg_dr_er@nyshcr.org>

Cc: Shelly Johnson-Bennett <shelly.johnson@co.delaware.ny.us>, "John Redente (jredente1@gmail.com)" <jredente1@gmail.com>, Ashley Ley <aley@akrf.com>, Margaret Hopkins <mhopkins@akrf.com>, "Hansen, Amanda (STORMRECOVERY)" <Amanda.Hansen@stormrecovery.ny.gov>, "Notar, Michael (STORMRECOVERY)" <Michael.Notar@stormrecovery.ny.gov>, "Neustadter, Mary" <Mary.Neustadter@fema.dhs.gov>

TO GOSR COMMENT INBOX:

At 10:40 this morning I received a phone call from Michael Tiska, in response to our final floodplain notice.

He stated that he resided at [REDACTED]

He stated he built the home located at [REDACTED] over 50 years ago. He stated that he did not have flood insurance before the 2006 flood, but later purchased it. The insurance lapsed prior to the 2011 floods and he therefore suffered two uninsured losses.

He stated that he participated in an earlier buyout application but was deemed ineligible for reasons associated with his lack of flood insurance. He also stated that there are several alternative homes for sale in the Village that are not in good-enough shape for someone of his age (74) to move into because they would need significant repair (\$30,000).

He inquired as to whether he would be eligible for elevation under the current application. I informed him that the application was the County's and I would ask Shelly Johnson-Bennett to call him to discuss.

End of Message.

Tom King
Director – Bureau of Environmental Review and Assessment
Assistant General Counsel
Governor's Office of Storm Recovery
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