

Publication: Rochester Democrat and Chronicle
Publication date: 05/03/2014
Page: 3
Edition: 1
Section: A
Copyright:
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Day:

In Gates, a pricey problem

Owners, town fight flood maps

Byline: Donyelle Davis

Sixty-nine-year-old Len Perno has lived in his Gates home for 30 years. He always imagined that he would one day sell his house and move with his wife to a ranch near their children.

That dream was dampened after his property and more than 100 others in town were placed into possible flood hazard zones by the Federal Emergency Management Agency in 2008.

"Now, with the devalue of the property, it sort of prohibits me from (selling my home)," he said. "I've never had a flood. I've never had anything close to flood."

Perno is now paying more than \$1,000 a year for new mandatory flood insurance and says he's facing an up to 30 percent decrease in property value.

The town of Gates has spent more than \$17,000 on base flood elevation reassessments, known as Letter of Map Assessments, or LOMAs, on at least 100 homes. Through the LOMAs, more than 30 Gates homes were exempt from paying flood insurance.

But ideally, said town Supervisor Mark Assini, at least 300 properties would need to go through the Letter of Map Revision, or LOMR, process to dispute their current position on the Flood Insurance Rate Map, or FIRM. He said the process - which is not a guarantee to be granted exemption by FEMA - would cost the town nearly a million dollars to conduct.

"The LOMAs we did demonstrated that FEMA's new map elevations were flawed. The LOMR is a challenge to the integrity of the map itself," Assini said. "We would be crucified. We couldn't afford it."

Rep. Louise Slaughter, D-Fairport, released a statement in early April with letters to Assini and FEMA Administrator William Fugate, which asked the town to revise a 2013 revision submission and for FEMA to collaborate with the town on new flood maps.

"It is my hope that the town will pursue the LOMR process once again," she said in the letter to Assini.

In a letter to Fugate, she wrote: "I write to urge FEMA to swiftly review the FIRM of the town of Gates and surrounding areas. Several of my constituents have contacted me with their growing concerns with how the mapping was processed when updating the FIRM."

Assini, a Republican, has been supervisor since 2010 and is challenging Slaughter this year in the 25th Congressional District.

Assini said the maps used to create the flood map - which were based on town maps from 1982 - do not consider new developments such as piping in certain areas, and he considers the map inaccurate. Assini said he believes FEMA is at fault for the incorrect maps, and the town and residents should not have to foot the bill for LOMRs.

"Submitting a town-wide LOMR using townpayers' money to challenge FEMA with no guarantee of results, is not good policy and unfair to the residents," he said in a letter to Slaughter in response. "I will not put further harm upon the community by risking their money on this effort when it was FEMA that made the mapping mistakes."

Assini said he hopes to find a way for residents to opt out of the mandatory flood policies.

Scott Duell, chief risk analyst for FEMA-Region 2, said the town entered the National Flood Insurance Program in 1982 under the study and maps as they were created at that time.

In 2008, the town was presented a new FIRM and given 30 days to challenge any disputes, a time frame that Assini insists was not enough to fully assess or challenge the maps adequately.

"(Gates) adopted a set of standards by way of ensuring consistent management of those certain areas, known as special flood hazard areas or flood zones, to include ... the ongoing review of all developments that have the potential to impact changes in those known areas," Duell said. "This is the shared responsibility on multiple levels of government under (NFIP)."

Duell said it is the town's responsibility to provide updated town maps to FEMA.

Lee Sinsebox of Costich Engineering, the town's consulting engineering firm, said updated town maps were available, but FEMA never requested them prior to the redrawn flood maps.

"When FEMA came up with the revised maps, to my knowledge, there was no request for updated information," he said. "It was kind of a surprise when the maps came."

Residents in other towns such as Perinton and Pittsford also have had issues with the accuracy of the flood hazard maps. Any revisions or amendments for disputes have been funded by residents, not the towns.

As solutions are explored, residents are stuck in the middle and are looking to Gates and state officials for any possible assistance.

Mark Fallone of Marc-Mar Trail has lived in his home for seven years and said he has yet to experience flooding. His home sits higher than most, if not all the homes that surround it, some of which are not in the flood zone. "It's obviously not in a flood zone. It's the driest spot in Gates," he said. "By the time that place would flood, all of Spencerport Road would be underwater."

Fallone said he is possibly facing more than \$1,000 in engineering fees alone to submit a LOMR. He is already paying about \$300 a month for flood insurance.

"I'm trying to hold off to see if the town can give me a little assistance," he said. "I like the (home), but \$300 a month is a lot of money."

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Art caption: Jennifer Fallone, seen at her Marc-Mar Trail home in Gates, and her husband, Mark, hope their home can be repaired after flooding. ANNETTE LEIN/ staff photographer

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