



February 2023

FBRA Board Opinion re: Penfield Reconstruction Meeting

1. FBRA believes that we are not likely to get FEMA to change its opinion in the Notice of Violation (NOV) and that the Town will need to reduce the height of the sand under the pavilion from roughly 10 - 11 ft down to 8 ft (NAVD88). In addition, we believe that FEMA's NOV means the Town will need to either keep the building and reduce the grade beam height to 8 FT (estimated cost of \$8M) OR tear down the part of the building that is supported by a grade beam structure. It is our understanding that the town is only offering 2 options to taxpayers - to rebuild as is but with a lower grade beam level OR to tear the whole building down completely.

2. The FBRA hopes the following questions and concerns will be answered by the town in this town hall meeting (since it is unlikely that there will be a second Town Hall meeting it will be important to not just answer FEMA related questions):

a. We would like to see a THIRD option and cost that leaves the locker and bathroom area and any part of the decking that is today supported by piles. Having a bathroom and place to change for beach goers makes the use of Penfield Beach much more enjoyable. It is our understanding that the locker room and bathroom section of the building does not have a grade beam support structure but is supported by piles and accordingly we would not be required by FEMA to change that other than to lower the grade down to 8 ft.

b. Residents are also very confused and would like to better understand the town's statements that the professional firms that advised the town and Penfield Building Committee (PBC) on the plans for the current structure and natural grade and supported those professional opinions through two appeals to FEMA have no liability in providing those professional opinions to the town. The town authorized the rebuild based on those plans and those opinions while they negotiated with FEMA to resolve the differing points of view. In hindsight, the town administration should have immediately stopped the building process once they were notified that there was an issue from FEMA but that still does not absolve the professional firms and consultants from providing that advice in the first place, which the PBC and town acted on.

c. We understand that the town is planning to fund a study to understand how to add resiliency from flood waters to the neighborhood behind the pavilion which was so heavily damaged in Super Storm Sandy. We fully support this and thank the town for taking a proactive approach to future flooding. We would request that the full costs of adding this resiliency get appropriated in the long-term capital planning for the town.

3. The FBRA hopes that FEMA will answer the following questions:

a. Can FEMA please explain the implications of not complying with the NOV and whether that automatically would remove the town from the CRS National Flood Insurance Program (NFIP) discounted rate program. Is there any possibility of carving out the Pavilion from the CRS and any future reimbursement claims and certifying that all other town and residential buildings are in compliance? Would the town also risk losing future FEMA grant funds?

b. Can FEMA help residents explain why they believe that sand does not naturally accrete on sites based on storms and wind events and why this would not also be true for Penfield after Superstorm Sandy and the many Nor'easters we get. We certainly see this on other Fairfield beaches and in the four to five years after Sandy, sand was built up 3 - 4 ft on many of the Fairfield beaches because of the wave and wind action (of course some storms also take sand away). How can a natural grade be constant at 8Ft at Penfield when we have seen such dramatic increases at other beaches. It seems like the 8 ft grade was based on historical pre-Sandy Lidar studies.

4. If you are not able to attend the meeting, please send any questions to the FBRA and we will present them in the meeting for FEMA and the Town to answer. Please indicate whether your question is for the town or FEMA.