

SECTION 4: CAPABILITY ASSESSMENT

4.1 OVERVIEW

The capability assessment performed as part of the original plan was used as the basis upon which to evaluate the abilities of participants in the plan update. Stakeholders were requested to re-assess and catalogue a broad range of legal, technical/administrative and fiscal abilities to execute and maintain mitigation actions and programs. The intent is to facilitate greater overall readiness and resiliency to future events potentially impacting Nassau County.

The process was also intended to identify ways in which integrate mitigation strategies and actions within a larger planning construct across the County. Nassau County Office of Emergency Management distributed data package containing worksheets and questionnaires and requested information pertaining to existing plans, policies, and regulations that contribute to or hinder the ability to implement hazard mitigation actions. Municipal stakeholders completed capability assessment worksheets to the best of their abilities.

4.2 LEGAL AND REGULATORY CAPABILITY

Nassau County and its incorporated jurisdictions have several policies, programs, and capabilities, which help to prevent and minimize future damages resulting from hazards. These tools are valuable instruments in pre and post disaster mitigation as they facilitate the implementation of mitigation activities through the current legal and regulatory framework. These policies, programs, and capabilities are described in greater detail for Nassau County and the participating jurisdictions, as well as the State and Federal levels.

Building Code

Building codes regulate construction standards and are developed for specific geographic areas of the country. They consider the type, frequency, and intensity of hazards present in the region. Structures built to applicable building codes are inherently resistant to many hazards such as strong winds, floods, and earthquakes. Due to the location specific nature of the building codes, these are very valuable tools for mitigation.

Zoning Ordinance

Zoning is a useful tool to consider when developing a mitigation strategy. It can be used to restrict new development, require low-density development, and designate specific uses (e.g. recreational) in the hazard prone areas. Private property rights must be considered, but enacting a zoning ordinance can reduce or potentially eliminate damages from future hazard events. According to the State Multi-Hazard Mitigation Plan, all local communities in the State of New York are encouraged to incorporate mitigation standards in zoning and land use ordinances.

Subdivision Ordinance

Subdivision ordinances offer an opportunity to account for natural hazards prior to the development of land as they formulate regulations when the land is subdivided. Subdivision design that incorporates mitigation principles can reduce the exposure of future development to hazard events. Nassau County is the only county in New York State with jurisdiction over subdivision regulations, which offers an opportunity to incorporate mitigation activities into future development throughout the County.

Special Purpose Ordinance

A special purpose ordinance is a form of zoning in which specific standards dependent upon the special purpose or use must be met. For example, many special purpose ordinances include basic development requirements such as setbacks and elevations. The special purpose ordinance is a useful mitigation technique particularly when implemented to reduce damages associated with flooding and coastal erosion.

Growth Management Ordinance

Growth management ordinances are enacted as a means to control the location, amount, and type of development in accordance with the larger planning goals of the jurisdiction. These ordinances often designate the areas in which certain types of development is limited and encourage the protection of open space for reason such as environmental protection and limitation of sprawl.

Site Plan Review Requirements

Site plan review requirements are used to evaluate proposed development prior to construction. An illustration of the proposed work, including its location, exact dimensions, existing and proposed buildings, and many other elements are often included in the site plan review requirements. The site plan reviews offer an opportunity to incorporate mitigation principles, such as ensuring that the proposed development is not in an identified hazard area and that appropriate setbacks are included.

Post-Disaster Recovery Ordinance

Post disaster recovery ordinances are often produced in conjunction with post disaster recovery plans. The ordinances are enacted after a hazard event in order to reduce future damages and mitigate repetitive loss.

Real Estate Disclosure Ordinance

A real estate disclosure ordinance requires individuals selling real estate to inform potential buyers of the hazards to which the property and/or structure is vulnerable prior to the sale. Such a requirement ensures that the new property owner is aware of the hazards to which the property is at risk of damage.

The following table provides a summary of the relevant plans, codes, and ordinances currently in place in each participating jurisdiction based upon Capability Assessments that were completed and returned to the Nassau County OEM. The checkmark (√) indicates that the jurisdiction reported having the authority to implement the specified regulatory tool and that the tool is currently in place.

Jurisdiction	Building Code	Zoning Ordinance	Subdivision Ordinance	Special Purposes Ordinance	Growth Mgmt Ordinance	Site Plan Review Requirements	Comprehensive Plan	Capital Improvements Plan	Economic Development Plan	Emergency Response Plan	Post-Disaster Recovery Plan	Post-Disaster Recovery Ordinance	Real Estate Disclosure Ordinance
Nassau County	-	-	√	-	-	-	√	√	√	√	√	-	√
Hempstead Town	√	√	-	√	√	√	√	√	√	√	√	√	√
North Hempstead Town	√	√	-	√	√	√	√	√	√	√	√	√	√
Oyster Bay Town	√	√	-	√	√	√	√	√	√	√	√	√	√
City Of Glen Cove	√	√	√	√	√	√	√	√	√	√	√	√	√
City of Long Beach	√	√	√	√	√	√	√	√	√	√	√	√	√
Atlantic Beach	√	√	√	√	-	√	√	√	-	√	√	-	√
Bayville	√	√	√	√	-	√	√	√	√	√	-	-	√
Cedarhurst	√	√	√	√	-	√	√	√	√	√	√	-	√
Centre Island	√	√	√	√	√	√	-	-	-	√	-	-	√
Floral Park	√	√	√	√	√	√	√	√	√	√	√	√	√
Great Neck Plaza	-	√	√	√	√	√	-	-	-	√	√	-	-
Hewlett Harbor	√	√	√	√	√	√	√	√	√	√	√	√	√
Island Park	√	√	-	-	-	√	-	√	-	-	-	√	
Kensington	√	√	√	-	-	√	√	√	√	√	-	-	√
Lake Success	√	√	√	√	√	√	√	√	√	√	-	-	√

Laurel Hollow	√	√	√	√	√	√	√	√	√	√	√	-	-
Lawrence	-	√	√	√	-	√	√	√	-	√	-	-	-
Lynbrook	√	√	√	√	√	√	√	√	√	√	-	-	-
Massapequa Park	√	√	√	√	√	√	√	√	√	√	√	-	√
Malverne	-	√	√	√	√	√	√	√	-	√	√	√	-
Manorhaven	-	√	√	√	√	√	√	√	-	-	-	-	-
Mineola	√	√	√	√	√	√	√	√	√	√	√	√	√
North Hills	√	√	√	√	-	√	-	√	-	√	-	-	-
Rockville Centre	√	√	√	√	√	√	√	√	√	√	√	√	√
Roslyn	√	√	√	√	-	√	√	√	-	√	-	-	-
Roslyn Harbor	√	√	√	√	√	√	√	√	√	√	√	√	√
Russell Gardens	-	√	√	√	√	√	√	√	√	√	√	√	√
Stewart Manor	√	√	√	√	√	√	√	√	√	√	√	-	-
Williston Park	√	√	√	√	√	√	√	√	√	√	√	√	√

4.3 ADMINISTRATIVE AND TECHNICAL CAPABILITY

The ability of a local government to develop and implement mitigation projects, policies, and programs is contingent upon its staff and resources. Administrative capability is determined by evaluating whether there are an adequate number of personnel to complete mitigation activities. Similarly, technical capability can be evaluated by assessing the level of knowledge and technical expertise of local government employees, such as personnel skilled in surveying and Geographic Information Systems.

The following table provides a summary of the administrative and technical capabilities currently in place in each participating jurisdiction, as reported by Planning Group Members who submitted completed Capability Assessment Questionnaires. The checkmark (√) indicates that the local government reported maintaining a staff member for the given function.

Table 28
Administrative and Technical Capability

Jurisdiction	Planner(s) or engineer(s) with knowledge of land development and management practices	Engineer(s) or professional(s) trained in construction practices related to buildings and/or infrastructure	Planner(s) or engineer(s) with an understanding of natural and/or human caused hazards	Floodplain manager	Surveyors	Staff with education or expertise to assess the community's vulnerability to hazards	Personnel skilled in GIS and/or HAZUS	Scientists familiar with the hazards of the community	Emergency Manager	Grant writers
Nassau County	√	√	√	√	√	√	√	√	√	√
Hempstead Town	√	√	√	√	√	√	√	-	√	√
North Hempstead Town	√	√	√	√	-	√	√	-	√	√
Oyster Bay Town	√	√	√	√	√	√	√	-	√	√
City of Glen Cove	√	√	√	√	√	√	√	√	√	√
City of Long Beach	√	√	√	√	√	√	√	√	√	√
Atlantic Beach	-	√	√	√	√	√	√	√	√	√
Bayville	-	√	-	√		√	-	-	√	√
Cedarhurst	-	√	-	√	√	√	√	-	-	-
Centre Island	√	√	√	-	-	√	-	-	-	-
Floral Park	√	√	√	√	√	√	√	-	-	-
Great Neck Plaza	√	√	√	-	-	√	√	√	√	√
Hewlett Harbor	-	√	√	-	-	√	√	√	√	-
Island Park	√	√	√	-	√	√	√	√	√	-
Kensington	√	√	√	-	√	√	√	√	√	√
Lake Success	√	√	√	√	√	√	√	√	√	√
Laurel Hollow	-	-	√	√	√	√	√	-	-	-
Lawrence	-	√	√	√	-	-	√	-	√	

Lynbrook	-	√	√	√	-	-	√	-		-
Massapequa Park	√	√	√	√	√	√	√	- √	√	√
Malverne	√	√	√			√			√	√
Manorhaven	√	√	√	-	-	√	-	-		
Mineola	√	√	√	√	√	√	√	√	√	√
North Hills	√	√	√	-	-	√	- √	√	√	√
Rockville Centre	√	√	√	√	√	√	√	√	√	√
Roslyn	√	√	√	√		√	√		√	√
Roslyn Harbor	√	√	√	√	√	√	√	-	-	-
Russell Gardens	√	-	√	√	√	√	√	√	√	√
Stewart Manor	√	√	√	-	√	-	-	-	-	-
Williston Park	√	√	√	-	√	√	√	√	√	√

4.4 FISCAL CAPABILITY

The ability of a local government to implement mitigation activities is also associated with the funding available for policies and projects. Funding for such initiatives is often locally based revenue and financing, as well as outside grants. Costs associated with mitigation activities range from staffing and administrative costs to the actual cost of the mitigation project.

The following table provides a summary of the fiscal capabilities currently being utilized in each participating jurisdiction, as reported by Planning Group Members who submitted completed Capability Assessment Questionnaires. The checkmark (√) indicates that the financial resource was reported as available in the local jurisdiction for mitigation purposes.

**Table 29
Fiscal Capability**

Jurisdiction	Community Development Block Grants (CDBG)	Capital Improvements Project Funding	Authority to Levy Taxes for Specific Purposes	Fees for Water, Sewer, Gas, or Electric Service	Impact Fees for Homebuyers or Developers for New Developments/Homes	Incur Debt through General Obligation Funds	Incur Debt through Special Tax and Revenue Bonds	Incur Debt through Private Activity Bonds	Withhold Spending in Hazard-Prone Areas	Other
Nassau County	√	√	√	√	√	√	√	√	√	√
Hempstead Town	√	√	√	√	√	√	√	√	√	-
North Hempstead Town	√	√	√	√	√	√	√	√	√	-
Oyster Bay Town	√	√	√	-	-	√	√	-	-	-
City Of Glen Cove	√	√	√	√	√	√	√	√	√	-
City of Long Beach	√	√	√	√	√	√	√	√	√	-
Atlantic Beach	√	√	√	√	√	√	√	-	-	-
Bayville	√	√	√	√	√	√	√	-	-	-
Cedarhurst	-	-	√	-	-	√	√	√	√	-
Centre Island	-	√	-	-	-	√	-	-	-	-
Floral Park	-	√	-	-	-	√	√	√	-	-
Great Neck Plaza	√	√	√	√	-	√	√	√	√	√
Hewlett Harbor	-	-	-	-	-	√	√	√	√	-
Island Park	√	√	√	√	√	-	-	-	-	-
Kensington	-	√	√	√	√	√	√	√	√	-
Lake Success	√	-	-	√	√	√	√	-	-	-
Laurel Hollow	√	√	√	√	√	√	-	-	-	-
Lawrence	-	√	√	√	-	√	-	-	-	-
Lynbrook	-				-		-	-	-	-
Massapequa Park	√	√	√	√	√	√	√	√	√	√

Malverne	√	√	√	-	-	√	-	-	-	-
Manorhaven	√	√	√	-	-	√	-	-	-	-
Mineola	-	√	√	√-	√-	√	√	-	-	-
North Hills	-	√	√	√	√	√	√	√	-	-
Rockville Centre	√	√	√	√	√	√	√	√	√	√
Roslyn		√	√	√	√	√	√	√		
Roslyn Harbor	-	√-	-	-	√	√	√	√	√	-
Russell Gardens	-	√	√	√	√	√	√	√	-	-
Stewart Manor	-	√	√	√	√	√	√	√	-	-
Williston Park	√	√	√	√	√	√	√	√	-	-
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4.5 MITIGATION INTEGRATION

The Nassau Hazard Mitigation Plan Update is an important tool to assist County Leaders, Planners, Engineers and Emergency Managers to improve the lives of county residents. Residents and business owners also recognize the importance of mitigating hazards and hardening infrastructure now more than ever in the wake of Hurricane Sandy. The Nassau County stakeholder community has worked continuously to identify partners and resources in enhancing the county's mitigation efforts. Integration of federal, state, and local agencies, business and industry, and private nonprofit organizations into the county mitigation program has been an ongoing process that has helped the county improve its mitigation plan over the years. The county and its appointed representatives have had many meetings and discussions with these various entities involving reviews of current programs and policies that promote or could potentially promote mitigation initiatives throughout the county and reviews of existing and proposed plans to identify mitigation opportunities. The lessons learned from impacts of Hurricanes Irene and Sandy have contributed to the development of this plan and will continue to be integrated into a number of plans and capital programs for years to come. Nassau County OEM and Planning Representatives have laid the groundwork with FEMA and State DHSES representatives to continue this collaborative effort to make continuous plan improvements over the long run. The following plans all represent opportunities in which to integrate hazard mitigation components to achieve enhanced future resiliency and overall risk reduction across the County.

Nassau County Comprehensive Plan

The Nassau County comprehensive plan was first adopted in 1998 and is required to be updated by once every five years pursuant to the Nassau County Charter. While the document has taken various forms since the original version in 1998, the overall objective of the process is to involve the public in articulating the long-term vision and goals for the future. It includes anticipated demographics, land use, transportation, and actions to achieve desired goals. While storm resiliency and environmental sustainability have been addressed in past updates, Tropical Storm Irene and Superstorm Sandy have underscored the need to more fully and comprehensively weave resilience and mitigation into future updates. Through the plan updating process, local municipalities and organizations are consulted with to develop a consensus-based vision for the county. This will continue to provide a mechanism and forum to ensure that local hazard mitigation efforts are coordinated at the regional level through the adoption of the next comprehensive plan.

Nassau County Planning Commission

The Nassau County Planning Commission (NCPC) is a nine-member board with jurisdiction over subdivision in unincorporated areas of Nassau County. The NCPC is also responsible for providing zoning and planning recommendations to local municipalities pursuant to New York State General Municipal Law §239-L, M and N. The NCPC is an appropriate and effective way to provide a regional perspective on land use and storm resiliency to individual municipalities. As an example, the City of Long Beach was considering an amendment to its zoning code in response to Superstorm Sandy to allow for building heights to be increased due to building elevations. The zoning amendment can now be shared by the NCPC to other municipalities that are considering a similar remedy. This level of information sharing and collaboration will lead to more timely and efficient implementation of mitigation strategies county-wide.

Planners working as staff to the NCPC are often exposed to various mitigation proposals at the local level. This information is valuable at the regional level to ensure that adequate county support and resources are available to a local jurisdiction if necessary, thereby increasing the likelihood of a project being implemented. The NCPC will also strive to host annual training events to raise awareness of the relationship of municipal land use planning and zoning to regional hazard mitigation and storm resiliency.

Capital Improvement Plan

Capital Improvement Plans schedule the capital spending and investments necessary for public improvements such as schools, roads, libraries, and fire services. These plans can serve as an important mechanism to reduce growth in identified hazard areas through limited public spending. The Nassau County Capital Improvement Plan is consistently being updated to support local efforts to become more resilient. Currently the Plan is being updated to incorporate several sanitary sewer and storm water infrastructure projects on the South Shore. These projects will address post-Sandy design recommendations as well as projects identified through the New York Rising Community Reconstruction Program. The County will continue to reach out to local municipalities and stakeholders to ensure that infrastructure improvement projects are prioritized based on storm resiliency and mitigation needs.

Economic Development Plans

Economic development plans offer a comprehensive overview of the local or regional economic state, establish policies to guide economic growth, and include strategies, projects, and initiatives to improve the economy in the future. Economic development plans, similar to capital improvement plans, offer an opportunity to reduce development in hazard prone areas by encouraging economic growth in areas less susceptible to hazard events. The County will seek to further prioritize mitigation strategies the next update of its Strategic Economic Development Plan. The County will also collaborate with the Long Island Regional Planning Council to ensure that hazard mitigation priorities are reflected in the region's next Comprehensive Economic Development Strategy. The County is also committed to working with the Long Island Regional Economic Development Council (LIRDC), an initiative of New York State, to seek ways to identify and fund hazard mitigation projects that are consistent with the LIRDC's economic development goals for Nassau and Suffolk Counties.

Emergency Response Plan

Emergency response plans provide an opportunity for local governments to anticipate an emergency and plan the response accordingly. In the event of an emergency, a previously established emergency response plan can reduce negative effects as the responsibilities and means by which resources are deployed has been previously determined.

Post-Disaster Recovery Plan

A post disaster recovery plan guides the physical, social, environmental, and economic recovery and reconstruction procedures after a disaster. Hazard mitigation principles are often incorporated into post disaster recovery plans in order to reduce repetitive disaster losses.

Nassau Municipal stakeholders with planning, zoning and code authorities have already taken an important step by integrating their vulnerability to hazards, goals and objectives, and actions identified herein into the other plans. The smaller municipalities with no planning or zoning mechanisms in place generally have no additional plans into which the hazard mitigation plan can be incorporated at the municipality level. In those cases this plan serves as the de facto hazard mitigation plan. Additionally, the applicable jurisdictions will incorporate the results of this plan into their floodplain management practices.