

LOCAL LAW NO. 2

A LOCAL LAW IMPLEMENTING NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT

HAMILTON COUNTY, NEW YORK

INTRODUCED BY: MR. FRULLA:

SECONDED BY: MR. HOSLEY, JR.:

BE IT ENACTED by the Board of Supervisors of the County of Hamilton as follows:

1. (a) Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this local law shall have the same meaning as those defined in section 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

1. (b) The County shall mean the County of Hamilton.

2. No decision to carry out or approve an action other than an action listed in section 617.12 of 6 NYCRR as Type II action, shall be made by the Board of Supervisors or any department, board, commission, officer or employee of the County until there has been full compliance with all requirements of this local law and Part 617 of Title 6 NYCRR, provided however, that nothing herein shall be construed as prohibiting

(a) the conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the County to approve, commence or engage in such action, or

(b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this local law and Part 617 of Title 6 NYCRR have been fulfilled.

3. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the County Coordinator setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by resolution by the Board of Supervisors and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Board of Supervisors.

4. Upon receipt of a complete application and a statement from the Town Clerk of any town within the County of Hamilton or from the applicant directly, the County Coordinator shall cause a notice thereof to be posted on the signboard, if any of the County and of the Town in those instances where the application is received from a Town Clerk, maintained by the County and/or Town and may also cause such notice to be published in the official newspaper of the County having general circulation in the County, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the County Coordinator no later than a date specified in such notice.

5. (a) The County Coordinator shall render a written determination on such application within 15 days following receipt of a complete application and statement, provided however, that such period may be extended by

mutual agreement of the applicant and the County Coordinator. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The County Coordinator may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

(b) The time limitations provided in this local law shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the County and or Town.

6. Every application for determination under this local law shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. The fees shall be as set forth on a schedule on file in the office of the County Coordinator.

7. If the County Coordinator determines that the proposed action is not an exempt action, not an action listed in section 617.12 of Title 6 of 6 NYCRR as A Type II action and that it will not have a significant effect on the environment, the County Coordinator shall prepare, file and circulate such determination as provided in section 617.7 (b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this local law. If the County Coordinator determines that the proposed action may have a significant effect on the environment, the County Coordinator shall prepare, file and circulate such determination as provided in 617.7 (b) of Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this local law and Part 617 of Title 6 NYCRR.

8. Following a determination that a proposed action may have a significant effect on the environment, the County Coordinator shall in accordance with the provisions of Part 617 of Title 6 NYCRR;

(a) In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement.

(b) If the applicant decides not to submit an environmental impact report, the County Coordinator shall prepare or cause to be prepared the draft environmental impact statement, or in his discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The County Coordinator may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined by the Board of Supervisors in accordance with section 617.11 of Title 6 of NYCRR.

9. Upon completion of a draft environmental impact statement prepared by or at the request of the County Coordinator, a Notice of Completion containing the information specified in section 617.7 (d) of Title 6 NYCRR shall be prepared, filed, and circulated as provided in section 617.7 (e) and (f) of Title 6 NYCRR. In addition, it shall be published in the official newspaper, if any, of the County and a copy thereof shall be posted on a signboard of the County and or Town. Copies of the draft environmental impact statement and the Notice of Completion shall be filed, sent and made available as provided in section 617.7 (e) and (f) of Title 6 NYCRR.

If the County Coordinator determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the Notice of Completion and shall be published in the official newspaper of the County at least ten days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing

shall commence no less than 15 calendar nor more than 60 calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the County Coordinator determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable law.

10. If, on the basis of a draft environmental impact statement or a public hearing thereon the County Coordinator determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regards to this local law.

11. Except as otherwise provided herein, the County Coordinator shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 NYCRR, provided further that if the action involves an application, the County Coordinator may direct the applicant to prepare the final environmental impact statement. Such final environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs, provided however, the County Coordinator may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification. Where the action involves an application, such final environmental impact statement shall be accompanied by the fee specified in this section to defray the expenses of the County in preparing and/or evaluating same. The fee shall be determined by the Board of Supervisors.

12. A Notice of Completion of a final environmental impact statement shall be prepared, filed, and sent in the same manner as provided in section 10 herein and shall be sent to all persons to whom the Notice of Completion of the draft environmental impact statement was sent.

Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

13. No decision to carry out or approve an action which has been the subject of a final environment impact statement by the County Coordinator or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the County Coordinator has been the lead agency for an action, he shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

14. When A County Coordinator decides to carry out or approve an action which may have a significant effect on the environment, he shall make the following findings in a written determination:

(a) consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements; and

(b) all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

15. For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 NYCRR.

16. The County shall maintain files open for public inspection of all Notices of Completion, draft and final environmental impact statements and written determinations prepared by the County Coordinator.

17. Where more than one agency is involved in an action, the procedures of section 617.4 and 617.8 of Part 617 of Title 6 NYCRR shall be followed.

18. Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this local law and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR, provided, however, that if, after such dates a County Coordinator modifies an action undertaken or approved prior to that date and the County Coordinator determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this local law and Part 617 of Title 6 NYCRR.

19. This local law shall take effect immediately upon filing with the Secretary of State.

Adopted by the following vote:

AYES: BAKER, SKIFF, WADSWORTH, FRULLA, THIBADO, WOOD, HOSLEY, JR., BLANCHARD AND ORR, JR.

NAYS: NONE