

LOCAL LAW NO. 1-1977

TOWN OF NUNDA

A LOCAL LAW of the Town of Nunda pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

BE IT ENACTED by the Town Board of the Town of Nunda 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.

(b) "Town" shall mean the Town of Nunda.

2. No decision to carry out or approve an action other than an action listed in Section 3 (b) hereof or Section 617.12 of 6 NYCRR as Type II action, shall be made by the Town or by any department, board, commission, officer or employee of the Town 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 conduction of contemporaneous environmental, 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 Town 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. (a) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those

listed in Section 617.12 of Title 6 NYCRR as Type I actions, are likely to have a significant effect on the environment:

(b) Consistent with Part 617 of Title 6 NYCRR and criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 7 NYCRR as Type II actions, are deemed not to have a significant effect on the environment:

The sale, lease or exchange of real property; construction of, or modification of existing structures for which a building permit is not required; routine activities of the Town; the construction or alteration of one or two-family dwellings within the Town.

4. 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 zoning officer 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 the zoning officer 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 zoning officer.

5. Upon receipt of a complete application and a statement, the zoning officer shall cause a notice thereof to be posted on the signboard, if any, of the Town maintained by the Town and may also cause such notice to be published in the official newspaper of the

Town, if any, or in a newspaper having general circulation within the Town describing the nature of proposed action and stating that written views thereon of any person shall be received by the zoning officer, no later than a date specified in such notice.

6. (a) The zoning officer 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 zoning officer. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The zoning officer 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 Town.

7. Every application for determination under this local law shall be accompanied by a reasonable fee of Five Dollars (\$5.00) to defray the expenses incurred in rendering such determination.

8. If the zoning officer determines that the proposed action is not an exempt action, not an action listed in Section 3(b) hereof or 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 zoning officer 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 zoning officer determines that the proposed action may have a significant effect on the environment, the zoning officer 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 7 NYCRR.

9. Following a determination that a proposed action may have a significant effect on the environment, the zoning officer 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) in the case of an action not involving an applicant, shall prepare a draft environmental impact statement.

If the applicant decides not to submit an environmental impact report, the zoning officer shall prepare or cause to be prepared the draft environmental impact statement, or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued until a draft environmental impact statement has been submitted. The zoning officer may require an applicant to submit a fee to defray the expense of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined as follows: The sum of Five Hundred Dollars, (\$500.00) or .5% of the project cost, whichever is less, unless the applicant is directed to prepare the draft environmental impact statement, in which case the fee shall be Fifty Dollars, (\$50.00) or .5% of the project cost whichever is less.

10. Upon completion of a draft environmental impact statement prepared by or at the request of the zoning officer, 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.

If the zoning officer 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 Town, if any, or if none, in a newspaper having general circulation within the Town, 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 days nor more than 60 calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the zoning officer 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.

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

12. Except as otherwise provided herein, the zoning officer 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 zoning officer 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 zoning officer 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 Town in preparing and/or evaluating same. The fee shall be determined as follows: One Hundred Dollars (\$100.00), unless the applicant is directed to prepare the final environmental impact statement, in which case the fee shall be Ten Dollars (\$10.00):

13. 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.

14. No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the zoning officer or by any other agency shall be made until after the filing and consideration of the final environmental impact statement, and a review and recommendation on the proposed action has been received from the Town Board. Where the Town has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

15. When a zoning officer decides to carry out or approve an action which may have a significant effect on the environment it 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.

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

17. The Town shall maintain files open for public inspection of all Notices of Completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the zoning officer.

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

19. 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 zoning officer modifies an action undertaken or approved prior to that date and the zoning officer 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.

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