

TOWN OF OTISCO

LOCAL LAW NO. 1 OF 1977

A LOCAL LAW of the Town of Otisco 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 Otisco 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 Otisco.

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 Board 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 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 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:

1. Subdivisions of land involving 30 or more lots.
2. Residential district developments of 10 or more acres, involving in whole or in part multiple residences including apartments, garden apartments, town houses, condominiums.

3. All planned unit development district projects.

4. All commercial and industrial district projects involving 10 or more acres.

(b) The following is the list of actions specified in Section 617.12 of Title 6 NYCRR as Type II actions which are deemed not to have any significant effect on environment.

Type II actions or classes of actions have been determined not to have a significant effect on the environment and do not require environmental impact statements under this Part. The following are Type II actions or classes of actions:

- (1) Construction or alteration of a single or two-family residence and accessory appurtenant uses or structures not in conjunction with the construction or alteration of two or more such residences and not in one of the critical areas described in this section for Type I actions.

- (2) The extension of utility facilities to serve new or altered single or two family residential structures or to render service in approved subdivisions.

- (3) Construction or alteration of a store, office or restaurant designed for an occupant load of 20 persons or less, if not in conjunction with the construction or alteration of two or more stores, offices or restaurants and if not in one of the critical areas described in this Appendix B for Type I actions and the construction of utility facilities to serve such establishments.

- (4) Actions involving individual setback and lot line variances and the like.

- (5) Agricultural farm management practices including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming.

- (6) Operation, repair, maintenance or minor alteration of existing structures, land uses and equipment.

(7) Restoration or reconstruction of a structure in whole or in part being increased or expanded by less than 50% of its existing size, square footage or usage.

(8) Repaving of existing highways not involving the addition of new travel lanes.

(9) Street openings for the purpose of repair or maintenance of existing utility facilities.

(10) Installation of traffic control devices on existing streets, roads and highways other than multiple fixtures on long stretches.

(11) Mapping of existing roads, streets, highways, uses, ownership patterns and the like.

(12) Regulatory activities not involving construction of changed land use relating to one individual, business, institution or facilities such as inspections, testing, operating certification or licensing and the like.

(13) Sales of surplus government property other than land, radioactive material, pesticides, herbicides, or other hazardous materials.

(14) Collective bargaining activities.

(15) Operating, expense or executive budget planning, preparation and adoption not involving new programs or major reordering of priorities.

(16) Investments by or on behalf of agencies or pension or retirement systems.

(17) Actions which are immediately necessary for the protection or preservation of life, health, property or natural resources.

(18) Routine administration and management of agency functions not including new programs or major reordering of priorities.

(19) Routine license and permit renewals where there is no significant change in preexisting conditions.

(20) Routine activities of educational institutions which do not include capital construction.

(21) Issuance of Building Permits.

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 Supervisor 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 Town Board 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 Town Board.

5. Upon receipt of a complete application and a statement, the Supervisor shall cause a notice thereof to be posted on the signboard maintained by the Town Clerk and shall also cause such notice to be published in the official newspaper of the Town describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Supervisor no later than a date specified in such notice.

6. (a) The Supervisor 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 Supervisor. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Supervisor may hold informal open 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 set forth in this section to defray the expenses incurred in rendering such determination.

The fees shall be as set out in "Schedule of SEQR Application Fees" adopted by resolution of the Town Board of the Town of Otisco, and as amended.

8. If the Supervisor 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 Supervisor 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 Supervisor determines that the proposed action may have a significant effect on the environment, the Supervisor 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.

9. Following a determination that a proposed action may have a significant effect on the environment, the Town Board 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, or

(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 Town Board shall prepare or cause to be prepared the draft environmental impact statement, in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The Town Board 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 as set out in "Schedule of Fees for preparation by the Town Board of Draft Environmental Impact Statement" and "Schedule of Fees for Reviewing Draft Environmental Impact Statement" adopted by resolution of the Town Board of the Town of Otisco, and as amended.

10. Upon completion of a draft environment impact statement prepared by or at the request of the Town, a Notice of Completion containing the information specified in Section 617.7 (d) of Title 6 NYCRR shall be prepared, filed and circulated by the Supervisor as provided in Section 617.7 (e) and (f) of Title 6 NYCRR. In addition, the Supervisor shall cause the Notice of Completion to be published in the official newspaper, and a copy thereof to be posted on a signboard maintained by the Town Clerk. 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 Town Board 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 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 be held no less than 15 calendar days nor more than 60 calendar days of filing of the draft environmental impact statement, except as otherwise provided where the Town Board 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 Town Board 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 Town Board 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 Town Board 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 Town Board 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 a fee specified in this section to defray the expenses of the Town in preparing and/or evaluating same. The fee shall be as set out in the "Schedule of Fees for preparation by the Town Board of Final Environmental Impact Statement" and "Schedule of Fees for evaluating Final Environmental Impact Statement", adopted by resolution of the Town Board of the Town of Otisco, and as amended.

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 Town Board or by any other agency shall be made until after the filing and consideration of the final environmental impact state-

ment. Where the Town Board 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 the Town Board 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 Town Board or Supervisor.

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 the Town Board modifies an action undertaken or approved prior to that date and the Town Board 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.

The question of the adoption of the foregoing resolution

was duly put to a vote on roll call, which resulted as follows:

FRANCIS FITZPATRICK	<i>Francis C. Fitzpatrick</i>	voting	<i>aye</i>
DALE RUSSELL	<i>Dale Russell</i>	voting	<i>aye</i>
DONALD BAILER	<i>Donald Bailer</i>	voting	<i>aye</i>
MURRILL HENRY	<i>Murrill Henry</i>	voting	<i>aye</i>
RAYMOND WHEELER	<i>Raymond Wheeler</i>	voting	<i>aye</i>

The resolution was thereupon declared to be duly adopted.

I, the undersigned, Clerk of the Town of Otisco, DO HEREBY CERTIFY that the preceding resolution was duly adopted by the Town Board of the Town of Otisco at a regular meeting of said Town Board called and held on May 9th, 1977; that the said resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said resolution and of the whole thereof.

I further certify that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Otisco, the day and year below written.

Dated: May 9th, 1977
Otisco, New York

Yolanda V. Usherwood
YOLANDA V. USHERWOOD
Town Clerk, Town of Otisco
in Onondaga County, New York