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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Lewis
Town
Village

Local Law No. 2 of the year 19 77

A local law OF THE COUNTY OF LEWIS PURSUANT TO ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW PROVIDING FOR ENVIRONMENTAL QUALITY REVIEW OF ACTIONS WHICH MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Be it enacted by the Board of Legislators of the (Name of Legislative Body)

County
City of Lewis as follows:
Town
Village

See Attached Sheets

(If additional space is needed, please attach sheets of the same size as this and number each)

NO. 2-1977
LOCAL LAW ~~INTRODUCTORY NO. 02-1977~~
COUNTY OF LEWIS

A LOCAL LAW OF THE COUNTY OF LEWIS PURSUANT TO ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW PROVIDING FOR ENVIRONMENTAL QUALITY REVIEW OF ACTIONS WHICH MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

BE IT ENACTED by the Board of Legislators of the County of Lewis 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 §8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

(b) "County", shall mean the County of Lewis.

2. No decision to carry out or approve an action other than an action listed in §3(b) hereof or §617.12 of 6 NYCRR as Type II action, shall be made by the governing body or by 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. (a) Consistent with Part 617 of Title 6 NYCRR and the criteria therein there is hereby delegated to Lewis County Planning Board, or its designee, full authority to enumerate actions that are likely to have a significant effect on the environment.

(b) Consistent with Part 617 of Title 6 NYCRR and the criteria therein there is hereby delegated to Lewis County Planning Board, or its designee, full authority to enumerate actions that are deemed not to have a significant effect on the environment.

4. Lewis County Planning Board is hereby designated as the County agency having full and complete jurisdiction and power to supervise and enforce the ramifications and provisions of the within local law. The Lewis County Planning Board is hereby given and delegated total authority to name one or more designees with such designees having full power to act for and on behalf of said Lewis County Planning Board with reference to the supervision and enforcement of the ramifications and provisions of the within local law.

5. 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 Lewis County Planning Board or its designee 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 Lewis County

Planning Board, or its designee, 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 Lewis County Planning Board, or its designee.

6. Upon receipt of a complete application and a statement, the Lewis County Planning Board, or its designee, shall cause a notice thereof to be posted on the signboard, if any, of the County maintained by the County and may also cause such notice to be published in the official newspaper of the County, if any, or in a newspaper having general circulation within the County, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Lewis County Planning Board, or its designee, no later than a date specified in such notice.

7. (a) The Lewis County Planning Board, or its designee, 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 Lewis County Planning Board, or its designee. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Lewis County Planning Board, or its designee, 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.

8. 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 power to fix all fees hereunder is hereby delegated to the Lewis County Planning Board, or its designee.

9. If the Lewis County Planning Board, or its designee, determines that the proposed action is not an exempt action, not an action listed in §3(b) hereof or §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 Lewis County Planning Board, or its designee, shall prepare, file and circulate such determination as provided in §617.7(b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this local law. If the Lewis County Planning Board, or its designee, determines that the proposed action may have a significant effect on the environment, the Lewis County Planning Board, or its designee, 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.

10. Following a determination that a proposed action may have a significant effect on the environment, the Lewis County Planning Board, or its designee, 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 Lewis County Planning Board, or its designee, 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. The Lewis County Planning Board, or its designee, 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. The power to fix all fees hereunder is hereby delegated to the Lewis County Planning Board, or its designee.

11. Upon completion of a draft environmental impact statement prepared by or at the request of the County, a Notice of Completion containing the information specified in §617.7(d) of Title 6 NYCRR shall be prepared, filed and circulated as provided in §617.7(e) and (f) of Title 6 NYCRR. In addition, it shall be published in the official newspaper, if any, of the County, or if none, a newspaper having general circulation within the County, and a copy thereof shall also be posted on a signboard of the County. Copies of the draft environmental impact statement and the Notice of Completion shall be filed, sent and made available as provided in §617.7(e) and (f) of Title 6 NYCRR.

If the Lewis County Planning Board, or its designee, 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, if any, or if none, in a newspaper having general circulation within 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 days nor more than 60 calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the Lewis County Planning Board, or its designee, 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.

12. If, on the basis of a draft environmental impact statement or a public hearing thereon the Lewis County Planning Board, or its designee, 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.

13. Except as otherwise provided herein, the Lewis County Planning Board, or its designee, 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 Lewis County Planning Board, or its designee, 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 Lewis County Planning Board, or its designee, 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 power to fix all fees hereunder is hereby delegated to the Lewis County Planning Board, or its designee.

14. A Notice of Completion of a final environmental impact statement shall be prepared, filed, and sent in the same manner as provided in §11 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.

15. No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the Lewis County Planning Board, or its designee, or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Lewis County Planning Board, or its designee, 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.

16. When the Lewis County Planning Board, or its designee, 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.

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

18. The County 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 Lewis County Planning Board, or its designee.

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

20. 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 Lewis County Planning Board, or its designee, modifies an action undertaken or approved prior to that date and the Lewis County Planning Board, or its designee, 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.

21. This local law shall take effect June 1st, 1977.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1977
County
of the ~~City~~ Lewis was duly passed by the Board of Legislators
~~Town~~ ~~Village~~ (Name of Legislative Body)
on April 5th 1977 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ _____ was duly passed by _____
~~Town~~ ~~Village~~ (Name of Legislative Body)
on _____ 19_____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ _____ was duly passed by the _____
~~Town~~ ~~Village~~ (Name of Legislative Body)
on _____ 19_____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive _____
general
thereon at the special election held on _____ 19_____, in accordance with the appli-
annual
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ _____ was duly passed by the _____ On
~~Town~~ ~~Village~~ (Name of Legislative Body)
_____ 19_____ and was approved _____ by the _____ On
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Marathy E. Kotel
Clerk of the Board of Supervisors, County of Lewis
Designated by the Board of Supervisors

Date: April 20, 1977

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Lewis

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
County Attorney
(Title of Officer)
County
~~City~~ of Lewis
~~Town~~
~~Village~~

Dated: April 20, 1977