

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~Schenectady~~
County of Cohocton
~~Town~~
Village

Local Law No. 1 of the year 19 77

A local law providing for environmental quality review of actions which may have a significant effect on environment.

significant effect on environment.

Be it enacted by the Village Board of the

~~County~~
~~Schenectady~~
County of Cohocton as follows:
Village

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 8-0104 of the environmental conservation law and Part 617 of Title 6 NYCRR.

(b) Village of Cohocton shall mean the Village of Cohocton

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 Board of Trustees or any department, board, commission, officer or employee of the Village of Cohocton 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 a preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Village of Cohocton 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 to Title 6 NYCRR have been fulfilled.

3. (a) The actions listed in Section 617.12 of Title 6 NYCRR as Type I actions are likely to have an effect on the environment and will therefore, require the preparation of an environmental impact statement as provided for in this Local Law.

(b) The actions listed in Section 617.12 of Title 6 NYCRR as Type II actions are deemed not to have a significant effect on the environment, and will therefore, not require the preparation of an environmental impact statement as provided for in this local law.

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 **Board of Trustees** 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 Trustees**, 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 Trustees**.

5. (a) The **Board of Trustees** 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 **Village Board**. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The **Board of Trustees** 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 **Village of Cohocton**.

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 follows: fees may be based on the action necessary to be taken by the application, subject to being reasonable, but in no event greater than one-half of one (1) percent of the total cost of the contemplated action. A fee may be waived at the discretion of the Board of Trustees. All fees shall be determined on an individual case basis.

7. If the **Board of Trustees** 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 NYCRR as a Type II action and that it will not have a significant effect on the environment, the **Board of Trustees** 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 **Board of Trustees** determines that the proposed action may have significant effect on the environment, the **Board of Trustees** 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 **Board of Trustees** 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 **Board of Trustees** 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.

9. 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.

10. 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 **Board of Trustees** determine 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.

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