

VILLAGE OF ISLAND PARK
LOCAL LAW NO. 2 OF THE YEAR 1977

A local law of the Village of Island Park 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 Trustees of the Village of Island Park as follows:

(a) Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this local shall have the same meaning as those defined in section 8—0105 of the environmental conservation law and Park 617 of Title 6 NYCRR.

(b) "Village" shall mean the Village of Island Park.

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 Board of Trustees or by any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this local law and park 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 village 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 NYCRA and the criteria therein, the following actions, in addition to those listed in section 617.12 of Title 6 NYCRR as Type 1 actions, are likely to have a significant effect on the environment: those actions that are specified from time to time by resolutions of the Board of Trustees.

(b) 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 II actions, are deemed not to have a significant effect on the environment: those actions that are specified from time to time by resolutions of the Board of Trustees.

4. For the purpose of assisting in the determination of whether an action may or may 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 application 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 of 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. Upon receipt of a complete application and a statement, the Board of Trustees shall cause a notice thereof to be posted on the signboard, if any, of the village maintained by the village and may also cause such notice to be published in the official newspaper of the village, if any, or in a newspaper having general circulation within the village describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Board of Trustees no later than a date specified in such notice.

6. (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 Board of Trustees. 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.

7. Every application for determination under this local law shall be accompanied by a fee of \$50.00 to defray the expenses incurred in rendering such determination.

8. 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 of 6 NYCPR 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 a significant effect on the environment the Board of Trustees shall prepare, file and circulate such determination as provided in 6117(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 Board of Trustees shall¹ 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, The Board of Trustees 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 Trustees.

10. Upon completion of a drift environmental Impact statement prepared by or at the request of the village, 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 village or if none, a newspaper having general circulation within the village, and a copy thereof shall also be posted on a signboard of the village. 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 Board of Trustees 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 village, if any, or if none, in a newspaper having general circulation within the village 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 Board of Trustees 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 Board of Trustees 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 Board of Trustees, 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 Board of Trustees, 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 Board of Trustees 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 to defray the expenses of the village in preparing and/or

evaluating same. The fee shall be determined by the Board of Trustees.

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 Board of Trustees or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Board of Trustees 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 Board of Trustees 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 village 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 Board of Trustees.

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 Board of Trustees modifies an action undertaken or approved prior to that date and the Board of Trustees 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 611 of Title 6 NYCRR.

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