

*Not  
Adopted*

LOCAL LAW NO. 1, 1977, COUNTY OF LIVINGSTON, 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 BOARD OF SUPERVISORS OF THE COUNTY OF LIVINGSTON 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) "County" shall mean the County of Livingston.

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 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, those Type I actions listed in Section 617 of Title 6 NYCRR are likely to have a significant effect on the environment.

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

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 County Park Superintendent 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 County Park Superintendent 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 County Park Superintendent.

5. Upon receipt of a complete application and a statement, the County Park Superintendent shall cause a notice thereof to be posted on the sign-board, if any, of the county maintained by the county, and may also cause such notice to be published in the official newspapers of the county describing the nature of the proposed action and stating that written views thereon of any person shall be received by the County Park Superintendent no later than a date specified in such notice.

6. (a) The County Park Superintendent 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 County Park Superintendent. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The County Park Superintendent may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding him in making a determination on the application.

(b) The time limitation 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.

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 follows: \$10.00 per application.

8. If the County Park Superintendent 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 County Park Superintendent 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 County Park Superintendent determines that the proposed action may have a significant effect on the environment, the County Park Superintendent 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 County Park Superintendent 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 does not submit the information required by the County Park Superintendent, the County Park Superintendent shall prepare or cause to be prepared the draft environmental impact statement, or in his discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The County Park Superintendent may require an applicant to submit a fee to defray the expense to him 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 actual expense of preparing the draft environmental impact statement, but in no event shall this fee exceed one-half of one percent of the action's total cost. The County Park Superintendent shall set the amount of the deposit required with the application. No fee shall be charged to the County of Livingston or any of the departments.

10. 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 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 newspapers 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 Section 617.7 (e) and (f) of Title 6 NYCRR.

If the County Park Superintendent 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 newspapers of 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 County Park Superintendent 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 County Park Superintendent 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 County Park Superintendent 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 County Park Superintendent 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 County Park Superintendent 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 fee shall be determined as follows: The actual expense of preparing the final environmental impact statement but in no event shall the fee exceed one-half of one percent of the actions' total cost. The County Park Superintendent shall set the amount of the deposit.

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 County Park Superintendent or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the County Park Superintendent has been the lead agency for an action, he 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 County Park Superintendent decides to carry out or approve an action which may have a significant effect on the environment he 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 County Park Superintendent 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 County Park Superintendent.

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 County Park Superintendent modifies an action undertaken or approved prior to that date and the County Park Superintendent 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.