

At a Regular Meeting of the Common Council of the City of Plattsburgh, New York held March 24, 1977.

PRESENT: Mayor St. Pierre, Aldermen Burke, Stewart, Haley, Blumette, Griffin and Poitras

ABSENT: None

By Alderman Burke; seconded by Alderman Stewart:

LOCAL LAW NO. 1 of 1977

A LOCAL LAW OF THE CITY OF PLATTSBURGH 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 Mayor and Common Council of the City of Plattsburgh, New York 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) "City" shall mean the City of Plattsburgh, New York.

2. No decision to carry out or approve an action other than an action listed in Section 617.22 of 6 NYCRR as Type II action, shall be made by the Common Council or by any department, board, commission, officer or employee of the City, 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 City 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. 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 City Planning Board 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 City Planning 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 City Planning Board.

4. (a) The City Planning Board shall render a written determination on such application within 30 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 City Planning Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The City Planning Board may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding 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 City.

5. Every application for determination under this Local Law shall be accompanied by a reasonable fee set forth in this section to defray the expense incurred in rendering such determination. The fees shall be as follows:

TYPE I ACTIONS: One half of one percent ($\frac{1}{2}\%$) of the estimated project cost.

TYPE II ACTIONS: No additional charge. Fee included in existing building and zoning fee schedule.

6. If the City Planning Board determines that the proposed action is not an exempt action, not an action listed in 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 City Planning Board 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 City Planning Board determines that the proposed action may have a significant effect on the environment the City Planning Board 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 this Local Law and Part 617 of Title 6 NYCRR.

7. Following a determination that a proposed action may have a significant effect on the environment, the City Planning 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 City Planning Board 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 City Planning 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 determined as follows:

TYPE I ACTIONS: One half of one percent ($\frac{1}{2}\%$) of the estimated project cost.

TYPE II ACTIONS: No additional charge. Fee included in existing Building and Zoning Fee schedule.


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

9. 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 City Planning Board modifies an action undertaken or approved prior to that date and the City Planning 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.

10. This Local Law shall take effect immediately upon filing with the Secretary of State.

On roll call, Aldermen Burke, Stewart, Haley, Blumette, Griffin and Poitras voted in the affirmative; no one in the negative;
CARRIED.

This Local Law certified to the Mayor this 31st day of March 1977.


CITY CLERK

The foregoing Local Law is hereby approved after Public Hearing held the 31st day of March 1977.


MAYOR