



STATE OF NEW YORK  
DEPARTMENT OF AUDIT AND CONTROL  
ALBANY

May 13, 1977

ARTHUR LEVITT  
STATE COMPTROLLER

IN REPLYING REFER TO

Lois Van Hoover, Clerk  
Board of Supervisors  
County of Wayne  
Court House, 26 Church St.  
Lyons, New York 14489

Dear Madam:

I hereby acknowledge receipt as of April 25, 1977  
of certified copy of Local Law No. 2  
of 1977 for the County of Wayne  
which copy is being filed in this office.

Very truly yours,

*Kendall R. Pirro*  
Kendall R. Pirro  
Associate Attorney

KRP:js  
cc: Secretary of State



STATE OF NEW YORK  
DEPARTMENT OF STATE  
162 WASHINGTON AVENUE  
ALBANY, NEW YORK 12231

April 27, 1977

Lois Van Hoover, Clerk  
Board of Supervisors  
County of Wayne  
Court House, 26 Church St.  
Lyons, New York 14489

Dear Sir / Madam:

Please be advised that Local Law(s) No. 2  
of 1977 of the County of Wayne  
was/were received and filed on April 25, 1977.

We are enclosing additional forms for your future  
use when filing local laws.

Very truly yours,

MARIO M. CUOMO  
Secretary of State

by:

A handwritten signature in cursive script that reads "James C. Aube".

James C. Aube  
Chief Clerk  
State Records and Law Bureau

cc: State Comptroller  
Division of Municipal Affairs

G120-006

*mailed  
4/22/77*

LEGAL NOTICE

Notice that Local Law No 2 - 1977 is effective upon filing with the New York Secretary of State.

NOTICE IS HEREBY GIVEN that the following local law adopted by the Board of Supervisors of the County of Wayne on the 21st day of April, 1977, has become effective on or about the 22nd day of April, 1977, with filing with the Secretary of State of the State of New York, in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

Local Law No 2 - 1977 entitled "Providing for Environmental Quality Review of Actions Which May Have a Significant Effect On The Environment Pursuant to Article 8 of the New York Environmental Conservation Law"

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY WAY 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 Wayne, including the Board of Supervisors and any department, board, commission, officer or employee of the County.

(c) "Planning Board" shall mean the Wayne County Planning Board.

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 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 actions listed in Section 617.12 of Title 6 NYCRR as Type I actions are deemed likely to have a significant effect on the environment.

(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:

(i) Reconstruction or repair of existing highways, including drainage, not involving the addition of new travel lanes;

(ii) Installation or repair of utility facilities within a highway right-of-way;

(iii) Reconstruction or replacement of bridges on same location;

(iv) Construction of individual driveway entrances/

4. 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 County until the Planning Board has made a determination whether that action may have a significant effect on the environment.

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 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 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 Planning Board.

6. Upon receipt of a complete application and a statement or upon notification by the County of an action to be undertaken by the County, the Planning Board 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 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 Planning Board no later than a date specified in such notice.

7. (a) The Planning Board shall render a written determination on an 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 Planning Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Planning Board 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 to defray the expenses incurred in rendering such determination. The fees shall be established by the Planning Board, subject to approval by the Board of Supervisors.

9. If the Planning Board 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 NYCRR as a Type II action and that it will not have a significant effect on the environment, the 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 Planning Board determines that the proposed action may have a significant effect on the environment, the Planning Board shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 NYCRR.

10. Following a determination that a proposed action may have a significant effect on the environment, the 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.

(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 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.

11. Upon completion of a draft environmental impact statement, the proposed action thereafter shall be reviewed and processed in accordance with the provisions of this local law and Part 617 of Title 6 NYCRR.

12. The Planning Board shall establish a schedule of fees, subject to approval by the Board of Supervisors, to be charged to applicants for the purpose of recovering the costs to the Planning Board or the County of preparing and reviewing draft and final environmental impact statements.

13. 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.

14. 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 modifies an action undertaken or approved prior to that date and the 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.

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

THIS NOTICE OF THE EFFECTIVE DATE OF THE ABOVE LOCAL LAW is published in accordance with Section 214 of the County Law of the State of New York.

Dated: Lyons, New York  
April 22, 1977

Lois Van Hoover, Clerk  
Board of Supervisors of the  
County of Wayne

PLEASE PUBLISH TWICE

OFFICE OF THE  
WAYNE COUNTY BOARD OF SUPERVISORS

COURT HOUSE  
26 CHURCH STREET  
LYONS, NEW YORK 14489

LOIS VAN HOOVER, CLERK  
315-946-9767

HELEN MADDOCK,  
DEPUTY CLERK

April 21, 1977

Secretary of State  
State Records & Law Bureau  
Department of State  
162 Washington Avenue  
Albany, N. Y. 12231

Gentlemen:

Enclosed please find one original and three copies  
of Wayne County's Local Law No. 2 of the year 1977.

Very truly yours,

*Lois Van Hoover*

Lois Van Hoover  
Clerk

LVH/hm

Enc. 4

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

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 Wayne  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 1977

A local law providing for environmental quality review of actions which may have a significant effect on the environment pursuant to Article 8 of the New York Environmental Conservation Law

(Insert title)

a significant effect on the environment pursuant to Article 8 of the New York Environmental Conservation Law

Be it enacted by the Board of Supervisors of the

(Name of Legislative Body)

County  
~~City~~ of Wayne as follows:  
~~Town~~  
~~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 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

(b) "County" shall mean the County of Wayne, including the Board of Supervisors and any department, board commission, officer or employee of the County.

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(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 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 actions listed in Section 617.12 of Title 6 NYCRR as Type I actions are deemed likely to have a significant effect on the environment.

(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:

(i) Reconstruction or repair of existing highways, including drainage, not involving the addition of new travel lanes;

(ii) Installation or repair of utility facilities within a highway right-of-way;

(iii) Reconstruction or replacement of bridges on same location;

(iv) Construction of individual driveway entrances;

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

4. 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 County until the Planning Board has made a determination whether that action may have a significant effect on the environment.

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 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 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 Planning Board.

6. Upon receipt of a complete application and a statement or upon notification by the County of an action to be undertaken by the County, the Planning Board 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 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 Planning Board no later than a date specified in such notice.

7. (a) The Planning Board shall render a written determination on an 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 Planning Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Planning Board 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 to defray the expenses incurred in rendering such determination. The fees shall be established by the Planning Board, subject to approval by the Board of Supervisors.

9. If the Planning Board 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 NYCRR as a Type II action and that it will not have a significant effect on the environment, the 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 Planning Board determines that the proposed action may have a significant effect on the environment, the Planning Board shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 NYCRR.

10. Following a determination that a proposed action may have a significant effect on the environment, the 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.

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14. 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 modifies an action undertaken or approved prior to that date and the 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.

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

(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.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ..2..... of 19..77..

County  
of the ~~Town~~ City of Wayne was duly passed by the Board of Supervisors  
~~Village~~ (Name of Legislative Body)  
on April 21, 19 77 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....

County  
of the ~~Town~~ City of ..... was duly passed by the .....  
~~Village~~ (Name of Legislative Body)  
on ..... 19..... and was approved not disapproved by the .....  
repassed after disapproval Elective Chief Executive Officer \*  
and was deemed duly adopted on ..... 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....

County  
of the ~~Town~~ City of ..... was duly passed by the .....  
~~Village~~ (Name of Legislative Body)  
on ..... 19..... and was approved not disapproved by the .....  
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.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....

County  
of the ~~Town~~ City of ..... was duly passed by the ..... on  
~~Village~~ (Name of Legislative Body)  
..... 19..... and was approved not disapproved by the ..... on  
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 county legislative body, 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.

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

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.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... 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 ..... above.

Leis Van Nostrand  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 22, 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 ...Wayne.....

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.

Donald L. Cowy  
Signature  
.....County Attorney.....  
Title

Date: April 22, 1977

County  
City of ...Wayne.....  
Town  
Village