

TOWN OF CAMBRIA

ENVIRONMENTAL QUALITY REVIEW ACT ORDINANCE

ADOPTED MAY 5, 1977

An ORDINANCE of the Town of Cambria, 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 Town Board of the Town of Cambria as follows:

1. (a) Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this ordinance shall have the same meaning as those defined in Section 6-0105 of the Environmental Conservation Law and Part 617 of Title 6NYCRR.

(b) "County", "City", "Town, "Village" shall mean the Town of Cambria.
2. (a) No decision to carry out or approve an action other than an action listed in Section 617.12 of 6 NYCRR as Type II action, shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all requirements of this ordinance and Part 617 of Title 6 NYCRR, provided, however, that nothing herein shall be construed as prohibiting.

(b) 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 Town to approve commerce or engage in such action, or

(c) 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 ordinance 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 Town 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 Town 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 by the Town Board.

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

5. (a) The Town Board shall render a written determination on such application with 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 Town Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Town 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 ordinance shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulations of the Town.

6. Every application for determination under this ordinance 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: 1/20 of 1 percent of the actions total cost to the applicant.

7. If the Town 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 Town 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 ordinance. If the Town Board determines that the proposed action may have significant effect on the environment, the Town 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 the provisions of this ordinance and Part 617 of Title 6 NYCRR.

8. Following a determination that a proposed action may have significant effect on the environment, the Town 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 Town 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 Town 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 $\frac{1}{2}$ of 1 percent of the actions total cost to the applicant.

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

10. Actions undertaken or approved prior to the dates specified in Article 3 of the Environmental Conservation Law for local agencies shall be exempt from this ordinance 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 Town Board modifies an action undertaken or approved prior to that date and the Town Board determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this ordinance and Part 617 of Title 6 NYCRR.