

TOWN OF OSSIAN LOCAL LAW 6-2021

A local law to Implement Environmental Quality Review

BE IT ENACTED by the Town Board of the Town of Ossian as follows:

SECTION 1. This local law is adopted to implement New York State Environmental Conservation Law (ECL) Article 8 entitled "Environmental Quality Review."

This local law supersedes Town of Ossian Local Law 1-1977

SECTION 2. Except as otherwise set forth herein, the Town of Ossian (hereinafter "the Town") shall at all times follow and carry out the requirements of ECL Article 8 and New York State Rules and Regulations concerning same, currently 6 NYCRR Part 617, as they may be amended or replaced from time to time, the provisions of which are incorporated by reference hereat and made a part hereof.

SECTION 3. When the Town is the agency involved in an ECL Article 8 matter, all final decisions regarding that matter shall be made by the following Board:

- A. for Planning Board matters, the Planning Board;
- B. for zoning matters, the Zoning Board of Appeals;
- C. in cases when both the Planning Board and the Zoning Board of Appeals are involved, the Zoning Board of Appeals; and
- D. in all other matters, the Town Board.

SECTION 4. Type I, Type II and "unlisted" actions shall be as defined in said law, rules and regulations with the addition that Type II actions not subject to review (currently defined in 6 NYCRR Section 617.5) shall also include:

- A. the sale, lease, transfer or other exchange of real property;
- B. the construction of, or modification of existing, structures for which a building permit is not required;
- C. routine activities of the Town; and
- D. the construction or alteration of one- or two-family dwellings within the Town.

SECTION 5. INTAKE

The Code Enforcement Officer (CEO) shall make the preliminary classification of the action (Type I, Type II or Unlisted) and provide the applicable forms to the applicant.

SECTION 6. FEES AND COSTS.

Fees and costs shall be the maximum allowed by then current State Law, Rules and Regulations, except to the extent the Town, in its sole discretion, determines to charge a lesser extent. Such fees and expenses as so determined shall be paid partially or totally in advance of the applicable Board's review and determination, as such board then decides based on the facts and circumstance of each case.

SECTION 7. No action may be taken by an applicant until all procedures, reviews and determinations required by this law, and the New York State Law, Rules and Regulations referenced herein have been completed.

SECTION 8. VIOLATIONS AND PENALTIES

A. The applicant, as well as the landowner and all contractors and other third parties who take an action before the requirements of this local law are fulfilled for that action shall each be subject to the following:

- 1) criminal penalty as set forth in ECL Section 71-4001 as it may be amended or replaced from time to time; and
- 2) the maximum civil penalty (now \$500 per day for each day of violation) as set forth in ECL Section 71-4003 as it may be amended or replaced from time to time.
- 3) Each such violator shall also be liable for all attorneys' fees, costs and disbursements incurred by the Town to enforce this law and to collect all fines and penalties allowed.

SECTION 9. The time limitations provided in this local law shall be coordinated, to the extent practicable, with other time limitations provided by state statute or local law or regulation of the Town.

SECTION 10.

- A. This law shall take effect immediately upon the filing with the New York State Secretary of State.
- B. A copy of this local law shall also forthwith be filed with the New York State Department of Environmental Conservation.