

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

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~

~~City~~

Town

~~Village~~

of GUILFORD

Local Law No. 1 of the year 19 79

A local law providing for environmental review of actions in the
Town of Guilford. (Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

GUILFORD

as follows:

SECTION 1. The purpose of this local law is to implement for the
Town of Guilford SEQR and Part 617.

SECTION 2. (a) The terms and words used in this local law shall
have the same meaning as such terms and words are defined in Article 8
of the Environmental Conservation Law and Part 617, unless the context
requires a different meaning.

(b) The following terms shall have the following
meanings: SEQR - the State Environmental Quality Review Act as set
forth in Article 8 of the Environmental Conservation Law, Part 617 -
the rules and regulations set forth in 6NYCRR 617, EAF - Environmental
Assessment Form, EIS - Environmental Impact Statement, Town - Town
of Guilford.

SECTION 3. No action, other than an exempt, excluded or Type II
action, shall be carried out, approved or funded by any agency, board,
body, or officer of the town, unless it has complied with SEQR, Part 617
to the extent applicable and this local law.

SECTION 4. (a) An EAF shall be prepared by or on behalf of any
agency, board, body or officer of the town in connection with any
Type I action such agency, board, body or officer contemplates or
proposes to carry out directly. For an unlisted action an EAF in a
short or long form may be prepared to facilitate a preliminary deter-
mination of environmental significance.

(b) An application for permit or funding of a
Type I action shall be accompanied by an EAF, and for an unlisted
action may be accompanied by a short or long form EAF as may be needed
to assist the lead agency in making a preliminary determination of
environmental significance. An applicant may prepare a draft EIS to
accompany the application in place of the EAF. In lieu of an EAF
the town board or a lead agency having authority to adopt its own
regulations may adopt different procedure for reviewing environmental

significance of unlisted actions. The lead agency shall make a preliminary determination of environmental significance of the action on the basis of the EAF, draft EIS or with respect to unlisted actions in accordance with its own procedures, as the case may be, and such other information it requires. Such determination shall be made within 15 days of its designation as lead agency or within 15 days of its receipt of all information it requires, whichever is later. For Type I actions a determination of non-significance shall be noticed and filed as provided in Part 617.10(b); for unlisted actions a determination of non-significance shall be sent to the applicant and maintained in accordance with Part 617.7(e) and 617.10(f). After a determination of non-significance, the action including one involving a permit or funding shall be processed without further regard to SEQR, Part 617 or this local law.

(c) The time of filing an application for approval or funding of an action shall commence to run from the date the preliminary determination of environmental non-significance is rendered, or if in lieu of an EAF the applicant prepares a draft EIS, from the date the applicant files a draft EIS acceptable to the lead agency.

SECTION 5. If the lead agency determines that an EIS is required, it shall proceed as provided in Part 617.8, 617.9 and 617.10. Commencing with the acceptance of the draft EIS, the time limitation for processing the EIS shall run concurrently with the time limitations applicable to processing the application for approval or funding of the action, and a public hearing on the draft EIS, if any, shall be held concurrently with any hearing to be held on such application. The draft EIS shall be prepared by the applicant. Failure by the applicant to prepare an EIS acceptable to the lead agency shall, at the option of the lead agency, be deemed an abandonment and discontinuance of the application.

SECTION 6. The lead agency shall be determined and designated as provided in Part 617.6 and 617.7, except that in the following Type I and unlisted actions the lead agency shall be as provided herein: (a) adoption, amendment or change in zoning regulations not requiring a federal or state agency permit or approval - the town board; (b) construction or expansion of town buildings, structures, and facilities within the town not requiring a federal or state agency permit or approval - the town board; (c) variances not requiring a federal or state agency permit or approval - the town board; (d) purchase, sale and lease of real property by the town, not requiring a federal or state agency permit or approval - town board; (e) planned unit development or cluster zoning not requiring a federal or state agency permit or approval - town board; (f) site plan review and special use permit not requiring a federal or state agency permit or approval - town board; (g) construction or expansion of non-residential facility not requiring a federal or state agency permit or approval - town board; (h) parking lot not requiring a federal or state agency or approval - town board.

SECTION 7. The town board shall act as the town clearinghouse for lead agency designation. Such clearinghouse shall assist agencies and applicants to identify other agencies, including federal and state, that may be involved in approving, funding or carrying out Type I and unlisted actions. The clearinghouse shall also make recommendations on the designation of a lead agency.

SECTION 8. Environmental review of actions involving a federal agency shall be processed in accordance with Part. 617.16.

SECTION 9. The fees for review or preparation of an EIS involving an applicant for approval or funding of an action shall be fixed from time to time by a resolution of the town board.

SECTION 10. Critical areas of environmental concern may be designated by resolution of the town board in accordance with Part 617.4(j).

SECTION 11. The following are deemed Type I actions in addition to those set forth in Part 617.12: none.

SECTION 12. The following are deemed Type II actions in addition to those set forth in Part 617.13: none.

SECTION 13. This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

~~NOTE. (1) The list of lead agencies in this section is not intended to indicate a complete or ironclad predetermination of lead agencies within the municipality but rather to serve as an example. Lead agencies will emerge through normal processing of actions, by agreement and by designation of the En Con Commissioner. Thus, the list could change.~~
