

(Use this form to file a 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~~ ofEnfield.....
Town
~~Village~~

Local Law No.1..... of the year 1999....

A local law amending Local Law Number 1 of the year 1998 in relation..
(Insert Title) to Site Plan Review.

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

~~County~~
~~City~~ ofEnfield..... as follows:
Town
~~Village~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. #1 of 19 99 of the ~~(County)~~(City)(Town)(Village) of Enfield was duly passed by the Town Board on July 14th 19 99 in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 the 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 section (36)(37) 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)(general) election held on _____ 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 1, above.

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

Date: July 20, 1999

(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 _____

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.

Signature

Title

County _____
City _____
Town _____ of _____
Village _____

Date: _____

TOWN OF ENFIELD

LOCAL LAW NO. 1 OF THE YEAR 1999

A local law amending Local Law No. 1 of the year 1998 in relation to Site Plan Review.

BE IT Enacted by the Town Board of the Town of Enfield as follows:

Section 1. Purpose

This law is necessary to amend Section 2.1 of Local Law No.1 of 1998 by adding a provision that any communication or other tower more than 100' above ground level shall be subject to site plan review pursuant to said Local Law.

Section 2. Amendment

Section 2.1 of Local Law No. 1 of 1998 is hereby amended to add the following paragraph 5:

5. Any Communication or other tower more than 100' above ground level.

Section 3. Effective Date.

This law shall become effective upon filing in the office of the Secretary of State.

Town of Enfield
Site Plan Review Law

Article 1
Introductory Provisions

Section 1-ENACTMENT

The Town Board of the Town of Enfield, New York does hereby adopt the Town of Enfield Site Plan Review Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law, Section 274-a and Section 268 of the Town Law of the State of New York.

Section 1.1 SHORT TITLE

This local law shall be known as the "Site Plan Review Law." The Town of Enfield is hereinafter referred to as the "town."

Section 1.2 INTENT AND PURPOSE

The purpose of this law is to protect the health, safety and public welfare of the residents of the Town of Enfield by assuring a balance between development activity and it's impact on the residents and environment of Enfield.

It is the intent of this law to promote the conservation, preservation, and development of the town, by approval of certain land uses through review of site plans.

ARTICLE II

APPLICABILITY AND CONSIDERATIONS

Section 2.0 GENERAL AUTHORIZATION

The Planning Board of Enfield is hereby authorized to review and approve, approve with modification, or disapprove site plans in accordance with the provisions, standards and requirements of this local law.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are related to and incidental to a proposed site plan. Upon its approval of the site plan, any conditions must be met before the issuance of any permits.

Section 2.1 APPLICABILITY OF REVIEW REQUIREMENTS

This law applies only to the development activities listed below:

1. Construction of any large (10,000 square feet or more) commercial or industrial use or structure.
2. Construction of three or more dwelling units on one parcel of land.
3. Expansion by 5,000 square feet or more of any non-agricultural use or structure.
4. Grading or filling of one acre or more for non-agricultural uses.

The following land use activities are exempted from this law; unless it can be shown that the public health and/or safety is threatened:

- land use activity that occurs in the course of normal agricultural or timbering operations as pursuant to sections 305-A and 308 of the Agriculture and Markets Law.

Section 2.2 GENERAL CONSIDERATIONS

The Planning Board's review of the materials submitted shall include as appropriate the following considerations:

1. Fire and emergency vehicle access.
2. Traffic safety and circulation, both on-site and off-site. This item also involves the consideration of parking and loading areas and the design and location of signs.
3. Impact on neighboring properties. Landscaping may be required as a means of mitigating impacts on neighboring properties.
4. Storm water and drainage facilities.
5. Impact on sensitive environmental area(s), such as streams, ponds, and unique natural areas.
6. Pedestrian safety, access, and circulation.
7. Recreational areas within residential developments shall be considered, when necessary, as determined by the Planning Board.

Section 2.3 EFFECT ON EXISTING USES

This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use which would otherwise be subject to this law, that has been discontinued for a period of one (1) year or more shall be subject to review pursuant to the terms of this law before any use is resumed. Any use or structure shall be considered to be in existence, provided that a building permit has been issued as of the effective date of this local law, and fully constructed and completed within one year from the effective date of this local law.

**Section 2.4 RELATIONSHIP OF THIS LAW TO OTHER LAWS
AND REGULATIONS**

This local law in no way affects the provisions or requirements of other federal, state, local laws, or applicable regulations. This local law shall be considered the initial review procedure relative to other local laws and/or regulations; however, where it is determined to be a conflict with any other such law or regulation, the more restrictive shall apply.

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) in conjunction with the site plan review process set forth in this local law.

ARTICLE III

SITE PLAN REVIEW

Section 3.1 - PROCEDURES

Prior to undertaking any new land use activity or resuming an old land use activity as defined in Section 2.1 of this local law, a site plan approval by the Planning Board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference. Applicants must comply with all other procedures and requirements of this law.

Section 3.2 - SKETCH PLAN CONFERENCE

Sketch plan review is an optional step in which a conference may be held between the applicant and the Planning Board. Sketch plan review gives the applicant the opportunity to informally present the project to the Planning Board. The Planning Board and the applicant can then discuss any areas of concern involved with the proposed development. In order to accomplish these objectives, the applicant shall provide the following:

1. A description and rough sketch showing the proposed plan.
2. A map of the area showing the parcel under consideration for site plan review, all adjacent properties, roads and other pertinent features.
3. A map of site topography. (Example: USGS quadrangle or equivalent showing the proposed site.) The planning board MAY at it's discretion accept photo(s) in lieu of this requirement.

The Planning Board may also advise the applicant what documents may be required for submission under the State Environmental Quality Review Act (SEQRA).

Section 3.3 - APPLICATION REQUIREMENTS

An application for site plan approval shall be made in writing to the chair of the Planning Board at least three weeks prior to the regularly scheduled meeting and shall be accompanied by information described below. Applications can be obtained at the Enfield town hall. The Planning Board may request such additional information as it deems necessary.

Site Plan Checklist

The following items are required for all site plan applications unless the Planning Board expressly waives, in writing, one or more of the following requirements.

1. Title of drawing, including name and address of applicant, and person responsible for preparation, identification of New York State licensed architect, surveyor, licensed landscape architect or certified planner, or Engineer, where appropriate on such a drawing.
2. North arrow, scale at 1"=200', or some agreed upon scale as specified by the Town of Enfield Planning Board.
3. Boundaries of the property plotted to scale.
4. Existing buildings.
5. Drainage characteristics. May include; grading, existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses.
6. Location, design, type of construction, proposed use, and exterior dimensions of all buildings.
7. Location, design, and type of construction of all parking and truck loading areas, showing access and egress.
8. Provision for pedestrian access.
9. Location of outdoor storage, if any.
10. Location, design, and general construction materials of all existing or proposed site improvements including drains, culverts, retaining walls, and/or fences.
11. Description of method of sewage disposal and location, design and location, design and construction materials of such facilities.

12. Description of the method of securing proposed water supply and location, design, and construction materials of such facilities.

13. Location of fire and other emergency zones, including the location of fire hydrants and/or potential fire pond.

14. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy.

15. Location, size and design, and type of construction of all proposed signs.

16. Location and proposed development of all buffer areas, including existing vegetative cover.

17. Location and design of outdoor lighting facilities.

18. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.

19. General landscaping plan and planting schedule.

20. An estimated project construction schedule.

21. Record of application for and status of all necessary permits from other governmental bodies; record of listed permits.

22. Identification of any permits from other governmental bodies required for the project's execution.

23. For projects classified as Type 1 under the State Environmental Quality Review Act (SEQRA), a Full Environmental Assessment Form (EAF) is required. For projects classified as Unlisted under SEQRA, a Short Environmental Assessment Form (EAF) is required. After review of these documents the Planning Board may also require additional information.

24. Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.

Section 3.4 - REQUIRED FEE

An application for site plan review and approval shall be accompanied by a non-refundable fee of \$50. This fee may be amended at any time by resolution of the Town Board. An additional fee equal to the actual cost of review shall also be charged to the applicant.

In addition to the fees stated above, the fees for review or preparation of an Environmental Impact Statement shall be based on the actual cost to the Town for reviewing or preparing the draft and final environmental impact statement, including the cost of hiring consultants, the salary of Town employees, and actual disbursements incurred as a result of the review or preparation of such impact statement, but in no event shall the fees be greater than that established in 6 NYCRR 617.17. The Planning Board may require, prior to the commencement of review or preparation of an environmental impact statement, a deposit to be made with the Town in an amount reasonably estimated to cover the fees set forth in this section.

Section 3.5 - REIMBURSABLE COSTS

Actual costs incurred by the Planning Board include consultant's fees and expenses, tests, reproduction of drawings, advertising costs, or other expenses in connection with the review of a proposed site plan shall be charged to the applicant. The payment of reimbursable costs charged to the Planning Board shall be a condition of any approval.

ARTICLE IV
SITE PLAN REVIEW

Section 4.1 - SITE PLAN REVIEW

The applicant submits a completed application and a site plan for review by the Planning Board.

The Planning Board holds a public hearing on the site plan within 62 days of receiving the application. Notice of the public hearing will be mailed to the applicant and advertised in a newspaper at least 10 days before the date of the hearing.

At the public hearing, the applicant presents the project, and the public may comment on the project. The Planning Board reviews the project based on the review criteria and their previous recommendations.

Upon completion of its review, the Planning Board may approve, approve with modifications and/or conditions, or disapprove the site plan.

The Planning Board must make a decision on the site plan within 62 days of the public hearing.

ARTICLE V

MISCELLANEOUS PROVISIONS AND DEFINITIONS

Section 5.1 - ENFORCEMENT OFFICER

The Town Board shall appoint an enforcement officer to carry out the duties assigned by this local law or by any additional regulations adopted pursuant to section 5.2. The enforcement officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

The enforcement officer shall not issue any building permit for construction which is subject to review by the Planning Board pursuant to this law until after the Planning Board reviews and approves the final site plan.

If the Planning Board have approved a site plan with conditions, all conditions must be met before the enforcement officer issues a building permit.

Section 5.2 - FURTHER REGULATIONS BY PLANNING BOARD

The Planning Board may, propose to the Town Board further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

Section 5.3 - AMENDMENTS

The Town Board may, on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

Section 5.4 - INTEGRATION OF PROCEDURES

Whenever the circumstances of proposed development require compliance with Site Plan Review Law and with any other local law, ordinance or requirement of the Town, the Planning Board shall attempt to integrate, as appropriate, Site Plan Review as required by local law with the procedural and submission requirements for such other compliance.

Section 5.5 - ENVIRONMENTAL REVIEW

An Environmental Review is a required condition for issuance of a Site Plan Approval of any development activity set forth in Section 2.1 of this Local Law according to the applicable criteria found in the Rules and Regulations of the Environmental Conservation Law and the State Environmental Quality Review Act (SEQRA).

I. Procedure:

a. The Planning Board will determine whether the proposed action is a Type I, Type II or Unlisted in accordance with the provisions set forth by Appendixes A and B and the State Environmental Quality Review Act (SEQRA) (6 NYCRR PART 617).

1. Type II Actions as listed in Appendix B and SEQRA require no further action by the Planning Board.

2. Unlisted Actions require the submission of a Short Environmental Assessment Form (EAF). After Planning Board review, a Full Environmental Assessment Form (EAF) may be required. For further requirements of an Unlisted Action refer to Appendix C and the State Environmental Quality Review Act (SEQRA) (6 NYCRR PART 617).

3. Type I Actions require the submission of a Full Environmental Assessment Form (EAF). For further requirements of a Type I Action refer to Appendix C and the State Environmental Quality Review Act (SEQRA) (6 NYCRR PART 617).

Section 5.6 - ENFORCEMENT

Any person, corporation, partnership or other legal entity that shall violate any provisions of this local law, or any conditions imposed by a permit granted under this law, shall be guilty of an offense and subject to a fine of \$100. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue as provided for in Section 268 of Town Law.

Section 5.7 - SEVERABILITY

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provisions adjudged invalid, and the rest of the local law shall remain valid and effective.

Section 5.8 APPEALS

Any person aggrieved by any decision, except an advisory opinion, of the Planning Board or any officer, department, board or bureau of the town, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk.

Section 5.9 DEFINITIONS

Applicant: the person(s), corporations, agency or other legal entity responsible for submitting a site plan application for review by the Planning Board.

Building: a structure wholly or partially enclosed within exterior walls, or within exterior party walls, and a roof, affording shelter to persons, animals, or property.

Commercial: the use of buildings or land, or both, for the purpose of an exchange of goods, services or property by barter, sale or purchase.

Dwelling: any building or structure or part thereof used and occupied for human habitation or intended to be so used.

Industrial: the use of buildings or land, or both, for the purpose of manufacturing or producing in whole or in part, any type or product or goods, and uses that involve the subsequent sale, trade or storage of such goods.

Structure: an assembly of materials located on or permanently affixed to the ground, directly or indirectly, usually including underground parts, such as a foundation, and above ground parts. A building is one type of structure.

Section 5.10 - EFFECT

This Law shall take effect immediately upon filing with the New York State Secretary of State.

*Effective
7/17/98*

**APPENDIX A
TYPE I ACTIONS**

Page 1 of 2

(Section 617.4(b) of SEQRA)
Effective January 1, 1996

The following actions are Type I if they are to be directly undertaken, funded, or approved by an agency:

- 1 The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;
- 2 The adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
- 3 The granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;
- 4 The acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
- 5 Construction of new residential units that meet or exceed the following thresholds:
 - (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
 - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - (iii) in a city, town or village having a population of less than 150,000: 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - (iv) in a city, town or village having a population of greater than 150,000 but less than 1,000,000: 1,000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
 - (v) in a city or town having a population of greater than 1,000,000: 2,500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

- 6 Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
- (i) a project or action which involves the physical alteration of 10 acres;
 - (ii) a project or action which would use ground or surface water in excess of 2,000,000 gallons per day;
 - (iii) parking for 1,000 vehicles;
 - (iv) in a city, town or village having a population of 150,000 persons or less: a facility with more than 100,000 square feet of gross floor area;
 - (v) in a city, town or village having a population of more than 150,000 persons: a facility with more than 240,000 square feet of gross floor area;
- 7 Any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;
- 8 Any Unlisted action that includes a non-agricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;
- 9 Any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in said National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.17 of this Part));
- 10 Any Unlisted action, which exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.17 of this Part);
- 11 Any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.

**APPENDIX B
TYPE II ACTIONS**

Page 1 of 3

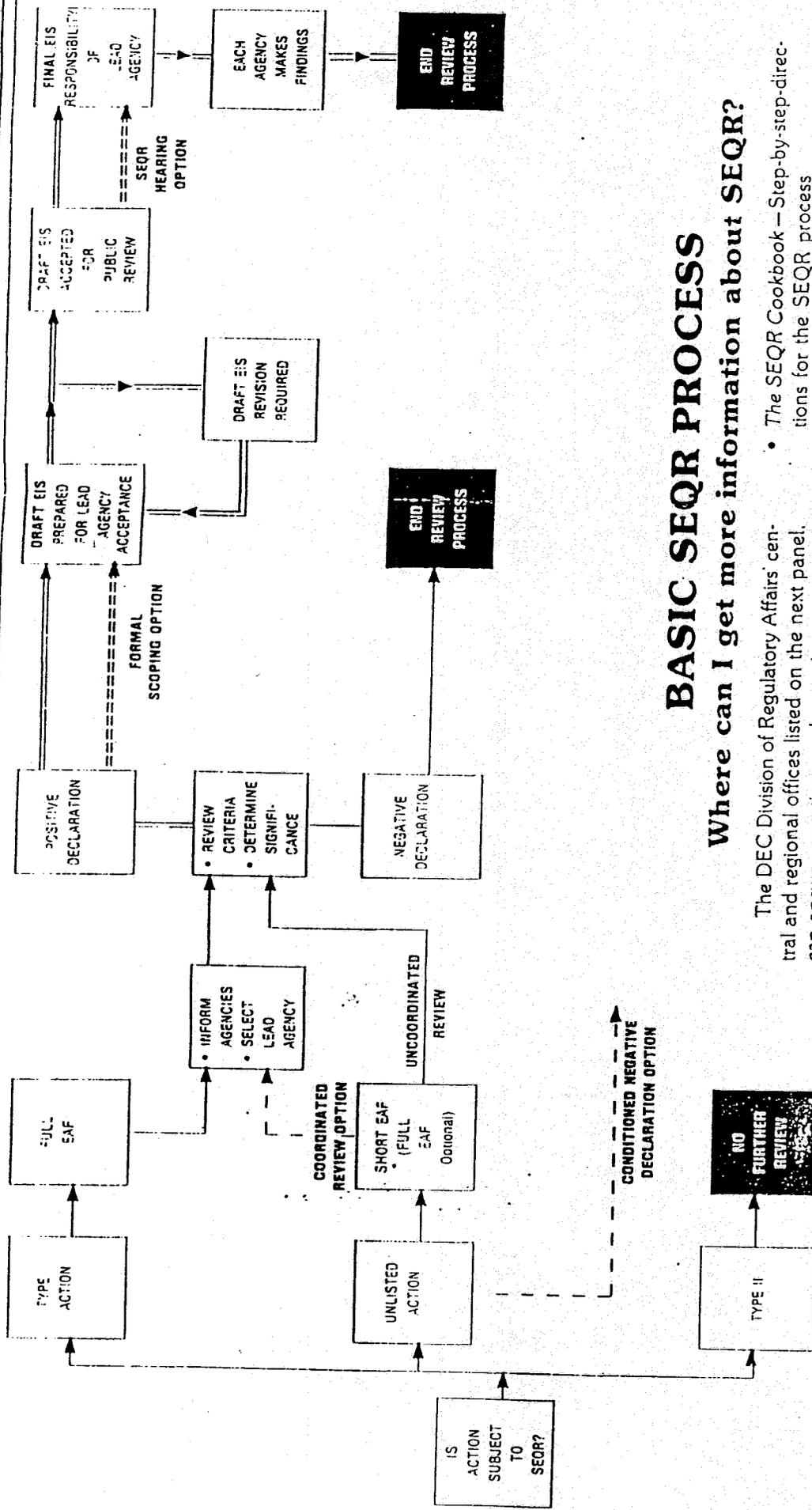
(Section 617.5(c) of SEQRA)
Effective January 1, 1996

- 1 Maintenance or repair involving no substantial changes in an existing structure or facility;
- 2 Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- 3 Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
- 4 Repaving of existing highways not involving the addition of new travel lanes;
- 5 Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- 6 Maintenance of existing landscaping or natural growth;
- 7 Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- 8 Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- 9 Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in subsection (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
- 10 Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- 11 Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- 12 Granting of individual setback and lot line variances;
- 13 Granting of an area variance(s) for a single-family, two-family or three-family residence;
- 14 Public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear cutting or the application of herbicides or pesticides;

- 15 Minor temporary uses of land having negligible or no permanent impact on the environment;
- 16 Installation of traffic control devices on existing streets, roads and highways;
- 17 Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- 18 Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- 19 Official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- 20 Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- 21 Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- 22 Collective bargaining activities;
- 23 Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- 24 Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- 25 Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- 26 License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- 27 Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- 28 Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- 29 Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

- 30 Adoption of a moratorium on land development or construction;
- 31 Interpreting an existing code, rule or regulation;
- 32 Designation of local landmarks or their inclusion within historic districts;
- 33 Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- 34 Actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;
- 35 Actions requiring a certificate of environmental compatibility and public need under Articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
- 36 Actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- 37 Actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) PROCESS



BASIC SEQR PROCESS

Where can I get more information about SEQR?

- The SEQR Cookbook — Step-by-step directions for the SEQR process
- What is SEQR? — An introductory flyer
- Local Official's Guide to SEQR
- Citizen's Guide to SEQR
- Applicant's Guide to SEQR

The DEC Division of Regulatory Affairs central and regional offices listed on the next panel, can answer questions and provide you with the following documents which will aid you in learning SEQR procedures and requirements:

- The SEQR Law, Article 8 of the Environmental Conservation Law
- The statewide SEQR regulations, Part 617 of 6 NYCRR (revised effective 1/1/96)
- The SEQR Handbook — The fundamental reference guide to the SEQR process

→ PROCEDURES NOT REQUIRING AN EIS
 ==> ADDITIONAL PROCEDURES WHEN AN EIS IS REQUIRED

- E) A detailed plan with drawing and written explanation showing and specifying the system for supply, storage, treatment and distribution of drinking water.
- F) A detailed plan with drawings and written explanation showing and specifying the layout of the parking areas for automobile and other vehicles and the methods of traffic control to be used thereon.
- G) A statement specifying whether food or beverage is intended to be prepared, sold or distributed. If food or beverage is intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of the food or beverage.
- H) A detailed plan with drawings and written explanation showing and specifying the method and means of disposing of garbage, trash, rubbish and other refuse.
- I) A written statement specifying whether private security personnel will serve on or about the site during the event and, if so, the names and addresses of such persons, the duties to be performed by such persons and the qualifications and source of such persons.
- J) A detailed written plan providing the fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for fire control.
- K) A detailed written plan specifying the facilities to be available for medical and ambulance service, and including the names and addresses of all medical providers and ambulance services the applicant will provide for the event.
- L) A detailed written description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the Town of Enfield and its various public bodies, officers and employees.
- M) A subscribed authorization from the landowner and the applicant to the Town of Enfield and the County of Tompkins to permit the Town and County and their lawful agents to go upon the property to inspect the same to determine if there is compliance with all other State and Local Laws, to provide adequate police and fire protection and to protect persons and property from danger.
- N) A written statement subscribed by the applicant stating the maximum number of tickets to be sold, given or otherwise issued.
- O) A written statement subscribed by the applicant stating that the applicant shall not allow more persons to attend the event than is specified in the permit.

§4 – ADVISORY AUTHORITY

The Town Board, before issuing any permit, may seek advice from any or all of the following agencies:

- A) The New York State Department of Health or the Tompkins County Health Department as to any proposed sanitary sewage system, lavatories or toilets.
- B) The New York State Department of Health, the Tompkins County Health Department or the New York State Water Resources Commission as to any proposed system for the supply, storage and distribution of water.

- C) The Town of Enfield Highway Superintendent, the Tompkins County Highway Department, the New York State Department of Transportation, the Tompkins County Sheriff's Department, the New York State Police, and the Fire Chief of the Enfield Volunteer Fire Company as to the proposed parking areas and the means of ingress and egress to such parking areas.
- D) Members of the public potentially affected as to the proposed type, number and location of any sound producing equipment, outdoor lights or signs.
- E) The New York State Department of Health and/or the Tompkins County Health Department as to the proposed method of preparing, selling or distributing food or beverage and the removal of refuse, trash, rubbish or garbage.
- F) The Tompkins County Sheriff's Department and/or the New York State Police as to any police related matters.
- G) The Fire Chief of the Enfield Volunteer Fire Company and/or the Fire Coordinator of Tompkins County as to any proposed fire protection systems or matters.
- H) The New York State Department of Health, the Tompkins County Health Department, and/or the Chief of the Enfield Volunteer Fire Company as to any proposed facilities for emergency medical treatment.
- I) The Town of Enfield Code Enforcement Official and/or the New York State Department of Health as to any proposed camping, housing or sleeping areas or facilities, and any other permit required structure.

§5 – INSURANCE and BOARD REQUIREMENTS

- A) No permit shall be issued unless the applicant has furnished to the Town of Enfield at least fifteen (15) days prior to the event, a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than five hundred thousand/one million dollars (\$500,000.00/\$1,000,000.00) for bodily injury or death and limits of not less than five hundred thousand dollars (\$500,000.00) for property damage, sufficient in form to insure, indemnify and save the Town harmless from any liability or causes of action that might arise by reason of the granting of the permit. This insurance shall be non-cancelable without ten (10) days prior written notice to the Town.
- B) No permits shall be issued unless the applicant deposits with the Clerk of the Town of Enfield cash or a bond with sufficient sureties approved by the Town Board, in such sum not less than one hundred thousand dollars (\$100,000.00), as the Town Board may reasonably require, and conditioned that all requirements of the permit will be fully performed by the applicant, that no damage will be done to any public or private property and that the applicant will not permit any litter, debris, or other refuse to remain upon any public or private property by reason of the granting of the permit. The cash shall be refunded or surety bond or cash shall serve as an indemnity to save and protect the roads, pavements, bridges, road signs and other property of the Town of Enfield, the County of Tompkins and any other Town and Village within the County from any and all damage that may be caused by vehicles, employees or participants in the event, to be used to restore the ground where the event is held to a sanitary condition and to pay all charges and losses to the Town of Enfield and the County of Tompkins and its respective towns and villages for damages to roads, pavements, bridges and other property.

§6 – PERMITS

No permits shall be issued unless all of the provisions for the event described in the application are determined by the Town Board to sufficiently safeguard the safety, health, welfare and well-being of person and property and unless it is in compliance with all other requirements of this chapter, other local laws of the Town of Enfield, the regulations of the New York State Department of Health, the State Environmental Quality Review Law, and any other applicable laws and regulations.

§7 – SUSPENSION or REVOCATION of PERMIT

A permit issued pursuant to this chapter may be immediately suspended or revoked by the Town Board after public hearing if the provisions of this chapter, requirements of the Tompkins County Health Department or conditions of the permit are not complied with or adhered to.

§8 – PENALTIES for OFFENSES

- A) A person who violates any provision of this chapter shall have committed an offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) or sixty (60) days in jail, or both. Each day such violation exists or continues shall constitute a separate offense.

- B) In addition to the penalties described above, the Town Board of the Town of Enfield may also maintain an action or proceeding(s) in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Article XIII. Effective Date.

This local law shall become effective upon filing in the office of the New York State Secretary of State.