

Warren County Board of Supervisors

RESOLUTION NO. 607 OF 2011

Resolution introduced by Supervisors Belden, Bentley, Merlino, Champagne, Monroe, McCoy, Conover, Wood and Taylor

CONDUCTING REVIEW UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND ENACTING LOCAL LAW NO. 11 OF 2011

WHEREAS, a proposed local law was duly presented to the Board of Supervisors and considered by them, said proposed local law being entitled, "A Local Law Amending Local Law No. 8 of 1978 and Local Law No. 2 of 1984 to Authorize Snowmobile Usage on the Warren County Bikeway in a Certain Section designated within Local Law No. 11 of 2011", and

WHEREAS, the Board of Supervisors adopted Resolution No. 593 on October 21, 2011, authorizing a public hearing to be held by the Board of Supervisors on the 9th day of November, 2011, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, and

WHEREAS, a Short Environmental Assessment Form has been presented at this meeting and the Superintendent of the Department of Public Works and County Attorney have reviewed the Local Law and the Short Environmental Assessment Form with the Warren County Board of Supervisors concerning whether there would be any adverse affects associated with the adoption of the Local Law, which will, if adopted, allow snowmobiles to use a certain area of the Warren County Bikeway as described in Local Law No. 11 of 2011, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors upon review of Part I of the Short

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Environmental Assessment Form and upon the information presented by the Superintendent of the Department of Public Works hereby approves the proposed responses recommended by the Superintendent and discussed at this meeting for Part II, and be it further

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute the Short Environmental Assessment Form referred to hereinabove and indicate thereon that the proposed action will not result in any significant adverse impacts and further attach such additional documentation or information as he may consider necessary as a result of the discussions at this meeting, and be it further

RESOLVED, that the Board of Supervisors hereby authorizes the issuance of a negative declaration under the New York State Environmental Conservation Law, and be it further

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 9th day of November, 2011, does hereby enact and adopt Local Law No. 11 of 2011 as set forth in Schedule "A" annexed hereto, and be it further

RESOLVED, that the Superintendent of the Department of Public Works is hereby authorized to install such necessary signage to implement and enforce Local Law No. 11 of 2011, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and to take all necessary actions for the promulgation thereof.

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SCHEDULE "A"

COUNTY OF WARREN

LOCAL LAW NO. 11 OF 2011

A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 1978 AND LOCAL LAW NO. 2 OF 1984 TO AUTHORIZE SNOWMOBILE USAGE ON THE WARREN COUNTY BIKEWAY IN A CERTAIN SECTION DESIGNATED WITHIN LOCAL LAW NO. 11 OF 2011

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Legislative Intent and Local Law Amended/Superseded. The purpose of this Local Law is to amend Local Law No. 8 of 1978 “A Local Law Providing for the Rules and Regulations for the Use of the Warren County Bikeway”, and to also amend Local Law No. 2 of 1984 “A Local Law Providing Rules and Regulations for the Use of Warren County Recreational Facilities”, as that law was previously amended by Local Law No. 3 of 1989 and by Local Law No. 2 of 1999, and specifically to amend Sections 6 and 7 of Local Law No. 8 of 1978 and Section 6 of Local Law No. 2 of 1984 to allow snowmobiles to operate in or on a section of the Warren County Bikeway specifically designated in Local Law No. 11 of 2011 beginning on the day following the close of the local Big Game muzzleloader season (as annually determined by NYSDEC), through the following March 31st.

SECTION 2. Subsection 3 of Section 6 of Local Law No. 8 of 1978 of the County of Warren is hereby amended to read as follows:

Section 6. Obedience to Traffic Control Devices.

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(3). Except as expressly provided for in subparagraph (a) of Subsection (3) of Section 6 herein,

All motor bikes, mini bikes, mopeds, motor vehicles, horses and animals are hereby prohibited from the use of any bicycle path, bike path or bikeway, as defined herein, except motor vehicles or motor bikes used by the police and any other authorized personnel in the town in which the bikeway is situated.

(a) Snowmobiles may be operated on the Warren County Bikeway from a point beginning at approximately 920' south of the centerline of County Route 59 (Bloody Pond Road), and extending the boundary of the Lands of the State of New York north of the bridge over State Route 9L (exclusive of segments within Town Highway ROW), from the day following the close of the local Big Game muzzleloader season (as annually determined by NYSDEC), through the following March 31st, and only between the hours of 8:00 a.m. to 10:00 p.m., unless otherwise restricted by applicable law or regulation. Notwithstanding the foregoing, the Superintendent or his designee may restrict snowmobile access and usage on the above described section of the Warren County Bikeway if weather conditions are not conducive to snowmobile use or, for other reasons as determined by the Superintendent or his designee.

SECTION 3. Section 7 of Local Law No. 8 of 1978 of the County of Warren is hereby amended to read as follows:

Section 7. Operating Hours. Other than for the limited exception for snowmobile usage as provided for in Section 6(3)(a) herein, The Warren County Bikeway shall be open for use commencing one hour before sunrise and closing one hour after sunset, or except as shall otherwise be determined by resolution duly adopted by the Warren County Board of Supervisors.

SECTION 4. Except as amended herein, all of the terms and conditions of Local Law No. 8 of 1978, shall remain in full force and effect.

SECTION 5. Section 6 of Local Law No. 2 of 1984 of the County of Warren is hereby amended to read as follows:

Section 6. Motor vehicles, Except as provided for in subsection (a) herein, or as otherwise provided by resolution of the Warren County Board of Supervisors, motor vehicles are prohibited from operating in or on the areas of the facilities except as may be permitted on roads and parking areas designated and marked for motor vehicle use by the Superintendent.

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(a) Snowmobiles may be operated on the Warren County Bikeway from a point beginning at approximately 920' south of the centerline of County Route 59 (Bloody Pond Road), and extending the boundary of the Lands of the State of New York north of the bridge over State Route 9L (exclusive of segments within Town Highway ROW), from the day following the close of the local Big Game muzzleloader season (as annually determined by NYSDEC), through the following March 31st, and only between the hours of 8:00 a.m. to 10:00 p.m., unless otherwise restricted by applicable law or regulation. Notwithstanding the foregoing, the Superintendent or his designee may restrict snowmobile access and usage on the above described section of the Warren County Bikeway if weather conditions are not conducive to snowmobile use or, for other reasons as determined by the Superintendent or his designee.

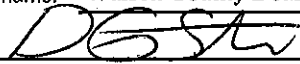
SECTION 6. Except as amended herein and as previously amended by Local Law No. 3 of 1989 and Local Law No. 2 of 1999, all of the terms and conditions of Local Law No. 2 of 1984, shall remain in full force and effect.

SECTION 7. Severability. If any section, subdivision, paragraph, subparagraph, clause, or item of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 8. Effective Date. This local law shall take effect immediately upon filing with the Office of the New York State Secretary of State.

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|--|---|
| 1. APPLICANT/SPONSOR Warren County Board of Supervisors | 2. PROJECT NAME Local Law No. 11 of 2011 |
| 3. PROJECT LOCATION: Municipality <u>Town of Lake George</u> County <u>Warren</u> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>Warren County Bikeway - from a point beginning approximately 920' south of the centerline of County Route 59 (Bloody Pond Road) extending the boundary of the lands of the State of New York north of the intersection with State Route 9L (exclusive of Town Highway Right-of-Way)</u> | |
| 5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <u>Amendment to Local Law Nos. 8 of 1978 and 2 of 1984 to allow snowmobiles to use certain portion of the Warren County Bikeway during snowmobile season.</u> | |
| 7. AMOUNT OF LAND AFFECTED: Initially <u>1.2+/-</u> acres Ultimately <u>1.2+/-</u> acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE | |
| Applicant/sponsor name: <u>Warren County Board of Supervisors</u> | Date: <u>11/9/11</u> |
| Signature: <u></u> | <u>Daniel G. Stec</u> |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Warren County Board of Supervisors

Name of Lead Agency

11/9/11

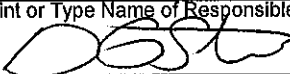
Date

Daniel G. Stec


Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer



Signature of Responsible Officer in Lead Agency



Signature of Preparer (if different from responsible officer)

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