

Warren County Board of Supervisors

RESOLUTION NO. 337 OF 2012

Resolution introduced by Supervisors Bentley, Merlino, Monroe, Conover, Wood, Taylor, Frasier, Dickinson and Mason

CONDUCTING REVIEW UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND ENACTING LOCAL LAW NO. 7 OF 2012

WHEREAS, a proposed local law was duly presented to the Board of Supervisors for consideration, said proposed local law being entitled, "A Local Law Establishing Motor Vehicle Parking Regulations for the West Brook Parking Lot located in the Village and Town of Lake George", and

WHEREAS, the Board of Supervisors adopted Resolution No. 258 of 2012 on April 20, 2012, authorizing a public hearing to be held by the Board of Supervisors on the 18th day of May, 2012, at the Supervisors' Rooms 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, the adoption of Local Law No. 7 of 2012 is an unlisted action under the Short Environmental Quality Review Act ("SEQRA"), and

WHEREAS, a Short Environmental Assessment Form has been prepared and presented to the Warren County Board of Supervisors, now, therefore, be it

RESOLVED, that upon review and discussion of Part I of the Short Environmental Assessment Form and the proposed responses prepared for Part II of the Short Environmental Assessment Form, the Warren County Board of Supervisors hereby approves the responses prepared for Part II of the Short Environmental Assessment Form, 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

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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 authorizes the issuance of a Negative Declaration under SEQRA, and be it further

RESOLVED, that the Board of Supervisors on this 18th day of May, 2012, does hereby enact and adopt Local Law No. 7 of 2012 as set forth in Schedule "A" annexed hereto, 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 take all necessary action for the promulgation thereof.

SCHEDULE "A"

COUNTY OF WARREN

LOCAL LAW NO. 7 OF 2012

A LOCAL LAW ESTABLISHING MOTOR VEHICLE PARKING REGULATIONS FOR THE WEST BROOK PARKING LOT LOCATED IN THE VILLAGE AND TOWN OF LAKE GEORGE

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

SECTION 1. Title. This Local Law shall be known as “A Local Law Establishing Motor Vehicle Parking Regulations for the West Brook Parking Lot located in the Village and Town of Lake George”.

SECTION 2. Purpose. To regulate motor vehicle parking in the West Brook Parking Lot located in the Village of Lake George for motor vehicle parking during the months of May through October of each year. To that end, this local law sets forth that Warren County or its designated assignee may collect parking fees for use of the West Brook Parking Lots as well as impose and thereafter collect fines for violations of this local law as set forth herein.

SECTION 3. Authority. This local law is enacted pursuant to Section 215(11) of the County Law of the State of New York in conjunction with New York State Vehicle and Traffic Law, Article 5 of the General Municipal Law of the State of New York, and Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 4. Definition. Motor Vehicle - the term “motor vehicle” as used in this local law shall have the same meaning and application as that term defined in Section 125 of the New York State Vehicle & Traffic Law and as otherwise used and applied in the New York State Vehicle and Traffic Law.

SECTION 5. Hours of Operation/Fees. The hours of operation of the West Brook Parking Lot and the fee schedule per motor vehicle (not fee per parking space) unless otherwise specified are as established by separate resolution of the Warren County Board of Supervisors for the parking of any motor vehicle in the West Brook Parking Lot, which resolution shall be amended accordingly on an as needed basis.

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Restrictions on the hours of operation or other use restrictions of the West Brook Parking Lot shall be set forth in signage located at the West Brook Parking Lot.

SECTION 6. Violations. The following is expressly prohibited and, if engaged in, constitutes a violation of this Local Law.

a.) Parking a motor vehicle at the West Brook Parking Lot without payment of the prescribed fee or in excess of the time previously paid.

b.) Parking a motor vehicle in an area of the West Brook Parking Lot that is not designated for motor vehicle parking.

c.) Parking a motor vehicle in a designated handicapped space at the West Brook Parking Lot without a handicapped person designation on the motor vehicle.

d.) Parking more than one motor vehicle in a parking space at the West Brook Parking Lot designated for a single motor vehicle.

e.) Parking a motor vehicle outside the established and posted hours of operation at the West Brook Parking Lot.

SECTION 7. Penalties. A violation of any provision of this local law including non-payment of any motor vehicle parking fees established by resolution of the Warren County Board of Supervisors, shall, pursuant to Section 215(11) of the County Law of the State of New York, constitute an offense punishable by a fine not exceeding One Hundred Dollars (\$100). The following suggested fines mirror those set by the Village of Lake George for similar violations:

Overtime parking - \$15.00

Restricted/unauthorized parking - \$15.00

Handicapped parking - \$75.00

Double parking(parking more than one motor vehicle in a designated parking space) - \$15.00

Parking outside of hours of operation - \$15.00

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All such fines unpaid within fifteen days of issue shall double in penalty.

SECTION 8. Removal and Impoundment. In addition to any fines for non-compliance of this local law, in the event a motor vehicle is parked in the West Brook Parking Lot for more than one (1) hour without the payment of the prescribed parking fees, or if a motor vehicle is parked in the West Brook Parking Lot in violation of this local law, or in the event a motor vehicle constitutes an obstruction to traffic flow in the West Brook Parking Lot, Warren County, or its designated assignee may cause the motor vehicle to be removed from the West Brook Parking Lot and thereafter impounded. Any and all towing, storage, impoundment or related costs or expenses shall be borne solely by the owner of the motor vehicle. Proof of payment of these costs must be provided prior to release of the motor vehicle.

SECTION 9. Enforcement. The enforcement of this local law including the collection of the fees and fines set forth herein and any other parking regulations adopted by the Warren County Board of Supervisors concerning the West Brook Parking Lot, may be assigned and delegated to the Village of Lake George, New York or other assignee. The designated assignee and its personnel are hereby authorized to issue parking tickets or other necessary documents and to otherwise enforce this local law as established through an Intermunicipal Agreement between the County of Warren and the designated assignee.

SECTION 10. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 11. Effective Date. This local law shall take effect immediately upon filing in 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	2. PROJECT NAME Local Law No. 7 of 2012
3. PROJECT LOCATION: Municipality <u>Town/Village of Lake George</u> County <u>Warren</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>North section of West Brook Road (CR69) adjacent to the former Gaslight Village property and West Brook in proximity to State Route 9 and in proximity to Beach Road on the east. Town/Village of Lake George.</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Establishment of regulations for operation of Warren County owned parking lot.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.5+/-</u> acres Ultimately _____ 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 type="checkbox"/> Residential <input type="checkbox"/> Industrial <input 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>Jeffery Tennyson, Superintendent, Department of Public Works</u> Date: <u>May 18, 2012</u> Signature: _____	

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:
None

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

May 18, 2012

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)

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number

Date: May 18, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Warren County Board of Supervisors as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Local Law No. 7 of 2012, "A Local Law Establishing Motor Vehicle Parking Regulations for the West Brook Parking Lot located in the Village and Town of Lake George."

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Establishment of regulations for operation of County owned parking lot at West Brook including authorization to establish operating hours and parking fees by resolution. Violations and penalties for non-compliance are established.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

North side of West Brook Road between Route 9 and Beach Road. Town/Village of Lake George

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The within action establishes needed motor vehicle parking regulations for the soon to be developed West Brook parking lot owned by Warren County. The development of the property into a parking lot was previously the subject of a review under SEQRA. A Negative Declaration was issued. No significant environmental impacts related to the establishment of parking regulations were identified by the Warren County Board of Supervisors.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Martin D. Auffredou, Warren County Attorney

Address: 1340 State Route 9, Lake George, New York 12845

Telephone Number: (518)761-6463

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)