

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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~~ of Belmont  
Town  
~~Village~~

Local Law No. 1 of the year 2002

A local law Authorizing Use of Town Roads By All Terrain Vehicles  
(Insert Title)

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

~~County~~  
~~City~~ of Belmont as follows:  
Town  
~~Village~~

PLEASE SEE ATTACHED

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

# LOCAL LAW AUTHORIZING USE OF TOWN ROADS BY ALL TERRAIN VEHICLES

Town of Bellmont

**Whereas** many people in the Town of Bellmont use and enjoy all terrain vehicles, and

**Whereas** there are numerous trails and areas in the Town of Bellmont where such vehicles may be used, and these trails and areas are adjacent to town highways, and

**Whereas** it is inconvenient and sometimes impossible for such users to truck their all terrain vehicles from one such site to another, and

**Whereas**, Vehicle and Traffic Law section 2405 authorizes the Town to open up its town highways for the use of such all terrain vehicles, upon the making of certain findings, and subject to such conditions as the Town Board may establish, and

**Whereas**, the Town of Bellmont has completed its environmental analysis of this action under the State Environmental Quality Review Act and has previously issue a negative declaration as defined under that law,

Now, therefore this local law is enacted as follows:

1. The Town of Bellmont hereby finds that unless the Town designates certain of its town highways for use by all terrain vehicles, it will otherwise be impossible for such all terrain vehicles to gain access to areas or trails adjacent to such town highways.
2. The Town of Bellmont hereby designates the following of its town highways for use by all terrain vehicles, subject to all requirements of the State of New York, including but not limited to all requirements of registration, inspection and insurance.

Atwood Road  
Barnesville Road  
Blair Kiln Road  
Brown-Benoit Road  
Bryant Siding Road  
Bunker Hill Road  
Chase Road  
Crompt Road  
East Road  
French Settlement Road  
Frenette Road  
Indian Lake Road  
Lake Road  
Merrill Road

Mill Road  
Moody Road  
Mt. View Lane  
Pinnacle Road  
Ragged Lake Road  
Trail Road  
Wolf Pond Road  
WPA Road

3. The Town Highway superintendent is authorized and directed to post all town roads in accordance with Vehicle and Traffic Law section 2405 (3) and in accordance with the rules and regulations of the Motor Vehicle Commissioner promulgated pursuant to such section.
4. The Town Clerk is hereby authorized and directed to file a copy of this Local Law with the Commissioner of Motor Vehicles of the State of New York, in compliance with Vehicle and Traffic Law section 2405 (5).
5. This Local Law shall be effective immediately upon filing with the New York State Secretary of State.

(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. \_\_\_\_\_<sup>1</sup>\_\_\_\_\_ of 20<sup>02</sup>\_\_\_\_ of the (County)(City)(Town)(Village) of ~~XXXXXXXXXX~~ Belmont ~~XXXXXX~~ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20<sup>02</sup>\_\_\_\_, 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 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, *(Elective Chief Executive Officer\*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted *(Elective Chief Executive Officer\*)* 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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to *(Elective Chief Executive Officer\*)* permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* 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 chairperson 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 20\_\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 \_\_\_\_\_, above.

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

(Seal)

Date: 10-21-02

(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 Franklin

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.

Brian S Stewart  
Signature Brian S. Stewart  
att for Town  
Title

County  
City of Bellmont  
town Village

Date: 10/24/02

PROJECT I.D. NUMBER

617.20

SEQR

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 <u>TOWN OF BELLMONT</u>		2. PROJECT NAME <u>LOCAL LAW ALLOWING ATV USE</u>	
3. PROJECT LOCATION: Municipality <u>TOWN OF BELLMONT</u> County <u>FRANKLIN</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>27 ROADS IN THE TOWN OF BELLMONT</u>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <u>ATV USE ON SOME OF THE TOWN ROADS</u>			
7. AMOUNT OF LAND AFFECTED: Initially <u>N/A</u> acres    Ultimately <u>N/A</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 type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input 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) 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 name and permit/approval			
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>TOWN OF BELLMONT</u>		Date: <u>10-21-02</u>	
Signature: <u>Walter Whalen</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—ENVIRONMENTAL ASSESSMENT (To be completed by 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 patterns, 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 CEA?  
 Yes  No

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 and 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:

TOWN OF BELLMONT  
 Name of Lead Agency

WALTER WHALEN  
 Print or Type Name of Responsible Officer in Lead Agency

TOWN SUPERISOR  
 Title of Responsible Officer

Walter Whalen  
 Signature of Responsible Officer in Lead Agency

10-21-02  
 Date

Signature of Preparer (If different from responsible officer)