

Village of Montebello

One Montebello Road
Montebello, New York 10901

(845) 368-2211
Fax (845) 368-2044

VILLAGE OF MONTEBELLO Wetlands and Stream Protection Planning Board Permit Checklist

1. 1 Copy of Application - See Local Law #3 Sec. 6A (pg. 6)
2. 1 Copy of Agreement to Pay Professional Fees.
3. 1 Copy of Notice Form G-2.
4. 1 Copy of Affidavit of Ownership and Consent Form G 3/4.
5. 1 Copy of Abutting Owners Form.
6. **13** Copies of Environmental Assessment Form (SEQR) Long Form.
7. **13** Copies of a Narrative describing the specific purpose, nature and scope of the activity proposed.
8. **13** Maps
9. **13** Improvement Cost Estimate Form
10. Fee: \$300.00 plus \$200.00 appearance fee per meeting after first meeting.

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To All Land Use Professionals:

In order to insure that Montebello continues to get only the very best development, the Board needs to prepare for each and every meeting, requiring both research and time. To that end, I am reminding all applicants that there is a deadline for submission of materials to the Board. That deadline will be strictly enforced; unless the Board expressly waives the deadline in a particular matter, no materials will be accepted or reviewed if submitted after the deadline. For your convenience a calendar of meetings and deadlines is attached.

CDRC will enforce the deadline, and is empowered to delete an item from the agenda if it is incomplete. CDRC will therefore review each item and compare an application's content to the requirements of the subdivision and/or site plan regulations, and to the Board's request from the previous meeting, if any. Any application which is not complete as of the deadline date will be deleted from that month's agenda by CDRC.

In addition, the Board will start its meetings promptly at 7:15 p.m. Any item which has not been reached by 10:30 will not be heard that evening, but will be placed on the next month's agendas. We will be taking other internal measures to attempt to streamline meetings so that all items will be heard.

I look forward to your cooperation.

Al Rubin
Chairman

AR:dm
Enc.

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VILLAGE OF MONTEBELLO
WETLANDS AND STREAM PROTECTION
PLANNING BOARD PERMIT

REQUIRED INFORMATION FOR REVIEW OF PERMIT APPLICATION:

Property location: On the _____ side of _____
_____ feet _____ of _____
(Street)
(Direction)

Total acreage _____ Zone _____ Tax map designation: Section _____

Lot(s) _____.

Applicant Name: _____

Address: _____

Phone: _____ Fax: _____

Contact: _____

Owner or Agent
Information if different: _____

Address: _____

Phone: _____ Fax: _____

Contact: _____

Engineer Name: _____

Address: _____

Phone: _____ Fax: _____

Contact: _____

Attach owner's consent if owner is not the applicant.

Appearance Fee - \$300.00

Provide map, graphic, or narrative information, as appropriate, with a detailed description of the specific purpose, nature and scope of the activity proposed.

Provide information required in Section 6.A (page 6-8) of the Wetlands Law to the satisfaction of the Village Engineer.

Address, with specificity, each of the items to be considered by the Planning Board in Section 7.B of the Wetlands Law.

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AGREEMENT TO PAY PROFESSIONAL CONSULTING FEES

MEMORANDUM

Pursuant to Chapter 65 of the Code of the Village of Montebello, it is the applicant's responsibility to pay all professional fees incurred as a result of a Village Board, Planning Board, Zoning Board or Historic Preservation Commission application. Any fees unpaid at the time the Village certifies its annual tax roll shall become a lien upon the premises for which the application was made.

You will be receiving bills periodically which must be paid in order for the application to continue to be processed. Failure to pay outstanding fees may result in the denial of your application.

Thank you for your anticipated cooperation.

The undersigned agrees to be bound by same.

Date: _____

Signature of Owner

Date: _____

Signature of Applicant

TO: ADMINISTRATIVE ASSISTANT TO BOARDS AND COMMISSIONS

RE: Application of _____

To the _____ Planning Board _____ Town Board
_____ Zoning Board of Appeals _____ DEACOM
_____
(other)

I wish that all correspondence, meeting notices, decisions, etc. from your office relative to the above application be sent to: (only one person to be listed)

Applicant's signature

Date: _____

Note to Applicant: It will be the responsibility of the one person designated on this form to notify all other interested parties (for example, attorney, architect, engineer, surveyor, applicant etc.)

VILLAGE OF MONTEBELLO
One Montebello Road
Montebello, New York 10901
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PLANNING BOARD

AFFIDAVIT OF OWNERSHIP AND CONSENT

Project Name: _____

Project Type (check as applicable): _____ Subdivision _____ Site Development Plan
_____ Wetlands & Stream Protection Permit

Name of Fee Owner: _____ Phone: _____

Address: _____
(No. and Street) (Post Office) (State) (ZIP Code)

State of New York)
County of _____) ss.:

_____, being duly sworn, deposes and says:

I am the fee owner (or the authorized officer, member, or partner of the fee owner) of real property located in the Village of Montebello and designated on the Tax Map of the Town of Ramapo as Section _____, Block _____, Lot _____. Said real property is further described in a certain deed recorded in the Office of the Rockland County Clerk in Liber _____ at page _____, or as Instrument ID# _____ - _____. Said real property is the subject of an application before the Planning Board of the Village of Montebello, described above.

I hereby authorize the within application on my behalf (or on behalf of the entity). The statements made in the within application are true, and I (or the entity) agree to be bound by the determination of the Planning Board with respect to the within application.

Permission is hereby granted to the Planning Board, its members, consultants, and agents, to visit and enter the property for purposes of inspection, measurement, photography, and other activities related to the within application.

Signature: _____

Sworn to before me this
_____ day of _____, 20__

Print Name: _____

Notary Public

VILLAGE OF MONTEBELLO, N.Y.

IMPROVEMENT COST ESTIMATE FORM

Name of Project _____ On-site _____
 Off-site _____

<u>Description</u>	<u>Quantity</u>	<u>Price</u>	<u>Unit</u>	
			<u>Cost</u>	<u>Amount Completed</u>
Roadway (30')	_____ L.F.	_____	_____	_____
Concrete Curb	_____ L.F.	_____	_____	_____
Concrete Sidewalk	_____ L.F.	_____	_____	_____
STORM DRAIN				
_____ Pipe	_____ L.F.	_____	_____	_____
_____ Pipe	_____ L.F.	_____	_____	_____
_____ Pipe	_____ L.F.	_____	_____	_____
Catch Basins	_____ Each	_____	_____	_____
Manholes	_____ Each	_____	_____	_____
Concrete Headwalls	_____ Each	_____	_____	_____
Monumentation	_____ Each	_____	_____	_____
Street Signs	_____ Each	_____	_____	_____
Miscellaneous	_____ Each	_____	_____	_____
Planting	_____	_____	_____	_____

Total _____

6% Inspection Fee _____ Payable to Village of Montebello

SEWERS

_____ Pipe	_____ L.F.	_____	_____	_____
_____ Pipe	_____ L.F.	_____	_____	_____
Manholes	_____ Each	_____	_____	_____

Total _____

6% Inspection Fee _____ Payable to Town of Ramapo

Street Frontage-in Ft. _____
 (Shade Tree) _____

_____ Date

_____ Project Engineer

LOCAL LAW NO. 3 OF 2004

Wetlands and Stream Protection Law
of the
Village of Montebello

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO, AS FOLLOWS:

Section 1. Title

This local law shall be known as "The Wetlands and Stream Protection Law of the Village of Montebello."

Section 2. Findings and Intent

The Board of Trustees finds and declares it to be the public policy of the Village in furtherance of the Natural Resources portion of the Comprehensive Plan of the Village to preserve, protect and conserve its wetlands, water bodies and watercourses and the benefits derived therefrom, to prevent the despoliation and destruction and to regulate the use and development thereof to secure the natural benefits of wetlands, water bodies and watercourses consistent with the general welfare and beneficial economic and social development of the Village. In this connection, the Board of Trustees finds as follows:

A. Freshwater wetlands are invaluable resources for flood and stormwater control, fish and wildlife habitat, protection and provision of groundwater, recreation, pollution treatment, erosion controls, environmental education and open space.

B. The preservation and maintenance of wetlands, water bodies and watercourses in an undisturbed and natural condition constitute important physical, ecological, social, aesthetic, recreational and economic assets necessary to promote the health, safety and general welfare of present and future residents of the Village and of downstream drainage areas.

C. Recurrent flooding in areas of the Village, aggravated or caused by the loss of wetlands or alteration of watercourses or water bodies, has serious effects upon natural ecosystems and presents serious hazards to health, safety, welfare and property of the people of the Village.

D. Since acts on wetlands, watercourses and water bodies in one location affect persons and property in other locations, wetland and water conservation are matters of concern to the entire Village. The establishment of preservation, protection and conservation practices is essential to the public health, safety and welfare of the residents of the Village.

It is the intent of this local law to implement the Freshwater Wetlands Act of the State of New York as presently contained in Article 24 of the Environmental Conservation Law, as the same may be amended from time to time, to the extent that said Freshwater Wetlands Act applies to property within the Village of Montebello and to promote the public purposes identified therein and in this section by providing for the protection, preservation, proper maintenance and use of the Village's wetlands, water bodies and watercourses, by preventing or minimizing erosion due to flooding and stormwater runoff, by maintaining the natural groundwater supplies, preserving and protecting the purity, utility, water retention capability, ecological functions, recreational usefulness and natural beauty of all wetlands, water bodies, watercourses and other related features of the terrain and by providing and protecting appropriate habitats for natural wildlife.

Section 3. Wetlands defined

For the purpose of this local law, wetlands are defined as all lands and waters within the Village of Montebello, including but not limited to any such lands and water hereafter designated on the New York State Freshwater Wetlands Maps, or the National Wetland Inventory Maps, which have a contiguous area of at least one-tenth (1/10) of an acre and which contain any or all of the following:

A. Lands and submerged lands commonly called marshes, swamps, bogs and flats, whether flooded at all times, flooded only seasonally or having a water table during at least 3 consecutive months of the year within 6 inches of the ground surface or supporting aquatic or semiaquatic vegetation of the types listed in Section 24-0107 (1) (a) of Article 24 of the Environmental Conservation Law. The common names of these vegetative types are:

1. Wetland trees, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other trees, including, among others, red maple, willows, black spruce, swamp white oak, red ash, black ash, silver maple, American elm and birch.
2. Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other shrubs, including, among others, alder, buttonbush, bog rosemary, dogwoods and leatherleaf.
3. Emergent vegetation, including, among others, cattails, pickerelweed, bulrushes, arrow arum, arrowheads, reed, wild rice, bur-reeds, purple loosestrife, swamp loose strife and water plantain.
4. Rooted, floating-leaved vegetation, including, among others, water lily, water shield and spatterdock.

5. Free-floating vegetation, including, among others, duckweed and watermeal.

6. Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other open land vegetation; including, among others, sedges, rushes, cattails, rice cut-grass, reed canary grass, swamp loosestrife and spike rush.

7. Bog mat vegetation, including, among others, sphagnum mosses, bog rosemary, leatherleaf, pitcher plant and cranberries.

8. Submergent vegetation, including, among others, pondweeds, naiads, bladderworts, wild celery, coontail, water mil-foils, muskgrass, water weeds and water smartweed.

B. Lands and submerged lands containing remnants of any vegetation that is not aquatic or semi-aquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of 6 feet and provided, further, that such conditions can be expected to persist indefinitely, barring human intervention.

C. Lands and water substantially enclosed by aquatic or semi-aquatic vegetation as set forth in Section 3A of this local law or by dead vegetation as set forth in Section 3B, the regulation of which is necessary to protect and preserve the aquatic and semi-aquatic vegetation.

D. The waters overlying the areas set forth in Section 3A and 3B and the lands underlying Section 3C of this local law.

E. Lands and submerged lands containing poorly drained soils, as defined by the United States Department of Agriculture Soil Conservation Service (SCS) including, but not limited to, the following:

Poorly Drained Glacial Till

Fredon

Alden

Muck Soils: Organic

Carlisle

Adrian

Alluvium Soils

Rippowam

Sloan

Section 4. Regulated activities

Except as provided in Section 5 of this local law, it shall be unlawful to conduct, directly or indirectly, any of the following activities upon any wetland, water body or watercourse or within 100 feet of the boundary of any wetland, water body or watercourse unless a permit is obtained from the Planning Board pursuant to the requirements of this local law:

A. Permit required. It shall be unlawful for any person without a written permit or permit waiver issued by the Village to alter the following:

1. Any freshwater wetland 1/10 acre or larger or vernal pool.
2. Any area within 100 feet of a freshwater wetland or vernal pool.
3. Any watercourse or water body shown as a blue line on the U.S. Geological Survey quadrangle maps.
4. Any area within 50 feet of a natural intermittent watercourse or stream that is running at least three months per year.

B. Activities subject to regulation under this chapter shall include the following:

1. Any form of draining, dredging, excavation or removal of material, except removal of debris or refuse.
2. Any form of depositing of any material such as but not limited to soil, rock, debris, concrete, garbage, chemicals, etc.
3. Erecting any building or structure of any kind, roads, paved areas, or driveways, the driving of pilings or placing of any other obstructions within a regulated area, whether or not they change the ebb and flow of the water.
4. Installing a septic tank, running a storm sewer outfall, discharging sewage treatment effluent or other liquid waste into or so as to drain into any wetland, water body or watercourse; drilling and digging of wells, installation of any pipe or conduit.
5. The use of any chemicals, dyes, fertilizers, herbicides or similar materials, in any regulated area.
6. Creating an increase or decrease in the flow, velocity or volume of water in any watercourse or water body, excluding customary seasonal raising and/or lowering of said watercourse or water body.

7. Creating a diversion of water flow on any watercourse or water body.

8. Introducing any influents of high thermal content, such that the same are capable of causing deleterious ecological effect.

9. Clear-cutting at once or over time within a regulated freshwater wetland or in a regulated area adjacent to a freshwater wetland, watercourse or water body. These actions shall be reviewed by the Building Inspector or Village Engineer to determine if such acts affect the prevailing surface water runoff conditions, directly or indirectly.

10. Any other activity which substantially impairs any of the several functions served by wetlands, water bodies and watercourses or the benefits derived therefrom as set forth in Section 2 of this local law.

Section 5. Activities permitted by right

The following activities are permitted by right within or adjoining any wetland, water body or watercourse, except where the Planning Board submits written notification to the property owner that it is assuming jurisdiction over the activity for the purpose of assuring that the intent of this section is not violated:

A. The depositing or removal of the natural products of the wetlands, water bodies or watercourses by recreational or commercial fishing, agriculture, hunting or trapping where otherwise legally permitted.

B. Outdoor recreation activity that does not materially alter the natural state of the land or require construction, including use of field trails for nature study, hiking or horseback riding, swimming, skin diving and boating, where otherwise legally permitted.

C. Grazing, farming and harvesting of crops where otherwise legally permitted; provided, however, that any tillage of soil shall leave an undisturbed strip not less than 6 feet wide at the edge of any wetland, watercourse or water body to prevent erosion. With respect to any properties designated on the New York State Freshwater Wetlands Maps, or the National Wetland Inventory Maps, the activities of farmers and other landowners in grazing and watering livestock, making reasonable use of water resources, harvesting natural products of the wetlands, selectively cutting brush and timber, draining land or wetlands for growing agricultural products and otherwise engaging in the use of wetlands or other land for growing agricultural products shall be excluded from regulated activities insofar as Federal and State regulations apply and shall not require a permit under Section 4 of this local law, where otherwise regulated except that structures not required for the enhancement or maintenance or the agricultural productivity of the land and the methods to be employed.

D. Gardening where otherwise legally permitted; provided, however, that any tillage of soil shall leave an undisturbed strip not less than six (6) feet wide at the edge of any wetland, watercourse or water body to prevent erosion.

E. Operation and maintenance of such dams, retaining walls, terraces, sluices, culverts or other water control structures or devices as legally existed on the effective date of this section.

F. Public health activities as exemplified by orders and regulations of the Rockland County Department of Health. The Department of Health shall notify the Planning Board, in writing, of the proposed activity it will undertake.

G. Any actual and ongoing emergency activity as defined by the Board of Trustees, which is immediately necessary for the protection and preservation of life or property or the protection or preservation of natural resource values.

H. Actual Uses that were legally pre-existing upon adoption of this local law and are located within areas regulated by this local law.

Section 6. Procedure

A. Application for Permits and Information Required

Any person proposing to conduct or cause to be conducted a regulated activity specified in Section 4 of this local law upon any wetland, water body or watercourse shall file ten (10) copies of an application for a permit with the Planning Board as provided in this section. Such application shall include the following information:

1. Name and address of the applicant and the applicant's agent, if any, and whether the applicant is owner, lessee, licensee, etc. If the applicant is not the owner, the written consent of the owner must be attached.

2. Street address and tax map designation of the subject property.

3. A detailed description of the specific purpose, nature and scope of the activity proposed.

4. A map showing the area of wetland, water body or watercourse directly affected, prepared by a licensed surveyor. Where a wetland is mapped, the delineating of the wetland shall be carried out by a certified wetlands specialist.

5. A topographical and perimeter survey, hydrological computation, engineering studies and other factual or scientific data and reports as deemed necessary by the Planning Board to permit it to arrive at a proper determination.

6. In the case of applications affecting water retention capability, water flow or other drainage characteristics of any wetland, water body or watercourse, the Planning Board may require the inclusion of a statement of the area of upstream and downstream watersheds, impact analysis and information as to rainfall intensity in the vicinity for not less than a one hundred year return frequency storm, together with approximate runoff coefficients to determine the capacity and size of any channel sections, pipes or waterway openings, together with plans for necessary bridges, culverts, stormwater or pipe drains that, in the opinion of the Planning Board, are needed to arrive at a proper determination on the application, consistent with the purposes of this local law.

7. A description of the existing conditions of the site on which the aquatic resource or resources is or are located.

8. A description of the aquatic resource or resources in which the activity is proposed to take place.

9. A description and analysis of the functions of the aquatic resource or resources for groundwater recharge, groundwater discharge, stormwater management, flood flow alteration, sediment stabilization, nutrient removal, habitat for flora, habitat for fauna, and recreational uses.

10. A description and analysis of the impact or impacts that the proposed activity will have on the aquatic resource or resources, including the magnitude of the impact or impacts, the duration of the impact or impacts, including but not limited to a statement as to whether the duration is temporary, short-term, long-term or permanent, whether the impact or impacts are adverse to the functioning of the aquatic resource or resources or neutral or positive.

11. A description and analysis of mitigation available to remedy negative impacts to the extent that such negative impacts are identified.

12. Such other information as may be submitted to the Planning Board by the applicant, the public, or other governmental agencies, to the extent that such information is relevant to the approval standards contained in this section.

13. A long Environmental Assessment Form, Part 1, with adequate supporting narrative to allow the Planning Board to fully evaluate the environmental impact of the proposal under the provisions of the State Environmental Quality Review Act (SEQR).

14. The applicant shall request a field determination of the affected area by the Village Engineer prior to mapping in Section 6A (5). The Village Engineer shall submit a written report to the Planning Board on this determination. The Village Engineer may employ a wetlands specialist for this purpose, or accept a boundary

certification confirmed by the New York State Department of Environmental Conservation (NYS DEC) or the Army Corps of Engineers (ACOE).

B. Public Hearing

No sooner than 30 days and not later than 62 days after the receipt of a complete application and publication of notice of application as required herein, the Planning Board shall hold a public hearing on an application submitted pursuant to this local law. A complete application shall include all of the information required in Section 6A of this local law. The Planning Board shall cause notice of such hearing to be published in the official newspaper at least 10 days prior to the date set for such hearing. All owners of record within 500 feet of the perimeter of the property shall be notified of the hearing by certified mail return receipt requested, not less than 15 days prior to the date set for such hearing. The applicant shall be responsible for the mailing of such notices and shall file with the Planning Board an affidavit of mailing at or prior to the public hearing. All applications and maps and documents relating thereto shall be open for public inspection at the office of the Village Clerk. At such hearing any person or persons filing a request for a hearing or a timely notice of appearance may appear and be heard. The failure of the Planning Board to act within 62 days shall not constitute a default permit grant.

C. Planning Board Action

Within 75 days of the date the complete application is submitted or within 45 days of the date of any public hearing which may be conducted on said application, whichever period is shorter, the Planning Board shall render a decision to approve, approve with modifications or disapprove the issuance of a permit for the proposed activity. The decision of the Planning Board shall be made by written resolution stating the findings and reasons for such decision. The decision of the Planning Board shall be preceded by the completion of the SEQR process. An application shall not be deemed complete until a negative declaration has been granted or a Draft Environmental Impact Statement has been accepted as complete by the Planning Board pursuant to SEQR regulations.

Section 7. Standards for granting permits.

A. The applicant shall have the burden of demonstrating that the proposed activity will be in accord with the policies and provisions of this local law and the policies of the Montebello Comprehensive Plan.

B. In granting, denying or limiting any permit, the Planning Board shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and the protection or enhancement of the several functions of the wetlands and the benefits derived therefrom as set forth in this section, irrespective of political boundaries, and shall make findings based on the following criteria:

1. The environmental impact of the proposed actions.
2. The alternatives to the proposed action.
3. Irreversible and irretrievable commitments of resources that would be involved in the proposed activity.
4. The character and degree of injury to or interference with safety, health, or the reasonable use of property that is caused or threatened.
5. The suitability or unsuitability of such activity to the area for which it is proposed.
6. The effect of the proposed activity with reference to the protection or enhancement of several functions of wetlands, waterbodies and watercourses.
7. The availability of preferable alternative locations on the subject parcel or of the proposed action.
8. The availability of mitigation measures that could feasibly be added to the plan or action.
9. The extent to which the exercise of property rights and the public benefit derived from such use may outweigh or justify the possible degradation of the wetland, water body or watercourse, the interference with the exercise of other property rights and the impairment or endangerment of the public health, safety or welfare.

C.. Permits will be issued by the Planning Board pursuant to this chapter only if the Board shall make findings warranting the grant of such permit on the basis of the considerations set forth in this subsection and that such permit is consistent with the policies and provisions of this local law.

D. The Planning Board may grant a permit subject to such terms and conditions as it shall reasonably impose upon findings that such activity is not contrary to the purposes of Section 2 of this local law. Said Board may also, in its discretion, permit any activity otherwise prohibited by this local law to be carried out, except with respect to property designated on the New York State Freshwater Wetlands Maps, or National Wetland Inventory Maps, or otherwise regulated by a county, state, or federal agency provided that the Planning Board determines after investigation that to prohibit the activity would cause undue hardship to the property owner.

E. Permits will be issued by the Planning Board only if the Board shall find that:

1. The proposed regulated activity is consistent with the policy of this chapter.

2. The proposed regulated activity is consistent with the land use ordinances and regulations governing wetlands, waterbodies and watercourses applicable in the Village of Montebello.

3. The proposed regulated activity is compatible with the public health and welfare of the Village.

4. The applicant has demonstrated that there is no practicable alternative for the proposed regulated activity.

5. The proposed regulated activity minimizes the degradation to or loss of any part of the designated wetland, water body or watercourse or its regulated areas and minimizes any adverse impacts on the functions and benefits that said wetland, waterbody and watercourse provide.

6. The proposed activities must also be in compliance with the standards set forth in the federal regulations and in the New York State Freshwater Wetland Regulations, Sections 665.7(e) and 665.7(g).

7. Notwithstanding any other provisions herein, duly filed notice, in writing, that the State of New York or any agency or governmental subdivision thereof is in the process of acquiring any wetlands by negotiation or condemnation shall be sufficient basis for denial of any permit.

F. The Planning Board may include as a condition for issuing a permit that wetland protection techniques be employed including mitigation measures, such as, but not limited to, the construction of dry rock walls along the edge of wetlands, wetland buffers, or other locations intended to demarcate wetlands, or other protective measures prior to or as part of developing a site. The technique selected must ensure adequate recharge to the wetland or stream and protection of their natural functions.

G. In the event that significant adverse impacts on the functioning of the aquatic resource or resources are identified, the applicant or the Planning Board, in the form of conditions, may propose mitigation. Without limiting the generality of the term, mitigation may include relocation of aquatic resources, in whole or in part, substitution of alternative aquatic resources, in whole or in part, or replacement of aquatic resources, in whole or in part whether on the same parcel or another parcel in the Village.

In granting a permit, the Planning Board may limit the same or impose conditions or limitations designed to carry out the public policy set forth in this local law and the Comprehensive Plan of the Village of Montebello. The Planning Board may require surety in an amount and with surety and conditions satisfactory to it, securing to the State of New York or the Village of Montebello as the case may be, compliance with

the conditions and limitations set forth in the permit. The Building Inspector, with the concurrence of the Village Engineer, may suspend or revoke a permit if he finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of the activity as set forth in the application. The Building Inspector may suspend the permit if the applicant fails to comply with the terms and conditions set forth in the application.

Section 8. Appeals

Review of the determination of the Planning Board shall be, within a period of 30 days after the filing thereof, pursuant to the provisions of Title II of Article 24 of the Environmental Conservation Law of the State of New York or pursuant to the provisions of Article 78 of the Civil Practice Law and Rules with respect to the properties designated on the New York State Freshwater Wetlands Maps or the National Wetlands, Inventory, or otherwise regulated by the state.

Section 9. Fees

All applications for a Wetlands Permit shall be accompanied by a fee in accordance with the Fee Schedule adopted by the Board of Trustees.

Section 10. Applicability; prevalence of more protective standards

A. The requirements of this local law relating to a separate application shall not apply to any work shown on construction drawings or improvement plans for subdivision or site plans submitted to the Planning Board. The regulatory provisions of this local law shall nevertheless apply.

B. Where this local law is less or more protective of the environment than the Environmental Conservation Law of the State of New York or any local law or ordinance of the County of Rockland or the Village of Montebello, the law or ordinance that is more protective of the environment shall prevail.

Section 11. Penalties

Pursuant to Title 23 of Article 71 of the Environmental Conservation Law, the following penalties shall apply:

A. Any person who violates, disobeys or disregards any provision of this local law shall be liable for a civil penalty not to exceed \$3,000, for every such violation. Before assessment of the civil penalty, the alleged violator shall be afforded a hearing or opportunity to be heard before the Planning Board upon due notice, and with rights to specification of the charges and representation by counsel.

B. The Planning Board shall also have the power, following a hearing, to direct a violator to cease violation of this local law and, under the Board's supervision, to satisfactorily restore the affected freshwater wetland or watercourse to its condition prior

to the violation, insofar as that is possible, within a reasonable time and under the supervision of the Planning Board.

C. Any civil penalty or order issued by the Planning Board shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

D. In addition to the above civil fine, any person who violates any provision of this local law shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than \$500, nor more than \$1,000. For a second and each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000, nor more than \$2,000, or a term of imprisonment of not less than 15 days nor more than six (6) months, or both. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. Instead of or in addition to these punishments, any offender may be punished by being ordered by the court to restore the affected freshwater wetland to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which restoration shall be effected under the supervision of the Commissioner of the Department of Environmental Conservation or of the Village. Each offense shall be a separate and distinct offense, and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

E. The Village Board shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this local law.

Section 12. Enforcement

The Code Inspector or Building Inspector shall issue and post notices of violations of this local law. In addition, by resolution, the Board of Trustees may direct the Code Inspector or Building Inspector to make such inspection and reports, initiate and take such court proceedings and perform all other actions as required by the Board of Trustees as may be necessary to enforce this local law or to invoke penalties for its violation.

Section 13. Definitions

For the purpose of this local law, certain words and terms used herein are defined as follows:

AQUATIC RESOURCE – Any wetland, watercourse, or waterbody and associated buffers.

BOARD OF TRUSTEES - The Board of Trustees of the Village of Montebello

BOUNDARIES OF A WETLAND, WATER BODY OR WATERCOURSE - The outer limit of the vegetation specified in Section 3A of this local law, or of the land and waters

specified in Section 3B, 3C and 3D or of Water Bodies and Watercourses or of the soils specified in Section 3E, typically the outer limit of hydrophytic vegetation, hydric soils or hydrological indicators.

BUILDING - Any structure, or extension thereof or addition thereto, having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

BUILDING INSPECTOR - The Building Inspector of the Village of Montebello.

CODE INSPECTOR - The Building Inspector or such officer as may be designated by the Village Board as Code Inspector or Code Enforcement Officer or charged with enforcement of this local law.

DEPOSIT - To fill, place, eject, discharge or dump any material but not including stormwater.

FRESHWATER WETLAND – See Section 3 of this local law.

MATERIAL - Soil, stones, sand, gravel, clay, bog, peat, mud, debris and refuse or any other organic or inorganic substance, whether liquid, solid or gaseous or any combination thereof,

MITIGATION – A way to avoid, minimize or compensate adverse impacts.

NATIONAL WETLANDS INVENTORY MAPS - The wetlands maps prepared by the United States Department of the Interior.

NEW YORK STATE FRESHWATER WETLANDS MAPS - The wetlands maps prepared by the State of New York pursuant to Article 24 of the Environmental Conservation Law.

PLANNING BOARD - The Planning Board of the Village of Montebello.

REGULATED AREA - Includes any freshwater wetland or vernal pool and the area surrounding the same for a horizontal distance of 100 feet from the boundary of a wetland or vernal pool, or any watercourse or water body and the area surrounding the same for a horizontal distance of 100 feet from the edge of the watercourse or water body. All surfaces are measured horizontally in all directions from the designated high-water mark from a one-in-one-hundred-year storm or the edge of wetland or top of stream bank. The regulated area is subject to the requirements of this local law.

STRUCTURE - A combination of materials constructed, assembled or erected on, above or below the ground or attached to something having location on, above or below the ground, including but not limited to buildings, fences, tanks, towers and swimming pools.

VILLAGE ENGINEER - The Village Engineer of the Village of Montebello.

VERNAL POOL - Small temporary bodies of standing water which are seasonally flooded for sufficient periods of time to support amphibian reproduction, but these periods of inundation are interspersed with dry phases. Vernal pools which support viable breeding populations of amphibians are regulated as wetlands.

WATER BODIES - Any body of standing water which is not dry more than 3 months of the year as computed from the average of the last 2 consecutive calendar years and which, when wet, is customarily more than 500 square feet in water surface area.

WATERCOURSES - Any body of flowing water flowing in an identifiable channel or course and which is not dry more than 3 months of the year.

WETLANDS - As defined in Section 3 of this local law.

ZONING LAW - The Zoning Local Law in effect in the Village of Montebello

Section 14. Severability and Effective date

- A. Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.
- B. This local law shall take effect immediately upon filing with the Secretary of State.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action _____

Location of Action (include Street Address, Municipality and County)

Name of Applicant/Sponsor _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: _____ acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? _____

- a. Soil drainage: Well drained _____% of site Moderately well drained _____% of site.
 Poorly drained _____% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock _____ (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% _____% 10- 15% _____% 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? _____ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped: _____ acres.
- d. Length of project, in miles: _____ (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. _____ %
- f. Number of off-street parking spaces existing _____; proposed _____
- g. Maximum vehicular trips generated per hour: _____ (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? _____ tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? _____ acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: _____ months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction _____; after project is complete _____

10. Number of jobs eliminated by this project _____.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.

23. Total anticipated water usage per day _____ gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

4. What is the proposed zoning of the site?

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? _____

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?
 Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____

Title _____

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 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3	
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
 NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
 NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

• Other impacts:

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | |
|--|--------------------------|--------------------------|--|
| <ul style="list-style-type: none"> • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| <ul style="list-style-type: none"> • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

VILLAGE OF MONTEBELLO

FEE SCHEDULE

Applications for action by the Village Board, the Planning Board, the Zoning Board of Appeals, the Village Engineer, and the Village Building Inspector shall be accompanied by payment of the following fees for the procedures set forth hereinafter.

PROCEDURES	AGENCY	FEE
Subdivision	Planning Board	<p><u>Preliminary Plat</u> \$600 plus \$250 per lot, plus \$250 per meeting for appearance at each meeting after first meeting on application.</p> <p><u>Final Plat</u> \$500 plus \$125 per lot, plus \$250 per meeting for appearance at each meeting after first meeting on application.</p>
Inspection Fees	Village Engineer	6% of the Village Engineer's estimate of the cost of public improvements; 5% representing an estimate of the Village Engineer's time to oversee said work, and 1% the Village's administrative expense. Extra engineering fees to be paid at time of incurrence if resulting from unforeseen conditions or inefficiency or negligence or wrongful acts of developer or owner, or developer or owner's use of engineer at times of premium hourly rates.
Recreation Fee (in lieu of land) Informal Discussion	Planning Board	\$7,500 per lot for subdivision Site Plan: \$5,000 per 1 bedroom unit, \$6,000 per 2 bedroom unit, \$7,000 per 3 bedroom unit or larger
CDRC Appearance (No pending Planning Board Application)	Village Professionals	\$250
Informal Discussion	Planning Board	\$250
Site Plan	Planning Board	\$700 plus \$35 per parking space required by zoning law, plus \$250 per meeting for application at each meeting after first meeting on application.

PROCEDURES	AGENCY	FEE
Revised/Amended Site Plan	Planning Board	\$350
Architectural Review Board (ARB)	Planning Board	Appearance Fee - \$300
Special Permit	Planning Board or Village Board	Fee: \$400
Sign Plan	Planning Board	\$250
Zone Change	Village Board	Zone Change - \$400 for first acre or fraction thereof; \$125 per acre for each additional acre or fraction thereof. All other Applications \$400
Conservation Easement Variance	Village Board	Application Fee \$250 for review to determine whether to hold public hearing Additional \$250 for public hearing
Zoning Board	Zoning Board of Appeals	\$250 for action involving existing residence, plus an additional \$100 for each variance. (Actions include determination of Building Inspector) \$400 for all other actions. Any non-existing residence or new subdivision will be considered as other actions.
Land Disturbance Permit Clearing Filling & Excavation	Village Engineer and/or Building Inspector	\$200 per first 1,000 square feet of Affected Area; \$100 per each additional 1,000 square feet of Affected Area. Affected Area determined by Village Engineer or Building Inspector.
Road Opening Permit	Village Engineer	\$250
Planning Board Appearance Fee	Planning Board	\$250
Sign Permit	Building Inspector	\$75
Demolition Permit	Building Inspector	\$150

PROCEDURE/AGENCY	DESCRIPTION	FEE
Fire Inspections/Fire Inspector	Class B-2 Transient Occupancy, Hotel-Motel	Fees are based on total square footage of the building.
	Class B-3 Multiple dwelling - Senior Citizen Housing:	\$25.00 for each apartment in a mid-high rise building, \$115.00 for each 8 unit apartment building.
	Class C-1 Business Office	0 - 5,000 sq. ft. - \$ 75.00
	Class C-2 Mercantile	5001 - 10,000 sq. ft. - 175.00
	Class C-3 Industrial	10,001 - 25,000 sq. ft. - 525.00
	Class C-4 Storage	25,001 - 50,000 sq. ft. - 775.00
		50,001 - 75,000 sq. ft. - 1,025.00
		75,001 - 100,000 sq. ft. - 1,275.00
		100,001 - 125,000 sq. ft. - 1,575.00
		125,001 - 150,000 sq. ft. - 1,825.00
	150,001 - 175,000 sq. ft. - 2,075.00	
	175,001 - 200,000 sq. ft. - 2,325.00	
	200,001 - 225,000 sq. ft. - 2,575.00	
	225,001 - 250,000 sq. ft.- 2,825.00	
	250,001 - 275,000 sq. ft.- 3,075.00	
	275,001 - 300,000 sq. ft.- 3,325.00	
	300,001 - 325,000 sq. ft. - 3,575.00	
	325,001 - 350,000 sq. ft.- 3,825.00	
	350,001 - 375,000 sq. ft.- 4,075.00	
	375,001 - 400,000 sq. ft.- 4,325.00	
	400,001 - 425,000 sq. ft.- 4,575.00	
	425,001 - 450,000 sq. ft.- 4,825.00	
	450,001 - 475,000 sq. ft.- 5,075.00	
	475,001 - 500,000 sq. ft.- 5,325.00	
	Class C-5 Place of Assembly - Capacity in Persons	1 - 5: \$ 75.00
		51 - 100: 100.00
		101 - 300: 125.00
		301 - Over 1.00 / person
	Re-Inspection	\$75 or 50% of initial inspection fee, whichever is greater.

Revised ~~March 18, 2008~~ *May 27, 2008*