

ENVIRONMENTAL QUALITY REVIEW

Chapter 19

ENVIRONMENTAL QUALITY REVIEW

Local Law

No. 2

1977

A LOCAL LAW ENTITLED "ENVIRONMENTAL QUALITY REVIEW ACT"

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[HISTORY: Adopted Walton Village Board 8-4-77 as Local Law No. 2, 1977. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. 13.
Flood hazard areas — See Ch. 25.
Zoning — See Ch. 53.

Be it enacted by the Board of Trustees of the Village of Walton as follows:

§ 19-1. Definitions.

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this local law shall have the same meaning as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.
- B. "Village" shall mean the Village of Walton.

§ 19-2. Compliance required; exceptions.

No decision to carry out or approve an action, other than an action listed in § 19-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action, shall be made by the Board of Trustees or any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this local law and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

- A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the village to approve, commence or engage in such action.
- B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this local law and Part 617 of Title 6 of the New York Codes, Rules and Regulations have been fulfilled.

§ 19-3. Actions affecting and not affecting environment.

- A. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the

following actions, in addition to those listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type I actions, are likely to have a significant effect on the environment:

- (1) A substantial adverse change to ambient air quality or water quality, noise levels or in solid waste production, drainage, erosion or flooding.
- (2) The removal or destruction of large quantities of vegetation or fauna, the substantial interference with the movement of any resident or migratory fish or wildlife species, impacts upon critical habitat areas or the substantial affecting of a rare or endangered species of animal or plant or the habitat of such species.
- (3) The encouraging or attracting of a large number of people to a place or places for more than a few days relative to the number of people who would come to such a place absent the action.
- (4) The creation of a material conflict with the community's existing goals or plans as officially approved or adopted by the Board of Trustees.
- (5) The impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.
- (6) A major change in the use of either the quantity or type of energy.
- (7) The creation of a hazard to human health or safety to any individual or group.
- (8) The creation of a material demand for other actions which would result in one (1) of the above consequences.
- (9) A substantial change in the use or intensity of use of land or other natural resources or in their capacity to support existing uses except where such an action has

been included in broad program statements, master or area-wide statements or statements from comprehensive plans for which environmental impact statements have been prepared. Agencies preparing such a statement shall develop procedures for amending or supplementing such statements to reflect impacts which are not addressed or adequately analyzed in such a statement as initially prepared. Such procedures shall include provisions for informing the public and other agencies of the preparation of such amendments or supplements and for allowing comment thereon before incorporation of such amendments or supplements in said statement. Actions undertaken or approved in conformity with this local law shall require no further review under this local law.

- (10) Changes in two (2) or more elements of the environment, no one (1) of which is substantial, but when taken together result in a material change in the environment.
- (11) Where there has duly been prepared under the National Environmental Policy Act of 1969 a negative declaration or other written threshold determination that the action will not require a federal impact statement, the village shall determine whether or not the action may have a significant effect upon the environment pursuant to the Village Environmental Quality Review Law.

B. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the actions listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type II actions are deemed not to have a significant effect on the environment.

§ 19-4. Statement regarding effect of proposed action.

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the en-

vironment, applicants for permits or other approvals shall file a written statement with the Board of Trustees setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by resolution by the Board of Trustees and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Board of Trustees.

§ 19-5. Time limit for determination by Board of Trustees.

- A. The Board of Trustees shall render a written determination on such application within fifteen (15) days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the Board of Trustees. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Board of Trustees may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.
- B. The time limitations provided in this local law shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the village.

§ 19-6. Fees.

Every application for determination under this local law shall be accompanied by a reasonable fee set forth in this section to defray the expense incurred in rendering such determination. The

fees shall be as follows: The village may charge a fee not to exceed one-half of one percent ($\frac{1}{2}$ of 1%) of the action's total cost to the applicant in order to recover the costs of preparing and reviewing the environmental impact statement.

§ 19-7. Procedures regarding exempt and nonexempt actions.

If the Board of Trustees determines that the proposed action is not an exempt action, not an action listed in § 19-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action and that it will not have a significant effect on the environment, the Board of Trustees shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action may be processed without further regard to this local law. If the Board of Trustees determines that the proposed action may have significant effect on the environment, the Board of Trustees shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this local law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 19-8. Draft environmental impact statement.

A. Following a determination that a proposed action may have a significant effect on the environment, the Board of Trustees shall, in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations:

- (1) In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement.
- (2) In the case of an action not involving an applicant, prepare a draft environmental impact statement.

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B. If the applicant decides not to submit an environmental impact report, the Board of Trustees shall prepare or cause to be prepared the draft environmental impact statement or, in its discretion, notify the applicant that the processing of the application will cease and that no approval will be issued.

§ 19-9. Actions involving more than one agency.

Where more than one (1) agency is involved in an action, the procedures of Sections 617.4 and 617.8 of Part 617 of Title 6 of the New York Codes, Rules and Regulations shall be followed.

§ 19-10. Actions undertaken prior to specified date; modifications.

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this local law and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that if, after such dates, the Board of Trustees modifies an action undertaken or approved prior to that date and the Board of Trustees determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this local law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 19-11. When effective.

This local law shall take effect immediately upon filing with the Secretary of State.