

ENVIRONMENTAL QUALITY REVIEW

Chapter 105

ENVIRONMENTAL QUALITY REVIEW

§ 105-1. Definitions.

§ 105-2. Compliance required.

§ 105-3. Materials to be filed by applicant.

§ 105-4. Notice of application.

§ 105-5. Determination by Village Board; time limits.

§ 105-6. Application fee.

§ 105-7. Determination of environmental impact.

§ 105-8. Preparation and review of environmental impact statement; fee.

§ 105-9. Involvement of multiple agencies.

§ 105-10. Exemptions.

[HISTORY: Adopted by the Board of Trustees of the Village of Barker 5-2-1977 by ordinance. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 110.

Flood damage prevention — See Ch. 114.

Zoning — See Ch. 210.

§ 105-1. Definitions.

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meaning as those defined in

§ 105-2 ENVIRONMENTAL QUALITY REVIEW

§ 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

- B. "County," "city," "town," "village" shall mean the Village of Barker.

§ 105-2. Compliance required.¹

No decision to carry out or approve an action, other than an action listed in Section 617.5 of 6 NYCRR as a Type II action, shall be made by the Village Board or by any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 NYCRR; 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; or
- B. The granting of any part of any 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 chapter and Part 617 of Title 6 NYCRR have been fulfilled.

§ 105-3. Materials to be filed by applicant.

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the Village Board setting forth the name

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

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 Village Board 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 Village Board.

§ 105-4. Notice of application.

Upon receipt of a complete application and a statement, the Village Board shall cause a notice thereof to be posted on the signboard, if any, of the village maintained by the village, and may also cause such notice to be published in the official newspaper of the village, if any, or in a newspaper having general circulation within the village, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Village Board no later than a date specified in such notice.

§ 105-5. Determination by Village Board; time limits.

- A. The Village Board shall render a written determination on such application within 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 Village Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Village Board may hold informal meetings with the applicant and may meet with and consult any other

§ 105-6 ENVIRONMENTAL QUALITY REVIEW

person for the purpose of aiding it in making a determination on the application.

- B. The time limitations provided in this chapter shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulations of the village.

§ 105-6. Application fee.

Every application for determination under this chapter shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. The fees shall be as follows: 1/20 of 1% of the action's total cost to the applicant.

§ 105-7. Determination of environmental impact.²

If the Village Board determines that the proposed action is not an exempt action, not an action listed in Section 617.5 of Title 6 NYCRR as a Type II action and that it will not have a significant effect on the environment, the Village Board shall prepare, file and circulate such determination as provided in Section 617.12 of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this chapter. If the Village Board determines that the proposed action may have a significant effect on the environment, the Village Board shall prepare, file and circulate such determination as provided in 617.12 of Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 NYCRR:

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 105-8. Preparation and review of environmental impact statement; fee.

- A. Following a determination that a proposed action may have a significant effect on the environment, the Village Board shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:
- (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; or
 - (2) In the case of an action not involving an applicant, shall prepare a draft environmental impact statement.
- B. If the applicant decides not to submit an environmental impact report, the Village Board 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. The Village Board may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be 1/2 of 1% of the action's total cost to the applicant.

§ 105-9. Involvement of multiple agencies.³

Where more than one agency is involved in an action, the procedures of Sections 617.14 and 617.9 of Part 617 of Title 6 NYCRR shall be followed.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 105-10 ENVIRONMENTAL QUALITY REVIEW

§ 105-10. Exemptions.

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 chapter and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR; provided, however, that if after such dates a Village Board modifies an action undertaken or approved prior to that date and the Village Board determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and Part 617 of Title 6 NYCRR.