

Proposed Local Law 6-2020

A Local Law amending Chapter 118 (Environmental Quality Review) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 118, section 5 (Lead Agency) is amended as follows with new matter underlined and deleted matter in [brackets].

§ 118-5 Lead agency.

- A. The lead agency is the agency, board, department, office, other body or officer of the Village of Ossining principally responsible for carrying out, funding or approving an action. The lead agency is responsible for determining whether an EIS is required for the action and for preparing and filing the EIS if it is required.
- B. Where more than one agency is involved, the lead agency is determined and designated as provided in § [6] **617.6** of Part 617 **of Title 6 (Environmental Conservation) of the State of New York Official Compilation of Codes, Rules and Regulations**, except that, for the following specific Type I and unlisted actions, in cases where a federal or state agency permit or approval is not necessary, the lead agency is:
- (1) For adoption, amendment or change in zoning or land use regulations: the Village Board **of Trustees**.
 - (2) For construction or expansion of residential buildings, structures, and other facilities within the Village of Ossining, except where site plan review by the Planning Board is also required: the Building Inspector.
 - (3) For variances: the Zoning Board of Appeals.
 - (4) For purchase, sale and/or lease of real property by the Village of Ossining: the Village Board **of Trustees**.
 - (5) For planned unit development or cluster zoning: the Village Board **of Trustees**.
 - (6) For site plan review, subdivision approval and special use permits: the Planning Board.
 - (7) For construction or expansion of nonresidential facilities, except where site plan review by the Planning Board [is] also **is** required: the Building Inspector.
- C. The [Building] **Planning** Department will act as the clearinghouse for lead agency designation. It will assist agencies and applicants to identify other federal, state and local agencies that may be involved in approving, funding or carrying out Type I and unlisted actions. The clearinghouse will make recommendations on designation of lead agencies for particular actions.

- D. Environmental review of actions involving a federal agency will be processed in accordance with § [16] **617.15** of Part 617.

Section 2. Chapter 118, section 6 (Environmental assessment and determination of significance) is amended as follows with new matter underlined and deleted matter in **[brackets]**.

§ 118-6 Environmental assessment and determination of significance.

- A. When any agency, department, body, board or officer of the Village of Ossining contemplates directly carrying out, funding or approving any Type I action, a full environmental assessment form (EAF) must be prepared by it or on its behalf. When an unlisted action is contemplated, either a full or short-form EAF as appropriate, must be prepared. The EAF forms given in **[Appendices A and C]** **section 617.20 (Appendices A and B)** of Part 617 will be used as models~~]~~ but may be modified to meet the needs of particular cases. However, the final scope of such modified EAF must be at least as comprehensive as the scope of the model forms.
- B. When any person submits an application for funding or a permit or other approval for a Type I or unlisted action to any agency, department, body, board or officer of the Village of Ossining, an EAF must accompany the application. For Type I action a full EAF must be prepared, and for unlisted actions, either the full EAF or the short form may be used as appropriate. An applicant may choose to prepare a draft EIS in place of an EAF.
- C. The lead agency must make a determination of environmental significance of the action. This determination must be based on the EAF, or with respect to unlisted actions, its own procedures, as the case may be, and on such other information as it may require. The criteria stated in § [11] **section 617.7(c)** of Part 617 must also be considered by the lead agency in making and determination of significance. The determination must be made within [15] **20 calendar** days of its **receipt of an EAF and application and other reasonably necessary information, or within 20 calendar days of its establishment as lead agency, whichever comes later.** [designation as lead agency or within 15 days of receipt of the information it requires, whichever is later.] **For direct actions by an agency where there are no other parties involved and no triggering of the time clock by submission, circulation or receipt of an EAF, a determination of significance should be made as early as possible in the formulation of plans for an action and before any authorization is granted that commits an agency to an action.**
- D. For Type I actions, the lead agency must give public notice and file a determination of [nonsignificance] **no significant adverse impact on the environment** as provided in [Subdivision 10(a)] **section 617.12 (b)** of Part 617. For unlisted actions, the lead agency must send a determination of [nonsignificance] **no significant adverse impact on the environment** to the applicant and maintain its own records thereof in accordance with

[Subdivision 10(e)] **section 617.12(b)** of Part 617.

- E. If the lead agency makes a determination [on nonsignificance] **of no significant adverse impact on the environment**, the direct action, approval or funding involved will be processed without further regard to SEQR, Part 617 or this chapter.
- F. The time of filing of an application for approval or funding of an action commences from the date of the determination of [environmental nonsignificance] **no significant adverse impact on the environment** is made, if the applicant prepared a draft EIS in lieu of an EAF, the time of filing commences from the date the lead agency accepts the draft EIS as adequate in scope and content and commences from the public comment period.

Section 3. Chapter 118, section 7 (Preparation of EIS) is amended as follows with new matter underlined and deleted matter in [brackets].

§ 118-7 Preparation of EIS.

- A. If, based on review of the EAF and other information, the lead agency determines that the proposed action may [be environmentally significant] **have a significant adverse impact on the environment**, then an EIS must be prepared.
- B. If an EIS is required, the lead agency must proceed as provided in [§§ 8, 9 and 10] **sections 617.8 (Scoping), 617.9 (Preparation and content of environmental impact statements), 617.10 (Generic environmental impact statements) and 617.11 (Decision-making and findings requirements)** of Part 617. The draft EIS will normally be prepared by the applicant. If the applicant fails to prepare a draft EIS or prepares a draft EIS which is unacceptable to the lead agency, the lead agency may either prepare a draft EIS itself, discontinue further processing until the applicant can provide an acceptable draft EIS or deem the application abandoned and discontinue review.
- C. If a public hearing is held on the draft EIS, it must, whenever possible, be concurrent with any other hearing on the application.

Section 4. Chapter 118, section 8 (Fees for review and preparation of EIS) is amended as follows with new matter underlined and deleted matter in [brackets].

§ 118-8 Fees for review and preparation of EIS.

- A. The fees for review or preparation of an EIS involving approval or funding of an action will be fixed from time to time by resolution of the Village Board **of Trustees**.
- B. Fees to be fixed will be consistent with the limitations set by § [17] **section 617.13 (Fees and Costs)** of Part 617. When the EIS is prepared by the applicant, fees will reflect actual expenses of reviewing it. When the EIS is prepared by the agency on behalf of the applicant, the fees will reflect the cost of preparation, including publication of

Commented [1]: Editor's Note: The Schedule of Fees is on file in the Village offices.

notices, [but not the cost of environmental review by the Agency] and where necessary, scoping. [However, the lead agency may not charge a fee for its determination of significance] No fee may be charged for the preparation of an EAF or determination of significance.

Section 5. Chapter 118, section 9 (Critical Areas) is amended as follows with new matter underlined and deleted matter in [brackets].

§ 118-9 Critical areas.

Critical areas of environmental concern will be designated from time to time by resolution of the Village Board of Trustees in accordance with the provisions of [Subdivision 4(h)] section 617.14(g) (Individual agency procedures to implement SEQR) of Part 617.

Section 6. Chapter 118, section 10 (Type I actions), is amended as follows with new matter underlined and deleted matter in [brackets].

§ 118-10 Type I actions.

For the purposes of this chapter, Type I actions include all those given in § [12] section 617.4 (Type I actions) of Part 617.

Section 7. Chapter 118, section 11 (Type II actions) is amended as follows with new matter underlined and deleted matter in [brackets].

§ 118-11 Type II actions.

- A. For the purposes of this chapter, Type II actions include all those listed in § [13] section 617.5 (Type II actions) of Part 617.
- B. Consistent with Part 617 and the criteria therein, the following actions, in addition to those listed in [§ 13] section 617.5 of Part 617 as Type II actions, are deemed not to have a significant adverse impact [effect] on the environment:
 - (1) The issuance of a building permit or certificate of occupancy for any one of the actions set forth as Type II actions; and
 - (2) The issuance of a license or permit by the Village Clerk pursuant of the provisions of this Code.

Section 8. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

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