

PART II – GENERAL LEGISLATION

Chapter 75 Environmental Quality Review

[Adopted as Local Law # 1 of 1977, Amended and Adopted, December 27, 2012, as Chapter 75 of the Code]

Article I Environmental Quality Review

Section 75-1 – 75-10

Article I Environmental Quality Review

Section 75-1 – Definitions

(a) Unless the context shall otherwise require, the term, phrases, words and their derivations used in this chapter shall have the same meaning as those defined in section 8-0105 of the New York Environmental Conservation Law and part 617 of title 6 NYCRR.

(b) As used in this chapter, the term "village" shall mean the Village of Marcellus.

Section 75-2 – Decisions under chapter to conform to law – No decision to carry out or approve an action other than action listed in section 75-3(b) hereof or section 617.12 of title 6 NYCRR as 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 chapter and part 617 of title 6 NYCRR; provided, however, that nothing herein shall be construed as prohibiting:

(1) 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

(2) The granting of any part of an application which relates only to technical specifications and requirements, provided that no partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and part 617 of title 6 of NYCRR have been fulfilled.

Section 75-3 – Actions affecting the environment

(a) Consistent with part 617 of title 6 NYCRR and the criteria therein, the actions listed in section 617.12 of title 6 NYCRR as type I actions are likely to have a significant effect on the environment.

(b) Consistent with part 617 of title 6 NYCRR and the criteria therein, the actions listed in section 617.12 of title 6 NYCRR as type II actions are deemed not to have a significant effect on the environment.

Section 75-4 – Environmental Assessment Required – 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 an Environmental Assessment

Form, with the Board of Trustees, or other relevant department, board, commission, officer or employee of the Village, as required by state law.

Section 75-5 – Determination by Village

(a) The Village shall render a written determination on such application within the timeframes specified in state law.

(b) The Village may hold informal meetings with the applicant and may meet with and consult with any other persons for the purpose of aiding it in making a determination on the application.

Section 75-6 – Same-Action affecting environment – Following a determination that a proposed action may have a significant effect on the environment, the Village shall, in accordance with 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;

(2) In the case of an action not involving an applicant, shall prepare a draft environmental impact statement.

Section 75-7 – Involvement of multiple agencies – Where more than one agency is involved in an action, the procedures of sections 617.4 and 617.8 of title 6 NYCRR shall be followed.

Section 75-10 – Reserved