

Chapter 70

ENVIRONMENTAL QUALITY REVIEW

- | | |
|--|--|
| § 70-1. Definitions. | § 70-6. Determination by Planning Board. |
| § 70-2. Compliance required; exceptions. | § 70-7. Application fee. |
| § 70-3. Authority to act. | § 70-8. Result of determination. |
| § 70-4. Written statement by applicant required. | § 70-9. Environmental impact report. |
| § 70-5. Notice to be published. | § 70-10. Conflicting procedures. |
| | § 70-11. Prior actions exempt. |

[IDSTORY: Adopted by the Board of Trustees of the Village of Wilson 3-17-1977 as L.L. No. 2-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Air pollution - See Ch. 34.
Freshwater wetlands - See Ch. 87.

Zoning- See Ch. 170.

§ 70-1. Definitions.

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meanings as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of NYCRR.
- B. As used in this chapter, the following terms shall have the meanings indicated:
- ZONING BOARD OF APPEALS (ZBA) - The Zoning Board of Appeals of the Village of Wilson, which assumes the responsibilities of the dissolved Planning Board¹.

VILLAGE -The Village of Wilson.

§ 70-2. Compliance required; exceptions.

No decision to carry out or approve an action other than an action listed pursuant to § 70-3B hereof or Section 617.12 of Title 6 of NYCRR as Type II action shall be made by the Zoning Board of Appeals (ZBA)² 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 of 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 an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to

¹ Editor's Note: Amended 9/19/24 when adopting Ch. 18

² Editor's note: Amended 9/19/24 when adopting Ch. 18

commence the action until all requirements of this chapter and Part 617 of Title 6 of NYCRR have been fulfilled.

§ 70-3. Authority to act.

- A. Consistent with Part 617 of Title 6 of NYCRR and the criteria therein, the Zoning Board of Appeals³ shall from time to time enumerate those actions, in addition to those listed in Section 617.12 of Title 6 of NYCRR as Type I actions, which are likely to have a significant effect on the environment.
- B. Consistent with Part 617 of Title 6 of NYCRR and the criteria therein, the Zoning Board of Appeals⁴ shall from time to time enumerate those actions, in addition to those listed in Section 617.12 of Title 6 of NYCRR as Type II actions, which are deemed not to have a significant effect on the environment.

§ 70-4. Written statement by applicant 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 a written statement with the Zoning Board of Appeals⁵ 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. 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 Planning Board and shall contain such additional relevant explanatory material required by the Planning Board.

§ 70-5. Notice to be published.

Upon receipt of a complete application and a statement the Zoning Board of Appeals⁶ 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 Planning Board no later than a date specified in such notice.

§ 70-6. Determination by Zoning Board of Appeals⁷.

A. The Zoning Board of Appeals 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 ZBA. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The ZBA 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.

³ Editor's Note: Amended 9/19/24 when adopting Ch. 18

⁴ Editor's Note: Amended 9/19/24 when adopting Ch. 18

⁵ Editor's Note: Amended 9/19/24 when adopting Ch. 18

⁶ Editor's Note: Amended 9/19/24 when adopting Ch. 18

⁷ Editor's Note: Amended 9/19/24 when adopting Ch. 18

- 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 regulation of the village.

§ 70-7. Application fee.

Every application for determination under this chapter shall be accompanied by a fee as set forth by resolution of the Board of Trustees to defray the expenses incurred in rendering such determination.

§ 70-8. Result of determination.

If the Planning Board determines that the proposed action is not an exempt action, is not an action listed in § 70-3B hereof or Section 617.12 of Title 6 of NYCRR as a Type II action and that it will not have a significant effect on the environment, the Planning Board shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of NYCRR, and thereafter the proposed action may be processed without further regard to this chapter. If the Planning Board determines that the proposed action may have a significant effect on the environment, the Planning Board shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of 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 of NYCRR.

§ 70-9. Environmental impact report.

- A. Following a determination that a proposed action may have a significant effect on the environment, the Planning Board shall, in accordance the provisions of Part 617 of Title 6 of 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, prepare a draft environmental impact statement.
- B. If the applicant decides not to submit an environmental impact report, the Planning 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 Planning Board may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing the same if it is prepared by the applicant. Such fees shall be determined as set forth in Section 617.17 of Part 617 of Title 6 of NYCRR and shall be based upon the actual cost and expenditures of the Planning Board. **[Amended 11-16-1978 by L.L. No. 5-1978]**

§ 70-10. Conflicting procedures.

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 NYCRR shall be followed.

§ 70-11. Prior actions exempt.

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 of NYCRR; provided, however, that if, after such dates the Planning Board modifies an a action undertaken or approved prior to that date and the Planning 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 of NYCRR.