

# ENVIRONMENTAL QUALITY REVIEW

## Chapter 8A Local Law # 4 1977

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A Local Law of the Village of Hilton pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

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(HISTORY: Adopted, Hilton Village Board, 8-1-77 as Local Law No. 4, 1977. Amendments noted where applicable.)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

**8A-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 meanings 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 Hilton.

**8A-2 Compliance required; exceptions**

No decision to carry out or approve an action other than an action listed in 8A-3 (B) hereof or 6 NYCCR 617.12 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 local law and Part 617 of Title 6 of the New York Codes, Rules and Regulations (NYCCR); 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.

**8A-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.
- B. 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 II actions, are deemed not to have a significant effect on the environment.

**8A-4 Filing of statement 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 of Hilton, 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 therein shall be upon a form prescribed by resolution by the Village of Hilton 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 of

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### **8A-5 Notice to public of filing**

Upon receipt of a complete application and a statement, the Village of Hilton 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 of Hilton no later than a date specified in such notice.

### **8A-6 Written determination; time limitations**

- A.** The Village of Hilton 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 Village of Hilton. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Village of Hilton 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.

### **8A-7 Fee**

Every application for determination under this local law 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 determined at the time of application, based on the cost to the village for processing.

### **8A-8 Processing of proposed actions**

If the Village of Hilton determines that the proposed action is not an exempt action, not an action listed in 8A-3 (B) 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 Village of Hilton 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 Village of Hilton determines that the proposed action may have a significant effect on the environment, the governing body or the appropriate department, board, commission, officer or employee having jurisdiction 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.

### **8A-9 Preparation of draft environmental impact statement**

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

- A. 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.

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**8A-9 Preparation of draft environmental impact statement**

- B. In the case of an action not involving an applicant, shall prepare a draft environmental impact statement. If the applicant decides not to submit an environmental impact report, the Village of Hilton 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 of Hilton may require an applicant to submit a fee to defray the expense of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined at the time of application.

**8A-10 Notice of completion of draft environmental impact statement**

- A. Upon completion of a draft environmental impact statement prepared by or at the request of the village, a notice of completion containing the information specified in Section 617.7(d) of Title 6 of the New York Codes, Rules and Regulations shall be prepared, filed and circulated as provided in Section 617.7(e) and (f) of Title 6 of the New York Codes, Rules and Regulations. In addition, it shall be published in the official newspaper, if any, of the village or, if none, in a newspaper having general circulation within the village, and a copy thereof shall also be posted on a signboard of the village. Copies of the draft environmental impact statement and the notice of completion shall be filed sent and made available as provided in Section 617.7 (e) and (f) of Title 6 of the New York Codes, Rules and Regulations.
- B. If the Village of Hilton determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the official newspaper of the village, if any, or, if none, in a newspaper having general circulation within the village at least ten (10) days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than fifteen (15) calendar days nor more than sixty (60) calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the Village of Hilton determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable law.

**8A-11 Processing of actions not affecting environment**

If, on the basis of a draft environmental impact statement or a public hearing thereon the Village of Hilton determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this local law.

**8A-12 Preparation of final environmental impact statement**

Except as otherwise provided herein, the Village of Hilton shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations, provided further that if the action involves an application, the Village of Hilton may direct the applicant to prepare the final environmental impact

statement.

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### **8A-12 Preparation of final environmental impact statement** (continued)

Such final environmental impact statement shall be prepared within forty-five (45) days after the close of any hearing or within sixty (60) days after the filing of the draft environmental impact statement, whichever last occurs; provided, however, that the Village of Hilton may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification. Where the action involves an application, such final environmental impact statement shall be accompanied by the fee specified by the village based on the expenses in preparing and/or evaluating same.

### **8A-13 Notice of completion of final environmental impact statement**

A notice of completion of a final environmental impact statement shall be prepared, filed and sent in the same manner as provided in 8A-10 herein and shall be sent to all persons to whom the notice of completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

### **8A-14 Decision to approve or disapprove action**

No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the Village of Hilton or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Village of Hilton has been the lead agency for an action, it shall make a decision whether or not to approve the action within thirty (30) days of the filing of the final environmental impact statement.

### **8A-15 Written determination of findings**

When the Village of Hilton decides to carry out or approve an action which may have a significant effect on the environment it shall make the following findings in a written determination:

- A. Consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements.
- B. All practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

### **8A-16 Filing of determination**

For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

### **8A-17 Maintenance of files open to public inspection**

The village shall maintain files open for public inspection of all notices of completion, draft and

final environmental impact statements and written determinations prepared or caused to be prepared by the Village of Hilton.

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### **8A-18 Actions involving more than one agency**

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

### **8A-19 Exempt actions; 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 Village of Hilton modifies an action undertaken or approved prior to that date and the Village of Hilton 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.

### **8A-20 When effective**

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