

ENVIRONMENTAL QUALITY REVIEW ORDINANCE

An Ordinance of the Town of Duanesburg, County of Schenectady, State of New York, pursuant to Article 8 of the New York State Environmental Conservation Law, also known as the State Environmental Quality Review Act, providing for environmental quality review of actions which may have a significant effect on the environment.

BE IT ENACTED by the Town Board of the Town of Duanesburg as follows:

Section 1. Definitions. (a) Unless otherwise noted, the words, terms and phrases used in this ordinance shall have the same meaning as those defined in Sec. 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

(b) "Town" shall mean the Town of Duanesburg.

(c) "Environment" means the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth and existing community or neighborhood character. (as defined in SEQR, Sec. 8-0105)

(d) "Type I Action" an action that is likely to require preparation of an environmental impact statement. (as described in 617.12 6 NYCRR)

(e) "Type II Action" an action which has been determined not to have a significant effect on the environment and which does not require an environmental impact statement. (as described in 617.12, 6 NYCRR)

Section II. Approval. No decision to carry out or approve an action other than an action listed in Sec. 3(b) hereof or Sec. 617.12 of 6 NYCRR as a type II action, shall be made by the Town Board or any department, board, officer or employee of the Town until there has been full compliance with all the requirements of this ordinance and Part 617 of Title 6 NYCRR.

Section III. Actions. (a) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in Sec. 617.12 of Title 6 NYCRR, are Type I actions:

1. Actions requiring approval of the Zoning Board of Appeals.
2. Construction of new highways by the Town Highway Department.
3. Actions of the Town Board initiating construction of new Town buildings.
4. Actions of the Town Board selecting and designating Town landfill sites.
5. Any facility, development or project which is to be directly located in the watershed of the Village of Delanson reservoirs.

(b) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in Sec. 617.12 of Title 6 NYCRR are Type II actions.

1. The sale or issuance by the Town Clerk of the following:

- DEC licenses
- Dog licenses
- Marriage licenses
- Death certificates
- Solicitors' permits
- Landfill permits

2. The issuance by the Town Building Inspector of the following:

- Building permits
- Septic permits
- Occupancy permits.

(c) Responsibility for environmental review of specified actions shall be designated to the appropriate departments or boards by resolution of the Town Board.

Section IV. Initial Determination. For the purpose of assisting in the determination of whether a Type I action may or will not have a significant effect on the environment, applicants for permits or other approval of Type I actions shall file a written statement with the appropriate department or board 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, the proposed action may or will not have a significant effect on the environment. The statement and

information shall be in whatever form desired by the appropriate department or board and may be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material so desired.

Section V. Determination. The appropriate department or board shall render to the applicant a written determination on such application for approval of a Type I action 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 appropriate department or board. The determination shall state whether such proposed action may or will not have a significant effect on the environment.

Section VI. No Significant Effect. If the appropriate department or board determines that the proposed action will not have a significant effect on the environment, the department or board shall prepare, file and circulate such determination as provided in Sec. 617.7(b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this Town ordinance.

Section VII. Significant Effect. If the appropriate department or board determines that the proposed action may have a significant effect on the environment, the department or board shall prepare, file and circulate such determination as provided in Sec. 617.7(b) of Title 6 NYCRR and thereafter the department or board shall:

(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.

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

If the applicant decides not to submit an environmental impact report, the department or 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 department or board may require the applicant to submit a fee to

defray the expense of preparing or reviewing an environmental impact statement. Such Fees shall be established by resolution of the Town Board.

Section VIII. Effective Date. This ordinance shall take effect immediately upon its filing in accordance with the provisions of Sec. 133 of the Town Law of the State of New York.