

Chapter 133

ENVIRONMENTAL QUALITY REVIEW

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[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville 6-7-1977 by L.L. No. 2-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 275.

§ 133-1. Definitions and word usage.

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meaning as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.
- B. The term “Village” shall mean the Village of St. Johnsville.

§ 133-2. Compliance required for Type II actions. ¹

No decision to carry out or approve an action other than an action listed in § 133-3B hereof or Section 617.5 of 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:

- 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

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- 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 chapter and Part 617 of Title 6 NYCRR have been fulfilled.

§ 133-3. Type I and Type II actions designated. ²

- A. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in section 617.4 of Title 6 NYCRR as Type I actions, are likely to have a significant effect on the environment:

(Reserved)

- B. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in section 617.5 of Title 6 NYCRR as Type II actions, are deemed NOT to have a significant effect on the environment, unless the action is new construction or an expansion by more than 50% of existing size, square footage or usage of existing land or structure:

(1) Construction and/or use.

- (a) Patching, repairing, surface treating, overlaying, sweeping, or replacing pavement or base courses, with asphalt, portland cement concrete, gravel or other materials, on any or all existing public highways and streets, and the repair, repaving, or maintenance of municipal parking lots or driveways.
- (b) All activities associated with the widening of existing substandard highways to modern widths, including the addition of acceleration or deceleration lanes or access ramps, but excluding the addition of new travel lanes, as long as such work is confined to the existing right-of-way.
- (c) The repair and maintenance, including alteration, of ditches along highway rights-of-way, and the maintenance, construction and reconstruction, size modification or repair or elimination of highway culverts, the installation of gutters, curbs, catch basins and the like, within highway rights-of-way.
- (d) Repair, maintenance, reconstruction, or replacement of highway bridges, including increases of the physical dimensions of the structure, provided that such work is performed on the existing right-of-way, and that the modifications are purely safety oriented, and do not significantly increase the vehicular capacity of the structure, and provided that in the case of projected streams, the work is done under a Memorandum of Understanding with the New York State DEC.
- (e) All functions connected with the daily normal operations of an existing municipally owned and operated blacktop plant, stone quarry, or gravel pit.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (f) Highway abandonments which are performed in compliance with the Highway Law.
 - (g) All on-site functions connected with the operation of existing municipally owned and state-approved solid waste disposal facilities.
 - (h) The construction, installation, and purchase of equipment for small, single or multiple container transfer facilities for the storage or collection of solid wastes, provided that the average quantity of refuse handled by the station is less than 25 tons per week.
 - (i) All functions connected with operating, maintaining, or replacing existing heating, cooling, lighting, or other essential utilities in existing public works buildings.
 - (j) All operations connected with the opening and closing of borrow areas for specific construction or maintenance activities, provided that no more than 10,000 cubic yards of material are removed from any one such borrow area.
- (2) Maintenance et al.
- (a) Snow removal operations on county and town highways, and public streets, highways, parking lots, walks, and around municipal buildings, including the use of sand for ice control thereon.
 - (b) Removal and trimming of trees and brush along highway rights-of-way, and disposal of removed material in approved areas.
 - (c) Mowing, policing, seeding, and otherwise maintaining existing roadside areas, including ditches, rest areas, and other such facilities, and cutting and reshaping of shoulders and backslopes, paving and repaving of shoulders within the right-of-way.
 - (d) The installation and maintenance, and removal or replacement of new or existing guide rails or delineators within the right-of-way.
 - (e) The repair, erection, operation, and maintenance of existing highway lighting.
 - (f) All operations connected with pavement marking, including center-line striping and edge-line striping and coding, and with the installation, construction and maintenance of traffic signs and road name signs along existing local highways.
 - (g) All municipal purchases of machinery and supplies.
 - (h) All operations connected with the maintenance of municipally owned fleet equipment.
 - (i) Conducting route surveys, soils investigation, property surveys, drainage surveys, traffic counts, origin and destination surveys, mapping operations, or the removal of material samples for testing, for any municipal purpose.

- (j) Hauling and transporting wastes and sludges in municipal vehicles.
- (k) Hauling and transporting construction materials or equipment.
- (l) All functions connected with the maintenance of lawns, trees, parking areas, etc., in the vicinity of public buildings.
- (m) All emergency public works functions.
- (n) All actions connected with the enforcement of implementation of the regulatory responsibilities associated with the position of County, City, Town, or Village Superintendent of Highways, such as the control of roadside dumping, and the elimination of safety hazards as prescribed under existing state law.

§ 133-4. Environmental Quality Review Commission.

- A. The Board of Trustees hereby creates and establishes an Environmental Quality Review Commission in order to carry out the provisions, intent and purposes of this chapter, as hereinafter set forth. Said Commission shall make monthly reports to the Board of Trustees when the Commission is in session.
- B. Said Commission shall consist of the following members, appointed by the Board of Trustees: the Mayor, as Chairman of the Commission; the Chairman of the Village Zoning Board of Appeals; the Superintendent of Public Works, and the Village Planning Board, and the Superintendent of the St. Johnsville Waste Water Treatment Plant.
- C. A practical engineer or other expert consultant may be appointed by the Mayor with the approval of the Board of Trustees, to serve the Commission when needed. Said expert consultant shall be paid a fee as and when authorized by the Board of Trustees.

§ 133-5. Filing of written statement.

- A. 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 Environmental Quality Review Commission 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. Simultaneously, a copy of the written statement, along with supporting documentation, shall be filed with the Montgomery County Department of Planning and Development.
- B. 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 herein shall be upon a form prescribed by resolution by the Environmental Quality Review Commission 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 Environmental Quality Review Commission (EQRC).

§ 133-6. Determination on application.

- A. The EQRC shall render a written determination on such application within 20 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 EQRC. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The EQRC 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
- 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.

§ 133-7. Fees.

Every application for determination under this chapter shall be accompanied by a reasonable fee to defray the expenses incurred in rendering such determination. The fees shall be as determined by resolution of the Village Board of Trustees.

§ 133-8. Filing of determination.⁴

- A. If the EQRC determines that the proposed action is not an exempt action, not an action listed in § 133-3B hereof or Section 617.5 of Title 6 NYCRR as a Type II action and that it will not have a significant effect on the environment, the EQRC shall prepare, file and circulate such determination as provided in Section 617.12 of Title 6 NYCRR and said determination shall be filed with the Montgomery County Department of Planning and Development; and thereafter, the proposed action may be processed without further regard to this chapter.
- B. If the EQRC determines that the proposed action may have a significant effect on the environment, the EQRC shall prepare, file and circulate such determination as provided in Section 617.12 of Title 6 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 NYCRR.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 133-9. Actions which may have significant effect on environment.

- A. Following a determination that a proposed action may have a significant effect on the environment, the EQRC shall, in accordance with the 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; or
 - (2) In the case of an action not involving an applicant, shall prepare a draft environmental impact statement.
- B. If the applicant decides not to submit an environmental impact report, the EQRC 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. A copy of said notification shall be filed with the Montgomery County Department of Planning and Development.
- C. If a draft and/or final environmental impact statement is prepared, consistent with Part 617.8 of Title 6 NYCRR, a copy of the notice of completion shall be filed with the Montgomery County Department of Planning and Development simultaneously with the filing with the Village Clerk. The EQRC may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined by resolution of the Village Board of Trustees, in accord with Section 617.7 of Title 6 NYCRR.⁵

§ 133-10. Involvement by more than one agency.⁶

Where more than one agency is involved in an action, the procedures of Sections 617.14 and 617.9 of Part 617 of Title 6 NYCRR shall be followed.

§ 133-11. Grandfathered actions.

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

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).