

CHAPTER 10

LOCAL LAW NO. 3 OF 2014

A LOCAL LAW ENTITLED  
ENVIRONMENTAL QUALITY REVIEW

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE  
OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to replace Local Law  
No. 1 of 1989, entitled Critical Environmental Areas and SEQRA  
Implementation.

SECTION 2. ENACTMENT.

A **Chapter 10 of the Village Code entitled Environmental  
Quality Review** is enacted, as follows:

**§ 10-1. Legislative Intent.**

The purpose of this Chapter 10, entitled an Environmental Quality  
Review Law, is to implement the provisions of the New York State  
Environmental Quality Review Act (Article 8, NY Environmental  
Conservation Law) and New York State Environmental Quality Review  
Regulations (6 NYCRR Part 617), thereby incorporating environmental  
factors into the existing planning and decision-making processes.

**§ 10-2. Definitions.**

A. As Set Forth Herein. As used in this Chapter 10,  
each of the following defined terms shall have the meaning  
indicated:

- (1) **EAF** environmental assessment form.
- (2) **EIS** environmental impact statement.
- (3) **lead agency** - that Village Entity or other  
governmental entity principally responsible for carrying out, funding  
or approving any action.

(4) **Type I action** - any action listed in Section 4 of Part 617.

(5) **Type II action** - any action listed in Section 5 of Part 617.

(6) **Village** - the Incorporated Village of Shoreham.

(7) **Village Board** - that board serving as the Village board of trustees.

(8) **Village Entity** - any agency, board, body, department or officer of the Village

B. Other Definitions. All other terms for which definitions are set forth in SEQRA and Part 617 shall be applicable to this Chapter 10.

C. Word Usage. Consideration of any action by a lead agency, or determination by any such agency related to any such action, shall be deemed to mean any such consideration or determination related to the carrying out, funding or approving of such action, as the case may be.

### § 10-3. Applicability.

Village Entities shall comply with the provisions of SEQRA, Part 617 and this Chapter 10, as applicable, when considering any action other than an exempt, or Type II, action.

### § 10-4. Lead Agency Designation.

The following pertains to the designation and responsibilities of lead agencies.

(1) The Village Board shall be the Village clearinghouse for lead agency designation. Said board shall make recommendations on the designation of lead agencies for particular actions, and shall assist such agencies, or applicants, as the case may be, in identifying federal, state and local agencies that may be involved in any application for a Type I or unlisted action.

(2) Where more than one lead agency is involved, the ultimate lead agency shall be determined and designated as provided in Section 6 of Part 617.

(3) The lead agency shall be responsible for determining whether an EIS shall be required and, if so required, for having same processed as provided in § 10-6 of this Chapter 10.

**§ 10-5. Environmental Assessment and Determination of Significance.**

The following pertains to the processing of EAFs, the determination of environmental significance and the submittal of applications.

(1) When a Type I action is being considered by a lead agency on behalf of the Village, a full EAF shall be submitted by said village. When an unlisted action is being considered on behalf of the Village, either a full or short-form EAF, as appropriate, shall be so submitted. The EAF forms in Appendices A, B and C of Part 617 shall be used as models for such submittals, but may be modified to meet the needs of particular cases. The final scope of such a modified EAF, however, shall be at least as comprehensive as that required by said forms.

(2) When a Type I or unlisted action is being considered, an EAF shall be submitted by such applicant. For Type I actions, a full EAF shall be submitted. For unlisted actions, either a full or short-form EAF shall be so submitted, as appropriate. Any applicant seeking consideration of any action may choose to submit a draft EIS in place of an EAF.

(3) The lead agency shall make a determination of the environmental significance of any action. Such determination shall be based on the EAF or, with respect to unlisted actions, its own procedures, as the case may be, and on such other information as such agency may require. The criteria stated in Section 7 of Part 617 shall also be considered by the lead agency in making a determination of significance. Such determination shall be made within (20) days of such agency's designation as lead agency, or within (20) days of such agency's receipt of all information required, whichever is later.

(4) For Type I actions, the lead agency shall give public notice and file a determination of nonsignificance as provided in Section 12 of Part 617. For unlisted actions, the lead agency shall send a determination of nonsignificance to the applicant and maintain records thereof in accordance with Sections 6, 7 and 12 of Part 617.

(5) If the lead agency makes a determination of nonsignificance, the subject action shall be processed without further regard to the provisions of SEQRA, Part 617 or this Chapter 10.

(6) The time of submitting an application for an action shall commence from the date the determination of environmental nonsignificance is made. If the applicant submitted a draft EIS in lieu of an EAF, the time of submitting an application shall commence from the date the lead agency accepts the draft EIS as adequate in scope and content, and commences the public comment period.

**§ 10-6. Environmental Impact Statement.**

The following pertains to the processing of EISs.

(1) If, based on review of any EAF and other information, the lead agency determines that the proposed action may be environmentally significant, then an EIS shall be required to be submitted by the applicant.

(2) If an EIS is required, the lead agency shall be required to proceed as provided in Sections 9, 11 and 12 of Part 617. A draft EIS shall be submitted by the applicant. If the applicant fails to do so or submits a draft EIS unacceptable to the lead agency, the lead agency may prepare a draft EIS, discontinue further processing until the applicant provides an acceptable draft EIS, or deem the application abandoned and discontinue review.

(3) If a public hearing is held on any draft EIS, same shall, whenever possible, be concurrent with any other hearing on the application.

**§ 10-7. Fees/Recovery of Costs.**

A fee shall be charged to the applicant for the review or preparation of any draft EIS, and scoping shall be considered part of the draft EIS for purposes of determining such fee. All costs actually incurred by the Village shall be recovered from the applicant. Such fee to do so shall be equal to the maximum allowable under Section 13 of Part 617. No agency shall have the authority to waive or modify such fee.

**§ 10-8. Critical Areas.**

Critical areas of environmental concern shall be designated, from time to time, by resolution of the Village Board in accordance with provisions of Section 14(g) of Part 617. Any critical areas lawfully designated prior to enactment of this Chapter 10 shall continue to be so designated absent adoption of an amendatory resolution.

§ 10-9. Severability.

If any provision of this Chapter 10 is ruled unconstitutional or invalid, said ruling shall not affect the validity of other provisions of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law. A copy of this local law must be filed with the Commissioner of the New York State Department of Environmental Conservation.

SECTION 4. REPEAL OF LOCAL LAW NO. 1 OF 1989.

Local Law No. 1 of 1989 is hereby repealed.

Dated: December 3, 2014

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,  
Village Clerk

Effective Date: December 23, 2014