TOWN of GREENBURGH

Local Law No.  /2011


§ 1. Enactment of Chapter 200 Entitled “ENVIRONMENTAL QUALITY REVIEW.”

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BE IT ENACTED by the Town Board of the Town of Greenburgh:

§ 1. Chapter 200 of the Code of the Town of Greenburgh is hereby repealed and replaced as follows:

CHAPTER 200. ENVIRONMENTAL QUALITY REVIEW

ARTICLE I. Introductory Provisions.

§ 200-1. Title.

This chapter shall be known as the "Town of Greenburgh Environmental Quality Review Law."

§ 200-2. Statutory authority.

This chapter is adopted pursuant to the New York Constitution Article IX, New York Municipal Home Rule Law §10, Article 8 (SEQR) of the New York Environmental Conservation Law, providing for environmental quality review of actions which may have a significant effect on the environment, and Part 617, the rules and regulations set forth in 6 NYCRR 617.

§ 200-3. Purpose.

The purpose of this chapter is to implement SEQR and Part 617 and to incorporate environmental factors in the existing planning and decision-making processes of the Town.

§ 200-4. Adoption of standards.

Except as otherwise expressly provided by this chapter, the regulations contained in 6 NYCRR 617 et seq. and any amendments thereto are hereby adopted.

ARTICLE II. General Provisions.

§ 200-5. Definitions.

The following terms and words are designated as "local definition":

DISTURBANCE - Removal of vegetation; excavation; or fill; or any combination thereof, including the conditions resulting from any excavation or fill that encompasses an area 500 square feet or greater.

ENVIRONMENTAL OFFICER - The Commissioner of CD & C or his/her designee, who shall assist the lead agencies in the Town by processing the paperwork for this
chapter and advising applicants for Town permits and approvals on compliance therewith. The Environmental Officer shall also:

A. Recommend amendments to this chapter, not inconsistent with 6 NYCRR 617.

B. Receive a copy of all reports, statements, forms and notices as may be required by this chapter.

C. Notify all applicants or Town agencies proposing any action of the procedures to be followed pursuant to this chapter and 6 NYCRR 617 and to serve in an administrative advisory capacity with respect to these procedures to any Town agency upon request.

D. Effect or cause to be effected the posting and publication requirements of 6 NYCRR 617.12.

SLOPE - As defined in the Code of the Town of Greenburgh § 245-3 Definitions.

ARTICLE III. Environmental Impact Procedure Fees.

§ 200-6. Fees.

A. Fee schedule. The fees for review or preparation of a DEIS and/or FEIS involving an applicant for approval or funding of an action shall be as set forth in Chapter 230, Fees, of the Code of the Town of Greenburgh. If the applicant prepares the DEIS and/or FEIS, the Town may charge a fee for actual expenses of reviewing it either in-house or by paid consultants. If a Town agency prepares a DEIS and/or an FEIS on behalf of an applicant, it may charge a fee for the cost of preparation, including publication of notices.

B. Consultation fee. The lead agency may also require an applicant to submit a fee to defray the expense to the CD & C of consulting with applicants on their DEIS or FEIS. Fees for these services are also set forth in Chapter 230 of the Code of the Town of Greenburgh.

ARTICLE IV. Type I Actions

§ 200-7. Local Type I actions.

Pursuant to 6 NYCRR 617.4(a)(2), the following areas within the Town are hereby designated as critical areas of environmental concern and are thereby deemed Type I actions, in addition to those set forth at § 617.4(a):

A. Freshwater wetlands, as defined in the Freshwater Wetlands Law of the Town of Greenburgh.
B. Floodplains, as defined in Article 36 of the Environmental Conservation Law.

C. Areas with slopes of 25% or greater, where disturbances of 500 square feet and greater would impact the same.

D. Tarrytown Lakes, watershed area.

§ 2. Severability.

If any clause, sentence paragraph, subdivision, section or part of this chapter or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. Supersession.

Pursuant to Municipal Home Rule Law § 22, this local law is intended to supersede any inconsistent provision of law.

§ 4. Effective date.

This local law shall become effective immediately upon filing with the Secretary of State.