

CHAPTER 1333
ENVIRONMENTAL QUALITY REVIEW

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1333.01 **PURPOSE**

It is the purpose of these regulations to assure that environmental considerations are incorporated early on in the planning and decision making process. It is further the purpose of these regulations to assure that the procedure for such incorporation of environmental factors is achieved in a manner consistent with the New York State Environmental Quality Review Act (SEQRA).

1333.02-1 **APPLICABILITY - PRIVATE SECTOR**

Simultaneously with the filing of an application for any zoning permits or approvals, there shall be an Environmental Assessment Form (EAF) filed with the Planning Board, unless these actions are Type II, excluded or exempt under SEQRA. Applicants may use standard New York State EAF's or forms provided by the Director of the Department of Environmental Services.

The EAF shall be accompanied by a fee in accordance with the fee schedule of the City of Niagara Falls.

1333.02-02 **APPLICABILITY - PUBLIC SECTOR**

All public agencies shall be required to file as EAF with the Planning Board for any action not specifically exempt, excluded, or listed as a Type II action.

Actions undertaken or approved prior to September 1, 1977, specified in Article 8 of the Environmental Conservation Law of the State of New York for local agencies, shall be exempt from these provisions, the provisions of Article 8 of the Environmental Conservation Law, and Part 617 of Title 6 NYCRR, provided however that if, after such date, the City Council, or appropriate department, board, commission, officer, employee, or any other public agency having jurisdiction, modifies said action, and the Planning Board determines that the modification may have a significant adverse effect on the environment, such modification shall be deemed an action subject to the Rules and Regulations herein.

No decision to carry out or approve an action, other than an exempt, excluded, or Type II action, shall be made by the City Council, or any department, board, commission, officer, or employee of the City, or by any public agency until there has been full

compliance with all requirements of this local law and Part 617 of Title 6 NYCRR, provided however, that nothing herein shall be construed as prohibiting:

- A. The conducting of environmental engineering, economic feasibility, or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action that does not commit the City to approve, commence, or engage in any such action; or,
- B. The engaging in review of any part of an application to determine compliance with technical specifications and requirements, provided that no such determination shall entitle or permit the applicant to commence this action until all requirements of this section and part 617 of Title 6 of NYCRR have been fulfilled.

1333.03 GENERAL REQUIREMENTS AND PROCEDURE

The Planning Board shall not approve any petition or application which shall have or is likely to have a significant effect on the environment, unless all State Environmental Quality Review steps have been satisfactorily completed and the project cleared.

No petition or application shall be placed on the agenda of the Planning Board without the completion of an Environmental Assessment Form on the subject project and a decision as to the environmental classification of the project being rendered by the Department of Environmental Services.

The Planning Board shall proceed in routine fashion with projects classified as exempt, as Class II, or as unclassified with no significant effect.

Projects requiring an Environmental Impact Statement will be reviewed by the Board on a preliminary basis pending the outcome of the Draft Environmental Impact Statement. The preliminary finding of the Board shall be reported to the applicant or petitioner but shall not be overturned by the Board for arbitrary or capricious reasons. The Board shall reverse its preliminary finding only as the result of the identification of environmental problems or factors developing during the preparation of the Draft Environmental Impact Statement. Such reasons for overturning a preliminary finding to recommend the approval of the project shall be entered into the official record of the proceedings.