

On motion of TRUSTEE Schmidt, seconded by TRUSTEE Gallelli, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York, with a vote of 5-0.

WHEREAS, actions subject to review under the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations fall into one of three categories: Type I, which are more likely to have significant adverse environmental impacts; Type II, which have been determined to not have a significant adverse environmental impact; and Unlisted, which are actions that are not Type I or Type II; and

WHEREAS, under section 617.5 of the SEQRA regulations, an agency may adopt its own list of Type II actions to supplement actions designated by the State Department of Environmental Conservation as Type II; and

WHEREAS, pursuant to section 617.5, the Village Board is considering a local law to amend Chapter 116 of the Village Code to designate additional actions as Type II (the “Draft Law”); and

WHEREAS, pursuant to section 617.5, the Zoning Board of Appeals, Planning Board, Village Engineer, and Police Chief, are also considering adopting their own lists of Type II actions; and

WHEREAS, the proposed adoption of the Draft Law by the Board of Trustees and proposed adoption of Type II lists by the Planning Board, Zoning Board of Appeals, Police Chief, and Village Engineer (the “Proposed Determinations”) constitute the Proposed Action; and

WHEREAS, on April 19, 2011 the Village Board took the following steps with respect to the Proposed Action:

1. Determined that the Proposed Action is an Unlisted action;
2. Declared its intent to be the Lead Agency for SEQRA purposes;
3. Issued the EAF;
4. Issued the Coastal Assessment Form;
5. Authorized the circulation of the Draft Law, the Proposed Determinations, the EAF, and the Coastal Assessment Form (the “Proposed Action Documents”) to all involved agencies;
6. Referred the Proposed Action Documents to the Village Waterfront Advisory Committee (the “WAC”) for a recommendation back to the Village Board in accordance with Village Law;
7. Referred the Proposed Action Documents to the Westchester County Planning Board/Planning Department for review in accordance with law; and

WHEREAS, on May 3, 2011 the WAC issued its preliminary recommendation of consistency with a recommendation to broaden the language related to “radio communication or microwave

transmission facilities” to take into consideration future radio, television, telephone, or electronic communication developments; and

WHEREAS, in its memo to the Village Board of Trustees dated May 13, 2011, the Zoning Board recommended adoption of the proposed additions to the Type II list that are within its jurisdiction, and suggested that requests for an extension of an expiration date of a special permit also be designated as Type II and included in the Type II list; and

WHEREAS, the Village Engineer reviewed the proposed additions to the Type II list that are within his jurisdiction and recommended eliminating three of these additions; and

WHEREAS, the EAF, CAF, Draft Law, and Proposed Determinations have been revised to reflect the recommended changes to the proposed Type II lists; and

WHEREAS, on July 11, 2011 the Village Board took the following steps with respect to the Proposed Action:

1. Authorized the recirculation of the Draft Law, the Proposed Determinations, the revised EAF, and the revised Coastal Assessment Form (the “Proposed Action Revised Documents”) to all involved agencies;
2. Referred the Proposed Action Revised Documents to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village Law;
3. Referred the Proposed Action Revised Documents to the Westchester County Planning Board/Planning Department for review in accordance with law;
4. Directed Village staff to make any other circulations and notifications regarding the Proposed Action as may be required by law; and

WHEREAS, on July 18, 2011 the Waterfront Advisory Committee issued its preliminary recommendation of consistency; and

WHEREAS, on July 26, 2011 the Planning Board recommended approval of the Proposed Action; and

WHEREAS, as part of its review of the potential environmental impacts of the Proposed Action, the Board of Trustees asked the Village Engineer to review the Village’s records and gather specific information on the historical treatment of the proposed additions to the Type II list, and

WHEREAS, the Village Engineer’s historical research confirmed that throughout the many years reviewed, the proposed additions were found to have no significant adverse impact on the environment, in part due to the nature of the action and, in part, due to the breadth of existing Village regulation; and

WHEREAS, the Board of Trustees has evaluated the Proposed Action’s potential impacts using the criteria for determining significance set forth in the SEQRA implementing regulations; and

WHEREAS, the Board of Trustees has before it a Draft Negative Declaration regarding the Proposed Action,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby determines that the Proposed Action will not have a significant adverse impact on the environment and adopts and issues the Negative Declaration (Notice of Determination of Non-Significance) for the reasons set forth therein;
2. The Village Board refers the Draft Law, the Proposed Determinations, the EAF and the Coastal Assessment Form to the Village Waterfront Advisory Committee for a final review of consistency;
3. The Village Board calls for a Public Hearing at 8 pm on November 7, 2011 to be held in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider the adoption of Local Law Introductory No. 2 of 2011 to amend Chapter 116 to supplement the list of Type II actions designated in the New York State Environmental Quality Review Act regulations; and
4. The Village Board hereby directs that the Negative Declaration be filed, published and circulated in accordance with applicable laws and regulations.

Dated: October 17, 2011