

VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NY

Resolution No: \_\_\_\_\_ of 2022

December 14, 2022

**Intent to Declare Lead Agency and Determination of Significance in accordance with the State Environmental Quality Review Act (SEQRA)  
Local Law No. 3 of 2022 Amending Zoning Law to Establish a New Section 230-75 Setting Forth the Rules and Regulations to apply to Outdoor Dining on Village sidewalks  
Unlisted Action**

**WHEREAS**, the Village of Millbrook Village Board (“Village Board”) has determined it is in the best interest of the Village to enact a Local Law to allow restaurants located in the Village to provide outdoor dining on the adjacent Village sidewalk and to impose regulations to ensure the safety, attractiveness, and convenience of such Village sidewalks is maintained for diners and pedestrians. (the “Project”); and,

**WHEREAS**, the action of amending the Village Zoning Law to allow restaurants located in the Village to provide outdoor dining on the adjacent Village sidewalk and to impose regulations to ensure the safety, attractiveness, and convenience of such Village sidewalks is maintained for diners and pedestrians is an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”); and,

**WHEREAS**, the Short Environmental Assessment Form (EAF) has been completed by the Village; and now,

**THEREFORE, BE IT RESOLVED:**

1. The Village Board shall act as lead agency for the environmental review of the Project.
2. The Village Board finds that the Project will not have a significant adverse impact on the environment for reasons stated in Part 3 of the Short EAF and the attached determination of significance.
3. The Village Mayor is hereby authorized and directed to sign Part 3 of the Short EAF indicating thereon that an Environmental Impact Statement will not be prepared and that a Negative Declaration is issued.
4. This resolution shall take effect immediately.

Motion offered by: \_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Village Mayor Tim Collopy

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Deputy Mayor Vicky Contino  
Trustee Michael Herzog:  
Trustee Buffy Arbogast:  
Trustee Peter Doro:

Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_

I certify that the above resolution adopted by the Village of Millbrook Village Board on December 14, 2022 is a true and correct transcript of the original now on file in this office.

---

Sarah Witt  
Village of Millbrook Village Clerk

**State Environmental Quality Review (SEQR)**

**NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Village of Millbrook Village Board, as lead agency, has determined that the proposed action described below **will not** have a significant effect on the environment and that an Environmental Impact Statement will not be prepared.

**DATE:** December 14, 2022  
**NAME OF ACTION:** Local Law No. 3 of 2022  
**LOCATION:** Village of Millbrook  
Dutchess County  
**SEQR STATUS:** Unlisted Action  
**LEAD AGENCY:** Village of Millbrook Village Board  
**CONTACT PERSON:** Tim Collopy, Village Mayor, Village of Millbrook

**DESCRIPTION OF ACTION:**

A Local Law Amending Article X of Chapter 230 of the Village Code to Establish a New Section 230-75 Setting Forth the Rules and Regulations to apply to Outdoor Dining on Village sidewalks.

**REASONS SUPPORTING THIS DETERMINATION:**

The Village Board has reviewed the Short Environmental Assessment Form (SEAF) and the criteria contained in 6 NYCRR §617.7 and has determined that the Action will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the Village Board has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Village Board has:
  - 1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
  - 2. Reviewed the SEAF, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
  - 3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
  - 4. Set forth herein its written Finding of No Significant Environmental Impact.

- C. The Village Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:
1. Air quality, ground or surface water quality or quantity, traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems;
  2. Removal or destruction of large quantities of vegetation or fauna, interference with migration fish or wildlife, impacts to special habitats, impacts to threatened or endangered species, or any other impacts to natural resources;
  3. Impairment of Critical Environmental Areas;
  4. Conflicts with currently adopted community plans and goals;
  5. Impairment of important historical, archeological, or aesthetic resources or community character;
  6. Major change in use or type of energy;
  7. Creation of a human health hazard;
  8. Substantial change in use or intensity of use of land including agricultural land, open space or recreational resources;
  9. Encouraging a population increase;
  10. Creation of a material demand for other actions resulting in above consequences;
  11. Changes in two or more elements of the environment that combined have a substantial adverse impact on the environment;
  12. Two or more related actions undertaken, funded or approved by an agency that combined have a significant effect on the environment.
- D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.
- E. 617.7(c)(3) – The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

**Based on this review, the Village of Millbrook Village Board has determined that no significant adverse environmental impacts would result from this Action.**