

## **RULE TEXT**

### **(19 NYCRR Part 1263)**

**Part 1263 of Title 19 of the NYCRR is repealed and a new Part 1263 is added to read as follows:**

#### **Part 1263 Implementation of State Environmental Quality Review Act**

##### **Section 1263.1 Purpose.**

Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) was adopted to implement the provisions of the State Environmental Quality Review Act (SEQRA). This Part is adopted pursuant to subdivision (3) of section 8-0113 of the Environmental Conservation Law which authorizes agencies to adopt and publish such additional procedures as may be necessary for implementation by them of State Environmental Quality Review (SEQR), consistent with the statewide rules and regulations (6 NYCRR Part 617) adopted by the Commissioner of Environmental Conservation pursuant to subdivision (1) of section 8-0113 of the Environmental Conservation Law.

##### **Section 1263.2 Definitions.**

(a) Unless otherwise expressly stated, for the purposes of this Part, the following terms shall be deemed to have the meanings set forth in 6 NYCRR Part 617:

(1) *Actions.*

(2) *Environmental Impact Statement.*

(3) *Type I action.*

(4) *Type II action.*

(b) For the purposes of this Part, the following additional terms shall be deemed to have the meanings set forth in this subdivision:

(1) *Boards of Review*. The Regional Boards of Review established by the Secretary of State pursuant to 19 NYCRR Part 1205.

(2) *Code Council*. The State Fire Prevention and Building Code Council established pursuant to article 18 of the Executive Law.

(3) *Department*. The New York State Department of State.

(4) *Energy Code*. The New York State Energy Conservation Construction Code, Subchapter B of Chapter XXXIII of this Title, adopted pursuant to article 11 of the Energy Law.

(5) *Secretary*. The New York State Secretary of State, or their designee.

(6) *Uniform Code*. The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of this Title, adopted pursuant to article 18 of the Executive Law.

### **Section 1263.3 Applicability.**

The provisions of 6 NYCRR Part 617 and this Part shall be applicable to actions of the boards of review, the code council, the department, and the secretary.

### **Section 1263.4 List of actions.**

(a) The purpose of this section is to assist with the task of determining whether a proposed action may have a significant effect on the environment by identifying actions that are likely to have a significant effect and those that will not have a significant effect. Due to the complex and varied nature of the actions of the boards of review, the code council, the department, and the secretary, the list in this section is not all inclusive. The

omission from the list of an action does not mean that it is exempt from this Part, nor does it mean that it is automatically an action requiring the preparation of an environmental impact statement.

(b) The criteria set forth in 6 NYCRR section 617.7 shall be used to determine significance with respect to actions not listed in this section.

(c) List.

(1) Type I actions are listed in 6 NYCRR section 617.4.

(2) The State-wide Type II list of actions is set forth in 6 NYCRR section 617.5. This list supplements the State-wide list of actions pursuant to 6 NYCRR section 617.5(b). Pursuant to 6 NYCRR section 617.5(b), the department has determined that the following actions would not have a potentially significant adverse impact on the environment and are not Type I actions listed in 6 NYCRR section 617.4, and therefore are not subject to further review under article 8 of the Environmental Conservation Law:

(i) Amendments to the Uniform Code in relation to any of the State-wide Type II list of actions set forth in 6 NYCRR section 617.5(c);

(ii) Amendments to the Energy Code in relation to any of the State-wide Type II list of actions set forth in 6 NYCRR section 617.5(c);

(iii) Uniform Code routine case variance decisions issued by the department pursuant to 19 NYCRR Part 1205;

(iv) Uniform Code variance decisions issued by the boards of review, if any of the following conditions are applicable:

(a) construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings;

(b) construction relating to an existing building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet; or

(c) construction relating to a new building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet; and

(v) Energy Code variance decisions issued by the secretary pursuant to section 11-106 of the Energy Law, if any of the following conditions are applicable:

(a) construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings;

(b) construction relating to an existing building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet; or

(c) construction relating to a new building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet.