



**Kingston Conservation Advisory Council  
Kingston City Hall  
420 Broadway Kingston NY 12401**

March 5, 2026

The Honorable Steven T. Noble, Mayor of the City of Kingston  
Bartek Starodaj, Director of Housing Initiatives  
Suzanne Cahill, Director of Planning  
Kingston City Hall  
420 Broadway Kingston NY 12401

Via email to: [mayor@kingston-ny.gov](mailto:mayor@kingston-ny.gov), [bstarodaj@kingston-ny.gov](mailto:bstarodaj@kingston-ny.gov), [scahill@kingston-ny.gov](mailto:scahill@kingston-ny.gov)

RE: 2027 NYS Budget Proposed SEQRA Changes

Dear Mayor Noble, Mr. Starodaj, and Ms. Cahill:

Herewith please find comments from the Kingston Conservation Advisory Council concerning the proposed changes to the State Environmental Quality Review Act (SEQRA) in the Governor's proposed budget for your consideration in your review of Governor Hochul's proposed budget.

We support certain changes to SEQRA, including:

- Time limits to move the SEQRA process forward, so long as there are no automatic approvals;
- Generally expanding the list of exempt actions to include affordable housing developments and other projects on disturbed parcels;
- Promoting the incorporation of green infrastructure into development projects;

However, we believe that the following topics in the proposed budget (S 9008; A 10008), need re-consideration and revision to avoid unintended consequences.

**1. The legislation must be specific to the development of affordable housing units.** Although the Governor's messaging frames these proposed changes as addressing affordable housing, the proposal applies to housing generally without mention of affordable housing and includes no affordability requirements. A clear and appropriate definition of "affordable housing" should be included within the SEQRA proposal.

**2. Previously disturbed sites:** The current definition of "previously disturbed site" is overbroad and risks incentivizing development on land that currently provides critical ecosystem functions, including habitat, stormwater management, and flood mitigation. Clarification is needed to ensure that an exemption from SEQRA only applies to development occurring solely on the disturbed portion of the parcel. The definition of previously disturbed site does not adequately address situations where a parcel is partially developed.

**3. SEQRA exemption thresholds outside NYC:** Outside New York City, the SEQRA exemption threshold would increase from three residential units to up to 100 units. This represents a large expansion of exempt development for communities in the Hudson Valley including Kingston while it may possibly

be too low for communities with higher populations such as Buffalo, Rochester, Syracuse, Albany, Yonkers and some downstate areas in Long Island, Rockland and Westchester Counties. Such exemption should be tiered to create developments that are appropriate for communities of varying sizes and needs, which could be accomplished by basing development thresholds based on population.

**4. Types of non-residential uses permitted.** Mixed-use projects are permitted without limits on the types of non-residential uses allowed or any requirement that residential and non-residential uses be co-located within the same structure. Without clarification in the text, a developer could propose non-residential uses in one building and housing in separate structures all incorporated as one project exempt from SEQRA.

**5. Capacity limitations for existing water and sewer systems.** The legislation does not require evaluation of existing community and public water and sewer system capacity before permitting new connections.

**6. Contaminated sites:** Projects to be located on or near contaminated lands are proposed to proceed without environmental review, posing possible otherwise avoidable public health risks and potential long-term liability for communities.

**7. Zoning compliance:** While zoning compliance is indicated in the Governor's messaging, the proposed text fails to include language to this effect. This opens up questions on site plan reviews and site plan permitting by the planning board and department under the form based code as well as coordinating other required permitting for SEQRA exempt projects without a lead agency, that need to be clarified.

**8. Vulnerable areas and agricultural land:** Streamlined development should not be permitted in physically vulnerable areas such as floodplains and erosion-prone areas outside of floodplains such as steep slopes. The text uses the FEMA Designated 100-year Floodplain definition which may result in housing built in vulnerable places as their definition and mapping may need to be updated. The reference to "maintained lawns or other non-vegetated maintained areas" in the proposed text could unintentionally open vulnerable areas to development that should be given SEQRA review. The definition of "previously disturbed site" should be amended to remove the reference to maintained lawns or other non-vegetated maintained areas. Further, agricultural land should not be exempt, since agricultural land is vitally important to New York State.

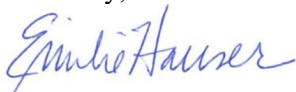
**9. Timelines:** The timeline for review, which is important to provide certainty regarding development, could also have the unintended consequence of developers waiting out the clock to avoid environmental review.

**10. Sprawl:** Smart growth principles are encouraged with respect to new development to reduce the risk of sprawl.

We support accelerating affordable housing development while preserving SEQRA's core role in protecting the environment, natural resources and public health. With focused revisions as indicated herein, the proposed SEQRA exemptions could help expedite appropriate housing projects without undermining environmental protections or local planning objectives. We suggest that the Governor be encouraged to work with environmental, housing, and local government stakeholders to refine this proposed legislation so that it promotes affordability, smart growth, and sustainable development across New York State.

Thank you for your consideration.

Yours truly,



Emilie Hauser, Chair, Conservation Advisory Council