

City of Kingston

Common Council

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March 27, 2026

Governor Kathy Hochul
Executive Chamber of New York State
919 3rd Avenue
New York, NY 10022

Via email: Governor.Hochul@exec.ny.gov

Re: Comments on the Executive Budget Proposal Amending the State Environmental Quality Review Act

Dear Governor Hochul,

The Kingston Common Council appreciates the State's ongoing efforts to address New York's housing shortage and recognizes the importance of facilitating housing development in existing urban communities such as Kingston. As the State considers amendments to the New York State Environmental Quality Review Act (SEQRA) through the Executive Budget (Part R)¹, we write to share several concerns and recommendations to help maintain the environmental protections that communities rely upon while supporting responsible housing growth.

¹ [FY 2027 NYS Executive Budget](#)

On March 5, the Kingston Conservation Advisory Council (CAC) submitted a letter to the City of Kingston’s “Mayor, Sustainability Coordinator, and Housing Director” outlining concerns regarding the proposed SEQRA changes. The CAC raised significant issues related to the proposed 100-unit threshold and definitions of affordable housing and mixed-use development, among others. We share these concerns and are including their letter along with ours for your reference.

The Council shares the State’s goal of encouraging appropriately sited housing development and recognizes that cities and urban centers are important places to accommodate growth. At the same time, Kingston’s experience as a historic Hudson River city emphasizes the importance of maintaining a careful and transparent environmental review process.

SEQRA has long served as New York’s primary mechanism for evaluating potential environmental, infrastructure, and public health impacts before development proceeds. It is also the only process that requires mitigation measures to be incorporated into project design when significant impacts are identified. For municipalities such as Kingston—located along the Hudson River and containing flood-prone areas, wetlands, and former industrial lands—this review process remains an essential tool for protecting environmental resources, public health and ensuring development is compatible with local conditions.

Kingston also plays an important role in regional drinking water protection along the Hudson River. Communities throughout the mid-Hudson valley rely on the river as a drinking water source, making careful review of development proposals near waterways and sensitive environmental areas particularly important. Maintaining strong environmental review processes helps safeguard water quality or long-term environmental health.

The City of Kingston has already taken significant steps to encourage appropriate infill development through the adoption of a form-based zoning code, which promotes compact, mixed use, walkable neighborhoods and allows housing in many locations where traditional zoning might have restricted it. While this approach facilitates development and encourages the types of projects the State seeks to promote, form-based zoning primarily regulates building form and urban design rather than environmental conditions. As a result, SEQRA continues to play an important role in evaluating site-specific environmental considerations such as flood risk and impacts to nearby natural resources.

While we understand the intent behind proposals to streamline environmental review for certain housing developments, we believe several aspects of the legislation require clarification and refinement to avoid unintended consequences.

Clear Definition of “Previously Disturbed Land.” The proposed exemption relies heavily on development occurring on “previously disturbed” sites, yet the legislation does not clearly define this term. Without a precise definition, development could extend beyond genuinely disturbed areas into adjacent natural or environmentally sensitive portions of parcels. Kingston contains many sites where historic industrial activity occurred alongside wetlands or undeveloped areas. Any exemption should clearly limit construction to the portions of a site that are demonstrably disturbed, such as existing building footprints or impervious surfaces.

Clarification of Eligible Mixed-Use Development. The legislation contemplates exemptions for certain mixed-use developments. While mixed-use projects can support walkable communities and smart growth, clear parameters are needed to ensure that exemptions are applied appropriately. Given that Kingston already promotes mixed-use development through its form-based code, SEQRA review remains an important safeguard to evaluate environmental impacts that zoning regulations alone do not address. The Governor’s proposal includes exemptions for mixed-use projects without limiting the types of non-residential uses allowed or requiring 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.

Protection of Environmentally Sensitive Areas. SEQRA’s core purpose is to identify environmental risks before development proceeds. The legislation should explicitly safeguard environmentally sensitive areas from exemptions, including wetlands, coastal areas, riparian areas or lands affecting drinking water resources. Without such safeguards, sensitive lands could become vulnerable to development without adequate environmental review.

Tiered Exemptions Based on Community Size. 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 100 units may be too few for communities with higher populations, such as Buffalo, Rochester, Syracuse, Albany, Yonkers and some downstate areas in Long Island, Rockland and Westchester Counties, 100 unit developments may be too large for many other communities. The Governor’s proposed exemptions should be tiered to create developments that are appropriate for communities of varying sizes and needs, which could be accomplished by basing development thresholds on population. A one size fits all approach to non-NYC communities could have significant impacts on infrastructure, open space, and community impacts in rural towns and villages.

Promoting Development in Urban Areas. Language is needed to encourage high-density housing developments located in census-designated urban areas. The Governor’s proposal fails to adequately guide development towards these urban areas. The development of compact,

mixed-use projects in urban areas creates sustainable and walkable communities. Our urban areas and disturbed sites are appropriate locations for larger scale developments.

Capacity Analysis for Existing Water and Sewer Systems. The legislation requires all exempt developments to connect to existing community or public water and sewerage systems at the commencement of habitation; however, the proposed amendments do not require an evaluation of whether the existing community or public water and sewer system has capacity to serve the completed development without causing system overload, water quality degradation, or violations of applicable regulatory requirements. Many systems in the state are already operating at or beyond capacity. The City of Kingston supports efforts to encourage responsible housing development and recognizes the importance of reducing unnecessary delays where projects have minimal environmental impact. However, any modernization of SEQRA should be carefully structured so that exemptions are clearly defined and do not inadvertently weaken the environmental protections that have long safeguarded communities across New York.

We respectfully urge you to work with the Legislature to refine the proposed legislation to provide clear definitions, maintain protections, ensure that development exemptions apply only to truly disturbed sites, prohibit development on contaminated sites that have not been properly remediated, and protect environmentally sensitive areas. With these improvements, the State can advance both housing goals and environmental protection in a balanced and durable way.

Thank you for your consideration of these comments.

Sincerely,

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