



The Future of Environmental Review in NYS – What It Means for Local Communities

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The State Environmental Quality Review Act (SEQRA)

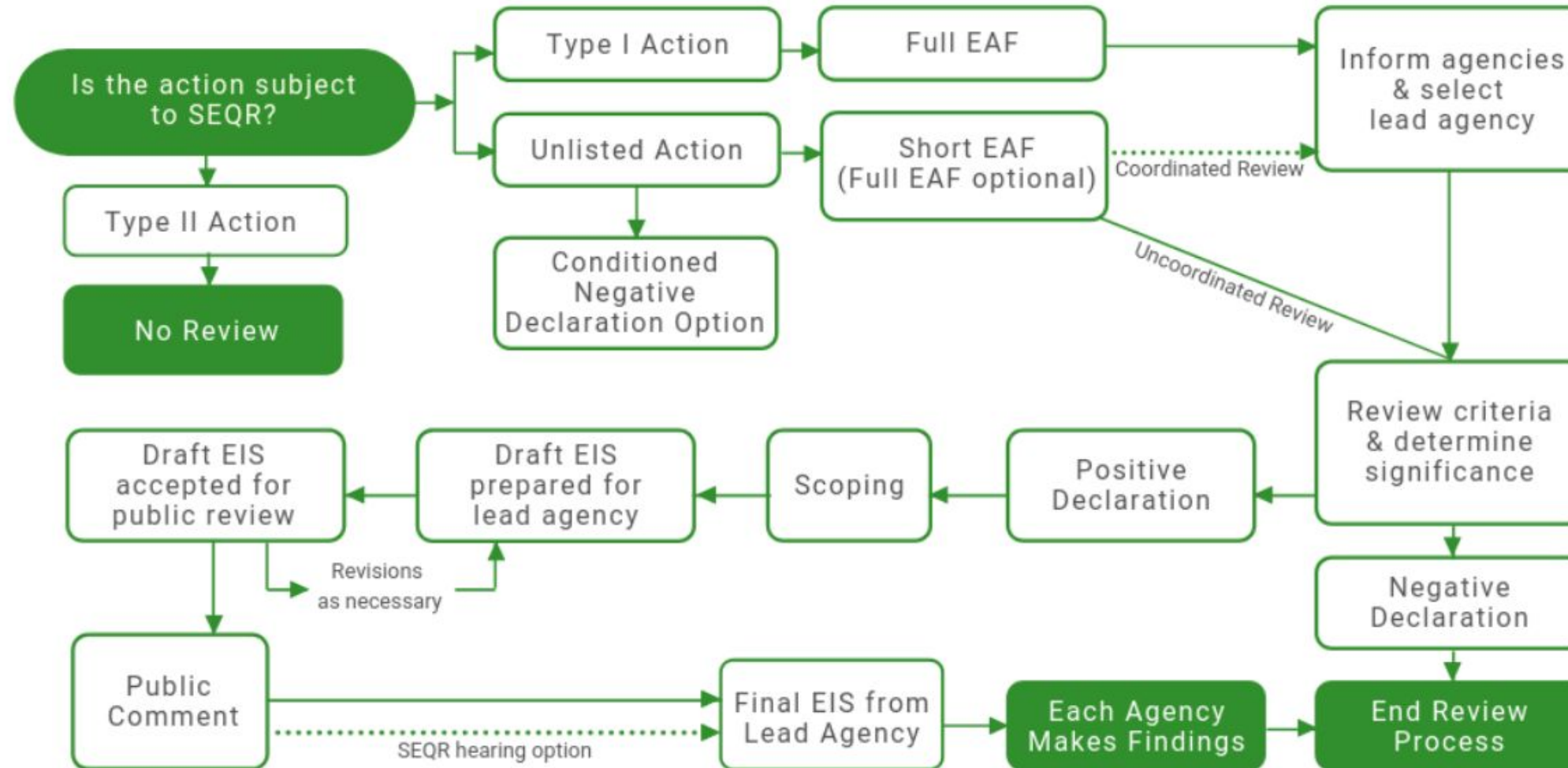
The Goal of SEQR

- Avoid or limit possible negative impacts on the environment from proposed actions
- Require equal consideration to environmental protection, human and community resources and economic factors.
- Provide a way for agencies to look closely at the possible environmental impacts of a proposed action.
- Create opportunity for public input

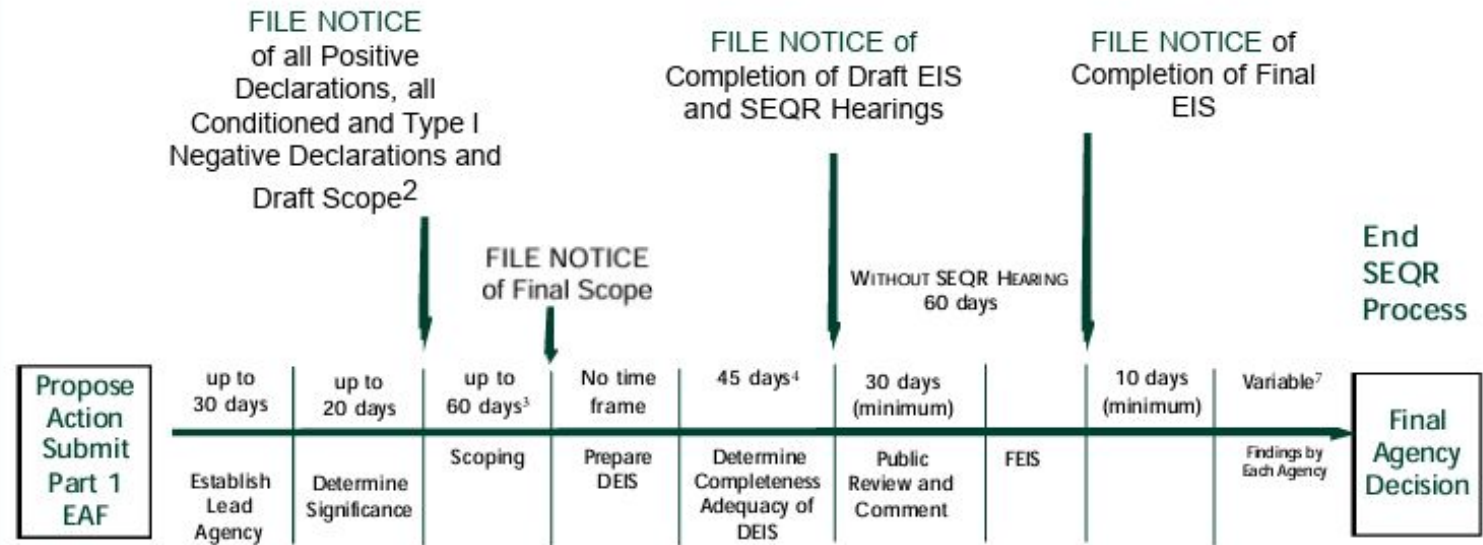




SEQRA FLOW CHART



SEQR TIME FRAMES¹



Footnotes

1-All time frames may be extended by mutual consent of involved parties.

2-No time frame required for submittal of a draft scope. The lead agency will send notice of the draft scope to the ENB when it receives it from the sponsor.

3-Time clock starts with submission of draft scope by applicant

4-Thirty days resubmitted DEIS

5-Publish hearing in general circulation newspaper at least 14 days before a public hearing. The hearing may commence on the 15th day.

6-Public comment must remain open until 10 days after the close of hearing.

7-When applicant is involved, lead agency findings and decisions must be made within 30 days of filing the FEIS; otherwise, findings not required until an agency must make a decision on final action.

IF SEQR HEARINGS HELD

15 days ⁵ (maximum)	No Time Frame	45 days (maximum)
60 days (maximum)	Hearing	Hearing

Public Comment Period⁶

Type II Actions - 6 NYCRR§ 617.5

- Construction or expansion of a single-family home on an approved lot
- Construction or expansion of a two-family home on an approved lot
- Construction or expansion of a three-family residence on an approved lot
- Construction of necessary utility connections and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith

Type I Action - 6 NYCRR § 617.4

- Construction of **10** new residential units in municipalities that have not adopted zoning or subdivision regulations;
- Construction of **50** new residential units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- In a city, town or village having a population of 150,000 persons or less, construction of **200** new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- In a city, town or village having a population of greater than 150,000 persons but less than 1,000,000 persons, **500** new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
- In a city or town having a population of 1,000,000 or more persons, **1000** new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

Pending Draft Regulations

- On January 29, 2025 DEC released amendments to the SEQRA regulations
- The public comment period closed on May 7, 2025
- Added certain multifamily housing developments to the Type II list of actions
 - Construction of a building with four or more dwelling units including provision of necessary utility connections and conveyance of land, under the following conditions
 - the gross floor area of the building does not exceed 10,000 square feet;
 - the building is constructed on an approved lot;
 - the building will be connected (at the commencement of habitation) to existing public water and sewerage systems; and
 - the use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and subject to site plan review.
 - Construction or rehabilitation of appurtenant structures in connection with the list above, including sidewalks, parking areas, playgrounds, and landscaping





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The Governor's Proposal

Cutting Red Tape for Localities That Want to Build



Shorter timelines

Updates to state law will help speed up environmental reviews for eligible housing and critical infrastructure across the state.



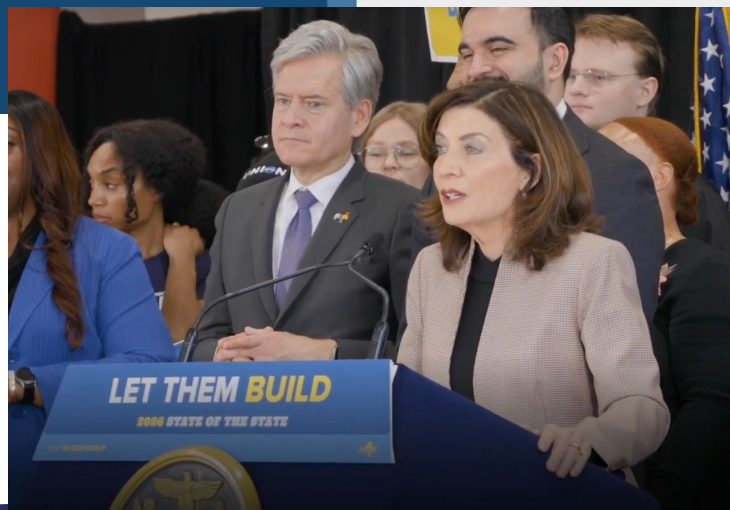
Lower costs

Faster reviews and clearer timelines means localities can get development moving faster, businesses can get workers on the job, and New Yorkers can save money.

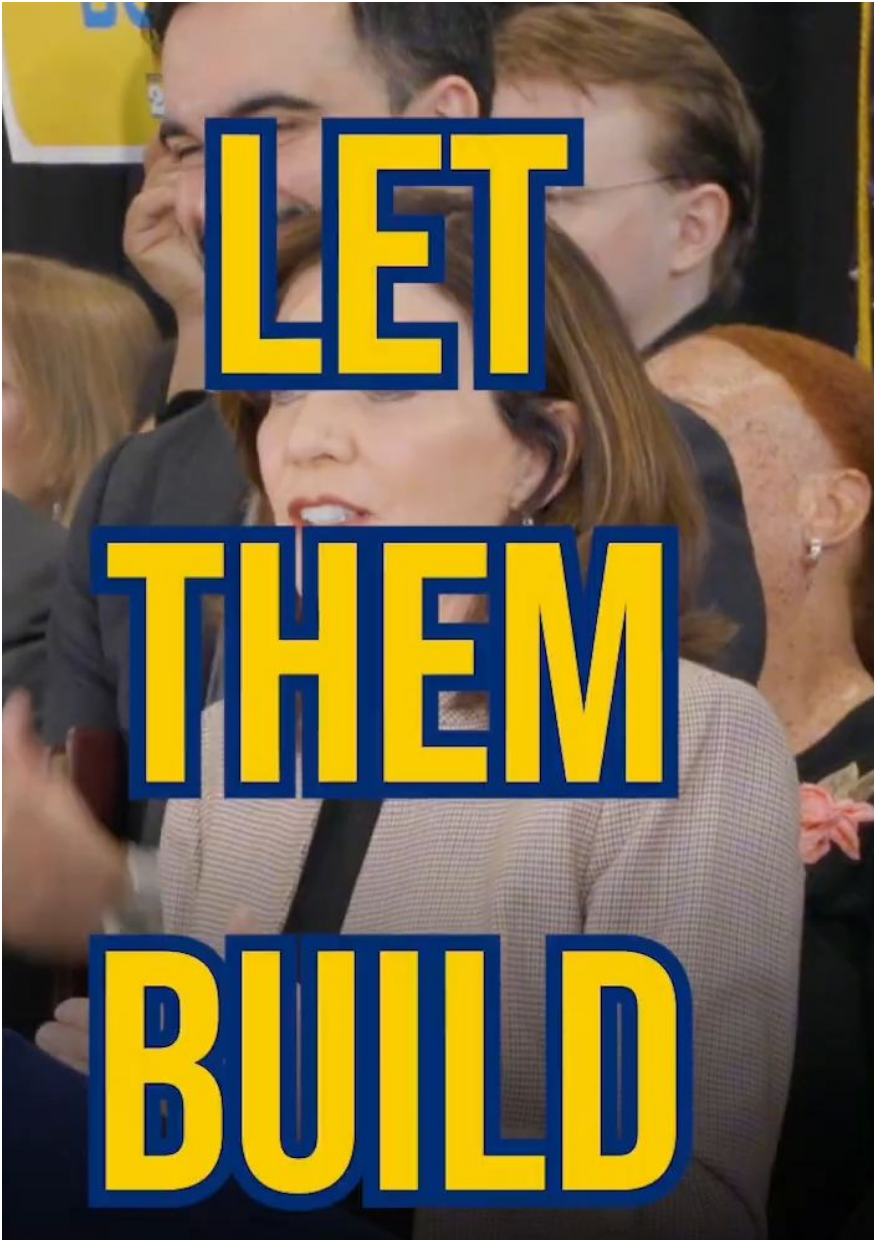


More housing

Delays caused by unnecessary red tape result in fewer new homes and higher housing costs. Building more homes helps make housing more affordable.



Executive Budget Proposal on SEQRA



New Exemptions in NYC	New Exemptions Outside NYC
<p>In New York City, actions involving housing are exempt from SEQRA review if such actions (a) are not located within a coastal flooding area; (b) are not located within an area zoned exclusively for industrial uses; (c) for mixed-use projects, such projects do not contain more than 50,000 square feet of non-residential uses; and (d) such projects do not exceed 250 dwelling units or 500 dwelling units in medium or high-density residential or mixed-used districts.</p>	<p>For municipalities located outside the City, actions involving housing are exempt from SEQRA review if such actions: (a) are connected to existing community or public water and sewerage systems at the commencement of habitation; (b) are located at a previously disturbed site; (c) for mixed-use projects, contain no more than 50,000 square feet of non-residential uses or 20% non-residential uses by gross floor area, whichever is less; and (d) do not exceed 100 dwelling units.</p>

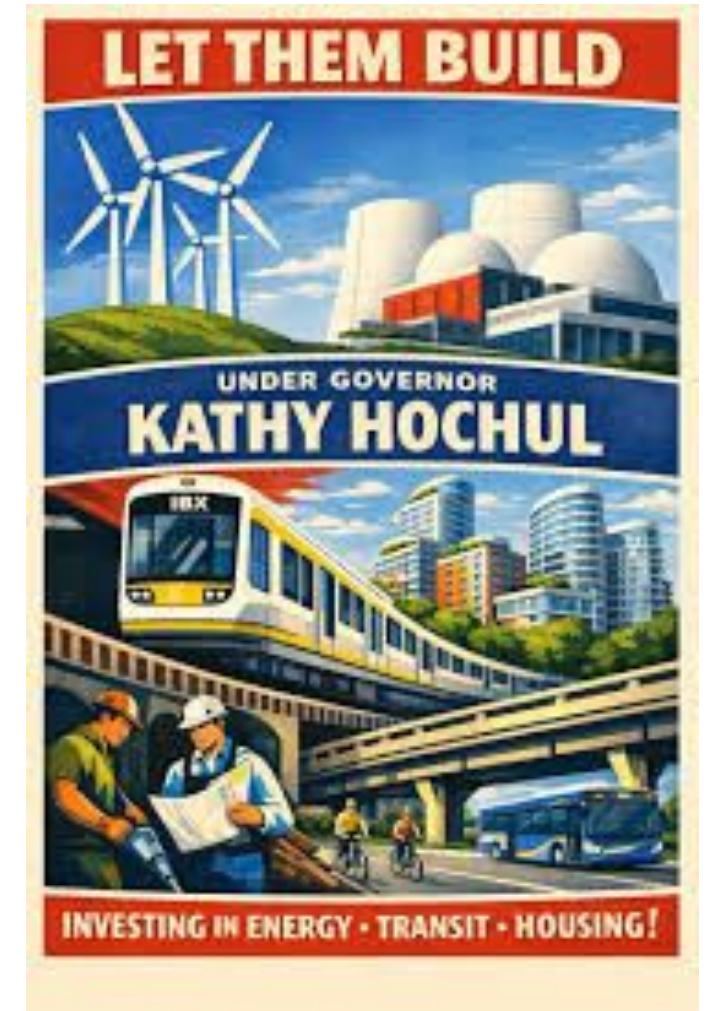
Definition of Previously Disturbed Site

- "Previously disturbed site" means a parcel of land that:
 - has been developed prior to two years before the application for a permit or authorization for an action;
 - is substantially altered by one or more of the following uses or a combination thereof, whether currently in use, abandoned, or demolished: buildings or structures, impervious surfaces, maintained lawns or other non-vegetated maintained areas, or public infrastructure utilities;
 - is not located in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain; and
 - has not been used for agricultural purposes within three of the last five years before the application for a permit or authorization for an action.



Key Areas of Concern

- The definition of “previously disturbed site” is far too broad
- Exempting development in NYC located in the FEMA 100 year floodplain is dangerous
- The legislation fails to identify appropriate non-residential uses
- No affordability requirement
- No review of capacity limitations for existing water and sewer
- Exemptions apply to projects on contaminated sites
- No requirement that projects be zoning compliant
- Fails to encourage development in urban areas
- No requirement to limit sprawl and create clustered developments
- Exemptions outside NYC fail are not appropriate scaled and fail to consider community size, infrastructure and land-use controls





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Senate Proposal

Senate Proposal on SEQRA

- Exempt actions for construction of residential dwellings. These exemption categories include new multiple dwelling or more than one contiguous multiple dwellings, and associated building permits, variances, subdivision approvals, site plan approvals, and zoning text amendments.
- Exemption Thresholds:

Population of City, Town or Village	Units Exempt	Zoning and Subdivision Regulations Required	Hook up Required to Community or Public Water and Sewerage Systems	Commercial or Community Facility Use Permitted (can be no more than 20% o the floor area)
N/A	Fewer than 10	Not required	Not required	Unclear
N/A	Fewer than 50	Required	Not required	Yes
Less than 90,000	Fewer than 200	Required	Required	Yes
90,000-1 million	Fewer than 500	Required	Required	Yes
Over 1 million	fewer than 1,000	Required	Required	Yes

Qualified Actions

- Be located in an urban area or in a village with a minimum population density of one thousand people per square mile;
- Be located on previously disturbed land;
- Not be located in an area:



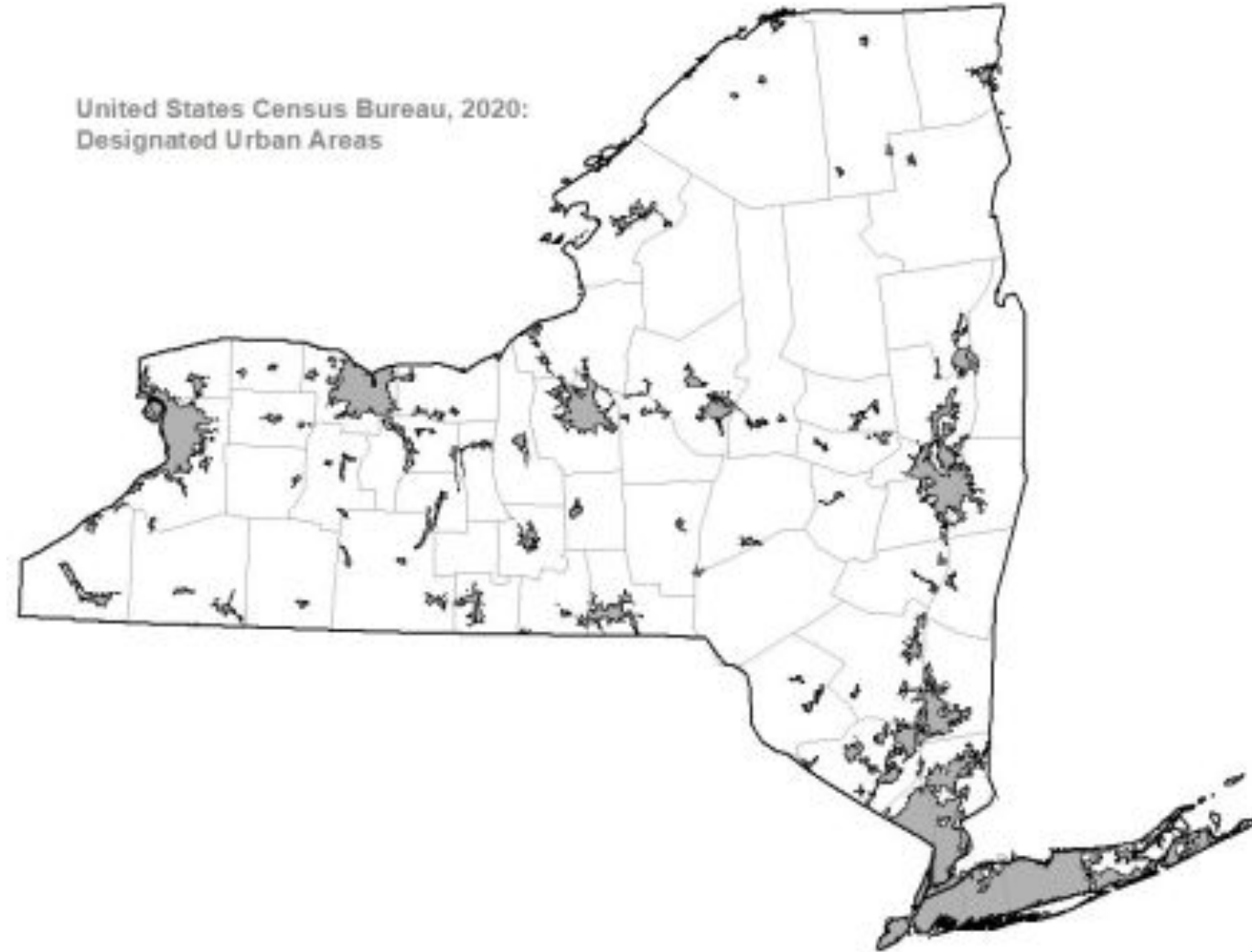
- Projected to experience flooding;
- Designated as a special flood hazard area by the federal emergency management agency

- **Does not apply to municipalities that have adopted a building code that mitigates flood hazard risk by requiring new construction to be elevated above the base flood elevation as defined by the federal emergency management agency**

- Designated as a critical environmental area



United States Census Bureau, 2020:
Designated Urban Areas



Qualified Actions



- Complete a Phase I Environmental Site Assessment
- Receive a written certification from a qualified environmental professional, that the construction of such multiple dwelling will not violate any state wetland laws or regulations; 
- Receive a written certification from a qualified professional, as such term shall be defined by the department in regulation, that construction of such multiple dwelling will not violate any drinking water laws or regulations, and 
- Receive certification by an architect licensed by the state that the building has been designed to meet one or more of the following building standards:
 -  The Leadership in Energy and Environmental Design Building Rating System (LEED) published by the United States Green Building Council for the category of certified gold, at minimum, as determined by a LEED accredited professional;
 - Enterprise green communities review and certification;
 - Passive House Institute Passive House certification;
 - Fossil fuel free building standards; or
 - In municipalities that have opted in, the New York Stretch Code.



Type I Actions - Senate Proposal (if they are a qualified action)

Type I Action - 6 NYCRR § 617.4

- Construction of fewer than **10** total residential units in municipalities that have not adopted zoning or subdivision regulations;
- Construction fewer than **50** total residential units in a building in which no more than 20% of the floor area consists of commercial or community facility uses, not to be connected at the commencement of habitation to existing community or public water and sewerage systems including sewage treatment works;
- In a city, town, or village having a population of 90,000 or less, fewer than **200** total residential units in a building in which no more than 20% of the floor area consists of commercial or community facility uses to be connected at the commencement of habitation to existing community or public water and sewerage systems including sewage treatment works;
- In a city, town, or village having a population of greater than 90,000 but less than one million, fewer than **500** total residential units in a building in which no more than 20% of the floor area consists of commercial or community facility uses to be connected at the commencement of habitation to existing community or public water and sewerage systems including sewage treatment works;
- In a city having a population of one million or more persons, fewer than **1,000** total residential units in a building in which no more than 20% of the floor area consists of commercial or community facility uses to be connected at the commencement of habitation to existing community or public water and sewerage systems including sewage treatment works.



- Construction of **10** new residential units in municipalities that have not adopted zoning or subdivision regulations;
- Construction of **50** new residential units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- In a city, town or village having a population of 150,000 persons or less, construction of **200** new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- In a city, town or village having a population of greater than 150,000 persons but less than 1,000,000 persons, **500** new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- In a city or town having a population of 1,000,000 or more persons, **1000** new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

Limited SEQRA Review

- New Category
- If a proposed project is not exempt from environmental review but meets the requirements of a “qualified action” (which would make it a Type I Action) it can undergo a limited SEQRA review
- In a limited review these actions would not be subject to any environmental review standards “that do not consist of core environmental concerns.”
 - “Topics of review that are not considered core environmental concerns, include, but are not limited to, casting of shading or shadows, impacts on views from neighboring buildings, consistency with community character, impacts on neighborhood character, and the resources of local school systems.”



Qualified Actions for Limited Review Category

- The definition of qualified action for these types of projects is different than previously discussed. Such actions must:
 - Be located in an urban area;
 - Be located on previously disturbed land;
 - Not be located in an area:
 - Projected to experience flooding; 
 - Designated as a special flood hazard area by the federal emergency management agency,
 - Requirement does not apply if the municipality adopted a building code that mitigates flood hazard risk by requiring new construction to be elevated above the base flood elevation as defined by the federal emergency management agency; or
 - Designated as a critical environmental area. 



Key Areas of Concern

- The legislation should not create a new category of “limited review.”
- The proposed legislation fails to include an affordability requirement.
- Zoning changes related to these projects should not be automatically exempt from SEQRA.
- Mixed-use projects should not be exempt from SEQRA in municipalities that do not have zoning.
- Eligibility for any exemption should require connection to existing community or public water and sewer systems.
- The proposed population tier of "90,000 or less" is overly broad, applying the same standard to rural villages and mid-sized cities.
- Development in certain environmentally sensitive areas should not be exempt from SEQRA.
- Clarification is needed to ensure that an exemption from SEQRA only applies to development occurring solely on the disturbed portion of the parcel.



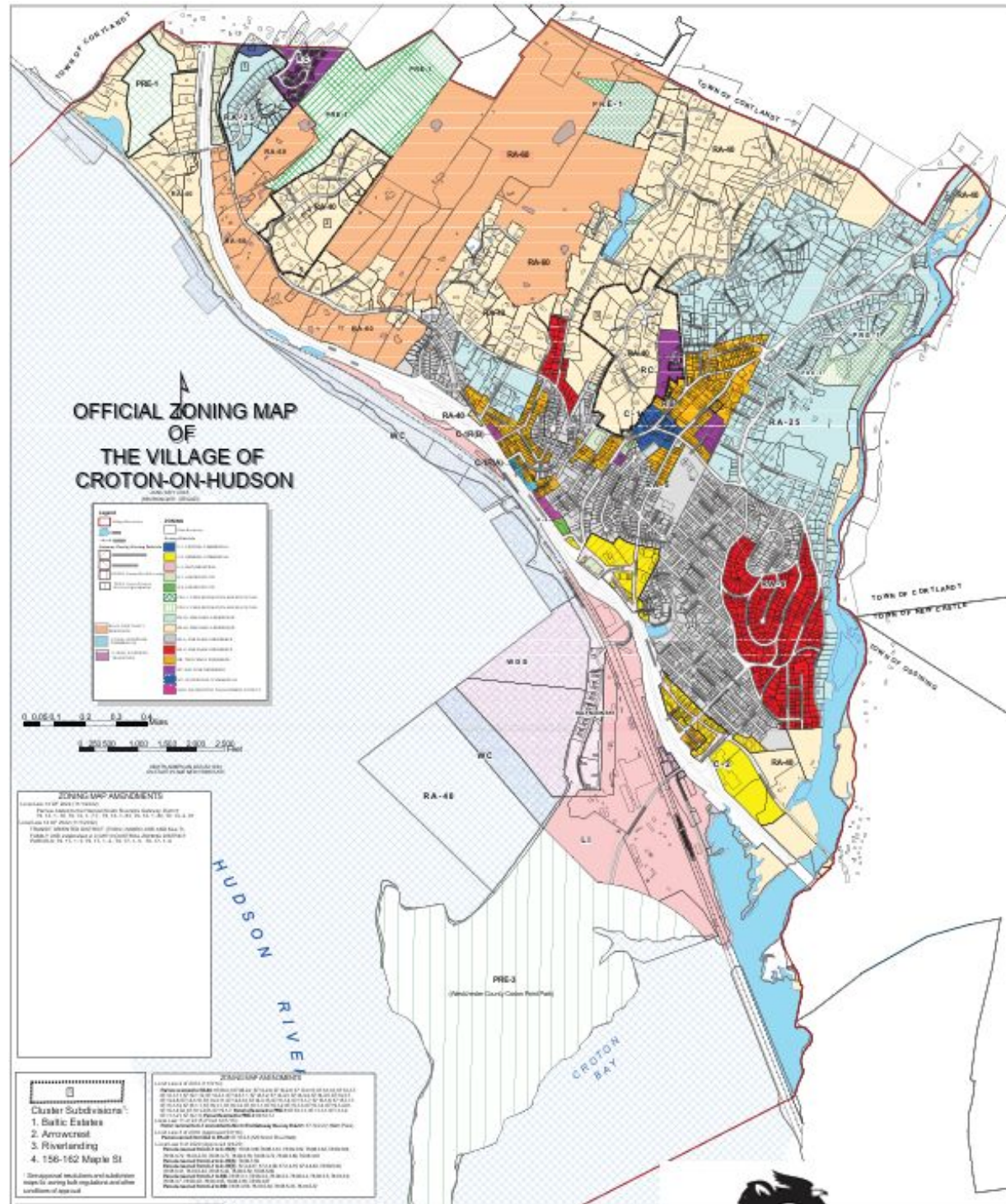


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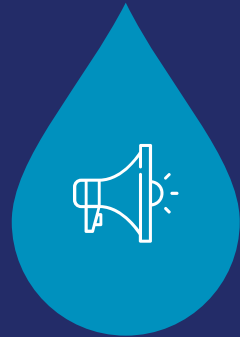
Local Planning Tools to Regulate Development

Local Planning Tools

- Comprehensive Plans
- Zoning Codes
- Site Plan
- Local Wetland Regulations
- Local Environmental Protections
- Historical Resource Protections
- Expanding Local Type II List



Take Action



Speak up to urge Governor Hochul not to undercut New York's keystone environmental review law



Support the current SEQRA regulatory process already underway



Join together to ensure any modernization of SEQRA is clear, limited in scope, and carefully constructed to not invite unintentional harms



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Thank you!

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