

# CITY OF KINGSTON

## Office of Planning

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Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

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April 20, 2026

TO: Senator Michelle Hinchey  
Assemblywoman Sarahana Shrestha  
Mayor Steven T. Noble  
Ald. At Large Andrea Shaut

FROM: City of Kingston Planning Board

RE: 2027 NYS Budget Proposed SEQRA Changes

The City of Kingston Planning Board would like to respectfully submit comments regarding the proposed changes to the State Environmental Quality Review Act (SEQR) in the Governor's proposed budget. We have respectfully followed various positions and find that our comments rest in what is in the best interest of Kingston and future development, as provided by a thoughtful review process. We are supportive of development, but caution that making the proposed changes is not in the best interest of the City of Kingston or its current residents.

First, we agree with the Conservation Advisory Council that the definition of "previously disturbed" is too broad and needs further clarification. The Board would like to specifically express concern with the inclusion of maintained lawns and other non-vegetated maintained areas. The Board would strongly recommend that the definition includes only areas that have been disturbed by structures or pavement and that these areas should have been in use within a reasonable amount of time when the site has not returned to natural conditions. As an example, if a large parcel has a small structure in place, is that "previously disturbed", even though much of the land is still in a natural state? The law as defined is not clear and if left to interpretation it may result in potential costly litigation.

We also recommend that the power be left with local municipalities to set the threshold for the number of residential units on the Type II list. The current threshold is set at 3 units for this determination. Increasing from 3 to 100 will have a significant impact on municipalities. This will also impact on the Planning Board's ability to assess consultant costs as part of SEQR review. As the presently stands, the Planning Board can only rely on charging a developer a fee to pay for assessing environmental impacts using the SEQR process. The city removed this ability in a code change, and the Planning Board can only engage a professional consultant using the taxpayer monies which are allotted within the budget. This places a very serious chokehold on the review process and can potentially threaten the ability of the Board to have technical expertise in reviews that are needed to fully evaluate a project.

Without SEQR documentation submitted, the EAF Mapper and the information associated with that submission may not be collected up front or at all. This tool uses State resources to fill in important information including endangered species, site contamination, and wetland information. These issues might not be recognized if no SEQR review is required, resulting in possible detrimental consequences.

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Lastly, we remind you that the Form Based Code which the Common Council adopted in 2023 exempts Type II Actions from Planning Board review and places those applications into the Minor Site Plan category with Administrative Review only. The changes being suggested would exempt Planning Board review of projects which have up to 100 units. The Planning Administrator has the ability to raise the level of review, however, if the State change takes effect, the Planning Board would strongly encourage that a local step be taken to adjust the code to ensure that larger projects receive the Planning Board review in a public meeting setting. Recent activity for infill housing with less than 20 units has already shown that there are neighborhood concerns which need to be vetted in a more public setting, with parking and density among the greatest concern on neighborhood change.

The Planning Board understands that this is not a local decision, but the local authority has the power to step in and demonstrate home rule authority. If the changes move forward as presented, we hope that there is an opportunity to review our local codes to ensure that the proper tools are in place to move project forward in a responsible and thoughtful way.