



SUMMARY OF FINAL SEQRA REFORMS IN EXECUTIVE BUDGET

- Environmental advocates, local leaders, and concerned citizens were able to persuade the Governor to amend her proposed SEQRA reforms to include some key improvements from the original proposal, including an improved definition of *previously disturbed site*, protections for coastal zone hazard areas, and required review for hazardous waste remediation sites; however, the amendments still eliminate SEQRA review for qualified housing and mixed-use projects without essential limitations and clarifications. Such developments may have serious and lasting negative impacts on communities.
- Outside New York City, certain qualified housing or mixed-use projects with up to 100 housing units may be exempt from SEQRA review in municipalities with zoning. Developers in urban areas with zoning codes, including Kingston, NY, may build qualified housing or mixed-used projects with up to 300 units without SEQRA review. In communities without zoning, certain qualified housing and mixed-use projects with up to 20 units may be exempt. A qualified mixed-use project may include housing plus a community facility, commercial space or other non-industrial non-residential use equal to 20% of the project's total floor area.

What types of actions qualify for an exemption from SEQRA outside NYC?

- Outside New York City, a qualified housing or mixed-use project would be exempt from SEQRA review if it meets all the following requirements:
 - It is connected to existing community or public water and sewerage systems at the commencement of habitation;
 - It is located at a *previously disturbed site*;
 - Contain no more than 20% commercial retail, community facility or other non-industrial non-residential uses by gross floor area;
 - Not exceed 100 dwelling units, provided, however for housing within cities, towns or villages without zoning, such housing shall not exceed 20 dwelling units, and provided further that for housing within cities, towns, or villages with zoning and within an urban area, as defined by the United States Census Bureau, such housing shall not exceed 300 dwelling units; and
 - Shall not include construction of only one single family residence on a parcel of one or more acres.
- Other exemptions include:
 - Construction located at a *previously disturbed site* of public parks that do not include performance centers, athletic stadiums or other venues or mass gatherings,

or other buildings or structures which do not serve public park, recreation, or open space purposes;

- Construction located at a *previously disturbed site* of multi-use bicycle and pedestrian trails;
- Certain water and infrastructure projects that:
 - Replace, rehabilitate or reconstruct municipal water or wastewater infrastructure, in-kind and on the same site, including lead service line replacement;
 - Replace, rehabilitate, upgrade or reconstruct an existing small community water system, including lead service line replacement; or
 - Provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems that has been determined by DEC not to require a permit or approval.
- And the retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure.

How is a *previously disturbed site* defined?

- A *previously disturbed site* outside NYC includes a parcel of land that:
 - Has been substantially altered by an occupied, formerly occupied, or demolished building or by another improvement or use at least two years prior to the application or a permit or authorization for an action;
 - For any parcel located within a city, town or village not within an urban area, such parcel shall abut, adjoin, or be opposite from another parcel that is or has been occupied or formerly occupied by a building, or demolished building, or another improvement or use at least two years prior to the application or a permit or authorization or an action, provided such abutting, adjoining, or opposite parcel shall not be occupied by an industrial or agricultural use;
 - Is not located within a FEMA designated 100-year flood-plain, or special flood hazard area, provided that this requirement does not apply if such city, town or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation by FEMA;
 - Is not currently being used for agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit for authorization for an action; and
 - Is not located in a designated coastal erosion hazard area.