



Understanding New York's SEQRA Revisions:

What They Mean for Land Preservation &  
Development in the Catskills



# Introductions



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**RIVERKEEPER®**

# Catskill Mountainkeeper

PROTECTING OUR NATURAL HERITAGE AND EMPOWERING COMMUNITIES

Catskill Mountainkeeper's mission is to protect the Catskill Park and Region by supporting policies and strategies that safeguard its natural environment and promote sustainable, resilient, and just communities.





Riverkeeper's mission is to protect and restore the Hudson River from source to sea and safeguard drinking water supplies, through advocacy rooted in community partnerships, science and law.





# The State Environmental Quality Review Act

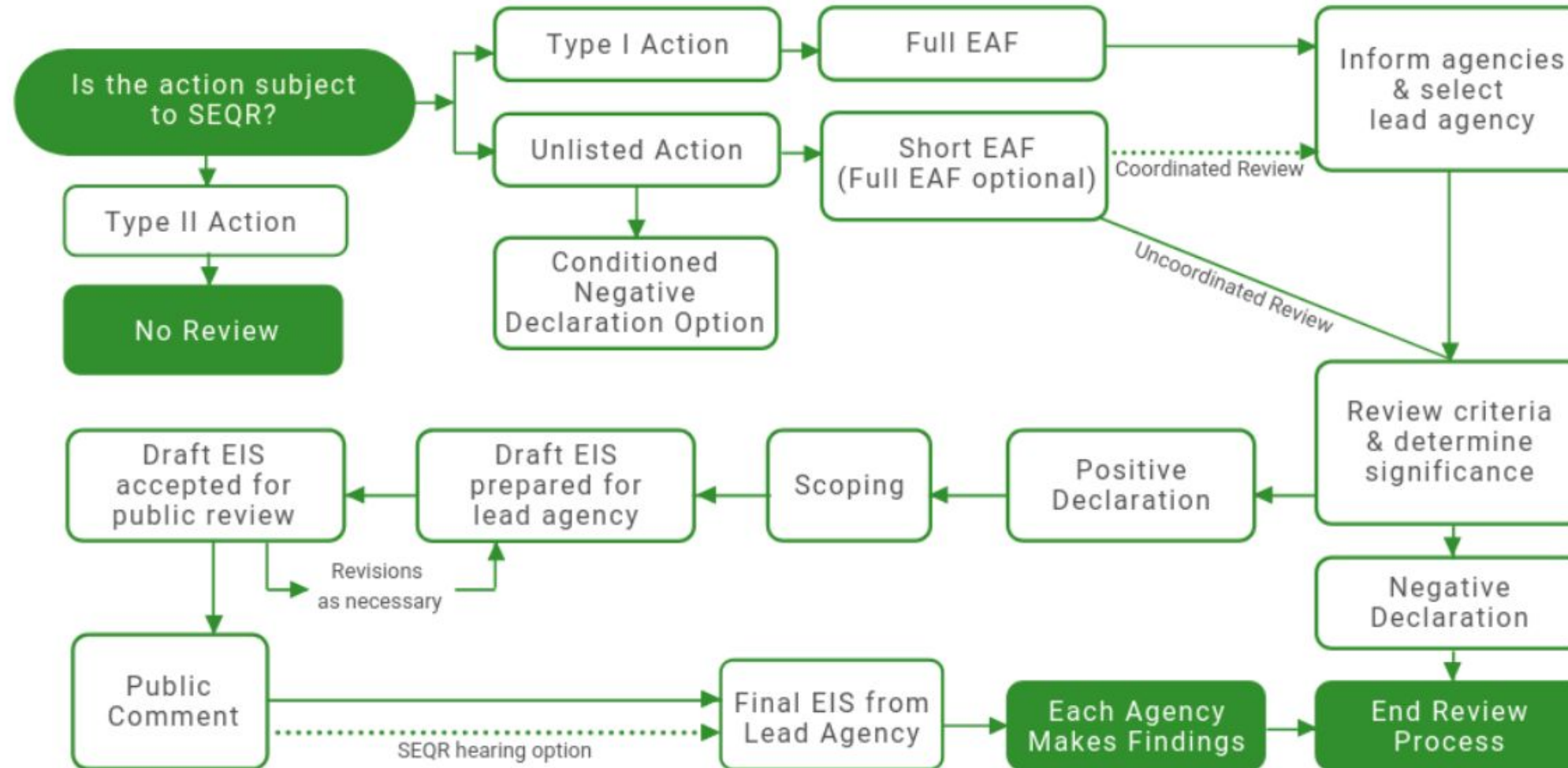
# The Goals of the State Environmental Quality Review Act (SEQRA)

- 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



# Type II Actions - 6 NYCRR§ 617.5 (NO SEQRA)



# Type I Action - 6 NYCRR § 617.4 (SEQRA REQUIRED)



**LET THEM BUILD**  
**CUT RED TAPE TO BUILD MORE:**

HOUSING    INFRASTRUCTURE    CLEAN WATER  
CHILD CARE CENTERS    SCHOOLS

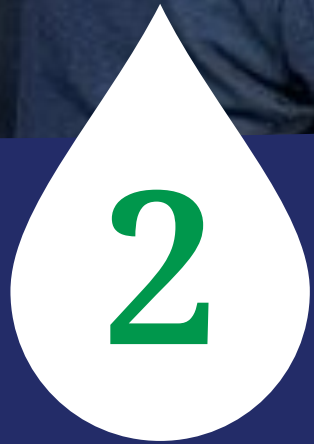
**THE COST OF SEQRA**

- New York takes **56%** longer to build
- **Over 2 years** in delays
- **5%** higher costs per year of delay

**\$82,000** more per unit in New York City

**\$40,000** more per unit in the Hudson Valley

**\$45,000** more per unit on Long Island



# The Governor's SEQRA Reforms

# Housing and Mixed-Use Development Now Exempt From SEQRA (Outside NYC)

Housing and mixed-use projects may be exempt if they:

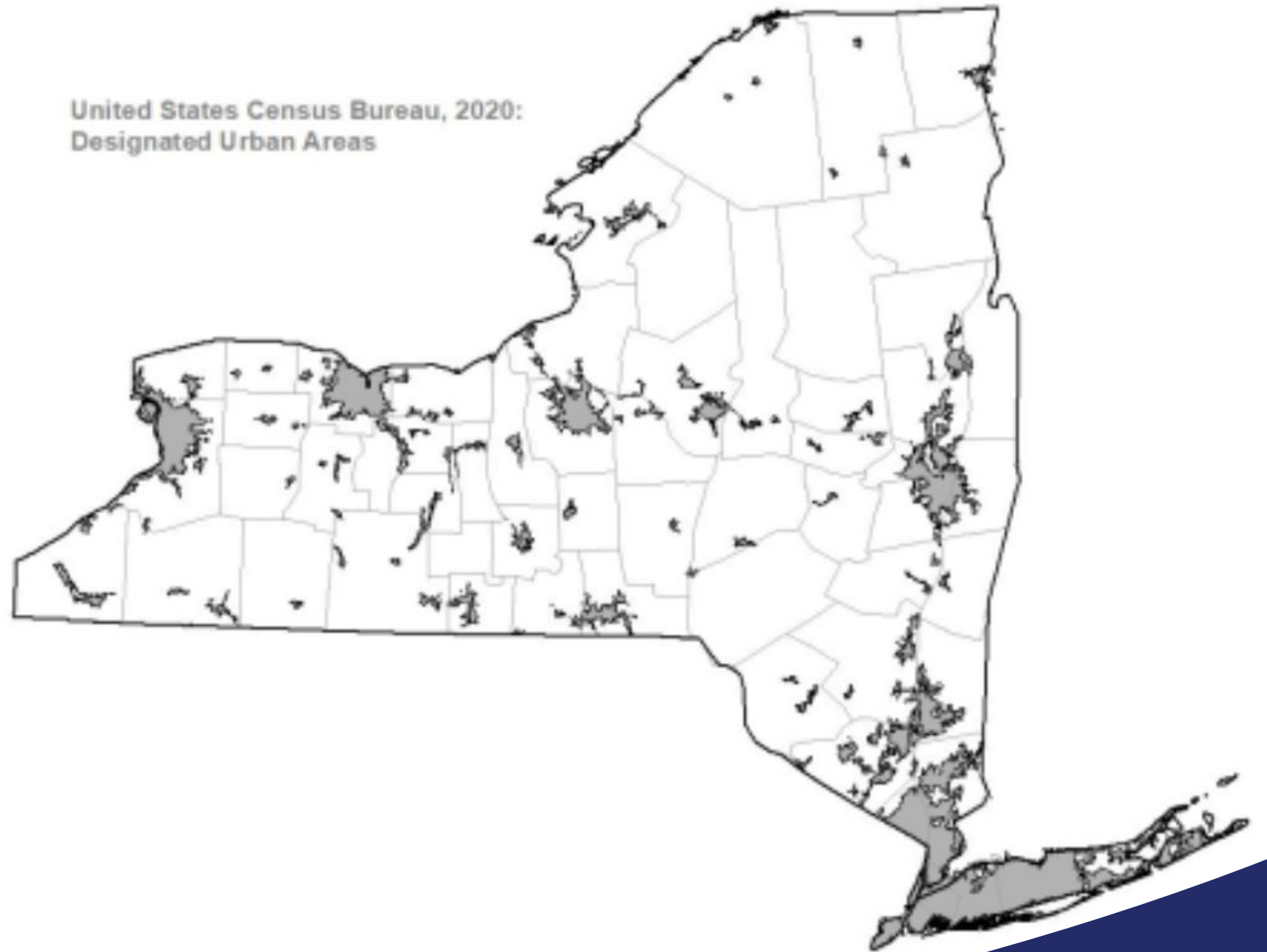
- Are built on land that is considered previously disturbed;
- Connect to existing water and sewer systems;
- Include no more than 20% commercial or non-residential space; and
- Must stay below certain size limits



# Size Limitations (Outside NYC)

- Up to 100 housing units in most communities;
- Up to 20 housing units in communities without zoning; or
- Up to 300 housing units in urban areas with zoning

United States Census Bureau, 2020:  
Designated Urban Areas





# Housing and Mixed-Use Development Now Exempt From SEQRA (In NYC)

Housing and mixed-use projects may be exempt if they:

- Are built on land that is considered **previously disturbed**;
- Connect to existing water and sewer systems;
- Are not located in areas zoned exclusively for industrial uses;
- Include no more than 50,000 square feet of commercial or other non-residential space; and
- Stay below certain size limits



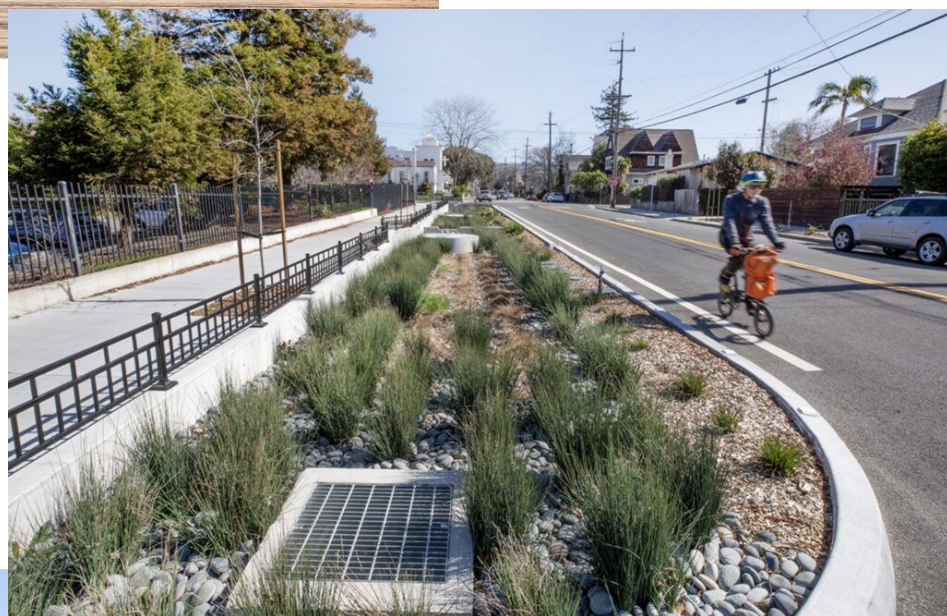
# Size Limitations (In NYC)

- Up to 250 housing units in most areas
- Up to 500 housing units in areas zoned for taller residential buildings (more than 45 feet)



# A Few More Exemptions

- Construction on previously disturbed portions of public parks
- Multi-use trails
- Certain water and sewer infrastructure
- Green infrastructure retrofits
- Public schools in NYC





# Definition of Previously Disturbed Site

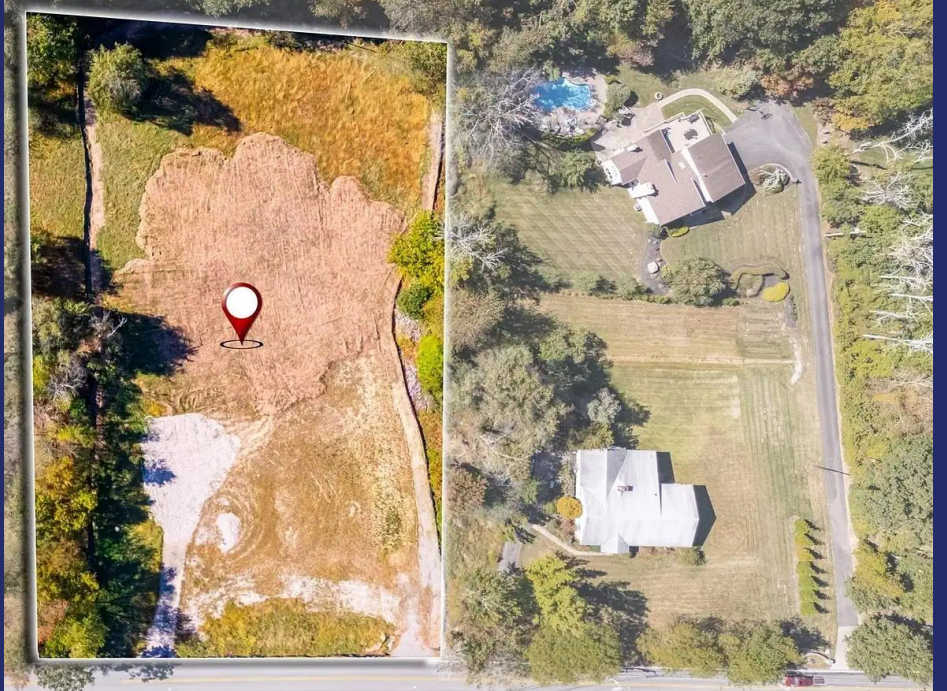


A “previously disturbed site,” refers to a parcel that:

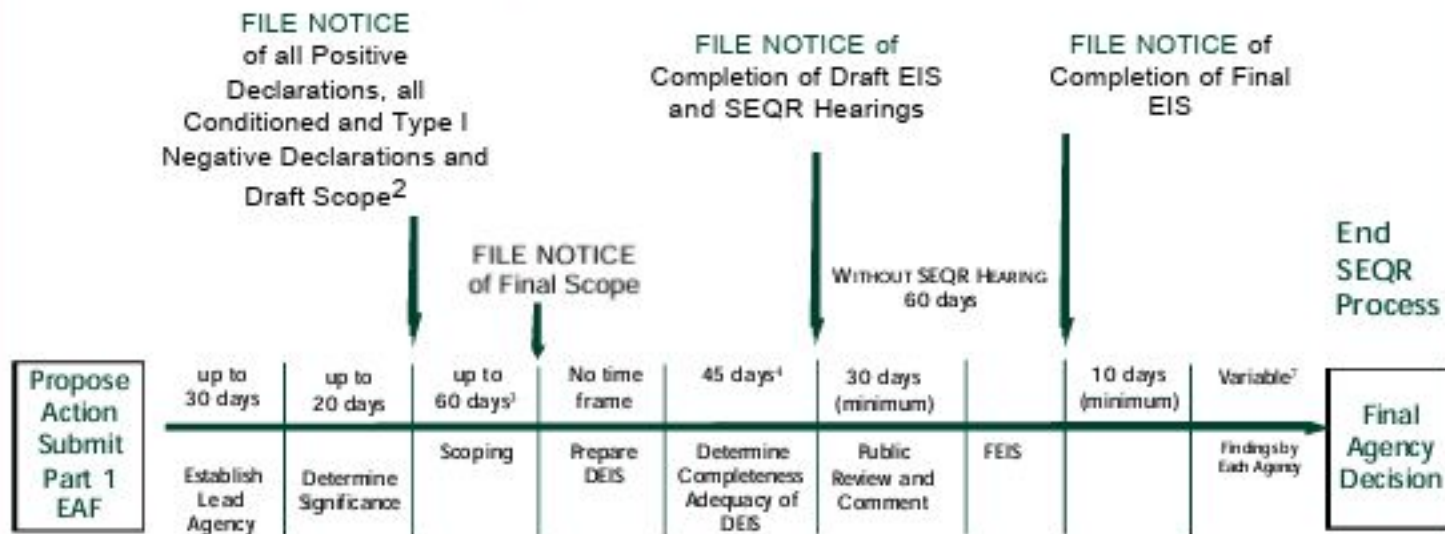
- Has been substantially altered at least two years before the permit or authorization application;
- Was altered by an occupied, formerly occupied, or demolished building, or by another improvement or use;
- In municipalities outside NYC and not located in urban areas, abuts, adjoins, or is opposite another parcel that has also been occupied, formerly occupied, improved, or used for at least two years;
- Is generally not located in a FEMA 100-year floodplain or special flood hazard area, unless the municipality has adopted elevation requirements for new construction;
- Is not currently used for agricultural purposes and has not been used for agricultural purposes during the immediately preceding two years or during three of the last five years; **and**
- Is not located in a designated coastal erosion hazard area.



# Previously Disturbed Site



# SEQR TIME FRAMES<sup>1</sup>



## 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<sup>5</sup> (maximum) No Time Frame

60 days (maximum) Hearing

45 days (maximum) Hearing

Public Comment Period<sup>6</sup>

# New SEQRA Timelines

- 120-day determination period
- One-year limit on significance determination
- Two-year EIS completion timeline
- Clarification on statute of limitations





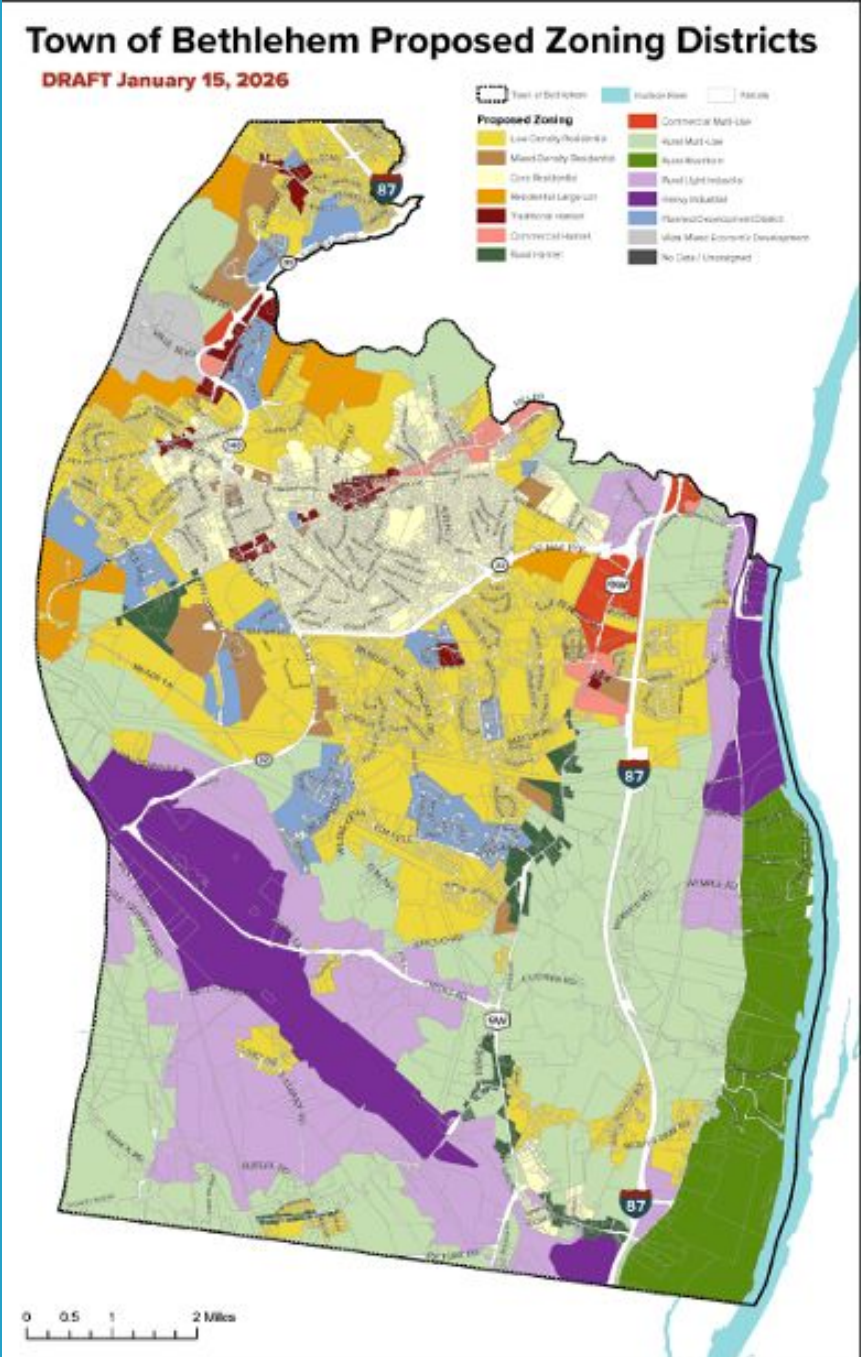
What happens next?

# What it means to be exempt?

- A project that is exempt is not required to go through the State environmental review process
- **However**, the project is still required to go through all local permitting reviews
- Projects must comply with:
  - All state or local laws concerning historic properties,
  - Stormwater management requirements,
  - Laws related to water quality, air quality, soil erosion and drainage, freshwater wetlands, tidal wetlands, critical environmental areas, or threatened or endangered species



# Examples of Qualifying Exemptions



# Potential Concerns

- The definition of previously disturbed site is confusing and very broad
- The non-residential uses permitted in connection with exempt housing developments is very broad
- There is no review required to ensure that water and sewer facilities have capacity for these projects
- The size of exempt projects is a massive leap from previously designated Type II actions
- The Governor's amendments directly conflict with the SEQRA regulations



# What do these changes mean for communities and the environment?



# What can be done to limit impacts?



- Participate in any future rulemaking on this issue
- Review local zoning and local review processes for potential improvements
- Monitor projects in your community
- Stay informed



# Questions



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