

Proposed SEQRA Changes

- Final GEIS Scope issued Nov. 28, 2012
- Adds definitions to Part 617
- Revised some Type I actions
- Adds to Type II actions
- Revises Scoping provisions
- Revises preparation and content of EIS
- Encourages electronic filing of EISs with DEC
- Revises fee and costs requirements

New Definitions Include

- Green Infrastructure
- Minor Subdivision
- Municipal Center
- Replacement in Kind
- Substantially Contiguous

Revised Type I List:

Based on # of Units Constructed

- Municipality of <150,000- 200 units (not 250) connected to existing public water and sewer
- Municipality of 150,000-<1,000,000- 500 units (not 1000) connected to existing public water and sewer
- Municipality of >1,000,000- 1000 units (not 2500) units connected to existing public water and sewer

Based on Number of Parking Spaces Created

- Municipality of <150,000 - 500+ vehicle spaces
- Municipality of 150,000+ - 1000 vehicle spaces
- Historic resources are only elevated to a Type I action if they exceed 25% of any threshold established by SEQRA
 - On the current Type I list any Unlisted action, regardless of size, that occurs within or substantially contiguous to a historic resource is automatically elevated to a Type I action.
 - Results: Minor actions get elevated to Type I
 - This fixes the problem
 - New short EAF more rigorous so substance of issue doesn't escape attention

New Additions to Type II List

- Acquisition, sale, lease, annexation or transfer of any ownership of land
 - Transfer of the land not subject to SEQRA

- Underlying action involving the land, may or may not be subject to SEQRA
- Why? Hindered affordable housing construction projects for 1, 2 and 3 family homes
- Disposition of land, by auction, where there is no discretion on the part of the disposing agency
 - Via Foreclosure- Should not have such action subject to SEQRA
 - SEQRA review on Foreclosure is time consuming and meaningless- don't know how property will ultimately be used
- Re-use of a structure for residential or commercial purposes
 - Municipality must have zoning law
 - No change in zoning of site
 - No use variance
 - No exceeding other SEQRA thresholds
 - Encourages returning vacant structures to use by community
- Lot line adjustments and area variances not involving a change in allowable density
 Minor provisions that don't need SEQRA review. Leave to Zoning Board of Appeals to decide
- Minor subdivisions
 - As defined by municipal subdivision regulations, or
 - Four or fewer lots, whichever is less
 - Must involve ten acres or less
 - No new roads, water or sewer infrastructure
 - Not part of a larger subdivision tract for during past 12 months
- Construction or expansion of a residential or commercial structure of <8000 square feet.
 - In a municipality of <20,000, with zoning regulations
 - On a previously disturbed site
 - Project must be subject to site plan review
 - Connection to community water and sewer
 - Does not involve construction of new public roads
- Construction or expansion of a commercial or residential structure of less than 10,000 square feet
 - In a municipality of 20,000- , 50,000 with zoning regulations
 - On a previously disturbed site
 - Project must be subject to site plan review

- Connection to community water and sewer
- Does not involve construction of new public roads
- Construction or expansion of a commercial or residential structure of less than 20,000 square feet
 - In a municipality of 50,000- <150,000, with zoning regulations
 - On a previously disturbed site
 - Project must be subject to site plan review
 - Connection to community water and sewer
 - Does not involve construction of new public roads
- Construction or expansion of a commercial or residential structure of less than 40,000 square feet
 - In a municipality of 150,000+ with zoning regulations
 - On a previously disturbed site
 - Project must be subject to site plan review
 - Connection to community water and sewer
 - Does not involve construction of new public roads

Reasons

- Building structures on previously disturbed lots with existing roads, sewer, and water reduces the number and severity of potential impacts
- SEQRA revisions intended to serve as an incentive for development of previously disturbed sites in municipal centers
- Less environmental impact than building on “greenfield sites”
- Reduces sprawl

New Additions to Type II List

- Replacement, rehabilitation or reconstruction of a structure or facility, on the same site, including upgrading of buildings to meet building, energy or fire codes or to incorporate green building infrastructure techniques
 - Building construction may not exceed any of the SEQRA thresholds, or it loses Type II status
- Installation of rooftop solar energy devices on an existing structure that is not listed on the National or State Register of Historic Places
- Installation of less than 25 megawatts of solar energy devices on closed sanitary landfills
- Why?
 - Reduces energy costs and generation of greenhouse gases; another example of an HVAC system already seen on many roofs Installation of cellular antenna or repeaters on existing structures not listed on the National or State Register of Historic Places
 - Precludes the need to construct a new tower

- Brownfield site clean-up agreements with the DEC under the Environmental Conservation Law
 - Clarifies existing interpretation by DEC

Scoping

- Scoping is required for all Environmental Impact Statements
 - Should result in EISs that are focused on relevant, significant and adverse impacts
 - Issues deemed not relevant and the reasons why should be briefly described
 - Issues requested by lead agency following completion of the final scope and not included by project sponsor in the DEIS cannot be the basis for rejection of the DEIS as inadequate
- Lead agency must make sure Scope is complete! Can't continuously reject DEIS if subject/item not included in scope
 - Stops endless back and forth between lead agency and applicant regarding adequacy of DEIS

EIS Time Periods

- Final scope guides lead agency as to whether submitted DEIS is adequate;
 - Adequacy of resubmitted draft must be based on written list of deficiencies.
- A final EIS must be prepared and filed within 180 calendar days after acceptance of the draft EIS
- Response to comments must be submitted a minimum of 60 days prior to the required filing date for the Final EIS

SEQRA Fees

- Lead agency must provide applicant with estimate of costs for preparing or reviewing the draft EIS
- Applicant shall be entitled, upon request, to copies of invoices, or statements for work prepared by a consultant
- Issue of fairness and disclosure

SEQRA Resources on the DEC Website

- General SEQRA Information <http://www.dec.ny.gov/permits/357.html>
- Stepping Through SEQRA- Sequential Information on SEQRA <http://www.dec.ny.gov/permits/6189.html>
- SEQRA Handbook (Updated) <http://www.dec.ny.gov/permits/6188.html>
- SEQRA Forms - <http://www.dec.ny.gov/permits/6191.html>
- Other SEQRA Publications <http://www.dec.ny.gov/permits/26860.html>
- Draft Model Short and Full Environmental Assessment Forms- proposed- <http://www.dec.ny.gov/permits/70393>

For More Information

- NYS DEC, Region 7 Offices
 615 Erie Blvd. W
 Syracuse, NY 13204
 315-426-7403 Public Outreach & Education
 315-426- 7438 Environmental Permits
<http://www.dec.ny.gov/about/615.html>
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