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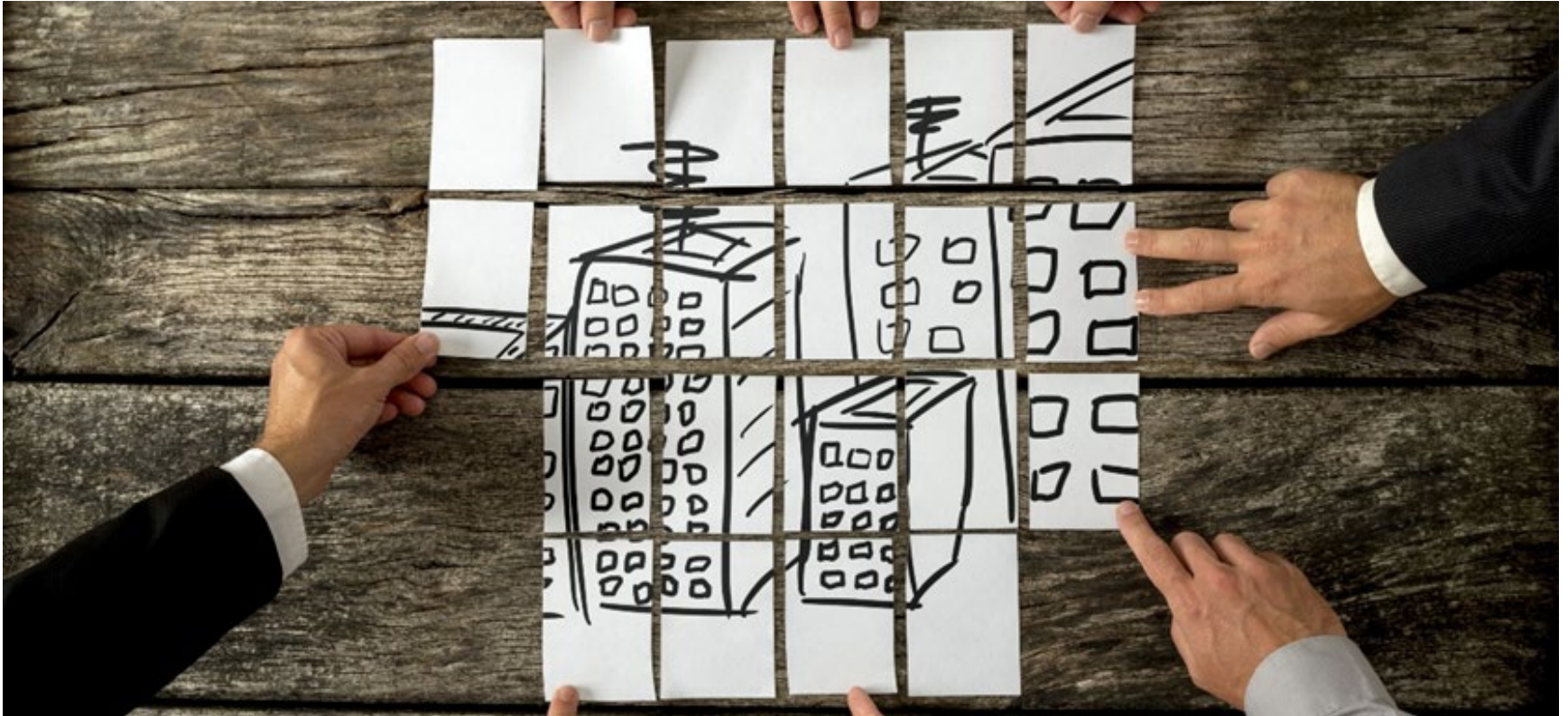
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# State Environmental Quality Review Act (SEQRA)

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# Introduction



# Authority and Purpose

Article 8 NYS Environmental Conservations Law+  
6 NYCRR Part 617

ENVIRONMENTAL  
CONSERVATION  
LAW OF  
NEW YORK



“[I]t is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of State, regional and local agencies. ***It is not the intention of SEQR that environmental factors be the sole consideration in decision-making.***”

# Land Use Context

- SEQRA covers a broad collection of “actions”
- What are “Land Use” Boards and Applications?
  - Planning Boards, ZBAs, Historic Review Boards, etc.
- What are Land Use Applications?
  - This includes: Site Plans, Subdivisions, Special Use Permits, Variances, Certificates of Appropriateness, etc.
- Who are the “players” in the Land Use Process?
  - Applicants, Board Members, Consultants, Public, etc.



City of Newburgh Zoning Map

# SEQRA Compliance: Who is in Charge?



**Department of  
Environmental  
Conservation**

- What agency enforces SEQRA?
- What happens if an agency does not comply with SEQRA?
- What is the State Department of Conservation's role in the SEQRA process?
- Interested v. Involved v. Lead Agencies

# What is the Public's Role?



- Stay informed
  - Be aware of your community's Comprehensive Plan (i.e., long term vision), zoning laws, and local candidates
  - Information may be available on the municipality's website
- Support a project
  - Can be done in writing (letter, email) or in person/virtually at a public hearing
- Oppose a project
  - Opponents may sometimes try to use SEQRA as a "weapon" to stop a project

# SEQRA + Local Economy

SEQRA's intent is that a balance of social, economic and environmental factors be incorporated into the planning and decision-making processes



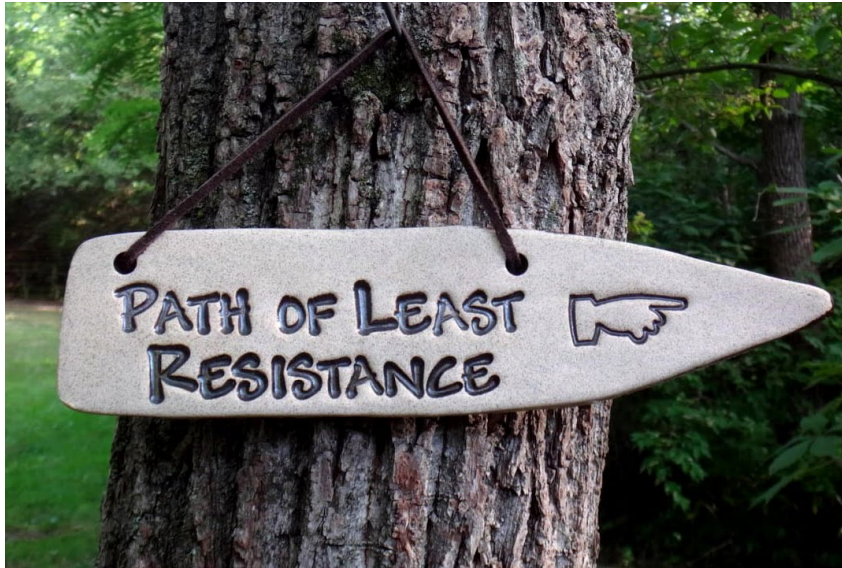
- SEQRA can slow economic development
  - Slow the review process
  - Miss economic cycles/building seasons
- SEQRA can encourage economic development
  - Generic environmental review process as part of the community's planning/zoning efforts to entice development
- SEQRA can affect the tax base
  - Are project alternatives economically feasible?
- Purely economic considerations not a valid basis for decision making
  - Requires a balanced approach
  - Impact on other business is an impermissible consideration of SEQRA

# SEQRA Process

Three Pathways

# Path #1: Exempt/Not Subject to SEQRA

Is the action subject to SEQRA?



- Discretionary v. Ministerial Actions
- Exempt Actions (i.e., Type II)
  - Replacement, rehabilitation or reconstruction of a structure of facility, in kind
  - Construction or expansion of a nonresidential structure by less than 4,000 SF
  - Individual setback and lot line variances
  - Reuse of an existing residential or commercial structure

# Path #2: Negative Declaration

The action is subject to SEQRA. Now what?



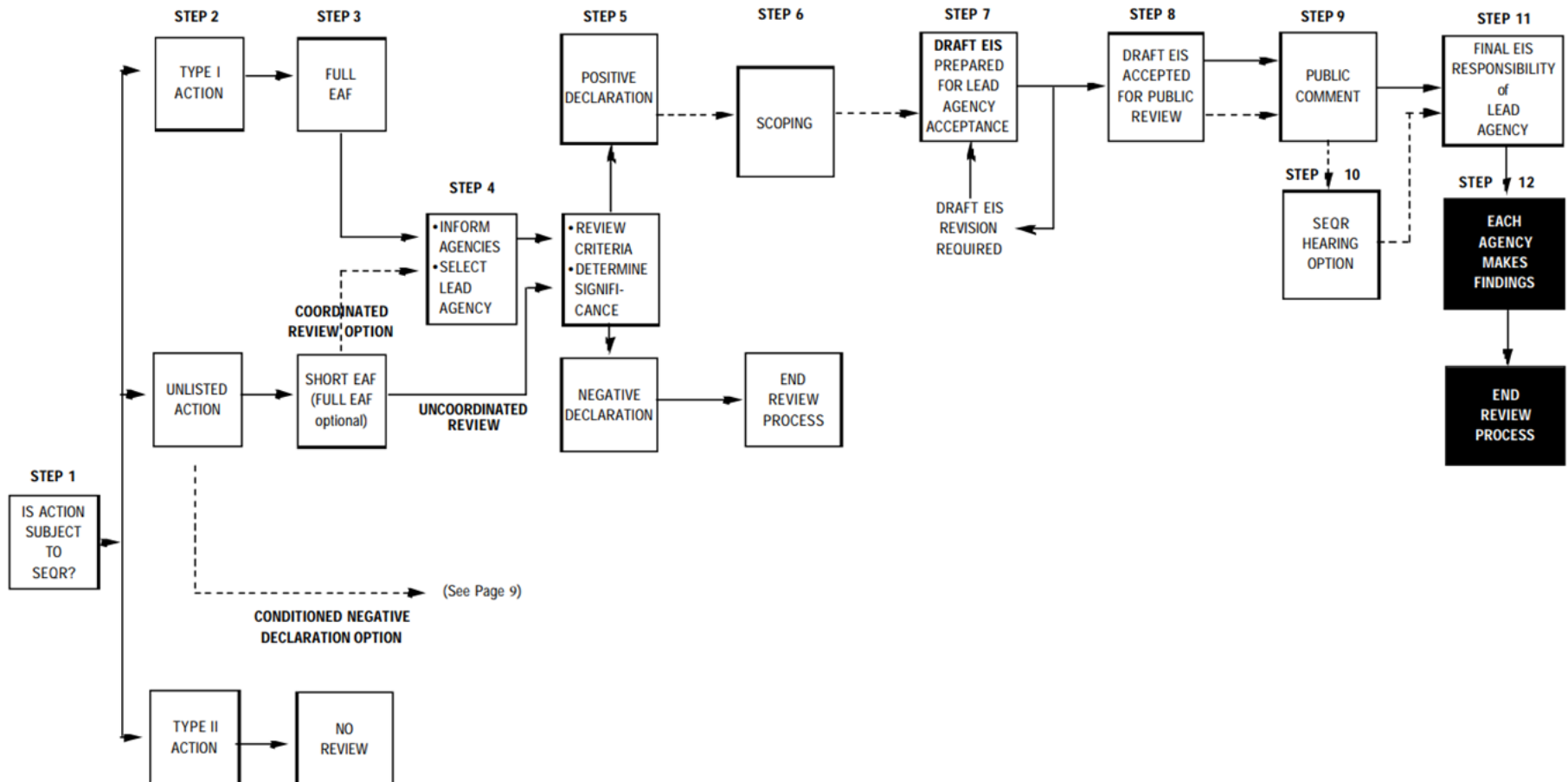
- Is the action a Type I action or “Unlisted” action?
  - Ex: projects involving the physical alteration of 10 acres are Type I actions
- Complete the Environmental Assessment Form
- Review Impacts - Coordinated/Uncoordinated Review
- Determination of Significance

# SEQRA Timeline & Costs

Time Frames are “Directory”

SEQR Time Frame		
Steps	Calendar Days	Citation
Establish Lead Agency	30	617.6(b)(3)(i)
Resolve a Lead Agency Dispute	20	617.6(b)(5)(iv)
Determine Significance	20	617.6(b)(3)(ii)
Scoping	60	617.8(f)
Determine Adequacy of a Submitted draft EIS	45	617.9(a)(2)
Determine Adequacy of a Re-submitted draft EIS	30	617.9(a)(2)(ii)
Draft EIS Public Comment Period	Minimum 30	617.9(a)(3)
SEQR Hearing (optional)	Minimum 15, maximum 60, after filing of draft EIS	617.9(a)(4)(ii)
Prepare final EIS (no SEQR hearing)	60 after filing of draft EIS	617.9(a)(5)
Prepare final EIS (SEQR hearing)	45 days after close of hearing	617.9(a)(5)
Prepare findings by Lead Agency (if the action involves an applicant)	Minimum 10 days, maximum 30 days, after the filing of final EIS	617.11(a) 617.11(b)
Prepare Findings by Involved Agency	Minimum 10 days after the filing of final EIS	617.11(c)
Conditioned Negative Declaration public comment period	30 days after date of publication in the ENB	617.7(d)(1)(iv)
Prepare final EIS (SEQR hearing)	45 days after close of hearing	617.9(a)(5)

# Path #3: Positive Declaration and the EIS



# Path #3: Positive Declaration and the EIS

The Action has been “Pos Dec’ed”, now what?



Pictured: Village of Westbury Board of Trustees Public Hearing  
Photo Credit: Ray Muntz

- Scope the DEIS
- Prepare the DEIS
- DEIS Adequacy Determination
- Public Comments/Public Hearing
- Final EIS
- SEQRA Findings

# Questions?



# Contact

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