



LaBella

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**STATE ENVIRONMENTAL
QUALITY REVIEW (SEQR)
OVERVIEW**

OCTOBER 2019

SUMMARY

**SEQR ENSURES
ENVIRONMENTAL
IMPACTS
ARE CONSIDERED
IN NEW YORK**

- **WHO** – ANY governmental entity issuing a project approval/decision, permit, or funding – such as Town Board, Planning Board, County IDA, etc.
- **WHY** – to CONSIDER the environment and community resources at the earliest stage of decision-making process
- **WHEN** – BEFORE any approval, permit, or funding is granted
- **HOW** – FORMS plus technical studies and DEC guidance. No public hearing is required if no significant adverse impact is identified.

SEQR IS REQUIRED ALMOST ALWAYS

Any time a STATE or LOCAL governmental agency considers **undertaking, funding, or approving** an “Action”

Exceptions:

- Type II action
- Only referral/recommendation authority
- NYS Public Service Law Article 7 or 10



1. SEQR Required?

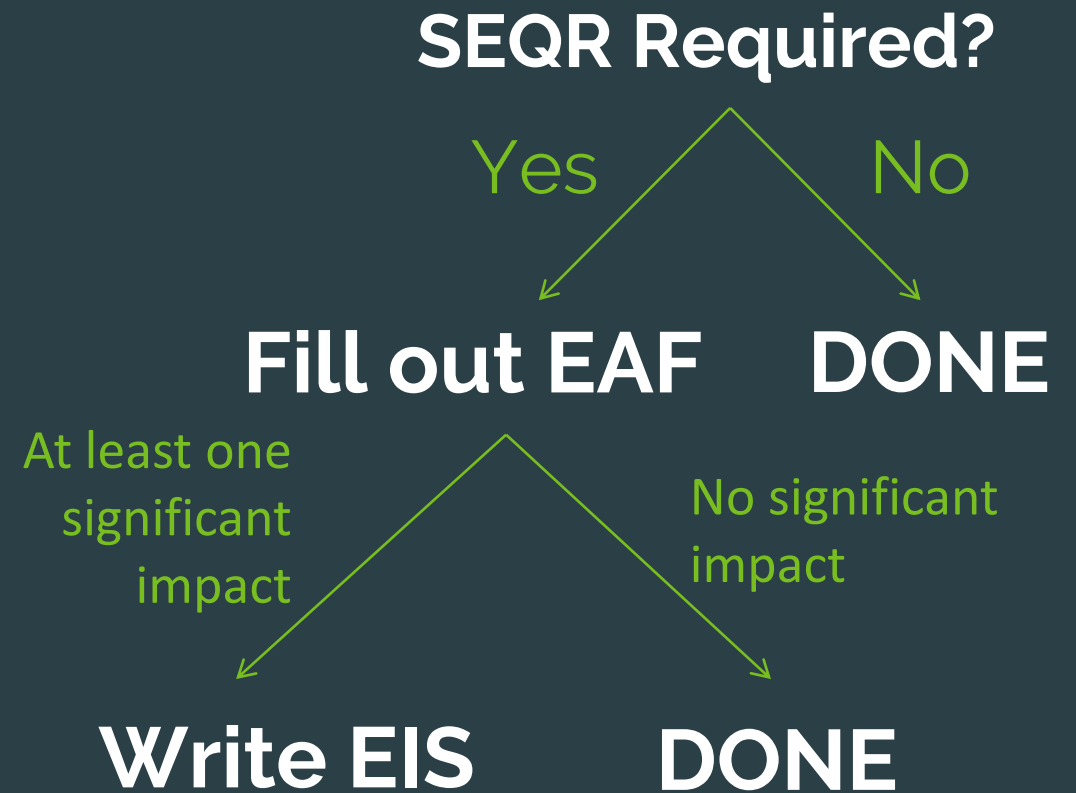
Is the project an action that requires a discretionary approval by an agency or municipality?

2. Environmental Assessment Form (EAF)

Is there the potential for at least one significant environmental impact?

3. Environmental Impact Statement (EIS)

SEQR PROCESS



“ ACTION ” THAT MAY IMPACT THE ENVIRONMENT

“**Action**” = Projects or physical activities such as construction that may affect the environment by changing the use, appearance, or condition of any natural resource or structure.

Also include agency planning, policy making, regulation adoption, etc.



Caution: No “Segmentation”
The entire set of activities or steps
must be considered
(not merely subset)



FIRST: IDENTIFY AGENCIES

INVOLVED

Agencies considering funding, approving or undertaking some aspect of the action, and have a specific discretionary approval.

LEAD

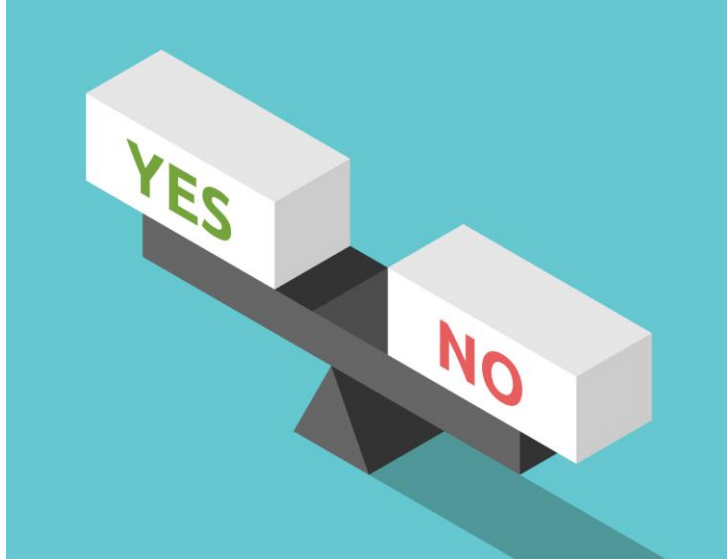
A single Involved agency selected by others to conduct a single review on their behalf

INTERESTED

Agencies NOT funding, approving or undertaking an action, but contributing to the review due to some interest or expertise

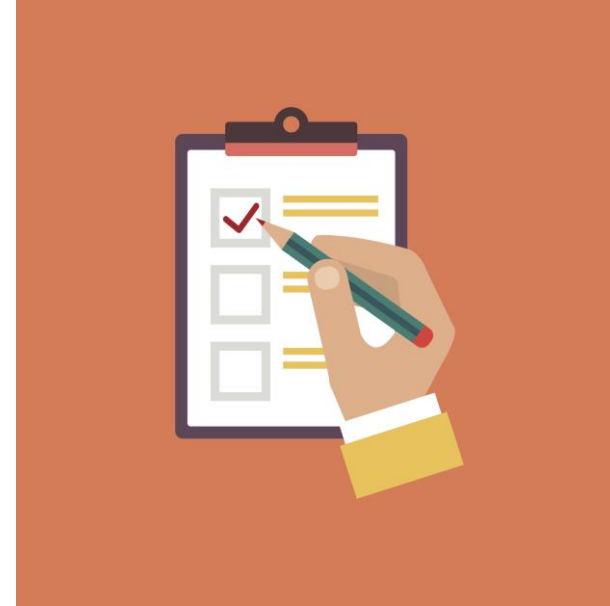
SECOND: DECISION TYPE

Does the lead agency have a discretionary approval?



Discretionary (Involved)

- Ability to decide “yes”, “no”, or “only if”
- Typically a Board making the decision (e.g. Town Board)
- Examples: Site Plan Approval, Zoning Change, Funding



Administrative/Ministerial (Interested)

- If an application meets requirements prescribed by law, approval granted
- Based on facts, no judgment involved
- Examples: Building Permit, SWPPP

THIRD: COORDINATE WITH OTHER AGENCIES

How does an agency confirm its lead agency role?

When a **single agency** is involved, it acts as the Lead Agency and no coordination is necessary.

When **multiple agencies** consider the same “action”:

Coordinated Review

- Agencies decide which will act as the Lead Agency
 - 30-day coordination period
- Required for Type I actions, optional for Unlisted

OR

Uncoordinated Review

- Each Agency acts as if it is the only agency & Lead Agency
 - No 30-day coordination period
 - Only applies to Unlisted Actions

FOURTH: CLASSIFY THE ACTION

TYPE II UNLISTED TYPE I

(see details in 617.5)

- Maintenance or repair in existing facility
- Replacement, rehabilitation, reconstruction in kind
- School expansions < 10,000 sq ft
- Re-paving of highways
- Construction or expansion of non-residential structures by <4,000 sq ft
- Individual setback and lot line variances
- Etc.

Everything else

(see details in 617.4)

- Physical alteration of 10+ acres
- Structures > 100' tall
- 250-unit subdivision (population < 150,000 with public utilities)
- Change in Zoning > 25 acres
- Actions in Historic Districts
- Non-agricultural Use in Agricultural District
- Adjacent to Parkland (see conditions)
- Etc.

FIFTH: FILL OUT EAF

ACTION TYPE DETERMINES THE NECESSARY FORM AND TIMELINE

Type II List (e.g., Maintenance)	Unlisted (Neither II nor I)	Type I List (e.g., a Major Project)
No Review Required	Review is Required	Review is Required
No EAF Required	Short EAF sufficient (Long EAF Optional)	Long EAF is Required, ENB* Filing Required
No Review Required	Multiple Independent Reviews are sufficient (Coordination is Optional)	Single Coordinated Review Required
No Review Required	Less likely to require an EIS	More likely to require an EIS

ENB* - NYSDEC Environmental
Notice Bulletin



EAF RESOURCES

- **Short and Full SEQR Forms (EAF)**

Electronic fillable forms

- **EAF Workbooks**

Online detailed guide to filling out EAFs, complete with links and examples

- **EAF Mapper**

Interactive online application that automatically generate several site-specific responses for the EAFs

- “Yes” responses can be over-ridden if additional or updated information is available
- “No” responses can be taken on faith and without further examination



DETERMINING SIGNIFICANCE (FILLING OUT PARTS 2 & 3) CAN BE COMPLICATED

No to Small vs. Moderate to Large

- Setting
- Probability
- Duration
- Irreversibility
- Geographic Scope
- Magnitude
- Number of people affected

COMPARE TO EXISTING CONDITIONS



NEED SEQR HELP?

- County Planning Department
- Town Attorney
- Private Consultants

Possible reasons:

- Large projects: Type I – Long Form and/or EIS
- Potentially controversial projects
- Need technical experts
- Assistance with first couple of runs



Basic Changes:

- Expands List of Type II Actions
- Adjusts Thresholds in Some Type I Actions
- Provides New Definitions
- Requires Scoping for EIS
- Clarify Acceptance Procedures for Environmental Impact Statements

Emphasis is on **Encouraging Smart Growth & Sustainable Development**

New SEQR Regulations took effect January 2019

RECENT CHANGES TO SEQR REGULATIONS

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QUESTIONS?



LUCIA WOO, MS
Environmental Planner
lwoo@labellapc.com
(585) 402-7073



ALEX VITULANO
Environmental Planner
avitulano@labellapc.com
(585) 295-6247

