



**Changes to the State Environmental Quality Review Act (SEQRA)**  
*revised regulations effective January 1, 2019*

NYS Department of Environmental Conservation recently revised the regulations governing the State Environmental Quality Review Act. The Preservation League responded to the proposed changes in a May 2017 letter signed by nine of our Preservation Colleague organizations<sup>1</sup>. The final revisions included the addition of a threshold qualifier for resources eligible for or listed on the State/National Register of Historic Places, meaning many projects involving historic places will no longer qualify as Type I actions.

Amendments can be found on the [DEC website](#) within the document titled “[Final Express Terms 2018 Amendments to 6NYCRR Part 617.](#)” A summary of changes affecting preservation initiatives can be found below, in order of their appearance within the amendment document.

Threshold Changes

Part 617.4(b)(5) Modifies a Type I action regarding construction of new residential units that meet or exceed the following thresholds:

- in a city, town or village having a population of less than 150,000 persons, 200 units [reduced from 250] to be connected to existing community or public water and sewerage systems.
- in a city, town or village having a population of greater than 150,000 persons but less than 1,000,000 persons, 500 units [reduced from 1,000] to be connected to existing community or public water and sewerage systems.
- in a city or town having a population of greater than 1,000,000 or more persons, 1000 units [reduced from 2,500] to be connected to existing community or public water and sewerage systems.

Part 617.4(b)(6) Modifies activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:

- Inclusion of parking for 500 vehicles in a city, town or village having a population of 150,000 persons or less is now considered a Type 1 Action. (*This is an entirely new threshold.*)

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<sup>1</sup> The May 19, 2017 letter was sent on Preservation League letterhead and signed by the League, Municipal Art Society, Historic Districts Council, Society for the Preservation of Long Island Antiquities (now Preservation Long Island), Preservation Buffalo Niagara, Landmark Society of Western New York, Adirondack Architectural Heritage, Historic Albany Foundation, Saratoga Springs Preservation Foundation, and Historic Ithaca.

- Clarification of parking for 1,000 vehicles, in a city, town or village having a population of more than 150,000 persons. (*This threshold used to hold for all cities, towns, or villages, and is now only for those over 150,000 persons.*)

### Historic Resource Changes

Part 617.4(b)(9) Modifies the Type I list definition relating to historic resources. This addition includes a key qualifier that the unlisted action must exceed 25 percent of any threshold established in the section in order to qualify as a Type I. The regulations were amended to include sites that have been determined eligible for the State Register of Historic Places, as well as those listed on the National Register of Historic Places, something historic preservation advocates have long sought in the SEQRA regulations. The addition of the threshold requirement, however, eliminates many small projects now subject to a Type I review. We also believe adding the 25% threshold requirement for Type I classification of historic resources will sacrifice meaningful review and lead to loss of historic resources.

Historic properties often see much smaller development proposals compared to agricultural or park land, which by their nature are often larger sites on multiple acres. For example, in historic villages, downtowns, and neighborhoods we frequently see proposals for small convenience stores and markets (e.g. Stewarts, Cumberland Farms, Dollar General) on lots often containing a building listed in or adjacent to a National Register Historic District. Under the current SEQRA regulations, those projects would be Type I actions and require a full EAF. Under the proposed amendment's threshold requirements, a typical newly-constructed Stewarts shop of 3,500 square feet falls well below the 25,000 square feet it would need for Type I consideration (25% of 100,000 square feet of gross floor area in revised Part 617.4(b)(6)(v) for a city, town or village with a population of 150,000 or less).