

Resolution 2019-20: 87

Phase 2 SEQRA Determination Amendment #2 (Flower City School 54)

By Board Member Thomas Richards

WHEREAS, the Rochester Schools Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the District, with the technical support of the RJSCB, and after developing and considering (including provision for public input and public discussion) a comprehensive master plan specified under the School Modernization Act, developed a list of school renovation projects at several school buildings (the "Action"); and

WHEREAS, the Board of Education ("BOE") approved the comprehensive master plan in March 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, the proposed projects and the BOE decisions related to the Action and its components are or may be subject to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on February 8, 2016 the RJSCB adopted a Resolution declaring its intent to act as SEQRA Lead Agency for the Action and its project components (Resolution 2015-16: 95); and

WHEREAS, notices of RJSCB's intent to be SEQRA Lead Agency (including copies of the Environmental Assessment Forms Part 1s) were forwarded to all Involved Agencies on February 9, 2016 and additionally on April 22, 2016 with several updates; and

WHEREAS, no other Involved Agency objected to RJSCB acting as Lead Agency; and

WHEREAS, the RJSCB on March 7, 2016 adopted Resolution 2015-16: 123 confirming it would act as SEQRA Lead Agency; and

WHEREAS, the RJSCB, acting through its SEQRA Consultant, completed long-form Environmental Assessment Forms ("EAFs") for all 14 proposed renovation projects, including Flower City School 54 ("School 54"); and

WHEREAS, the RJSCB, based upon an examination of the EAFs and the "Reasons Supporting SEQRA Negative Declaration," and considering both the magnitude and importance of each relevant area of environmental concern, and based upon the RJSCB's knowledge of the area surrounding the Phase 2 projects and such further investigation of the projects and the potential environmental impacts as the RJSCB deemed appropriate, determined that the Action, as proposed, would not result in any significant adverse environmental impacts (the "SEQRA Negative Declaration") on June 20, 2016 (Resolution 2015-16: 190); and

WHEREAS, following the SEQRA Negative Declaration, the proposed scope of work at School 54 was changed and the RJSCB and its SEQRA Consultant determined that the scope changes required the RJSCB to confer with the New York State Office of Parks, Recreation and Historic Preservation (“SHPO”) and that the RJSCB comply with SEQRA with respect to the scope changes at School 54; and

WHEREAS, the RJSCB and its SEQRA Consultant prepared the “Amended Reasons to Support SEQRA Determination of Significance” (“Amendment 1”) and by letter dated December 14, 2018, SHPO informed the RJSCB that the scope changes would have no impact upon archeological or historic resources in or eligible for inclusion in the State and National Register of Historic Places; and

WHEREAS, following the SEQRA Negative Declaration and Amendment 1, the proposed scope of work at School 54 has been further expanded to include the acquisition of residential properties, abandonment of Chace Street and other ground disturbing activities (“Expanded Action”); and

WHEREAS, the RJSCB and its SEQRA Consultant determined that the Expanded Action at School 54 requires the RJSCB to confer with the SHPO and that the RJSCB comply with SEQRA with respect to the Expanded Action; and

WHEREAS, by letter dated January 16, 2020, SHPO informed the RJSCB that the Expanded Action will have no impact upon archeological or historic resources in or eligible for inclusion in the State and National Register of Historic Places; and

WHEREAS, in furtherance of its desire to comply with SEQRA, the RJSCB has reviewed the “Second Amended Reasons to Support SEQRA Determination of Significance” (“Amendment 2”) attached hereto; and

WHEREAS, based upon an examination of the original EAFs, Amendment 1, Amendment 2 and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the RJSCB’s knowledge of the area surrounding the School 54 project and such further investigation of said project and the potential environmental impacts as the RJSCB has deemed appropriate, the RJSCB makes the following findings and determinations

THEREFORE be it resolved that:

1. The RJSCB hereby determines the Expanded Action, as proposed, does not create any new or different potential impacts on the environment that have not already been identified, considered, and evaluated during the RJSCB’s review of the Action and resulting in the Negative Declaration issued by the RJSCB for the Action on June 20, 2016 (Resolution 2015-16: 190). The Expanded Action will not result in any significant adverse environmental impacts. The RJSCB hereby ratifies the June 20, 2016 Negative Declaration and affirms that the Negative Declaration remains in full force and effect.
2. The Chairman of the RJSCB is hereby authorized and directed to sign the attached “Second Amended Reasons to Support SEQRA Determination of Significance” and the attached Determination of Significance.
3. Copies of this Resolution shall be promptly forwarded by the SEQRA Consultant to the Involved Agencies listed on the Agency List, to all interested agencies, and to the NYSDEC Environmental Notice Bulletin for Publication in such Bulletin, if required.

**Second by Board Member Jesse Dudley
Adopted 4-0**