

Resolution 2015-16: 123
SEQRA Lead Agency

By Member of the Board Brown

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, under the School Modernization Act, the RJSCB is authorized to implement a comprehensive District facilities modernization program (“RSMP”), the goal of which is to develop a system-wide strategy to identify capital investments for the modernization and renovation of District schools in several phases over a multi-year period; and

WHEREAS, as authorized by the School Modernization Act, the District previously selected 13 building projects for inclusion in the first phase of the RSMP (“Phase I”), and the RJSCB selected a Program Manager to oversee Phase I, understanding that additional phases of work were envisioned; and

WHEREAS, following an environmental review pursuant to the State Environmental Quality Review Act (“SEQRA”) of the funding associated with Phase I, project architects were chosen and the 13 Phase I projects were duly implemented; and

WHEREAS, under the School Modernization Act, the District has the power to select no more than twenty-four (24) projects up to a total cost of Four Hundred and Thirty Five Million Dollars (\$435,000,000) as part of Phase II of the RSMP (“Phase II”) and the RJSCB has selected a Program Manager to oversee Phase II; and

WHEREAS, the RJSCB now seeks to procure funding for Phase II of the RSMP (the “Action”) and its project components; and

WHEREAS, 6 NYCRR Part 617.5 categorizes the Action as Type I, which requires a coordinated SEQRA environmental review of the Action and its project components and lead agency designation in accordance with Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the RJSCB, acting through its SEQRA consultant, has prepared Environmental Assessment Forms (“EAFs”) for the Action and each of its project components and has prepared a list of potentially involved and interested agencies; and

WHEREAS, copies of the EAFs and Agency List were presented to the RJSCB; 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; and

WHEREAS, Notices of RJSCB's intent to be SEQRA Lead Agency (including copies of the EAFs) were either forwarded, or access to the Notices and EAFs was otherwise provided, to all Involved Agencies on February 9, 2016; and

WHEREAS, more than thirty (30) days have passed since the Notices of Intent were circulated and no other Involved Agency has objected to RJSCB acting as Lead Agency.

NOW, THEREFORE be it resolved that:

1. The RJSCB will act as SEQRA Lead Agency for the Action and its project components.
2. The RJSCB as SEQRA Lead Agency will determine the significance of the Action within 20 days of its receipt of all information it may reasonably need to make such determination and will make such determination pursuant to 6 NYCRR Part 617.
3. Copies of this Resolution shall be promptly forwarded by the SEQRA Consultant to the Involved Agencies listed on the Agency List and to all interested agencies.

Second by Member of the Board Benincasa

Approved 4-0 with Members Schmidt and A. Williams away