

Resolution 2012-13: 173
SEQRA Amendment #2

By Board Chair Giess

WHEREAS, the Rochester School Facilities Modernization Program Act (“the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB declared its intent to serve as the State Environmental Quality Review Act (“SEQRA”) Lead Agency for the Rochester Schools Modernization Program (“RSMP”) in the fall of 2010 (Resolution 2010-11: 23), and hearing no opposition subsequently confirmed that it would act as the SEQRA Lead Agency in January of 2011 (Resolution 2010-11: 27); and

WHEREAS, after having reviewed the completed long-form Environmental Assessment Forms for each of the twelve proposed school renovation projects (“Phase I”) or “the Action”), based on the Master Plan, the RJSCB formally issued a Negative Declaration for the proposed Phase I projects in accordance with SEQRA to all interested and involved parties in March 2011 (Resolution 2010-11: 38); and

WHEREAS, the RJSCB previously re-affirmed the original SEQRA Negative Declaration (Resolution 2011-2012: 59) based on several *de minimis* program changes from the original Master Plan identified for the first six projects in Phase 1 of the RSMP (Schools 17, 28, 50, 58, Charlotte High School, and Franklin High School); and

WHEREAS, the RJSCB has now completed its second SEQRA update related to the next group of projects in Phase 1 of the RSMP (School 5, East High School, Edison High School, and revisions to School 28 and Franklin High School due to changes in scope) resulting in several *de minimis* program changes from the original Master Plan; and

WHEREAS, as the SEQRA Lead Agency, it is the intent of the RJSCB to keep all of the Involved and Interested parties informed as to the status of the RSMP projects, and any potential environmental impacts based upon program changes to these school projects as set forth in the original SEQRA Report that was prepared by the RJSCB’s consultant Clark Patterson Lee; and

WHEREAS, the RJSCB’s MWBE and Services Procurement Committee (“the Committee”) considered and discussed at its March 28, 2013 meeting the Executive Director’s recommendation that the original SEQRA Report should be updated and to accept Clark Patterson Lee’s proposal for SEQRA update services, and after due deliberation, the full Board approved the updating of the SEQRA Report at its meeting on April 1, 2013 (Resolution 2012-13: 140); and

WHEREAS, the RJSCB acting through its SEQRA consultant, Clark Patterson Lee, has prepared an Amended SEQRA Report that reviews and comments on the minor program changes to the next group

of school projects in Phase 1 of the RSMP (School 5, East High School, Edison High School, and revisions to School 28 and Franklin High School due to changes in scope); and

WHEREAS, the RJSCB has reviewed the Amended SEQRA Report and, through its consultants, has conferred with the New York State Office of Parks, Recreation, and Historic Preservation (“SHPO”) and with other Involved and Interested agencies; and

WHEREAS, the RJSCB has reviewed the “Amended Reasons Supporting SEQRA Negative Declaration” attached hereto; and

WHEREAS, the RJSCB has, through the Amended SEQRA Report, identified potential areas of environmental concern related to the Action and the new program changes, thoroughly analyzed such areas for possible significant adverse environmental impacts, concluded that any environmental impacts are *de minimis* and has provided a written elaboration in support of its determination.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that the program changes for the next group of projects in Phase I of the RSMP (School 5, East High School, Edison High School, and revisions to School 28 and Franklin High School due to changes in scope) are *de minimis*, that any minor impacts from said program changes have been mitigated to the maximum extent practicable for the reasons identified in the Amended SEQRA Report and that the Action, as proposed, will not result in any significant adverse environmental impacts.
2. The RJSCB hereby reaffirms its prior determination of a SEQRA Negative Declaration for the proposed Phase I projects.
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.

Second by Board Member Brown
Approved 7-0