

**Rochester Joint Schools Construction Board (RJSCB)
Resolution No. 2023-24:27**

Determining that Action for Phase 3 of the Modernization Program at certain of the District's Schools is a Type II Action and is not Subject to Further Review

WHEREAS, the City of Rochester School District (the "District") and Rochester Joint Schools Construction Board (the "RJSCB") are the sponsor of certain work as described in Exhibit A at certain of the District's school buildings (the "Project"); and

WHEREAS, the Project involves rehabilitation, repairs, replacement, and renovations to existing internal space and external parking, sidewalk, paving, and athletic fields and infrastructure at each of the referenced schools as identified in Exhibit A; and

WHEREAS, the District facilities identified above are not located on the same campus or within close proximity to other District facilities;

WHEREAS, the RJSCB now desires to comply with the New York State Environmental Quality Review Act ("SEQRA") and the regulations in 6 NYCRR Part 617 adopted by the New York State Department of Environmental Conservation (the "Regulations") with respect to the Project; and

WHEREAS, pursuant to the Regulations, the RJSCB has considered the Project in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

WHEREAS, the courts of this state have held that segmentation cannot occur if one or more of the projects are Type II actions.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The RJSCB has determined that the Project constitutes a “Type II action” (as the quoted term is defined in the Regulations) because it falls clearly within the ambit of three actions included on the Type II list specified in Section 617.5 of the Regulations:
 - (a) “routine activity of an educational institution” (617.5(c)(8)); and/or
 - (b) “maintenance or repair involving no substantial changes in an existing structure or facility” (617.5(c)(1)); and/or
 - (c) “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site;” (617.5(c)(2)); and
2. The Project is not subject to further review under SEQRA; and
3. Notwithstanding that the Project is not subject to further review under SEQRA, the RJSCB will continue to comply with the New York State Education Department Guidelines for School District Implementation of the State Environmental Quality Review (SEQR) and Associated Changes in the SED Building Permit Process, which requires consultation with the New York State Office of Parks, Recreation and Historic Preservation; and
4. A copy of this resolution shall be provided to the New York State Education Department.

Signed: _____ Dated: _____

Moved by Board Member: Rich Perrin
Second by Board Member: Ron Gaither
Adopted: 7-0

Exhibit A

Dr. Martin Luther King, Jr School No. 9 485 North Clinton Avenue, Rochester, NY 14605
Rehabilitation of approximately 130,500 square foot existing school/recreation center building including the renovation and partial reconfiguration of interior spaces, rehabilitation and replacement of existing mechanical, electrical and plumbing systems and associated asbestos abatement. Site work will include the reconstruction/ rehabilitation of existing pavement areas.

East School 1801 East Main Street, Rochester, NY 14609
Rehabilitation of approximately 48,700 square foot of the existing school building including the renovation and partial reconfiguration of interior spaces, rehabilitation and replacement of existing mechanical, electrical and plumbing systems and associated asbestos abatement. Site work includes the reconstruction/rehabilitation of existing pavement areas. RJSCB/RCSD may elect to reconstruct the existing softball and baseball fields with synthetic turf which would disturb approximately 4.8 acres. This school is identified as eligible for listing as a historic property and as a result, NYS SHPO review will be obtained once design development has been completed.

Franklin High School 950 Norton Street, Rochester, NY 14621
Rehabilitation of approximately 325,100 square foot of the existing school building including the renovation and partial reconfiguration of interior spaces, rehabilitation and replacement of existing mechanical, electrical and plumbing systems and associated asbestos abatement. Site work includes the reconstruction/rehabilitation of existing pavement areas. RJSCB/RCSD may elect to reconstruct the existing softball and baseball fields with synthetic turf which would disturb approximately 3.2 acres. Site work at athletic field areas will involve disturbance of former landfill site and this work will need to be coordinated with the New York State Department of Environmental Conservation (NYSDEC) and any NYSDEC regulations, however, this coordination would not change the SEQR classification of the project. This school is identified as eligible for listing as a historic property and as a result, NYS SHPO review will be obtained once design development has been completed.

Joseph C. Wilson Magnet High School 501 Genesee Street, Rochester, NY 14611
Rehabilitation of approximately 181,300 square foot of the existing school building including the renovation and partial reconfiguration of interior spaces, rehabilitation and replacement of existing mechanical, electrical and plumbing systems and associated asbestos abatement. Work may include the construction of an approximately 1,900 square foot addition to provide a single secure entrance. Site work includes the reconstruction/rehabilitation of existing pavement areas and landscaping elements associated with single secure entrance. This property is listed as a contributing building within the Sibley-Elmdorf Historic District and the documentation identifies the property as listed on the State register.

Edison Career & Technical High School 655 Colfax Street, Rochester, NY 14606
Rehabilitation of approximately 221,700 square foot of the existing school building including the renovation and partial reconfiguration of interior spaces, rehabilitation and replacement of existing mechanical, electrical and plumbing systems and associated asbestos abatement. Site work includes the reconstruction/rehabilitation of existing pavement areas. RJSCB/RCSD may

elect to reconstruct the existing athletic fields and track with synthetic track & turf which will disturb approximately 3.4 acres of the existing track and football field area. RJSCB/RCSD may also elect to remove and replace existing grandstand/press box and to provide athletic field lighting. Site work at athletic field areas will involve disturbance of former landfill site and this work will need to be coordinated with the New York State Department of Environmental Conservation (NYSDEC) and any NYSDEC regulations, however, this coordination would not change the SEQR classification of the project.

Frederick Douglass Junior High School 940 Fernwood Park, Rochester, NY 14609
Rehabilitation of approximately 169,000 square foot of the existing school building including the renovation and partial reconfiguration of interior spaces, rehabilitation and replacement of existing mechanical, electrical and plumbing systems and associated asbestos abatement. Site work includes the reconstruction/rehabilitation of existing pavement and lawn areas.