

**State Environmental Quality Review Act
Lead Agency Findings Statement**

Date: August 27, 2018

Pursuant to Article 8 of the New York Environmental Conservation Law and the implementing regulations of 6 NYCRR Part 617 (State Environmental Quality Review Act or "SEQRA"), the Mayor of the City of Rochester, as SEQRA Lead Agency, issues the following Findings Statement.

Name of Action: Vacuum Oil – South Genesee River Corridor Brownfield Opportunity Area (VOBOA) Implementation Strategy

SEQRA Status: Type 1, Positive Declaration

Description of Action: The Vacuum Oil Brownfield Opportunity Area (VOBOA) is an area that was the subject of analysis and planning, centered around a concentration of brownfield sites on lands that were formerly used as an oil refinery. This work was funded through a grant from the New York State Department of State (DOS) Brownfield Opportunity Area Program. The Vacuum Oil Brownfield Opportunity Area is a 148-acre area within the City of Rochester, New York located along the Genesee River and S. Plymouth Avenue. Through a three-step planning process, beginning in 2006 and ending in 2018, a Master Plan and pre-development activities were completed to position the study area for revitalization. This Master Plan and Implementation Strategy includes an analysis of possible development projects, housing strategies, as well as park, trail, and infrastructure improvements to be completed over the next 20 years. While the Master Plan will not physically alter the environment, it provides information for the community and decision makers as revitalization projects move forward in the future. The Final Generic Environmental Impact Statement for the Master Plan and Implementation Strategy (FGEIS) encompasses the Draft Environmental Impact Statement (DGEIS), satisfying SEQRA and DOS requirements.

Location: The VOBOA encompasses 517 parcels totaling 148 acres within the City of Rochester, New York along the Genesee River in the area bounded generally by the River, S. Plymouth Avenue, Ford Street, and Barton Street.

Date FGEIS Accepted as Complete: May 31, 2018

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SEQRA Review Process Summary

This action was designated as a Type 1 Action in accordance with SEQRA and Chapter 48 of the City of Rochester Code. Several steps were completed as part of this environmental review process and are described below:

- **Environmental Assessment Form and Involved Agency Coordination:**

The City of Rochester prepared a Full Environmental Assessment Form that generally described the VOBOA planning project and the initial implementation strategies, such as adoption of the plan and zoning amendments. The form was distributed to the Mayor and City Council for the requisite Lead Agency coordination. Coordination was finalized on December 30, 2013, establishing the Mayor as Lead Agency.

- **Determination of Significance:**

On February 12, 2014, the Lead Agency executed a Determination of Significance in the form of a positive declaration indicating the need for a DGEIS.

- **Draft Generic Environmental Impact Statement:**

The DGEIS was prepared to be directly incorporated into the VOBOA Implementation Plan document, per the requirements set forth by the New York State Department of State (DOS). SEQRA regulations governing the preparation and review of the DGEIS were designed to provide opportunities for involvement by interested agencies and the public. The DGEIS was accepted by the Lead Agency for public distribution, and the Notice of Completion was issued on September 29, 2017. The notice appeared in the Environmental Notice Bulletin. The DGEIS was properly filed with interested agencies and made available to the public for review at the following locations:

1. City Hall, Room 223B, 30 Church Street, Rochester, NY 14614
2. Rochester Public Library, Arnett Branch – 310 Arnett Blvd, Rochester, NY 14619
3. Carlson Commons, 70 Coretta Scott Crossing, Rochester, NY 14608
4. www.cityofrochester.gov/VacuumOilBOA

The DGEIS comment period in conjunction with a public hearing was an important part of the environmental review process. A public hearing before the Rochester Environmental Commission (REC) was conducted on October 19, 2017 and the public comment period was held open until January 31, 2018.

- **Final Generic Environmental Impact Statement:**

The REC reviewed the DGEIS and the public comments and made recommendations with respect to how responses should be addressed in the Final Generic Environmental Impact Statement (FGEIS). The FGEIS contains the revisions to the DGEIS text as well as responses to the public comments received during the DGEIS comment period.

The FGEIS was accepted by the Lead Agency on May 31, 2018 and a Notice of Completion was issued. The notice appeared in the Environmental Notice Bulletin. The FGEIS was properly filed with interested agencies and remains available to the public for review at the following locations:

1. <http://www.cityofrochester.gov/vacuuumoilboa/>
2. Phyllis Wheatley Library, 33 Dr. Samuel McCree Way, Rochester, NY 14608
3. Carlson Commons, 70 Coretta Scott Crossing, Rochester, NY 14608
4. City Hall, Room 223B, 30 Church Street, Rochester, NY 14614

The issuance of this Findings Statement by the Lead Agency completes the environmental review process as required by SEQRA. Future development will require site-specific reviews as part of future required applications. The need for additional or further SEQRA review as more specific site plans and applications progress will be determined by whether those plans and applications are consistent with the conditions and thresholds found in the DGEIS, FGEIS and this Findings Statement. If a proposed future action is not adequately addressed in these documents, additional SEQRA review may be required.

Findings and Conclusions

This section presents identified impacts, mitigation measures and Lead Agency findings pertaining to the implementation of the Master Plan.

A. Land Use and Zoning Changes

Impacts

Implementing the Master Plan will involve new construction and rehabilitation of buildings and other facilities that will alter and change the use of land. Due to the location in a brownfield area, these activities pose inherent risks.

Mitigation

Some of the mitigation of these potential impacts occurs as a matter of routine because the cleanup and reuse of brownfield sites are very closely regulated and monitored by the New York State Department of Environmental Conservation (NYSDEC) and its citizen participation process through the development of and compliance with health and safety plans, community air monitoring plans, quality assurance project plans and remediation action work plans.

Additional mitigation actions include compliance with post-cleanup Site Management Plans, environmental engineering and institutional controls, and NYSDEC environmental easements.

The mitigation measures presented in the DGEIS, and as amended in the FGEIS, represent the Lead Agency's intent to mitigate potential impacts within the VOBOA to the extent practical. Changes in land use from vacant land and buildings to occupied land and buildings will be subject to site-specific applications and review processes. The land uses depicted and described in the VOBOA Plan were selected by the community during the planning process as uses that will have a positive impact on the community. Application of the City Zoning Code protects the community from incompatible uses. Site-specific project proposals, including new construction and building rehabilitation, will be subject to the permit process and zoning review.

Site-specific mitigation measures for construction and rehabilitation activities include:

- Project sponsors and/or contractors will prepare a Protection and Maintenance of Traffic Plan and a Work Zone Traffic Management Plan. These plans will describe how heavy equipment will be transported in and out of the site, the location of staging areas, and how vehicular, pedestrian, and bicycle routes through the construction areas will be protected.
- Staging areas for heavy equipment must not encroach on surrounding properties. Damage to vegetation or pavement caused by heavy equipment staging must be repaired upon completion of construction activities.
- Trucks and other vehicles must enter and exit the site at a controlled gate and a preferred construction route will be identified.
- Site work must be phased in order to limit impacted areas and work must be scheduled during periods of low rainfall.
- Provisions will be made to protect against tracking dirt onto the rights-of-way.
- Parameters of an erosion control plan must be specified ahead of time as conditions of construction approval.
- Trees larger than 3 inches in diameter must be protected from damage during construction if they are being retained.
- Existing invasive species must be identified and removed during construction. Replacement species must be approved by the City of Rochester prior to planting.
- Construction activity shall be limited to the hours of 7:00 am to 8:00 pm.
- A preferred construction vehicle route that minimizes impacts on residential properties will be identified.
- To limit long-term light pollution, all new or replacement street light fixtures must be full cutoff.
- To the extent practicable, green infrastructure shall be integrated into the design of new surface parking lots.

Findings

With the implementation of identified mitigation measures, contract specifications and conditions of approval, and subject to future zoning and building permit review, the Lead Agency finds that implementation of the Master Plan will not have significant adverse impacts on the neighborhood.

B. Traffic Operations

Impacts

Potential impacts to traffic operations, under the No Build, Partial Buildout and Full Buildout scenarios specified in the VOBOA Master Plan, include decreased levels of service (LOS) for the Exchange Boulevard/Ford Street intersection. Based on the LOS results, the delayed movements at the intersection of Exchange Street at Ford Street with the greatest potential for causing rerouted traffic are: the southbound left, westbound right and westbound through movements. This may prompt some drivers to reroute their trips to streets to the east, such as Mt. Hope Avenue, South Avenue and Clinton Avenue.

Mitigation

Project impact thresholds and conditions were established as part of the DGEIS to help ensure that future development includes provisions for mitigating impacts to traffic circulation. The following mitigation measures shall be a consideration as the VOBOA Plan is implemented:

- Modify the southbound Exchange Boulevard approach to Ford Street to two left turn lanes and one through lane.
- Modify the Exchange/Ford traffic signal to a "protected only" left-turn phasing.
- Optimize the phase split times at Exchange Street and Ford Street.
- Add a northbound right turn lane on the Exchange Street approach to Ford Street.
- Optimize the phase split times at Exchange Street and Ford Street.
- Prohibit on-street parking in the following locations:
 - Exchange Street between Magnolia Street and Doran Street
 - Magnolia Street between Plymouth Avenue and Cottage Street
 - Flint Street between S. Plymouth Avenue and Exchange Street

Findings

With the implementation of identified mitigation measures, the Lead Agency finds that implementation of the Master Plan will not have a significant adverse impact on traffic operations within the VOBOA.

C. Street Configuration

Impacts

The Master Plan presents several alternatives for street configuration within the VOBOA. These configurations are intended to provide stronger vehicular, pedestrian and bicycle connections to the waterfront, extend transportation access, and reestablish connectivity throughout the neighborhood. Potential impacts include changes in traffic patterns, construction impacts, glare, added noise, and stormwater runoff.

Mitigation

The DGEIS presents a configuration alternatives feasibility analysis. Mitigation measures for the potential impacts of the various configuration alternatives are identified in the DGEIS and revised in the FGEIS. Any proposed street reconfiguration will be subject to further analysis, public input, and environmental review.

Findings

The Lead Agency finds that the choice among proposed new street configurations will be informed by further analysis, public input, and environmental review to ensure that the option chosen will not have a significant adverse impact on access and connectivity within the VOBOA.

D. Public Transit

Impacts

The only potential impact from the Master Plan presented in the DGEIS is the potential for increased transit service demand.

Mitigation

Mitigation measures to address an increase in transit service demand were presented in the DGEIS. Specific mitigation measures to be considered when development is proposed include:

- Increased frequency of bus service.
- Expansion of a bus route to include Exchange Street and any new waterfront road(s).
- Improvements to new and existing bus stops, including shelters, bike racks, and seating areas.
- Pedestrian and transit accommodations to meet expected needs, including bicycle parking and improved pedestrian routes to transit stops.

Findings

With the identified mitigation measures, the Lead Agency finds that implementation of the Master Plan will not produce significant adverse impacts on public transportation within the VOBOA.

E. Infrastructure and Utilities

Impacts

Given the existing capacity and condition of utilities and infrastructure in the VOBOA, no adverse impacts are expected as a result of implementation of the Master Plan. No existing water, sewer, or electric/fiber optic systems will be negatively impacted by additional demand generated by expected future development. Existing utilities may, however, be impacted by construction activities, including potential construction of new roads and streetscape improvements along Flint Street.

Mitigation

The FGEIS encourages the use of sustainable development and green infrastructure

Utility permits and approvals required to complete implementation of the VOBOA include approvals from local and state regulatory agencies, including Monroe County Pure Waters, New York State Department of Environmental Conservation, and Monroe County Health Department. The City and all development applicants will continue to coordinate with all utility agencies during implementation of the plan. Through the application of the mitigation measures identified in the DGEIS and FGEIS, the storm runoff entering the system under all build-out scenarios will be limited to the existing flows and will not increase the flow to the combined sewer system.

Findings

The Lead Agency finds that implementation of the Master Plan will not have significant adverse impacts on utilities.

F. Flood Hazard

Impacts

A portion of the VOBOA is within the designated 100-year floodplain of the Genesee River. The existing wall along the shoreline provides some protection against flooding but was not originally designed as a flood protection system and is not recognized by FEMA for flood insurance purposes as an "accredited" levee/floodwall system. In addition, the wall is deteriorating and in need of repair.

Mitigation

To protect future development within the floodplain, the DGEIS includes mitigation measures and project-specific mitigation, when applicable. Those measures include:

- Property owners and developers must obtain flood insurance.
- Redevelopment with the 100-year floodplain must follow NYS Floodplain Construction Requirements and requirements of Chapter 56 of the City Code.

Project Specific Mitigation Measures include:

- The lowest floor of buildings must be at least two feet above the base flood elevation.
- Residential structures must be elevated by means of compacted fill, a solid slab foundation, a crawl-space foundation, or pilings. If buildings must be elevated above street level, ADA ramping must be installed to provide convenient access.
- Non-residential buildings do not need to be elevated if they are flood proofed.

Findings

With flood mitigation measures in place, the Lead Agency finds that implementation of the Master Plan will mitigate the impacts of potential flooding and could potentially reduce the risk of flooding in the VOBOA.

The DGEIS also evaluates an alternative involving the reconstruction of the floodwall. The current condition of the floodwall could be repaired or reconstructed, potentially eliminating most or all of the designated 100-year flood zone in the VOBOA so that most or all of the potential impact and mitigation actions described above would no longer be applicable.

G. Parks and Open Space

Impacts

Implementation of the Master Plan will result in a net increase in parkland and waterfront access, enabling the area of the VOBOA to better meet National Recreation and Park Association standards for parkland access. As such, no adverse impacts on the open space, parks and recreation, and scenic resources of the VOBOA are foreseen.

Mitigation

No significant adverse impacts to parks and open space are anticipated; therefore, no future mitigation is required. Construction-related mitigation measures listed in Section A above will be implemented for work within the parks and open space areas.

Findings

The Lead Agency finds that implementation of the Master Plan will not have a significant adverse impact to parks and open space within the VOBOA.

H. Water Quality, Wetlands and Use of Groundwater

Impacts

Implementation of the Master Plan will involve substantial environmental cleanup that will reduce sources and migration of contamination that is or may be impacting groundwater, stormwater, the Genesee River and wetland areas. Potential adverse impacts include an increase in the amount of sediment in stormwater run-off and altering wetlands.

Mitigation

Mitigation measures and project-specific mitigation measures were presented in the DGEIS to minimize impacts to the maximum extent practicable. These are summarized below:

- As part of the granting of any permit, a Stormwater Pollution Prevention Plan (SWPPP) will be required, which includes the design of erosion and sediment controls to be used during all phases of construction as well as permanent site stormwater management practices.
- If development may impact an existing wetland, the benefits of that wetland will be retained by moving or creating new wetland areas. Development occurring in a wetland will be subject to site-specific review and will need to obtain permits.

Findings

The Lead Agency finds that, with the implementation of identified mitigation measures, implementation of the Master Plan will not have significant adverse impacts upon water quality or wetlands.

I. Wildlife Habitats

Impacts

As a result of the development projects proposed in both the Partial and Full Buildouts of the VOBOA Plan, potential adverse impacts to existing sensitive habitats may occur, as well the potential for the spread of invasive species.

Mitigation

Mitigation measures and project-specific mitigation measures were presented in the DGEIS to minimize impacts to the maximum extent practicable. Mitigation measures include:

- As development plans progress, invasive plant species shall be identified and removed.
- Clearing of trees should be limited to only those trees that need to be removed to allow development.
- Trees larger than 3 inches in diameter should be protected from damage during construction.
- Trees shall only be removed between October 31 and March 31.

Findings

The Lead Agency finds that the mitigation measures outlined above will mitigate potentially adverse environmental impacts on wildlife to the maximum extent practicable. Additional site-specific reviews will further assess and mitigate potential impacts to wildlife.

J. Historic and Cultural Resources

Impacts

Implementation of the Master Plan may result in changes to existing land uses as a result of new development and redevelopment. An archeological survey determined that six structures within the VOBOA could potentially be eligible for listing on the National Register of Historic Places. Most of these structures are deteriorating accessory buildings located on the former Vacuum Oil site.

Mitigation

Redevelopment opportunities portrayed in the Master Plan are envisioned to be consistent with residential and industrial character of the neighborhood. In addition, a major objective of the revitalization process is to improve the public realm and the waterfront, recognizing the historic and symbolic importance of the Genesee River waterfront and the former Genesee Valley Canal. The VOBOA Plan recommends wayfinding and historic interpretive signage that will help promote the neighborhood's historic significance within Rochester. It is anticipated that implementation of the VOBOA Plan will improve the community's access to, and understanding of historic and cultural resources. Mitigation measures include:

- If a structure that was determined to be National Register-eligible in the Phase II Site Evaluation is slated for demolition, a professional architectural historian should first document the interior and exterior structure. Professional archaeologists can also be present during the initial phases of construction to analyze any subsurface artifacts.
- Site-specific development proposals should show consideration for designing around National Register-eligible structures.
- Prior to the start of development, a Phase III Data Recovery analysis may be undertaken to retrieve data or artifacts that are slated for demolition. Recovered data must then be analyzed by professional archaeologists. Projects that undertake Phase III mitigation must first complete a Data Recovery Plan, which is reviewed by the Lead Agency and the State prior to execution. Results of Phase III Data Recovery should be shared with the public.
- Where appropriate, and as part of site plan approval, historic plaques and signage shall be incorporated into proposed projects.

Findings

The Lead Agency finds that with the incorporation of mitigation measures, the implementation of the Master Plan will have no significant adverse impacts on historic or cultural resources.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

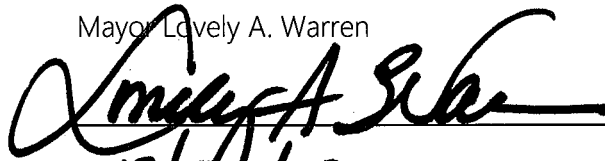
Having considered the Draft and Final Generic Environmental Impact Statements (collectively, the "GEIS"), including the comments received, and having considered the preceding written findings and conclusions relied upon to meet the requirements of 6 NYCRR Part 617, the City of Rochester finds and certifies in this Findings Statement that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;
2. The requirements of the City Environmental Review Ordinance, Chapter 48 of the City Code, have been met;
3. Consistent with the social, economic, and other essential considerations from among reasonable alternatives thereto, the action is one which would avoid or minimize, to the maximum extent practicable, adverse environmental effects including the effects disclosed in the GEIS and set forth in this Findings Statement, and;
4. Consistent with the social, economic, and other essential considerations described above, the incorporation of the mitigation measures described in the GEIS and this Findings Statement would minimize or avoid the action which were identified in the GEIS and this Findings Statement.

Name of Agency: City of Rochester, New York

Name of Responsible Officer: Mayor Lovely A. Warren

Signature of Responsible Officer:



8/29/18

Date: