**Central Administration – Capital Projects/Facilities Department**

# **MEMORANDUM** BOT Attachment III

 February 20, 2014

To: Louis Petrizzo – College General Counsel

 Gail Vizzini – Vice President for Business and Financial Affairs

 Paul Cooper – Executive Director of Facilities/Technical Support

From: Jon DeMaio – Administrative Director of Educational Facilities

 Alicia O’Connor – Deputy General Counsel

Date: February 10, 2014

Re: SEQRA Determination for GIGP Storm Water Reduction Grant

The project scope for this restoration project involves storm water management at three specific sites as follows:

Sagtikos Building – Grant Campus

A section of asphalt driveway will be replaced with permeable pavers and two runs of buried corrugated plastic pipe which will convey parking lot storm water runoff into a new rain garden comprised of specific plantings designed to absorb and filter of runoff. The new rain garden will be located in an area which is currently grass. This renovation will filter and mitigate storm water runoff from over 1.5 acres of impermeable parking field, reducing flooding and erosion.

Workforce Development and Technology Center – Grant Campus

Roof drains from this existing structure will be connected to two runs of buried corrugated plastic pipe which will convey storm water into a new rain garden comprised of specific plantings designed to absorb and filter runoff. The filtered storm water will then flow into five 2,500 gallon underground cisterns so that rainwater can be stored and used for irrigation purposes. This project will eliminate approximately 18,000 sf. of roof drainage.

The Cottage – Ammerman Campus

A section of asphalt driveway and gravel driveway will be replaced with permeable pavers and two individual rain gardens comprised of specific plantings designed to absorb and filter runoff. This renovation will filter and mitigate storm water runoff from impermeable surfaces, reducing flooding and erosion.

The net environmental impact of these initiatives will be positive in that the amount of storm water runoff will be reduced, water quality will be improved and rain water will be recycled.

As is required by law, we carefully reviewed the regulations promulgated pursuant to the State Environmental Quality Review Act (SEQRA) in order to determine whether this project should be classified as a Type I, Type II or Unlisted Action. In particular, we focused on whether the project meets the requirements of a Type II action, pursuant to 6 NYCRR §617.5(c)(2), which involves the “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site.”

We also looked to the NYS Department of Environmental Conservation’s “SEQRA Handbook” for guidance. In pertinent part, the SEQRA Handbook provides:

Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review. They do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement. Any action or class of actions listed as Type II in [617.5](http://www.dec.ny.gov/regs/4490.html) requires no further processing under SEQRA.

The SEQRA Handbook further indicates that “replacement in kind refers to function, size and footprint. Stick for stick replacement is not needed to qualify as replacement in kind.”

This project involves taking existing drainage systems made of asphalt and grass at three sites and replacing them with improved systems that utilize permeable pavers, rain gardens and cisterns. There will be no increase to the size or footprint of these three sites, and drainage functionality will be greatly improved. Accordingly, we recommend that this storm water runoff mitigation project be classified as a Type II Action, pursuant to 6 NYCRR §617.5(c)(2), because it involves the “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site.”

Furthermore, a review of questions from the environmental assessment checklists used to determine environmental impacts under SEQRA support the conclusion that this project will not have a negative environmental impact, including:

* The proposed action is a permitted use under the zoning regulations.
* The proposed action is consistent with the predominant character of the existing built or natural landscape.
* The proposed action will not result in a substantial increase in traffic above present levels.
* The proposed action will reduce storm water discharge from point and non-point sources.
* The proposed action does not create a material conflict with an adopted land use plan.
* The proposed action does not result in a change in the use or intensity of use of land.
* The proposed action does not impair the character or quality of the existing community.
* The proposed action does not cause an increase in the use of energy.
* The proposed action will result in a positive change to natural resources.
* The proposed action will result in a decrease in the potential for erosion, flooding or drainage problems.
* The proposed action will not create a hazard to environmental resources or human health.