

SEQRA As An Infrastructure Planning Tool: The GEIS Approach

34th Annual Planning Symposium

Onondaga County Planning Federation

March 9, 2023
Marriott Syracuse Downtown



Discussion Overview



- SEQRA and the GEIS
- Case Studies from the Capital Region
 - Town of Ballston
 - Town of East Greenbush
 - Town of Malta
- Questions & Discussion

SEQRA & GEIS



6 NYCRR Part 617

State Environmental Quality Review

Revisions adopted June 27, 2018 – Effective January 1, 2019

Division of Environmental Permits

625 Broadway, 4th Floor, Albany, NY 12233

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<https://www.dec.ny.gov>

Reproduction of 6 NYCRR Part 617 as it appears in the Official Compilation of Codes, Rules and Regulations of the State of New York

State Environmental Quality Review Act (SEQRA)

- Enacted in 1975 and derived from National Environmental Protection Act (NEPA)

Statutory Authority

- Article 8 of the Environmental Conservation Law

Regulations and Procedures

- 6 NYCRR Part §617

SEQRA & GEIS

Purpose

- Incorporate the consideration of environmental factors into existing planning, review, and decision-making processes at the state, regional and local levels early into the process.

Intent

- Protect and enhance environmental, human, and community resources.
- Provide a BALANCE of social, economic, and environmental factors in the decision making- process.
- Environmental factors should not be the sole considerations in decision making.

SEQRA & GEIS



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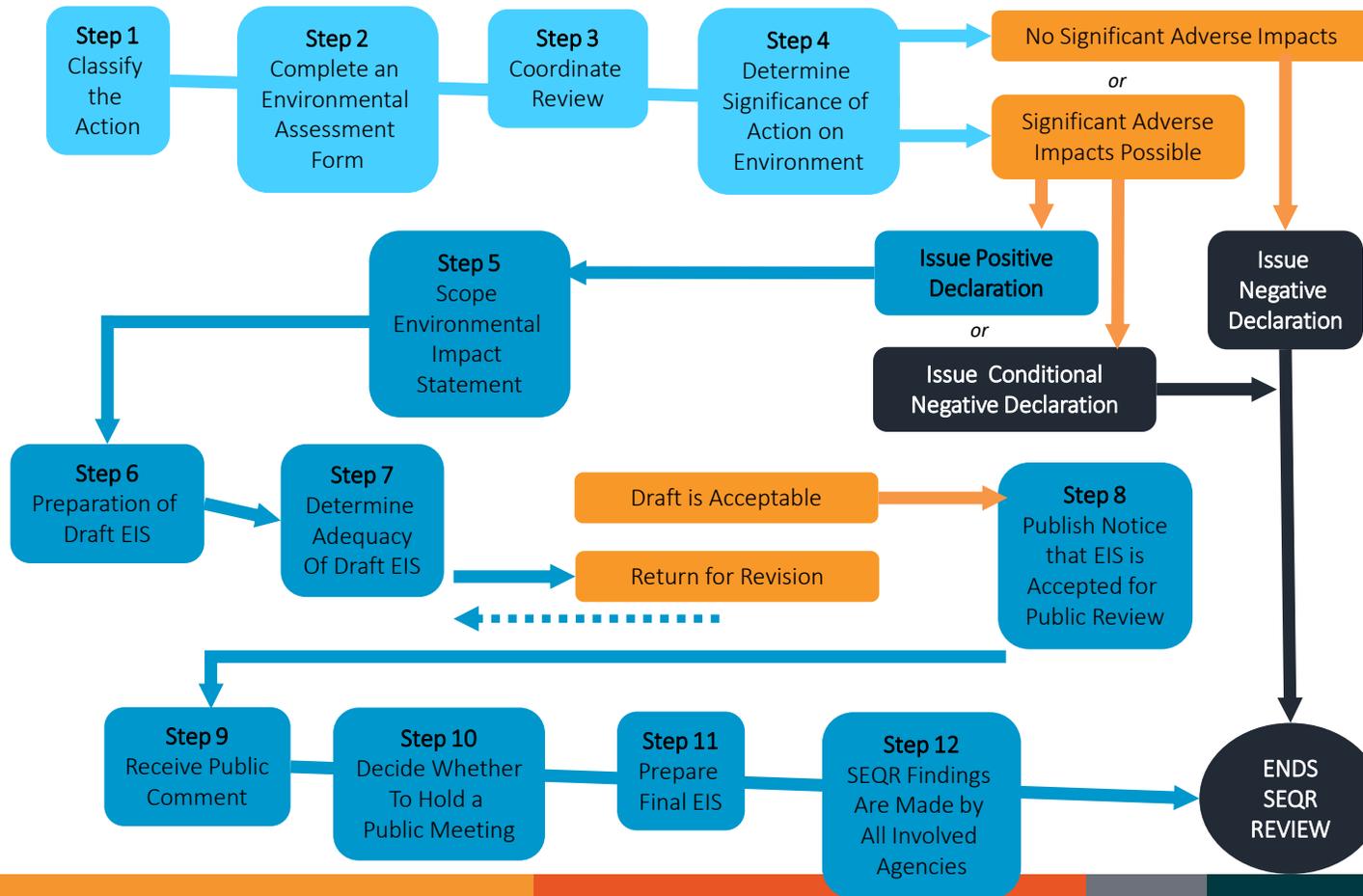
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- Preparation of Environmental Assessment Forms (EAF) most common for Municipal Boards, Planning Boards and Zoning Boards
- If, through the EAF evaluation process, potentially moderate to large impacts are identified, a **Positive Declaration** occurs
- A Positive Declaration triggers the preparation of an Environmental Impact Statement

SEQRA & GEIS



SEQRA & GEIS

§617.10 Generic Environmental Impact Statements

Generic EISs may be **broader, and more general** than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may **present and analyze in general terms a few hypothetical scenarios** that could and are likely to occur

Source: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/part617sear.pdf

SEQRA & GEIS

§617.10 Generic Environmental Impact Statements

A generic EIS may be used to assess environmental impacts of:

(4) an entire program or **plan having wide application** or restricting the range of future alternative policies or projects, including **new or significant changes to existing land use plans, development plans, zoning regulations** or agency comprehensive resource management plans.

Source: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/part617sear.pdf

SEQRA & GEIS



- Public Scoping Session – What will be evaluated in the GEIS?
- Draft GEIS
 - Evaluation of **Existing Environment**
 - Identification of **Potential Impacts**
 - Build-out analysis
 - Water, Sewer, Traffic, Recreation, etc
 - Identification of **Mitigation Measures**
 - 30-day public comment period



SEQRA & GEIS

STATE ENVIRONMENTAL QUALITY REVIEW ACT FINDINGS STATEMENT

Town of Ballston Comprehensive Plan Update and Zoning Amendments
Lead Agency: Town of Ballston Town Board
Adoption Date: April 12, 2022

Pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Ballston (the "Town Board") as the SEQRA Lead Agency makes the following findings.

1.0 INTRODUCTION

Name of Action: Town of Ballston Comprehensive Plan Update and Zoning Amendments

Description of Action: The Town of Ballston has initiated an update to its 2005 Comprehensive Plan to reflect the current needs, opportunities, and vision for the community. The Town has experienced significant residential growth in recent years and in response it seeks to update the Plan and zoning to strike a balance that supports development while maintaining and enhancing residential areas, agricultural resources, natural resources, and rural character.

Project Location: Town of Ballston, NY

Date Final Generic Environmental Impact Statement Accepted: March 29, 2022

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 Project Description

The Town of Ballston has updated its Comprehensive Plan to better consider the current needs, opportunities, and ultimate vision for the community set forth in the vision statement; "The Town of Ballston aspires to preserve its working agricultural lands, natural resources, and high-quality life as it continues to accommodate residential and commercial growth in targeted areas of the community. The Town seeks to maintain the small town and rural character that are the roots of the Ballston community,

- Final GEIS
 - Response to public comment
 - Public comment period (min 10 days)
- SEQR Findings Statement
 - (1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS
 - (2) weigh and balance relevant environmental impacts with social, economic and other considerations
 - (3) provide a rationale for the agency's decision
 - (4) certify that the requirements of this Part have been met
 - (5) certify the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable

Case Study: Town of Ballston



Ballston: Planning Steps to Support Tools

Comprehensive Plan Update



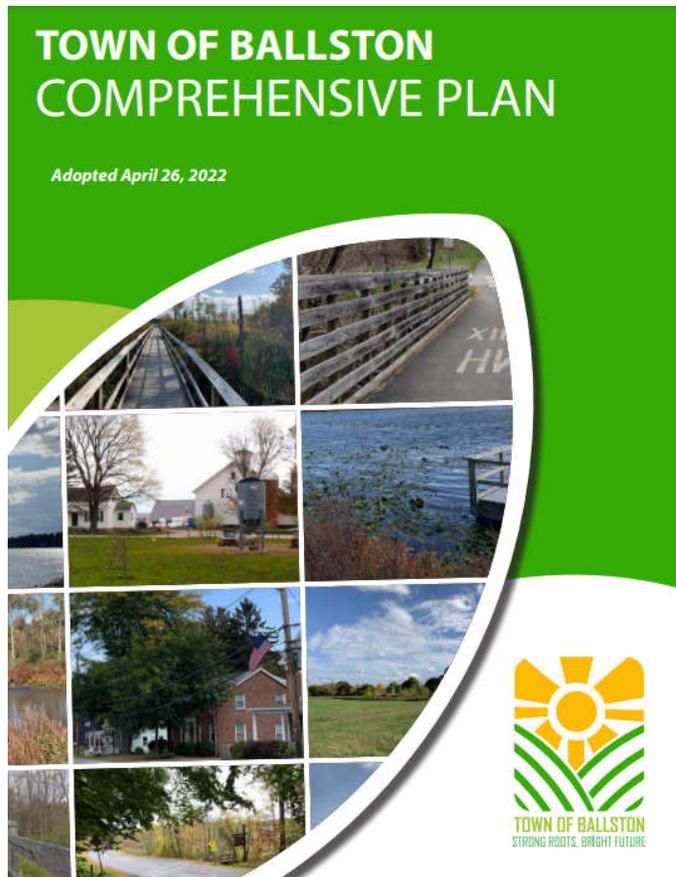
Zoning Amendments



GEIS



Ballston: Comprehensive Plan Update



- Fast growing community in Saratoga County
- Targeted update of the 2006 Comprehensive Plan
- Town Board lead effort
 - Professional assistance from MJ Engineering Team
- Intended to reflect the needs of today and identify a vision for the future
- **Adopted April 2022**



Ballston: Zoning Amendments



- Implementation Step of Comprehensive Plan
- Policy to achieve Comprehensive Plan Vision and Goals
- Codified the Town's Vision



Ballston: Generic Environmental Impact Statement

TOWN OF BALLSTON COMPREHENSIVE PLAN

Adopted April 26, 2022



- Adoption of the Comprehensive Plan and Zoning Amendments must be compliant with SEQRA
- Town Board Completed SEQRA EAF Parts 1, 2 and 3
- Town identified potential impacts related to water and transportation infrastructure as a result of the proposed zoning amendments
- Town Board issued a SEQRA Positive Declaration initiating the preparation of a **GEIS**

Ballston GEIS Process

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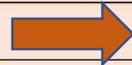
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- Public Scoping Session – What will be evaluated in the GEIS?
- Evaluation of **Existing Environment**
- Identification of **Potential Impacts**
 - Build-out analysis
 - Water evaluation
 - Traffic study
- Identification of **Mitigation Measures**
 - Mitigation fees

Ballston GEIS Mitigation Fees: Transportation

TABLE 1 – IMPROVEMENT MITIGATION COSTS

No.	Description	Improvements	No-Build Cost ¹	Build Cost ¹	Cost Difference ¹	Right-of-Way Required
1	NY Route 50 / Lake Hill Road (CR 339)	Replace Traffic Signal EB Left & Right Turn Lanes WB Right Turn Lane SB Thru Lane	\$1,395,000	\$3,016,000	\$1,621,000	Yes
2	NY Route 146A / Lake Hill Road (CR 339) / Residential Driveway	Install Traffic Signal EB Right Turn Lane NB Left Turn Lane	\$0	\$1,629,000	\$1,629,000	Yes
3	NY Route 50 / NY Route 146A	2-Lane Roundabout	\$357,000	\$2,829,000	\$2,472,000	Yes
6	NY Route 50 / Middleline Road (CR 59)	2-Lane Roundabout	\$0	\$3,468,000	\$3,468,000	Yes
7	DuRiet Road / Lake Road	Install Traffic Signal SB Right Turn Lane	\$0	\$1,044,000	\$1,044,000	Yes
8	Eastline Road (CR 82) / Lake Road	Install Traffic Signal	\$0	\$683,000	\$683,000	No
9	Middleline Road (CR 59) / Brookline Road (CR 60)	Install Traffic Signal WB Right Turn Lane SB Left Turn Lane	\$0	\$812,000	\$812,000	Yes
10	NY Route 50 / Brookline Road (CR 60) / Mourningkill Drive	Replace Traffic Signal NB Left and Thru Turn Lanes WB Left Turn Lane SB Thru Lane	\$0	\$3,603,000	\$3,603,000	Yes
11	NY Route 67 / Brookline Road (CR 60)	2-Lane Roundabout	\$516,000	\$2,995,000	\$2,479,000	Yes
12	NY Route 67 / Eastline Road (CR 82)	NB Slip Lane added to Roundabout	\$4,108,000	\$4,127,000	\$19,000	Yes
13	NY Route 50 / NY Route 67 / Ballston Avenue	Increase NY 50 & 67 turn lane storage Second Left Turn land on NY 50/67	\$1,780,000	\$2,299,000	\$519,000	Yes
14	NY Route 67 / Middleline Road (CR 59)	EB right and left turn lanes WB left turn lane	\$604,000	\$2,225,000	\$1,621,000	Yes
Total				\$19,970,000		
Assumed Local Share of Mitigation Costs (20%)				\$3,994,000		
Number of Trips				5,088		
Mitigation Cost per Trip				\$784.98		
Mitigation Cost per Trip Rounded³				\$785.00		



Assumed Local Share of Mitigation Costs (20%)

Total	\$19,970,000
Assumed Local Share of Mitigation Costs (20%)	\$3,994,000
Number of Trips	5,088
Mitigation Cost per Trip	\$784.98
Mitigation Cost per Trip Rounded³	\$785.00

Notes:

¹ Design and Construction Inspection costs are included. Costs are in 2022 dollars.

² Right-of-Way costs for the acquisition process and FEE acquisitions are included in the estimate. Assumptions for the need for ROW are based on Tax Map accuracy.

³ An industry standard inflation rate for construction costs should be added per year at a rate of 3%.

Table Source: https://www.envisionballston.com/files/ugd/981e6a_935b11a448be4ea68790cd1741d5ed97.pdf

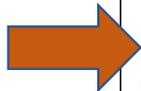
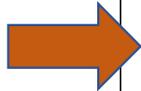


Ballston GEIS Mitigation Fees: Water

Table 2 - MITIGATION FEE SUMMARY

Buildout 1	Existing Zoning				
Total Dwelling Units	4,907	1,349,425	gallons	(275 gpd x Units)	
Non-Residential Area (SF)	5,572,690	557,269	gallons	(0.1 gpd/sf x SF)	
Total Projected Water Usage		1,906,694	gallons		
Capital Cost - Residential Share	71%	\$19,692,594			
Capital Cost - Non-Residential Share	29%	\$8,132,406			
Residential Cost per EDU		\$4,013.16	\$/EDU		
Non-Residential Cost per SF		\$1.46	\$/SF		
Buildout 2	Proposed Zoning				
Total Dwelling Units	1,454	399,850	gallons	(275 gpd x Units)	
Non-Residential Area (SF)	3,918,917	391,892	gallons	(0.1 gpd/sf x SF)	
Total Projected Water Usage		791,742	gallons		
Capital Cost - Residential Share	51%	\$11,507,013			
Capital Cost - Non-Residential Share	49%	\$11,277,987			
Total Residential Cost per EDU		\$7,914.04	\$/EDU		
*Residential Cost per EDU		\$4,748	\$/EDU		
*Non-Residential Cost per SF		\$2.88	\$/SF		

**Represents Applicant Mitigation Cost*



Case Study: Town of East Greenbush



- Fast growing community in Rensselaer County (Regeneron)
- FGEIS accepted in July 2009 and still current
- Comprehensive Plan update adopted in May 2021
- Zoning Amendments in progress
- Town Board initiating SEQRA review and identified potential impacts
- GEIS Update underway



Engineering and
Land Surveying, P.C.
Adopted May 19, 2021



East Greenbush Mitigation Fees

Final GEIS Accepted July 2009

Table 1: Mitigation Fee Summary

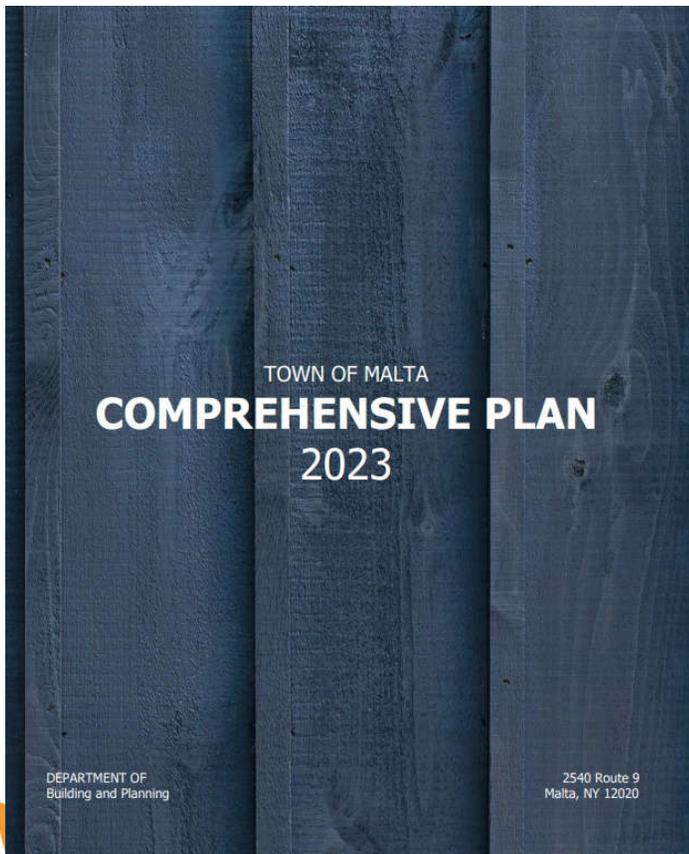
Mitigation Fee Summary					
	GEIS	Land Use/GIS	Water/Sewer	Recreation	Traffic
Total Cost	\$195,190	\$60,240	\$11,550,000	\$9,094,259	\$24,460,000
Private Share	100% \$195,190	90% \$54,216	100% \$11,550,000	10% \$1,364,139	\$20% 4,890,000
Unit of Measure	Trip	Trip	EDU	Commercial Square Foot	Trip
Cost Per Unit	\$52.29	\$14.52	\$5,100	\$0.98	\$1,310

Table Source: [https://www.eastgreenbush.org/application/files/7214/9098/6755/Final GEIS East Greenbush - 7-2-09.pdf](https://www.eastgreenbush.org/application/files/7214/9098/6755/Final_GEIS_East_Greenbush_-_7-2-09.pdf)

East Greenbush: GEIS Implementation

- GEIS Committee
 - Meets monthly
 - Reviews request for use of mitigation fees
 - Includes representatives from public works, planning, recreation departments, Supervisor and Town Board liaison
- Mitigation Fees used for:
 - Infrastructure improvements
 - Culvert replacement
 - Design engineering for multi-use path
 - Structure a Town Park
 - Monetary local match for grants

Case Study: Town of Malta



- Fast growing community in Saratoga County (Global Foundries)
- Town-wide GEIS initial Findings in 2006
- Supplemental GEIS & Findings 2017
- Amended FSEIS Findings Adopted 2020
- Updating Comprehensive Plan (2023)

Malta Mitigation Fees

Findings 2020

3.8 Summary of Mitigation Measures

Mitigation Fee Summary	
Resource	Mitigation Fee
Recreation- Residential Development	\$972/dwelling unit
Open Space	\$1,131/acre
Traffic	As determined for each development project in consultation with CDTC (or designated entity).
GEIS	\$152/trip

Table Source: [FSEIS-Findings-Adopted-010917-Amended-Sept-14-2020](#)

Malta: GEIS Implementation

- Traffic Mitigation
 - Fees calculated on peak PM peak trips generated
 - Modeling completed by CDTC (Capital District Transportation Committee) to determine overall mitigation fee per development
- Mitigation Fees used for:
 - Park improvements (interpretation & amenities)
 - Farmland Protection
 - Open Space Acquisition
 - Traffic improvements
 - Local match for funding opportunities

Local Planners Thoughts on GEIS as a Tool



- Helpful tool
- Useful system
- Allows community to leverage GEIS fees for additional funding
- Does take time to ‘fill the pot’ with enough funding to implement improvements
- Sometime pushback from developers – requests for fee reduction





Questions & Discussion



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