

**RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS**

**ISSUING SEQRA NEGATIVE DECLARATION
FOR PROPOSED ZONING MAP AMENDMENTS**

WHEREAS, New York State General Municipal Law provides authority for municipalities to undertake comprehensive planning and to regulate land use as it occurs within their municipal boundaries; and

WHEREAS, the City Council, as part of a continued effort to undertake such comprehensive planning, established a Comprehensive Plan Committee on April 4, 2013, consisting of fifteen (15) community members appointed by the City Council to update the City's 2001 Comprehensive Plan; and

WHEREAS, the Comprehensive Plan Committee, following numerous public meetings and workshops spanning over a year and a half, voted on December 18, 2014 to forward a draft Comprehensive Plan Update, including a Comprehensive Plan Map and certain proposed amendments, to the City Council; and

WHEREAS, after thorough review and multiple public workshops and public hearings, and following appropriate SEQRA review including issuance of a Negative Declaration, the City Council voted unanimously to adopt the 2015 Comprehensive Plan Update and Map on June 16, 2015; and

WHEREAS, upon adoption of the Comprehensive Plan Update, the City Council initiated review of the City's zoning and land use regulations in an effort to further align such regulations with the City's Comprehensive Plan; and

WHEREAS, the City's retained consultant, in conjunction with its work toward updating and unifying the City's zoning and land use regulations, presented eighteen (18) proposed changes to the existing Zoning Map to bring it into conformance with the City's adopted Comprehensive Plan; and

WHEREAS, the proposed changes were presented to the public on March 12, 2019 during a Special City Council Workshop, and were subsequently forwarded by the City Council to the Saratoga County Planning Board and the City Planning Board for advisory opinions pursuant to a vote on April 2, 2019; and

WHEREAS, on April 18, 2019, the Saratoga County Planning Board issued a unanimous favorable advisory opinion and, on June 24, 2019, after hearing from the public and deliberating over three (3) separate meetings, the City Planning Board issued an advisory opinion finding that all but one of the proposed changes to the existing Zoning Map were consistent with the adopted Comprehensive Plan and not contrary to the general purpose and intent of the City's Zoning Ordinance; and

WHEREAS, the only proposed change not deemed consistent with the Comprehensive Plan by the City Planning Board was the proposal to change the area currently zoned Warehouse District (WD) to Transect – 4 (T-4) which the Planning Board instead recommended be changed to Urban Residential – 3 (UR-3); and

WHEREAS, the action is general and legislative in nature and constitutes a Type I action under the State Environmental Quality Review Act (SEQRA) and the City Council, as the only agency with jurisdiction to fund, approve or directly undertake the action, has assumed Lead Agency status for purposes of a SEQRA Determination of Significance; and

WHEREAS, the City Council prepared Part 1 of the SEQRA Full Environmental Assessment Form (FEAF); and

WHEREAS, the City Council duly noticed and opened a Public Hearing on December 3, 2019, allowing the public to be heard on a proposed ordinance to amend the Zoning Map, inclusive of the amendment recommended by the City Planning Board, as set forth in the FEAF, with such Public Hearing remaining open through December 17, 2019; and

WHEREAS, the City Council, as Lead Agency, has reviewed all eighteen (18) proposed amendments to the City Zoning Map and has completed, carefully reviewed and thoroughly considered Part 1 of the FEAF and has duly considered and evaluated

the potential environmental impacts of the proposed legislative action in the FEAF Part 2 analysis; and

WHEREAS, the proposed Zoning Map amendments were initiated by the City Council upon the recommendation of its consultant and do not contemplate or speculate any specific project or projects, and there are no specific development proposals currently before the City Council or any City Land Use Board in any of the areas which are the subject of the Map amendments; and

WHEREAS, SEQRA does not require the Lead Agency to engage in purely hypothetical speculation of potential development, so long as review of potential environmental impacts of such development, if proposed, is clearly no less protective of the environment than if the Lead Agency had attempted to engage in such speculation; and

WHEREAS, with respect to the proposed zoning change from the current zoning of Urban Residential-1 (UR-1) to Office Medical Business-2 (OMB-2) (Map Amendment # 1), the City Council is aware that in 2015, it received an application by or on behalf of Saratoga Hospital to amend the Saratoga Hospital Medical/Professional Planned Unit Development (PUD) that included the proposed construction of a 88,500 square foot medical/professional office building and related parking, access, stormwater facilities and landscaping; and

WHEREAS, at that time, the City Planning Board, as SEQRA Lead Agency, conducted an evaluation of potential adverse environment impacts of the then proposed Saratoga Hospital PUD project and zoning amendment (“the 2015 Hospital Project”); and

WHEREAS, a Traffic Impact Study of the proposed 2015 Hospital Project was conducted by the Creighton Manning Engineering firm (CME), dated September 11, 2015, and reviewed by the City Planning Board; and

WHEREAS, the NYS OPRHP issued a letter on August 28, 2015 indicating that the proposed 2015 Hospital Project would have no impact on archeological and/or

historic resources listed in or eligible for the New York State and National Registers of Historic Places; and

WHEREAS, the City Planning Board voted unanimously (7-0) to issue a SEQRA Negative Declaration of environmental impact for the Hospital PUD Amendment on October 14, 2015; and

WHEREAS, the Hospital PUD amendment was not acted upon by the City Council; and

WHEREAS, there is no development proposal by Saratoga Hospital currently pending before the City Council or any of the City Land Use Boards and the City Council is not aware of any immediate development proposal by Saratoga Hospital; and

WHEREAS, the City Council is not aware of any relationship or nexus between possible further development by Saratoga Hospital and any of the other proposed map amendments; and

WHEREAS, the City Council is aware that a group of neighbors is opposed to proposed expansion of the Hospital; and

WHEREAS, the City Council recognizes the possibility that these neighbors may challenge adoption of the proposed map amendments and may allege that the City Council improperly “segmented” SEQRA review;

NOW, THEREFORE, BE IT

RESOLVED, that the City Council recognizes and acknowledges that SEQRA encourages review of a common or related set of activities together as an “action” and, therefore, as they are proposed together, the Map Amendments are being treated as such; and

BE IT FURTHER RESOLVED, that the City Council cannot be required to speculate about purely hypothetical potential future projects which it has no means to describe or define, and recognizes that if development applications are submitted to the City by Saratoga Hospital for the area of Map Amendment # 1 or by any other applicants for any of the other Map Amendment Areas, such applications shall be

subject to evaluation of potential environmental impacts by the appropriately designated SEQRA Lead Agency and such review will clearly be no less protective of the environment than any hypothetical speculative review that the Council could possibly undertake at this time; and

BE IT FURTHER RESOLVED, that it would be irrelevant and impractical, if not impossible, for the City Council to try to evaluate potential environmental impacts by linking speculative, hypothetical potential future development of Saratoga Hospital which might conceivably be facilitated by approval of Map Amendment # 1 to potential development of any of the other map amendment areas; and

BE IT FURTHER RESOLVED, that it would likewise be irrelevant, impractical and likely impossible for the City Council to speculate and meaningfully evaluate potential environmental impacts of hypothetical Hospital expansion for which the Council has no way of knowing whether any approval will be sought and, if so, of what elements and magnitude.

BE IT FURTHER RESOLVED, that, based upon the information provided in Part 1 of the SEQRA Full Environmental Assessment Form and analysis of the information provided and presented in Part 2 of the SEQRA Full Environmental Assessment Form, the City Council hereby issues a SEQRA Negative Declaration as this action, consisting of eighteen (18) proposed changes to the current Zoning Map, will not result in any large and important impacts and, therefore, will not have a significant adverse impact on the environment.

AYES 4 NAYS 1

AS APPROVED BY CITY COUNCIL: 12/23/19