

David A. Paterson
Governor



Deborah VanAmerongen
Chairperson

New York State Division of Housing and Community Renewal

Hampton Plaza
38-40 State Street
Albany, NY 12207

August 13, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Linda L. Goodman, Director of Project Development
Norstar Development, USA, LP
744 Tenth Street
Niagara Falls, NY 14301

Re: SHARS Number: 20060634
Niagara Falls Housing Authority and Norstar Development, USA, LP
Center Court Phase I

Dear Ms. Goodman:

On April 9 and 12, 2009, the New York State Division of Housing and Community Renewal (DHCR), published a "Combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds". DHCR is the designated tax credit agency for the disbursement of funds in connection with the federal Tax Credit Assistance Program authorized under the "American Recovery and Reinvestment Act". DHCR prepared the combined FONSI after compiling its "TCAP Programmatic Environmental Review Record" dated April 9, 2009. On June 17, 2009, DHCR received a notice of Authority to Use Grant Funds, which certifies that the requirements under 24 CFR Part 58 of HUD environmental review regulations had been satisfied.

DHCR has determined that the Environmental Review Record, dated August 13, 2009, for the above referenced project complies with the requirements of 24 CFR Part 58 of HUD Environmental Review regulations. This letter constitutes clearance of the environmental review of this project and removal of the limitation on commitment of HUD TCAP assistance per [24 CFR 58.22(b)].

DHCR, in compliance with the New York State Environmental Quality Review Act (SEQRA), accepts the determination of The New York State Housing Trust Fund Corporation (HTFC) concurrence with the Lead Agency, the City of Niagara Falls, which conducted a coordinated review for SEQRA with a determination of Type I, Negative Declaration, dated June 20, 2007.

If you have any questions or concerns regarding this environmental clearance letter, please contact me at (518) 402-3392 or bwigzell@nysdhcr.gov.

Sincerely,

Barbara H. Wigzell, R.A.
Certifying Officer
SEQR Officer

Cc: Cathy Frangella, TCAP Program Manager
Michele Marconi, HTFC Project Manager
John Farndell, A&E Architect

Web Site: www.dhcr.state.ny.us
Email address: dhcrinfo@dhcr.state.ny.us

Environmental Assessment
Site Specific Review

Responsible Entity: NYS Division of Housing and Community Renewal (DHCR)
Certifying Officer: Barbara H. Wigzell, RA, DHCR
Program Name: The Tax Credit Assistance Program (TCAP)
American Recovery and Reinvestment Act (ARRA) of 2009
Federal Agency: U.S. Department of Housing and Urban Development (HUD)
Project #: 20060634
Project Sponsor: **Niagara Falls Housing Authority and Norstar Development, USA, L.P**
Project Name: **Center Court Phase I**
Project Site Address: Various - a 15 acre site bounded by 15th Street to the West, Beech Avenue to the north,
20th Street to the east and Centre Avenue to the south.
Niagara Falls, NY 14302
Project County: Niagara
Estimated project costs: \$35,697,318.
Total TCAP Award: \$ 7,643,425.
Project Sponsor Address: 744 Tenth Street
Niagara Falls, NY 14301
Primary Contact's Name: Linda L. Goodman, Director of Project Development
E-Mail address: lgoodman@norstarus.com
Telephone Number: (716) 847-1098 #15

Program Classification: 58.36 - Environmental Assessment

ENVIRONMENTAL FINDING: [58.40(g)]

Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact - The project may significantly affect the quality of the human environment.

The undersigned hereby certifies that The New York State Division of Housing and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended, (42 USC sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.

Preparer Signature:

NAME: Barbara H. Wigzell, RA
Title/Agency: Certifying Officer
Environmental Analysis Unit

Date: 8/13/09

Project Name: Center Court, Phase I
Project #: 20060634

Environmental Assessment Site Specific Review

Project Description:

Niagara Falls Housing Authority proposes new construction and replacement of existing dilapidated housing units by the phased development of 282 new housing units on a 31.4 acre site in the Highland Avenue neighborhood of the City of Niagara Falls, Niagara County. A community center building will also be constructed for use by the residents. Public water and sewer are available at the site. Site work will include clearing, grading and excavation, construction of access roadway, driveways, parking areas and sidewalks, finish grading and landscaping. HTFC committed Homes for Working Families funds for development of the first phase of this project which consists of 130 units on Centre Street and Beech avenue between 15th and 17th Street in Niagara Falls.

Summary of Findings and Conclusions

Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

No Action: If no action is taken, the existing residential units would remain vacant and the benefits to low and moderate income households who need safe and decent affordable housing, would be lost. Through inaction, New York State will lose an opportunity to construct affordable housing units for seniors and families as well as provide a large number of construction and related jobs in a time of economic uncertainty.

Action: See project description above.

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

The site was environmentally characterized several Phase I Environmental. It was found that soils in the project area contain elevated levels of poly-aromatic hydrocarbons (PAH) and certain metal compounds.

A Soil Management Plan (SMP), prepared by Panamerican Environmental, Inc. (PEI) dated November 2008 was developed to address those issues referenced in the site characterizations previously undertaken.

The objective of the SMP is to set out guidelines for the management of soils, materials, and fill that are excavated or encountered during project build-out and/or during any future soil intrusive activities within the project area. This plan was reviewed and approved by various project stakeholders as well as various regulatory oversight bodies including the City of Niagara Falls, the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH) and the Niagara County Department of Health.

THE FOLLOWING DOCUMENTS ARE AVAILABLE FOR REVIEW BY REQUEST TO THE DHCR CERTIFYING OFFICER at: bwigzell@nysdher.gov or (518) 402-3392.

List of Additional Studies Performed Attachments, Sources, Agencies and Persons Consulted [40 CFR 1508.9(b):

- Updated Phase I Environmental Site Assessment (ESA) prepared by Panamerican Environmental, Inc. (PEI) dated August 2008
- Work Sheet D, Railway Noise, per HUD's "The Noise Guidebook " HUD-953-CPD
- Soils Management Plan (SMP), prepared by Panamerican Environmental, Inc. (PEI) dated November 2008
- EPA Map of Radon Zones for New York State
- NYS Office of Parks, Recreation and Historic Preservation
- Request for consultation to Tonawanda Band of Seneca Indians of New York, Seneca Nation of New York and Tuscarora Nation of New York, Tribal Historic Preservation Officers
- USFWS Coastal Barrier Resources System
- Flood Insurance Rate Map Panel Number 360506-0001B November 28, 2006

APPENDIX A
Statutory Checklist
Site Specific
[24CFR §58.5 and 58.6]

Project #: **20060634**
Project Name: **Center Court Phase I/Niagara Falls Housing Authority & Norstar Development**
Project Address: 1501 Center Street
City of Niagara Falls
Niagara
Date: August 13, 2009

For each listed statute, executive order or regulation, record the determinations made. Note reviews, consultations or mitigation measures required:

A - Not Applicable to this project OR B - Consultation, Permit and/or Mitigation Required

Then, make a determination of compliance or consistency in the Section provided.

Factors	A	B	Determinations and Compliance Documentation
Historic Preservation [36 CFR 800]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project was reviewed in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended. A letter from the NYS Office of Parks, Recreation and Historic Preservation, dated October 25, 2007, indicates that the proposed construction will have ANo Effect on cultural or historic resources. The letter notes; "further consultation with the SHPO will be necessary if there are any changes to the project". No further action is required. A request for a determination was forwarded by Center Court I LLC, on August 12, 2009 to the Tribal Historic Preservation Officers for the Seneca Nation of New York and the Tonawanda Band of the Seneca Indians of New York.
Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not in a Special Flood Hazard Area, according to the FIRM Map Panel Number 360506-0001B, dated March 16, 1983 and a determination letter from the City of Niagara Falls Department of Environmental Services dated November 28, 2006.
Wetlands Protection [Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Niagara Falls Planning Board's Negative Declaration dated June 20, 2007 states "There are no wetlands associated with the project". No further action is required.
Coastal Zone Management Act [Sections 307(c),(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not located in a coastal zone, according to a determination letter from the City of Niagara Falls Department of Environmental Services dated November 28, 2006. No further action is required.
Sole Source Aquifers [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not located near a Sole Source Aquifer according to the EPA SSA map.
Endangered Species Act [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impacts to rare, threatened or endangered species, or associated critical habitat are anticipated as a result of this action. There are no protected or endangered species or flora due to the previous ground disturbance which has occurred (inner city infill projects).
Wild and Scenic Rivers Act [Sections 7 (b), (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not located near a wild or scenic river according to the WSRR list prepared by the NYS Department of Environmental Conservation.

Air Quality [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant impacts on air quality will result. The City of Niagara Falls SEQRA Negative Declaration dated June 20, 2007 states that the "impacts to air quality are expected to be negligible."
Farmland Protection Policy Act [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is a previously disturbed urban site; project activities will not cause disturbance of Prime, Unique or Statewide Important Farmland.
Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project will facilitate the creation of affordable housing units. Measures and recommendations to mitigate negative impacts to neighborhoods characterized as low-income and minority will be implemented in accordance with Executive Order 12898.
Noise Abatement and Control [24 CFR 51 B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is within the limiting distance to CSX and AMTRAK railroad tracks mainline. A noise assessment conducted in June, 2007 determined that the DNL for the railroad is 59 dB which is below HUD threshold of 65 dB. No further action is necessary
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The site has been environmentally characterized during several previous investigations. It was found that soils in the project area contain elevated levels of poly-aromatic hydrocarbons (PAH) and certain metal compounds.</p> <p>A Soil Management Plan (SMP), prepared by Panamerican Environmental, Inc. (PEI) dated November 2008 was developed to address those issues referenced in the site characterizations previously undertaken.</p> <p>The objective of the SMP is to set out guideless for the management of soils, materials, and fill that are excavated or encountered during project build-out and/or during any future soil intrusive activities within the project area. This plan was reviewed and approved by various project stakeholders as well as various regulatory oversight bodies including the City of Niagara Falls, the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH) and the Niagara County Department of Health.</p> <p>During re-development construction, the SMP includes guidance for excavation and removal of excess soils in the areas where new residential structures and common use areas are constructed, followed by placement of a demarcation liner and replacement of clean fill and or asphalt/cement cap (existing excavated site soils/materials can be used as backfill as long as they are covered with two feet of suitable soil and/or concrete/asphalt). Restrictions on future excavation, gardening, construction etc., will be part of this plan.</p> <p>A final Engineering Report/Construction Monitoring Report associated with the re-development construction activities will be developed as part of the SMP to document construction activities and verify compliance with the SMP during re-development construction. An Institutional and Engineering Control Plan that is developed as part of the SMP will be used to verify site controls are maintained into the future.</p>
Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C] http://www.hud.gov/offices/cpd/environment/asdcaculator.cfm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Panamerican Environmental, Inc. (PEI) conducted an updated Phase I Environmental Site Assessment in August 2008. In a letter dated August 7, 2009, PEI states that a government records radius report indicates that "no above ground storage tanks are located within a mile radius of the property. Additionally, the project is surrounded by mostly residential structures and or vacant land and no tanks are visible within line of sight from the project area."

Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not within a limiting distance of an airport runway clear zone.
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NOTES: The project site is located in an area that the U.S. Environmental Protection Agency (EPA) has identified as having the potential for radon levels to exceed the EPA action level of 4 pCi/L. Based on average radon levels that are below this action level as documented by the Niagara County Department of Health, the project sponsor has elected to not install a sub slab radon mitigation system during construction of the buildings. Radon testing must be conducted when the buildings are complete, prior to occupancy, with test results forwarded to the HTFC DSU Architect. A third-party air-monitoring contractor must complete the final testing/clearance and the results must be certified by an authorized testing laboratory. The third-party must submit a report summarizing the final testing/clearance for the entire project. If radon testing indicates that the radon level in any of the buildings exceeds the EPA action level of 4 pCi/L, a radon mitigation system designed in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings", EPA 402-R-94-009, March 1994 must be installed and the building re-tested prior to occupancy to determine that radon levels will be maintained below recommended limits.

Barbara H. Wigzell, RA, Director, Environmental Analysis Unit
 Preparer

August 13, 2009
 Date

END OF STATUTORY CHECKLIST

APPENDIX B
Environmental Assessment Checklist
Site Specific

SHARS #: **20060634**
 Project Name: **Center Court Phase I/Niagara Falls Housing Authority & Norstar Development**
 Project Address: 1501 Center Street
 City of Niagara Falls
 Niagara
 Date: August 13, 2009

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area.

Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	On July 11, 2007 the City Council of the city of Niagara Falls resolved to change the existing zoning of the 27 single family home sites to "Negotiated Planned Development district (NPD) Center Court.
Compatibility and Urban Impact	1	The previous single family home use of the sites will not be changed in density or character.
Slope	1	The sites in the NPD do not have any substantial slopes that would alter the configuration of the homes.
Erosion	1	Compliance with the SPDES General Stormwater Permit for Construction Activities (GP-08-001) is not required since stormwater will be discharged into a combined municipal sewer. No further action is required.
Soil Suitability	4	The site has been environmentally characterized during several previous investigations. It was found that soils in the project area contain elevated levels of poly-aromatic hydrocarbons (PAH) and certain metal compounds. A Soil Management Plan (SMP), prepared by Panamerican Environmental, Inc. (PEI) dated November 2008 was developed to address those issues referenced in the site characterizations previously undertaken. The objective of the SMP is to set out guidelines for the management of soils, materials, and fill that are excavated or encountered during project build-out and/or during any future soil intrusive activities within the project area. This plan was reviewed and approved by various project stakeholders as well as various regulatory oversight bodies including the City of Niagara Falls, the New York State Department of Environmental Conservation

		<p>(NYSDEC), New York State Department of Health (NYSDOH) and the Niagara County Department of Health.</p> <p>During re-development construction, the SMP includes guidance for excavation and removal of excess soils in the areas where new residential structures and common use areas are constructed, followed by placement of a demarcation liner and replacement of clean fill and or asphalt/cement cap (existing excavated site soils/materials can be used as backfill as long as they are covered with two feet of suitable soil and/or concrete/asphalt). Restrictions on future excavation, gardening, construction etc., will be part of this plan.</p> <p>A final Engineering Report/Construction Monitoring Report associated with the re-development construction activities will be developed as part of the SMP to document construction activities and verify compliance with the SMP during re-development construction. An Institutional and Engineering Control Plan that is developed as part of the SMP will be used to verify site controls are maintained into the future.</p>
Hazards and Nuisances including Site Safety	1	<p>The project site will not have significant effects related to construction activity but will be typical of construction effects including sidewalk closures, fugitive dust and construction noise. These effects will be addressed under existing regulations governing construction activity with the local municipality.</p>
Energy Consumption	1	<p>The project will comply with DHCR's Green Building and Energy Efficiency Initiative, which includes sustainable building practices that place value on improved energy performance, comfort and simplified maintenance requirements that lead to financial efficiencies for the project.</p>
Neighborhood Impacts		
Noise - Contribution to Community Noise Levels	1	<p>The project will not contribute to community noise levels and will not result in significant levels of traffic (a mobile noise source) or stationary noise sources.</p>
Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	2	<p>The Negative Declaration dated June 20, 2007 which was prepared by the City of Niagara Falls as SEQR Lead Agency states "The project is anticipated to have neither real net change in vehicle use nor any other air pollution source. Therefore, impacts to air quality are expected to be negligible.</p> <p>Niagara County is a nonattainment area for 8-Hr Ozone. Ozone is created by emissions of volatile organic compounds (VOC) and nitrogen oxides (NOx). Both VOCs and NOx are emitted by transportation and industrial sources.</p> <p>The proposed project is a residential use and unlikely to significantly impact air quality from emissions of VOCs and NOx.</p> <p>Since the project is for residential use there will be no significant increase on traffic.</p>

Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	2	<p>The project will not alter visual quality, coherence, diversity, compatible use and/or scale. No negative effects related to environmental design are anticipated and significant positive effects related to compatibility and urban impact are anticipated.</p> <p>This project will facilitate the creation of new affordable housing units in a neighborhood of single family homes that are currently dilapidated and largely vacant. The removal and replacement of these houses with newly constructed homes, sidewalks, play areas and community facilities will provide the engine of revitalization of the Center Court neighborhood.</p>
Socioeconomic		
Demographic Character Changes	1	The project will not alter the demographic character of the area. the inhabitants of the proposed projects would have similar demographic characteristics as the population residing in the surrounding neighborhood.
Displacement	1	This project will not result in any permanent displacement of residents .
Employment and Income Patterns	1	Upon the completion of a project, minor changes to employment and income patterns may result.
Community Facilities and Services		
Educational Facilities	1	This project will not place a significant demand on local public schools.
Commercial Facilities	1	This project could result in a significant positive effect on existing commercial establishments since commercial facilities since residents may frequent retail establishments in the neighborhood, which can potentially be a benefit to commercial facilities.
Health Care	1	The proposed project will not place a significant additional demand on local health care facilities.
Social Services	1	The proposed project will not place a significant additional demand on local social services.
Solid Waste	1	The proposed project will not place a significant additional demand on solid waste disposal services since it will be served by private haulers
Waste Water	1	Waste water will be handled by municipal sewage treatment plants within the existing service areas.
Storm Water	1	The project sites are within MS4 jurisdictions and will be required to comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Water Systems (GP-0-08-002), which

		includes preparation of a Stormwater Pollution Prevention Plan (SWPPP).
Water Supply	1	The project will be served by the municipal water supply system and is sited within an existing service area. The project will not place a significant additional demand on the municipal water supply.
Public Safety - Police	1	Given the type and scale of this project, no significant impact is expected.
- Fire	1	Given the type and scale of this project, no significant impact is expected.
- Emergency Medical	1	Given the type and scale of this project, no significant impact is expected.
- Open Space	2	No significant impact.
- Recreation	2	No significant impact
- Cultural Facilities	2	No significant impact
- Transportation	2	Given the type and scale of this project, no significant impact is expected.
Natural Features		
Water Resources	1	Given the type and scale of this project, no significant impact is expected.
Surface Water	1	Given the type and scale of this project, no significant impact is expected.
Unique Natural Features and Agricultural Lands	1	The project site is a previously disturbed urban site; project activities will not cause disturbance of Prime, Unique or Statewide Important Farmland
Vegetation and Wildlife	1	There are no protected or endangered species or flora due to the previous ground disturbance which has occurred (inner city infill projects).
Flood Disaster Protection Act [Flood Insurance]	1	The project site is not in a Special Flood Hazard Area, according to the FIRM Map Panel Number 360506-0001B, dated March 16,

		1983 and a determination letter from the City of Niagara Falls Department of Environmental Services dated November 28, 2006. No further action is required.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	1	The project site is not located in a coastal zone, according to a determination letter from the City of Niagara Falls Department of Environmental Services dated November 28, 2006. No further action is required.
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	1	The project site not locatede within 2500 feet of any designated commercial service airports or within 15, 000 feet of any military airfields.
Other Factors	1	DHCR is not aware of any issues likely to cause controversy related to potential environmental impacts. On June 20, 2007, the City of Niagara Falls, acting as lead agency for the purposes of a coordinated SEQRA process, determined that Center Court Revitalization is a Type I action per 6 NYCRR 617.4. HTFC was listed as an involved or interested agency and does not dispute the City of Niagara Falls' designation as lead agency or the Type I determination of significance.
Other Factors		
Other Factors		

Comments:

Barbara H. Wigzell, RA, Director, Environmental Analysis Unit
Preparer

August 13, 2009
Date

END OF ENVIRONMENTAL ASSESSMENT CHECKLIST