

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

November 17, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Mr. Jonah Mandelbaum, President
Warwick Properties, Inc.
One Crescent Avenue
Warwick, NY 10990

Re: SHARS Number: 20096020
Warwick Properties, Inc.
Ellenville II Senior Housing
15 Healthy Way
Town of Wawarsing, Ulster County

Dear Mr. Mandelbaum:

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 November 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), which concurred with the Lead Agency, the Town of Wawarsing Planning Board, which conducted a coordinated review for SEQRA, with a determination of Unlisted, Negative Declaration, dated February 23, 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
Bob Shields, HTFC Project Manager
Wayne Petterson, DHCR Program Management

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 #: 20096020

Project Sponsor: **Warwick Properties, Inc.**

Project Name: **Ellenville II and III Senior Housing**

Project Site Address: 15 Healthy Way
Town of Wawarsing

Project County: Ulster County

Estimated project costs: \$8,026,113

Total TCAP Award: \$2,672,220

Project Sponsor Address: One Crescent Avenue
Warwick, NY 10990

Primary Contact's Name: Mr. Jonah Mandelbaum,

E-Mail address: mjcorp@warwick.net

Telephone Number: 845-986-7012

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 Mary Binder 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: Mary Binder
Title/Agency: Environmental Analyst 2

Date: November 13, 2009

Project Name: Ellenville II Senior Housing
Project #: 20096020

Environmental Assessment Site Specific Review

Project Description:

Warwick Properties, Inc. proposes new construction of Phase II to include a single three-story building with 42 units for seniors, on a 1.46 acre site at 15 Healthy Way, in the Town of Wawarsing, Ulster County. The slab-on-grade building will include an elevator, community room, card room, lobby with sitting area, TV room, physician's office and laundry services. The design and construction of the project will follow the NYS Division of Housing and Community Renewal's guidelines for the "Green and Energy Efficiency Building Initiative." Public water and sewer are available at the site. Site work will include clearing, grading and excavation, construction of driveways, parking areas and sidewalks, finish grading and landscaping. Phase III of the project includes new construction of a three-story buildings with 42 units for seniors. This review is being provided for both Phase II and III.

Summary of Findings and Conclusions

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

No Action: If no actions were taken, the existing site would remain a vacant site 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 projects and provide a large number of construction and related jobs in a time of economic uncertainty.

Action: Refer to project description above.

The construction of this project will not cause any significant, adverse environmental impacts.

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

HISTORIC PRESERVATION

The Tribal Historic Preservation Officer with the St. Regis Mohawk Tribe stated in a letter dated November 10, 2009 that the tribe has no further comments in regard to the project. They requested that they would like to conduct on-site monitoring during construction. The sponsor must arrange for that to occur.

STORMWATER

Compliance with the SPDES General Stormwater Permit for Construction Activities is required for this project. A Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent have been developed for this project.

TOXIC OR HAZARDOUS SUBSTANCES

A "passive" soil depressurization system has been incorporated into the building in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings," EPA 402-R-94-009, March 1994. Radon testing must be conducted when the building is 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 building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested prior to occupancy to determine that radon levels will be maintained below recommended limits.

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

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

Environmental Assessment

Site Specific Review

Page 2 of 2

EPA Map of Radon Zones for New York State

NYS Office of Parks, Recreation and Historic Preservation

NYS DEC Freshwater Wetland Map

U.S. Dept. of Interior National Wetland Inventory Map

NYS DEC Coastal Erosion Hazard Map

USFWS Coastal Barrier Resources System

Monroe County Geographic Information System database

Agricultural District Map and aerial photographs

Flood Insurance Rate Map Panel Number 360867 0051B dated September 15, 1982

Endangered and Threatened Species Report by North Country Ecological Services, Inc, dated August 16, 2007

Stormwater Pollution Prevention Plan prepared by Pietrzak & Pfau in September 2007

Phase 1A/1B Archeological Investigation, prepared by Strata Cultural Resource Management dated June 2007

APPENDIX A
Statutory Checklist

Site Specific
[24CFR §58.5 and 58.6]

Project #: **20096020**
 Project Name: **Ellenville II and III Senior Housing**
 Project Address: 15 Healthy Way
 Town of Wawarsing
 Ulster County
 Date: 11/13/09

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 type="checkbox"/> | <input checked="" type="checkbox"/> | <p>A letter from the NYS Office of Parks, Recreation and Historic Preservation, dated October 29, 2007, indicates that the project has been reviewed in accordance with National Historic Preservation Act of 1966, Section 106. The SHPO has reviewed the Phase IA/B and Phase II archeological reports prepared by Strata, dated June 2007 and September 2007 respectively and based upon this review, it is their opinion that the project will have "No Adverse Impact" upon historic properties in or eligible for inclusion in the State and National Registers of Historic Places. This "No Adverse Impact" is based upon the provision that the existing plant material within the building setback from Route 209 shall be retained and incorporated into the project's landscape plan. A November 16, 2007 letter from Pietrzak & Pfau states that the project will comply with the provisions set forth by SHPO. However, the developer was unable to save the vegetation due to the installation of the retaining wall in that area. After the work was completed, evergreen trees were planted. The developer corresponded with SHPO to document what happened. SHPO responded in a letter dated October 2, 2008 stating that the conditions listed in the Oct 29, 2007 SHPO letter have been met.</p> <p>The Tribal Historic Preservation Officer with the St. Regis Mohawk Tribe stated in a letter dated November 10, 2009 that the tribe has no further comments in regard to the project. They requested that they would like to conduct on-site monitoring during construction. The sponsor must arrange for that to occur.</p> |
| 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 a letter from Pietrzak and Pfau dated January 19, 2009. |
| Wetlands Protection [Executive Order 11990] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Town of Wawarsing Planning Board provided a Negative Declaration for this project and determined that there are no wetlands present on the site. |
| Coastal Zone Management Act [Sections 307(c),(d)] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | According to the New York State Coastal Atlas, the site is not located in a coastal zone. |
| Sole Source Aquifers [40 CFR 149] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The site is not located in a SSA Area. |

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|---|-------------------------------------|-------------------------------------|--|
| Endangered Species Act [50 CFR 402] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | An August 16, 2007 Endangered and Threatened Species Report prepared by North Country Ecological Services, Inc., lists 10 federally and state listed species. The report states that during the endangered/threatened species assessment, no habitat conducive to the species or the vegetative community type that was identified by the agencies was found within the subject property or on the adjacent properties. Due to the semi-disturbed nature of the site it has been determined by North Country Ecological Services that the proposed project is unlikely to result in any negative or adverse effect upon typical flora and fauna and any endangered or threatened species. A November 15, 2007 letter from the US Fish and Wildlife Service states that they acknowledged the receipt of the “no effect” determination. No further ESA or NY Natural Heritage Program coordination or consultation is required. |
| Wild and Scenic Rivers Act [Sections 7 (b), (c)] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is not located near a WSRR. |
| Air Quality [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is in Ulster County, which is not in a nonattainment area. The proposed project is a residential use and unlikely to significantly impact air quality. |
| Farmland Protection Policy Act [7 CFR 658] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The site is zoned for the intended use and therefore not subject to the Farmland Protection Policy Act. The project area does not lie in or within 500 feet of a NYS Agricultural District certified pursuant to Agriculture and Markets Law, Article 25-AA, Sections 303 and 304. |
| Environmental Justice [Executive Order 12898] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | This project will facilitate the creation of affordable housing units. It is not located in a predominantly minority and low-income neighborhood. Neither the site nor the neighborhood will suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large |
| Noise Abatement and Control [24 CFR 51 B] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The site is not located near any airports or within the limiting distance to highways or railroads. |
| Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33] | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A Phase I Environmental Site Assessment prepared by Ecosystem Strategies, Inc. on August 21, 2009 revealed no evidence of recognized environmental conditions in connection with the property. A “passive” soil depressurization system has been incorporated into the building in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings," EPA 402-R-94-009, March 1994. Radon testing must be conducted when the building is 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 building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested prior to occupancy to determine that radon levels will be maintained below recommended limits. |
| Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Siting of Project Near Hazardous Facilities Engineering Report, prepared by Pietrzak and Pfau Engineering and Surveying, PLLC in July 2009 was provided. Although the ASD calculated by the report are incorrect, the data provided was used to recalculate the correct ASD. A 1,500 gallon undiked, pressurized oxygen tank with in line of site to building and outside gathering area is 500 feet from the site. ASD for Blast is 248 feet and thermal 320 feet for people. This tank is outside the ASD for the project. A second tank is a 2,000 gallon, undiked, non pressurized diesel fuel approx 400 feet from site. No line of site exists from the tank to the project since there are several buildings between. |
| Airport Clear Zones and | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The site is not located within 2500 feet of any designated commercial |

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| Accident Potential Zones [24 CFR 51 D] | | service airports or within 15,000 feet of any military airfields. |
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NOTES:

Mary Binder
Preparer

November 13, 2009
Date

APPENDIX B
Environmental Assessment Checklist
Site Specific

SHARS #: **20096020**
 Project Name: **Ellenville II and III Senior Housing**
 Project Address: 15 Healthy Way
 Town of Wawarsing
 Ulster County
 Date: November 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 | The current zoning of the site is B-H, as of right. A letter dated February 3, 2009 from the Town of Wawarsing Planning Board states that the project has received final site plan approval. |
| Compatibility and Urban Impact | 1 | The project has been reviewed and approved by the Town of Wawarsing Planning Board. |
| Slope | 1 | Most of the development area is relatively flat, however portions of the site are located on 25 percent slopes. |
| Erosion | 4 | A Stormwater Pollution Prevention Plan was prepared by Pietrzak and Pfau in September 2007 and a Notice of Intent was provided to DEC on October 2, 2007 for the entire three phase site. |
| Soil Suitability | 1 | The soils located on site are described as gravelly silt loams from 3-25 percent slope. |
| Hazards and Nuisances including Site Safety | 4 | A Phase I Environmental Site Assessment preped by Ecosystem Strategies, Inc. on August 21, 2009 revealed no evidence of recognized environmental conditions in connection with the property. A "passive" soil depressurization system has been incorporated into the building in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings," EPA 402-R-94-009, March 1994. Radon testing must be conducted when the building is 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 |

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| | | 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 building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested prior to occupancy to determine that radon levels will be maintained below recommended limits. |
| Energy Consumption | 1 | The project will comply with DHCR's Green Building 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. |
| Neighborhood Impacts | | |
| Noise - Contribution to Community Noise Levels | 1 | The proposed residential housing project will not generate noise above ambient levels, except during construction, at which time noise will be intermittent and temporary. |
| Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels | 1 | The project is in Ulster County, which is not in a nonattainment area. The proposed project is a residential use and unlikely to significantly impact air quality. |
| Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale | 1 | The current zoning of the site is B-H, as of right. A letter dated February 3, 2009 from the Town of Wawarsing Planning Board states that the project has received final site plan approval. |
| Socioeconomic | | |
| Demographic Character Changes | 1 | The project will not alter the demographic character of the area and is consistent with zoning. The location is in the center of the population in need of such housing and will make access to services and job opportunities convenient. |
| Displacement | 1 | This project is new construction and will therefore not result in displacement of any residents. |
| Employment and Income Patterns | 1 | The project will not alter the employment and income patterns in the area. The location is in the center of the population in need of such housing and will make access to services and job opportunities convenient. |
| Community Facilities and Services | | |
| Educational Facilities | 1 | The project will provide housing for seniors and will not place any additional demand on educational facilities. |
| Commercial Facilities | 2 | There are adequate facilities and the increased consumers will have a positive benefit for business. |
| Health Care | 2 | The project is located in an area where tenants will have access to health care. |

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| Social Services | 2 | The project will not alter the employment and income patterns in the area. The location is in the center of the population in need of such housing and will make access to services and job opportunities convenient. |
| Solid Waste | 1 | The slight increase in population will not affect disposal facilities. |
| Waste Water | 1 | Public sewer is available at the site and is of sufficient capacity to handle the slight increase in discharge. |
| Storm Water | 4 | Compliance with the SPDES General Stormwater Permit for Construction Activities is required for this project. A Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent have been developed for this project. |
| Water Supply | 1 | Public water is available at the site and is of sufficient capacity to handle the slight increase in discharge. |
| Public Safety - Police | 1 | The slight increase in population may create a small increase in demand on police facilities, however existing capacity is sufficient to handle the projected demand. |
| - Fire | 1 | The slight increase in population may create a small increase in demand on fire protection services, however existing capacity is sufficient to handle the projected demand. |
| - Emergency Medical | 1 | The slight increase in population may create a small increase in demand on emergency medical services, however existing capacity is sufficient to handle the projected demand. |
| - Open Space | 1 | The slight increase in population is not expected to place a significant demand on open space resources. This project proposes new construction. It is not currently used by the community or neighborhood as an open space or recreation area. |
| - Recreation | 1 | The slight increase in population is not expected to place a significant demand on open space resources. This project proposes new construction. It is not currently used by the community or neighborhood as an open space or recreation area. |
| - Cultural Facilities | 1 | The slight increase in population is not expected to place a significant demand on cultural resources. |
| - Transportation | 1 | The development of the project should have no noticeable adverse effects on the adjacent traffic and no off-site traffic mitigation measures will be necessary. |
| Natural Features | | |
| Water Resources | 1 | The proposed project will not result in a significant effect on |

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| | | water resources, including groundwater and surface water. |
| Surface Water | 1 | The projects would not result in a significant effect on surface waters. |
| Unique Natural Features and Agricultural Lands | 1 | This project proposes new construction. It will not result in a significant effect on unique natural features or agricultural lands. |
| Vegetation and Wildlife | 1 | An August 16, 2007 Endangered and Threatened Species Report prepared by North Country Ecological Services, Inc., lists 10 federally and state listed species. The report states that during the endangered/threatened species assessment, no habitat conducive to the species or the vegetative community type that was identified by the agencies was found within the subject property or on the adjacent properties. Due to the semi-disturbed nature of the site it has been determined by North Country Ecological Services that the proposed project is unlikely to result in any negative or adverse effect upon typical flora and fauna and any endangered or threatened species. A November 15, 2007 letter from the US Fish and Wildlife Service states that they acknowledged the receipt of the "no effect" determination. No further ESA or NY Natural Heritage Program coordination or consultation is required. |
| Flood Disaster Protection Act [Flood Insurance] | 1 | The project site is not in a Special Flood Hazard Area, according to a letter from Pietrzak and Pfau dated January 19, 2009 |
| Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)] | 1 | The site is not located in a Coastal Barrier according to FEMA mapping. |
| Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)] | 1 | The site is not located within 2500 feet of any designated commercial service airports or within 15,000 feet of any military airfields. |
| Other Factors | | |
| Other Factors | | |

Comments:

Mary Binder
Preparer

November 13, 2009
Date

END OF ENVIRONMENTAL ASSESSMENT CHECKLIST