

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 28, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Len Sedney, Director of Environmental Services
New York State Housing Finance Agency
641 Lexington Avenue,
New York, NY 10022

Re: Farmington Senior Apartments, LLC
Farmington Senior Apartments
NYS Route 322, Town of Farmington, Ontario County

Dear Mr. Sedney:

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 based this 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 21, 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), concurs with the findings of the Town of Farmington's coordinated and SEQR determination of Type I with a Negative Declaration, dated August 26, 2008.

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

Sincerely,

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

Cc: Cathy Frangella, TCAP Program Manager

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 #: N/A
Project Sponsor: **Farmington Senior Apartments, LLC**
Project Name: **Farmington Senior Apartments**
Project Site Address: West Side of NYS Route 332, 1500 feet South of NYS Route 96
Farmington, NY 14425
Project County: Ontario
Estimated project costs: \$13,776,135
Total TCAP Award: \$7,100,000
Project Sponsor Address: 99 Ridgeland Road
Rochester, NY 14623
Primary Contact's Name: Len Sedney,
NYS Housing Finance Agency
E-Mail address: lsedney@nyhomes.org
Telephone Number: (212) 872-0468
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 NYS Housing Finance Agency 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: Len Sedney
Title/Agency: Director, Env. Services
NYS Housing Finance Agency

Date: 8/21/09

Project Name: Farmington Senior Housing
SHARS #: N.A.

Environmental Assessment **Site Specific Review**

Project Description:

Funding from HUD's Tax Credit Assistance (TCAP) is being sought in connection with a project known as Farmington Senior Housing (the "Project"). The Project will consist of the construction of a new two-story garden style apartment complex with approximately 87,230 square feet of gross building area containing 88 units (seventy-two (72) one-bedroom, and sixteen (16) two-bedroom units). The Project will provide permanent housing for low-income households in which at least one member is 55 years of age or older. It is anticipated that fourteen (14) of the total units will be constructed to meet the needs of persons with physical disabilities, and that three (3) of the total units will be wired for audio/visual impaired individuals. Amenities will include laundry facilities, porches, and terraces attached to all of the units, energy efficient design and appliances, and a community meeting room/lounge. The building will be served by one elevator. A total of 90 parking spaces will be available for residents.

The Project is located on a 9.2 acre vacant parcel of land approximately 1,000 feet west of State Route 332, in the town of Farmington, Ontario County, New York. This parcel of land was part of a larger parcel (62.5 acres) that was rezoned from GB General Business and RB Restricted Business to IZ Incentive Zoning to accommodate a seven lot subdivision. This rezoning was the subject of a Type I, coordinated New York State Environmental Quality Review with a Negative Declaration issued on September 9, 2008 by the Farmington Town Board. The site plan and subdivision were approved by the Farmington Planning Board on July 15, 2009. Presently, this subdivision includes two lots where Lot 2 consists of the project site, and Lot 1 remains the property of the owner. No plans exist for the remaining land at this time.

The project is determined to require an Environmental Assessment according to 24 CFR 58.36.

The Project has been determined to be a "Type I" SEQR action.

Summary of Findings and Conclusions

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

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

The 62 acre parcel was initially zoned for general business use, but the Town of Farmington approved a rezoning to "Incentive Zoning", enabling senior apartment development on the 9.2 acre project site. The decrease in traffic was a major reason for the "Incentive Zoning" plan. The senior housing was initially proposed on the south side of Beaver Creek, adjacent to existing single-family homes. After discussions with the Town and residents, an agreement was reached to move the senior housing site to the north side of the creek granting greater access to retail and commercial services to the senior residents at the intersection of Route 332 and Route 96 while buffering the existing single-family uses. The building was initially proposed as a three-story linear structure. This was determined to be out of character with surrounding uses. The design was changed to a two-story X-shaped building. This benefits the community and project by

keeping the design compatible with the neighborhood. The building location was initially placed further east on the site. Upon delineation of the wetlands, the building was located further west to avoid major disturbance to the federal wetland identified as "wetland B". Only minor disturbances will occur to this wetland, approximately 700 square feet (0.01 acre) as a result of the placement of a sewer and water line which was unavoidable after the building was shifted to the west. This approximately 700 square feet disturbance will be fully restored.

No Action: The benefit of not implementing the proposal is that an undeveloped parcel of land would remain undeveloped into the foreseeable future thus not creating any increase or decrease in resource demand.

The adverse impact of not implementing the proposal includes (1) the demand for affordable, accessible housing would not be met, and (2) the opportunity to provide 88 units of senior affordable housing with ancillary services would be lost, and (3) the economic benefits to the Town would not be realized.

Action: Refer to "Project Description " above.

The project will create 88 new one and two-bedroom affordable apartments for seniors age 55 and older near the center of the Town of Farmington. A new road as part of the overall subdivision will be constructed as part of the development in keeping with the Town's economic development plans, and traffic corridor improvement plans. The project will allow for future connections to existing roads thereby enhancing the "town center" concept envisioned by the Town Master Plan. This project is part of the overall "Incentive Zoning" plan initiated by the Town in 2008. Absent the project, commercial development would encroach on single-family uses to the south. This project provides a buffer for the residential to the south, and takes advantage of the services and amenities available to the north at the intersection of Route 332 and Route 96.

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

(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

See above, for description of modifications made to the project during the planning stages to minimize adverse impacts.

Any mitigation, not already planned for in the Joint Permit Application with the U.S. Army Corps & NYS Dept. of Environmental Protection for stream disturbance and freshwater wetlands will be complied with.

Following completion of construction, the Project will test for radon, prior to occupancy. If radon testing indicates levels which exceed the US EPA action level of 4 pCi/L, a radon mitigation system will be installed.

Additional Studies Performed

Phase I Environmental Assessment-SAW Environmental Services, Inc. (1/30/2007)

Phase I Environmental Assessment- SAW Environmental Services, Inc. (6/9/2009)

Phase I Cultural Resource Investigation - Powers & Teremy, LLC, (6/29/2009)

Wetland Delineation Report - Environmental Resources, LLC (1/28/2009)

Stormwater Pollution Prevention Plan, McMahan LaRue Associates, P.C. (6/25/2009)

Geotechnical Evaluation - Foundation Design, P.C. (March, 2009)

List of Attachments

1. Environmental Assessment Checklist Site Specific

2. Statutory Checklist Site Specific
3. No Impact Determination from the NYS Office of Parks, Recreation and Historic Preservation and the Tribal Historic Preservation Office;
4. Flood Insurance Rate Map; Community Panel # 361299 0012 B & Flood Zone Documentation, Farmington Code Enforcement Officer (8/11/2008)
5. Wetland Delineation Report - Environmental Resources, LLC (1/28/2009)
6. U. S. Fish and Wildlife Service Letter of "No Effect", dated July 30, 2008
7. Joint Permit Application, US Army Corps of Engineers, Buffalo District & NYS Department of Environmental Conservation, Region 8
8. Storm Water Pollution Prevention Plan - McMahon LaRue Associates, P.C. (6/25/2009)
9. 8 Step Process in Compliance with Executive Order 11990 (Protection of Wetlands)
Early (First)Public Notices in Compliance with Executive Order 11990
Final (Second) Public Notice in Compliance with Executive Order 11990
10. Day/Night Noise Level Assessment Tool
11. Phase I Environmental Assessment- SAW Environmental Services, Inc. (6/9/2009)
12. NYS Housing Finance Agency SEQR Determination & Town Board Type I Negative Declaration

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]

NYS Department of Environmental Conservation (DEC) - Region 8;
NYS Office of Parks, Recreation and Historic Preservation (OPRHP);
U.S. Federal Emergency Management Agency (FEMA)
Gregory McMahon, McMahon LaRue Associates, P.C. (Site Engineer)
U.S. Army Corps of Engineers, Buffalo District
Farmington Sewer & Water Inspector, Jack Henihan
Rich Cattadoris, NYS Dept. of Transportation

Statutory Checklist

Site Specific

[24CFR §58.5 and 58.6]

SHARS #: N/A
 Project Name: Farmington Senior Housing
 Project Address: West of State Route 332
Farmington, NY 14425
 Date: August 21, 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 New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) was consulted and the proposed project will not have any adverse impacts upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places (Letter from NYS OPRHP dated 7/15/09). Consultation was also sought with the Tribal Historic Preservation Office (THPO). (See E-mail from Seneca Nation of Indians dated July 28, 2009.
Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project not located in "Special Flood Hazard Area". Located in Zone "C" on Flood Insurance Rate Map # 361299 001299 0012 B (attached). Also attached is letter from Farmington Code Enforcement Officer
Wetlands Protection [Executive Order 11990]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No federal wetlands were identified on the site by the U.S. Fish & Wildlife Service National Wetlands Inventory Maps nor any New York State Freshwater Wetlands. A subsequent Wetland Delineation Report using the Corps of Engineers Wetland Delineation Manual identified two wetland areas : Wetland A - a 2,063 linear foot section along Beaver Creek and Wetland B - a 0.18-acre wetland swale. A sewer line will cross the creek but will be directional bored so there will be no impact to Beaver Creek. A Joint Permit Application (U.S. Army Corps & NYS Dept. of Environmental Protection) has been filed. In addition a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and submitted to the Town for their review. Due to the directional bore no disturbance will occur within 50 feet on either side of the Creek. Wetland B will be temporarily disturbed for placement of a sewer and water line. This 700 square feet disturbance will be fully restored. In compliance with E. O. 11990 this disturbance complied with the Eight Step Process. See attached Public Notices and Eight Step documentation.
Coastal Zone Management Act [Sections 307(c),(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is not located within the boundaries of New York State's Coastal Zone.
Sole Source Aquifers [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is not overlying or in the vicinity of a sole source aquifer.
Endangered Species Act [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project does not impact any endangered species per letter from U. S. Fish and Wildlife Service dated July 30, 2008 (attached).
Wild and Scenic Rivers Act [Sections 7 (b), (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no designated Wild, Scenic or Recreational Rivers within or near Project site.
Air Quality [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed Project would not generate significant levels of traffic, therefore no exceedance of the National Ambient Air Quality Standard (NAAQS) associated with criteria contaminants would result. Residential uses are below de minimis air quality impact levels set by U.S. EPA and therefore no significant impacts on air quality will result.

Farmland Protection Policy Act [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project site has not been designated as Prime, Unique or Statewide Important Farmland. The Towns Comprehensive Plan indicates the parcel was placed in development status and has been rezoned for development by the Town.
Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is intended to serve an existing need for affordable housing. The project will have no adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large.
Noise Abatement and Control [24 CFR 51 B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is not located within 15 miles of a military airport, 5 miles of a civilian airport, 3000 feet of a railroad or 1000 feet of a major road. State Route 332 is a new divided highway in which two southbound lanes are within 1000 feet of the project site and two northbound lanes more than 1,000 feet. The Day/Night Noise Level Assessment Tool was used with the DNL calculated at 60.08, below HUD guidelines of 65 decibels. Temporary and minor ambient noise is expected during construction.
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Phase I Environmental Site Assessment completed in January, 2007 and updated in June, 2009 by SAW Environmental Services. No "Recognized Environmental Conditions" (REC's) were identified in the Phase I Assessment nor the update. The project is located in U. S. EPA Radon Zone 1 with a predicted average indoor radon level greater than 4 pCi/l. The Project will incorporate radon control measures in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings", EPA 402-R-94-009, March 1994.
Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project not located within proximity to a stationary hazardous facility that stores, handles or processes chemicals or petrochemicals of an explosive or flammable nature in above-ground storage tanks based on the Phase I Environmental Site Assessment.
Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is not located within proximity to an airport clear zone or accident potential zone.

NOTES:

Preparer

Date

Environmental Assessment Checklist
Site Specific

SHARS #: **N.A**
Project Name: **Farmington Senior Housing**

Project Address: West of NYS Route 332, 1500 feet South of NYS Route 96
Farmington, NY 14425

Date: August 21, 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 proposed project was facilitated by the Town of Farmington rezoning the parcel from GB General Business & RB Restricted Business to IZ Incentive Zoning on September 9, 2008.
Compatibility and Urban Impact	1	The proposed project is consistent with the 2003 Town of Farmington Comprehensive Plan. Compatibility and urban impact were addressed as part of the SEQR process for the rezoning approval as well as the final site plan approval of the Project. Approval was given by the Farmington Planning Board on July 15, 2009.
Slope	1	The project is located on a flat parcel of land. The Project is within a MS4 jurisdiction and will 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). A SWPPP has been prepared and is currently under review by the Town of Farmington Town Engineer.
Erosion	3	No impact from soil erosion is anticipated. All development

		will conform with the SWPPP and SPDES Permit. The project will not have a significant effect on stormwater management with proper implementation of the SWPPP.
Soil Suitability	1	Soil conditions are suitable for proposed construction and in conformance with attached Geotechnical Evaluation - Foundation Design, P.C. (March, 2009). The project will be required to follow local building code with regards to conducting soil borings and foundation design.
Hazards and Nuisances including Site Safety	1	Project will not have significant effects related to construction activity but will be typical of construction effects including temporary road closings, fugitive dust and construction noise. These effects will be addressed under existing regulations governing construction activity within the Town of Farmington. Project will be sufficiently removed from other daily business activity so as not to be a nuisance. Construction will be conducted during normal business hours to mitigate noise concerns.
Energy Consumption	1	The project will comply with HFA's Green Guidelines 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 including requirements to provide ENERGY STAR rated appliances and water conservation rated plumbing fixtures.
Neighborhood Impacts		
Noise - Contribution to Community Noise Levels	1	Project will not contribute to community noise levels and will not result in significant increase in traffic (a mobile noise source) at peak times due to senior occupancy nor stationary noise sources.
Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	Project is affordable senior housing and will not generate significant levels of traffic at peak times. The project site was formerly zoned for business and was rezoned to Incentive Zoning specifically in order to address traffic issues. Energy efficient heating and cooling systems will be utilized in compliance with HFA's Green Guidelines. Site is not located in proximity to any industrial or large-scale emission sources that have the potential to impact future residents.
Environmental Design	1	The proposed building will not result in adverse impacts to

Visual Quality - Coherence, Diversity, Compatible Use and Scale		urban design, visual resources or neighborhood character. The site plan, landscaping and exterior of building have been approved by the Planning Board. The project was originally designed as a three-story linear building but was redesigned after community input as a two-story X-shaped building.
Socioeconomic		
Demographic Character Changes	1	Project will not result in changes to demographic character of the town. Senior residents are anticipated to come primarily from the Town of Farmington and as well as the northern and western portions of Ontario County, reflecting the demographic characteristics of the region by providing a housing option for local seniors.
Displacement	1	The project is new construction so there will be no displacement of residents.
Employment and Income Patterns	1	The project will not alter employment or income patterns. The project will generate 75-100 temporary construction jobs and 2-3 full or part-time permanent jobs plus spin-off benefits during and after construction for operations and maintenance.
Community Facilities and Services		
Educational Facilities	1	No impact. The project is providing housing for seniors 55 years of age or older.
Commercial Facilities	1	Project will create 88 housing units near existing commercial and retail facilities, enhancing the business environment for those facilities. The overall Incentive Zoning plan will open up additional commercial parcels for development meeting the Town's economic development goals.
Health Care	1	Project is supported by various local health care management agencies or service providers and will not burden any one agency due to the range of needs. The project is for seniors age 55 and over, not the frail elderly. Thompson Health has an outpatient clinic within one-half mile of the project and has agreed to provide workshops and other supports..
Social Services	1	Project is supported by various social service agencies and will not place a significant burden on any one agency. .
Solid Waste	1	The project will utilize a private waste hauler and will not generate a significant amount of solid waste.

Waste Water	1	The proposed project will not have a significant impact on waste water facilities for the Town of Farmington. The project is expected to generate approximately 18,000 g.p.d. of waste water. The project will tie into an existing 8-inch sanitary sewer line in State Route 332. This tie-in has been approved by the Farmington Planning Board as part of the site plan approval process, approved July 15, 2009. The Town of Farmington Sewer Treatment Plant, located in Victor, was recently upgraded from 2 million g.p.d. to 4 million g.p.d. Current average usage is 1.7 million g.p.d./.
Storm Water	3	A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the 9.2-acre parcel and is under review by the Town of Farmington. Site drainage will be diverted to a stormwater detention facility located just south of the Project. The Project is within a MS4 jurisdiction and will comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Water Systems (GP-0-08-002). A SWPPP has been prepared and is currently under review by the Town of Farmington Town Engineer. The project will not have a significant effect on stormwater management through implementation of the SWPPP.
Water Supply	1	The project will not have a significant impact on water facilities. The project will connect to an 8-inch line in Hanover Road in the Kings Village subdivision to the south. This tie-in has been approved by the Farmington Planning Board as part of the site plan approval process, approved July 15, 2009. Water is supplied to the Town of Farmington by the City of Canandaigua. Restricted flow plumbing fixtures and low-water usage laundry machines, in compliance with HFA's Green Guidelines, will be utilized.
Public Safety - Police	1	Safety features such as secured entrances and lighting will enhance project safety and reduce impact on local police protection services provided by the Ontario County Sheriff's Dept. No significant impact.
- Fire	1	No significant impact. Project is designed with full access loop for fire equipment with fire hydrants and a full sprinkler system. A fire alarm system will be operational and assist local fire protection services. These features will minimize the impact of the project on local fire protection services.

- Emergency Medical	1	Project residents will have emergency contact information in place. Residents will be asked to complete a Daily Living Form initially and at re-certification to assess their ability to continue living independently, decreasing the need for emergency medical services. Emergency call systems will be in-place to address any needs that arise. Thompson Health is starting a program of electronic health care monitoring that can be transported with a resident.No significant impact.
- Open Space	1	The project is no expected to place a significant demand on recreation resources in the area. The Town of Farmington has an Open Space Plan and found the development in conformance with the Plan.
- Recreation	1	The project will not place an undue demand on local recreational facilities. The facility will provide a walking trail along Beaver Creek to encourage use of open space by residents and neighbors and connect to existing sidewalks.
- Cultural Facilities	1	Cultural facilities are not expected to be impacted by the development of housing for seniors. Most cultural facilities are located in Rochester which will not be impacted.
- Transportation	1	The proposed Project is not expected to generate significant levels of traffic and it will enable connections to be made in the future to enhance the local street network. The main roadway, State Route 332 has sufficient capacity to accommodate any increased traffic from the development.
Natural Features		
Water Resources	3	The Project would not result in a significant effect on groundwater resources. The Project is not located above or in the area of sole source aquifer. One area (700 square feet) of a wetland (Wetland "B"), will be disturbed to accommodate a sewer & water line. The area will be restored to its natural condition. A sewer line will cross Beaver Creek but will be directional bored so there will be no impact to Beaver Creek. There will be no disturbance within 50 feet on either side of the creek. A Joint Permit Application (U.S. Army Corps & NYS Dept. of Environmental Protection) has been filed and is currently under review. In compliance with E. O. 11990, this disturbance complied with the Eight Step Process. See attached Public Notices and Eight Step documentation.
Surface Water	3	Surface water resources are not expected to be adversely impacted by this project. Surface drainage will be diverted to an on-site retention pond. The Project is within a MS4

		jurisdiction and will comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Water Systems (GP-0-08-002). A SWPPP has been prepared and is currently under review by the Town of Farmington Town Engineer.
Unique Natural Features and Agricultural Lands	1	The project site is an abandoned agricultural field. The site is not located in an area of prime or unique farmland or an agricultural area of local or statewide importance. The Towns Comprehensive Plan indicates the parcel was placed in development status and has been rezoned for development by the Town.
Vegetation and Wildlife	1	The project does not impact any endangered species per letter from U. S. Fish and Wildlife Service dated July 30, 2008.
Flood Disaster Protection Act [Flood Insurance]	1	Project not located in "Special Flood Hazard Area". Located in Zone "C" on Flood Insurance Rate Map # 361299 0012 B.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	1	No impact. Project is not within the Coastal Barrier Resources System (U.S. FWS) or a Coastal Erosion Hazard Area (NYS DEC)
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	1	The proposed Project is not located within the vicinity of a airport runway clear zone.
Other Factors		
Other Factors		
Other Factors		

Comments:

Preparer

Date

END OF ENVIRONMENTAL ASSESSMENT CHECKLIST

EXECUTIVE ORDER 11990 - PROTECTION OF WETLANDS

PROJECT NAME: Farmington Senior Apartments

ADDRESS: 1000 feet west of State Route 332, 1500 feet south of State Route 96
Town of Farmington, NY

1. The action is located in:

100 year floodplain – Special Flood Hazard Area (SFHA)

500 year floodplain - *for critical actions only - 55.2(b)(2)*.

Wetland:

Adjacent to a floodplain or wetland - *proceed to step 4.*

Source documentation:

Wetland Delineation Report, Environmental Resources, LLC, January 28, 2009

U.S. Army Corps of Engineers, Letter, March 19, 2004

2. Notice for Early Public Review.

Date published: July 16, 2009

End of comment period: July 31, 2009

Comments received? Yes No

3. Alternatives.

A. Are there any practical alternative sites?

Yes, list:

No, explain:

- Alternative site 1 – the project was considered for a site on the south side of the creek. This area is lower in elevation and would have required significant amount of imported fill to raise the building pad to a sufficient height to effect proper drainage. It was deemed a less suitable site and would have had more negative impact on the surrounding property.
- Alternative site 2 – the site on the north side of the creek was initially smaller, showing the building closer to Route 332 in order to reduce the amount of new roadway required to access the building and parking lot. This was rejected as the building would have been constructed on top of the 0.18 acre horseshoe shaped federal wetland, requiring mitigation via construction of a new wetland area of at least twice the size in a different location.

DOCUMENTED RECORD OF COMPLIANCE

24 CFR PART 55

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8/31/2009

- Alternative site 3 – if shifted modestly, the building and parking areas would have impacted or eliminated less than 0.10 acre of federal wetland and been allowed under the Nationwide Permit. However, it was deemed to be only a partial solution and rejected.

B. Are there any practical alternative actions?

Yes, list:

- Moving the placement of the building at the final site location was the only alternative action and was selected. The current project site shifted the building and parking areas completely out of the delineated federal wetlands. All built structures including the 88-unit building and parking areas are situated outside of the delineated federal wetland area, therefore no permanent disruption of wetlands and no elimination of wetlands will occur. A small disturbance (approximately 700 square feet) will temporarily occur for placement of utility lines. This area will be restored.

No, explain:

C. Is the “no action” alternative practical?

Yes, list:

No, explain:

“No Action” in the context of this review means that TCAP funds would not be made available for the new construction of affordable senior rental units. While “No Action” would have the effect of the proposed project site temporarily remaining in its existing condition, current zoning allows for conversion of this property to residential use of the type and density proposed, which ultimately would be no more protective of the environment than the current proposal, and which may not be configured to avoid wetland areas to the maximum practicable extent, as does the current proposal. Furthermore, the No Action alternative does not promote the public benefit provided by construction of housing affordable for seniors.

4. Impacts of the proposed action.

A. For projects at sites adjacent to a floodplain or wetland, will the action affect the floodplain or wetland?

No, based on the following determination:

See Section B, below.

Yes, based on the following determination:

B. For actions within a wetland, assessment of impacts:

- Direct impacts – there are minimal direct impacts on the federal wetlands by the project. The project includes (a) a directional bore under the creek for a sanitary sewer line connection to the west, and (b) crossing the 0.18 acre horseshoe shaped area with water and sewer line connections, affecting approximately 700 square feet. Both are temporary, cause minimal disturbance, and allow for complete restoration to the current condition.
- Indirect impacts, Short term – upon completion of the project, two other building lots will be immediately available for development. Neither lot is within a floodplain or would be required to impact the federal wetlands along the creek, because access to utility connections is beyond the wetland borders. The 0.18 acre horseshoe shaped wetland area is contained within the legal boundary of the current project, and therefore will be protected from future development.

The proposed area of wetland disturbance is less than 1/10 acre and therefore authorized under U.S. Army Corps of Engineers Nationwide Permit # 39, and NYS Department of Environmental Conservation 401 Water Quality Certification, as this scale of wetland disturbance is considered by these agencies to result in minimal adverse impact. A Joint Permit application for the directional bore under the Creek and disturbance of “Wetland B” has been filed with The U.S. Army Corps & the NYS DEC.

5. Mitigation measures.

- All delineated federal wetlands in the project area are being maintained and preserved. No loss of wetlands will occur. Therefore, no reduction in natural drainage courses will occur.
- The project includes the construction of 3 retention ponds, one on-site and two along the new roadway, to handle and store stormwater runoff from the building, parking areas, and roadway. These retention ponds are designed to maintain the current rate of stormwater runoff into the creek and prevent erosion of the wetlands or banks of the creek. The project will provide soil and erosion control during construction and post-construction stormwater management according to requirements of the SPDES Stormwater General Permit. The project must comply with general conditions as required by Nationwide Permit # 39.

6. Re-evaluation of the alternatives.

A. Is the proposed action still appropriate and feasible at this site?

Yes

No

DOCUMENTED RECORD OF COMPLIANCE

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- The intent of the project is to address the demand for affordable, quality housing for the elderly that is handicapped adaptable to meet the needs of the elderly as they age in place. Without the project, the demand for such housing would be unmet with no suitable alternatives or housing options available to this low-income senior population. The project parameters include minimal temporary disturbance to less than 0.10 acre of federal wetland, all of which disturbance will be fully restored.

If no, can the action be altered to make non-floodplain or non-wetland sites practical?

Yes, explain.

No

7. Findings and public explanation.

Date published: August 5, 2009

End of comment period: August 20, 2009

Comments received? Yes No

8. Implement action.

Approval recommended.

Approval recommended with mitigation, describe:

Action rejected.

Prepared by:

Signature Len Sedney

Date: 8/21/09