

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

December 9, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Mr. Justin Rudgick, Development Project Manager  
Housing Visions Consultants, Inc.  
1201 E. Fayette Street, Room #26  
Syracuse, NY 13210-1923  
[jrudgick@housingvisions.org](mailto:jrudgick@housingvisions.org)

Re: SHARS Number: 20096043  
Housing Visions Consultants, Inc.  
Kemble Square  
1221 – 1229, 1444 and 1450 Kemble Street, 108 and 110 Hobart Street  
722 – 724 and 726 – 728 Noyes Street  
City of Utica, Oneida County

Dear Mr. Rudgick:

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 December 9, 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 the New York State Environmental Quality Review Act (SEQRA), accepts the determination of The New York State Housing Trust Fund Corporation (HTFC), which concurs with the Lead Agency, the City of Utica Planning Board which conducted a coordinated review for SEQRA, with a determination of Unlisted, Negative Declaration, dated February 2, 2009.

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

Sincerely,

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

Cc: Cathy Frangella, TCAP Program Manager  
Kathleen Karpinski, HTFC Project Manager  
Wayne Petterson, DHCR Program Management

Web Site: [www.nysdhcr.gov](http://www.nysdhcr.gov)  
Email address: [dhcrinfo@nysdhcr.gov](mailto:dhcrinfo@nysdhcr.gov)

**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 #:** 20096043

**Project Sponsor:** **Housing Visions Consultants, Inc.**

**Project Name:** **Kemble Square**

**Project Site Address:** 1221 – 1229, 1444 and 1450 Kemble Street  
108 and 110 Hobart Street  
722 – 724 and 726 – 728 Noyes Street  
City of Utica

**Project County:** Oneida

**Estimated project costs:** \$ 9,165,684.

**Total TCAP Award:** \$ 3,838,284.

**Project Sponsor Address:** 1201 E. Fayette Street, Room #26  
Syracuse, NY 13210-1923

**Primary Contact's Name:** Justin Rudgick, Development Project Manager

**E-Mail address:** jrudgick@housingvisions.org

**Telephone Number:** (315) 472-3820, #238

**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 New York State Division of Housing and Community Development 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  
**Title/Agency:** Director, Environmental Analysis Unit  
NYS Division of Housing and Community Renewal (DHCR) **Date:** December 9, 2009

**Project Name:** Kemble Square  
**Project #:** 20096043

**Environmental Assessment**  
**Site Specific Review**

**Project Description:**

Housing Visions Consultants, Inc. proposes to substantially rehabilitate 6 buildings and construct 2 buildings on 8 individual lots to create 37 units of affordable housing for families in the City of Utica, Oneida County. The scattered site project called Kemble Square is in the Cornhill neighborhood of Utica. The design and construction of the project will follow the NYS Division of Housing and Community Renewal's guidelines for the "Green Energy Efficiency Building Initiative". Public water and sewer are available at the sites. Site work will include clearing, grading and excavation, construction of driveways, parking areas and sidewalks, finish grading and landscaping.

**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 sites and residential units would remain vacant and in need of rehabilitation 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 rehabilitate and 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:** Refer to project description above. The rehabilitation and new construction of multi-family residential buildings that are included in this project will not cause any significant adverse environmental impacts.

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

The sponsor must submit documentation that the lead, asbestos, radon and disposal of waste and debris identified in the Phase I Environmental Site Assessment will be resolved to HTFC's satisfaction. See specific issues listed in Appendix A and B.

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

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

Phase I Environmental Site Assessments (ESA) for each site, prepared by O'Brien & Gere, October 20, 2009  
Soil Sample Results for Lead, prepared by EcoSpect, Inc. dated October 16, 2009  
XRF Surveys for Lead for each building, prepared by EcoSpect, Inc. dated October 16, 2009  
Pre-Renovatin Asbestos Survey prepared by O'Brien & Gere dated October 20, 2009  
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  
USFWS Coastal Barrier Resources System  
Flood Insurance Rate Map Panel Number 360558 0003A dated February 4, 1984

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

Project #: **20096043**  
Project Name: **Kemble Square, Housing Vision Associates**  
Project Address: 1221 – 1229, 1444 and 1450 Kemble Street  
108 and 110 Hobart Street  
722 – 724 and 726 – 728 Noyes Street  
City of Utica, Oneida County

Date: December 9, 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.*

<b>Factors</b>	<b>A</b>	<b>B</b>	<b>Determinations and Compliance Documentation</b>
<b>Historic Preservation</b> [36 CFR 800]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project has been reviewed in accordance with Section 106 of the National Historic Preservation Act of 1966. A letter from the NYS Office of Parks, Recreation and Historic Preservation, dated January 10, 2006 and December 22, 2008 indicates that the proposed rehabilitation and construction will have “No Effect” on historic resources.  The project Sponsor submitted a letter of inquiry and review packet to Jesse Bergevin, Oneida Indian Nation, Member Legal Services requesting a review for Tribal Historic Significance on August 10, 2009.
<b>Floodplain Management</b> [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 360558 0003A dated February 4, 1984 and a letter dated January 16, 2009 from Ms. Deborah Day, Civil Engineer for the City of Utica Department of Engineering.
<b>Wetlands Protection</b> [Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project sites are located in an urban area that has been developed for many years under residential use. As documented on NYS Department of Environmental Conservation (DEC)’s online environmental resource map, the projects are not located within New York State regulated or within respective wetland check zones.
<b>Coastal Zone Management Act</b> [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.
<b>Sole Source Aquifers</b> [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is not located in a SSA Area.

<b>Endangered Species Act</b> [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As noted on the NYSDEC environmental resource map, rare plants and animals have been noted in the Utica area. However, associated habitat descriptions are noted as limestone cliffs and wetland areas. The project sites do not included these types of habitats, nor were such habitations noted in surrounding areas. A United States Fish and Wildlife map of critical habitats does not indicate the presence of critical habitats near Utica.
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is not located near a WSRR.
<b>Air Quality</b> [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oneida County is not in a nonattainment area. Since the project is for residential use there will be no significant increase in traffic.
<b>Farmland Protection Policy Act</b> [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is located within the city limits of the City of Utica. Accordingly, this site is not covered by the Farmland Protection Policy Act.
<b>Environmental Justice</b> [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project will facilitate the rehabilitation 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.
<b>Noise Abatement and Control</b> [24 CFR 51 B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The site is located within the limiting distance from Conrail railroad tracks and two small airports, Oneida County in Rome and Frankfort-Highland Airport. Noise assessments were conducted by O'Brien &amp; Gere, consultants to the project developer; assessments determined that DNL of noise is 65 dB for railroad activities at 1 of the 10 sites and less than 55 dB for airport activities; although noise attenuation is not required, the building rehabilitation includes double wall construction which will increase the sound transmission class rating of exterior walls.</p> <p>Temporary and minor ambient noise is expected during construction.</p>
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Phase I Environmental Assessment (ESA) reports, prepared by O'Brien &amp; Gere, all dated October 20, 2009, were prepared for each site and determined that there were no Recognized Environmental Conditions. The assessments did report household waste and debris at many of the sites.</p> <p>In a letter dated December 1, 2009 from the Sponsor, Housing Visions Consultants states that the site cleanup and removal of all debris identified in the Phase I EAS for all properties will be properly disposed or recycled in compliance with all state and local regulations including those units, basements and attics that were not accessible at the time of the Phase I ESA. Waste manifests must be submitted to DHCR for materials that must be handled according to regulations.</p> <p>Asbestos containing materials (ACM): Surveys were conducted on the existing buildings on October 20, 2009 by O'Brien and Gere and revealed that ACMs are present in all building to be demolished and renovated. All asbestos containing materials identified will be completely removed.</p>

		<p>Lead based paint (LBP): XRF Surveys and soil sampling for lead was conducted by EcoSpect, Inc. in October, 2009. All properties were found to have LBP and soil lead contamination.</p> <p>LBP encountered during rehabilitation must be handled in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing@, June 1995, including revisions, which requires keeping unprotected workers out of the lead abatement work area until interim clearance can be provided. Bid specifications were submitted as a LBP removal and disposal plan.</p> <p>Lead contaminated soil must be handled in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing@, June 1995, including revisions, Section V of Chapters 11 and 12.</p> <p>Evidence of proper LBP removal and disposal must be submitted to HTFC, which includes keeping unprotected workers out of the lead abatement work area until interim clearance can be provided. This must include a report that summarizes the final testing/clearance for the entire project with waste manifests attached. A qualified third-party must complete the final testing/clearance and submit this report to HTFC.</p> <p>Radon: The project site is located in an area with the potential for radon levels to exceed the U.S. Environmental Protection Agency (EPA) action level. 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 Environmental Analyst. 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.</p>
<p><b>Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]</b></p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>A letter dated October 20, 2009 by O'Brien &amp; Gere states: “A search of the NYSDEC database records revealed several above ground storage tanks (AST's) of greater than 100 gallon capacity within 1,000 feet of the project sites. However, these tanks are shielded from the project sites by existing buildings and therefore, the application of acceptable separation distances is not required in this circumstance. In addition, NYSDEC databases were reviewed for potential AST's that exceed 20,000 gallons with one mile of the project sites.” No tanks were located closer than one mile of the sites.</p>

<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is not located within 2500 feet of any designated commercial service airports or within 15,000 feet of any military airfields
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**NOTES:**

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Preparer

\_\_\_\_\_  
Date

**END OF STATUTORY CHECKLIST**

**APPENDIX B**  
**Environmental Assessment Checklist**  
**Site Specific**

SHARS #: **20096043**  
 Project Name: **Kemble Square - Housing Visions Consultants**  
 Project Address: 1221 – 1229, 1444 and 1450 Kemble Street  
 108 and 110 Hobart Street  
 722 – 724 and 726 – 728 Noyes Street  
 City of Utica, Oneida County

Date: December 8, 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.

<b>Land Development</b>	<b>Code</b>	<b>Source or Documentation</b>
Conformance with Comprehensive Plans and Zoning	1	The sites are zoned RM-1, RM-2 and RT-1 (multi-family residential) and all sites were given site plan approvals on February 2, 2009 by the City of Utica Planning Board. In a letter from Mr. Brian Thomas, AICP, the Director of Urban Planning for the City of Utica dated January 20, 2009, states that site plan approval, Certificate of Appropriateness from the Scenic & Historic Preservation Commission and moderate area variances from the Zoning Board of Appeals "have been granted thereby allowing the project to proceed".
Compatibility and Urban Impact	1	The established single and multi-family home neighborhood will be enhanced by the rehabilitation and new construction this project will bring to the community and will not affect density or character.
Slope	1	The sites do not have any substantial slopes that would alter the configuration of the buildings.
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	<p>Lead based paint (LBP): Soil sampling for lead was conducted by EcoSpect, Inc. in October, 2009. All properties were found to have LBP and soil lead contamination.</p> <p>Lead contaminated soil must be handled in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing@, June 1995, including revisions, Section V of Chapters 11 and 12.</p>
Hazards and Nuisances including Site Safety	1	The project site will not have significant effects related to the impacts of demolition, rehabilitation and construction activity but will be typical, including sidewalk closures, fugitive dust and construction noise. These effects will be addressed under existing regulations governing construction activity with the local municipality.
Energy Consumption	1	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.
<b>Neighborhood Impacts</b>		
Noise - Contribution to Community Noise Levels	1	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.
Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	<p>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>Oneida County is not in a nonattainment area. Since the project is for residential use there will be no significant increase in traffic.</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	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. This project will facilitate the creation of new affordable housing units in a neighborhood of multi-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 Cornhill neighborhood of Utica.

<b>Socioeconomic</b>		
Demographic Character Changes	1	No changes are anticipated.
Displacement	1	This project will not result in any permanent displacement of residents .
Employment and Income Patterns	2	Upon the completion of a project, minor changes to employment and income patterns may result.
<b>Community Facilities and Services</b>		
Educational Facilities	1	This project will not place a significant demand on local public schools.
Commercial Facilities	2	This project could result in a significant positive effect on existing commercial establishments since residents may frequent retail establishments in the neighborhood, which can potentially be a benefit to those 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	1	Given the type and scale of this project, no significant impact is expected.
- Recreation	1	Given the type and scale of this project, no significant impact is expected.
- Cultural Facilities	1	Given the type and scale of this project, no significant impact is expected.
- Transportation	1	Given the type and scale of this project, no significant impact is expected.
<b>Natural Features</b>		
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	As noted on the NYSDEC environmental resource map, rare plants and animals have been noted in the Utica area. However, associated habitat descriptions are noted as limestone cliffs and wetland areas. The project sites do not included these types of habitats, nor were such habitations noted in surrounding areas. A United States Fish and Wildlife map of critical habitats does not indicate the presence of critical habitats near Utica.
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 360558 0003A dated February 4, 1984 and a letter dated January 16, 2009 from Ms. Deborah Day, Civil Engineer for the City of Utica Department of Engineering.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	1	According to the New York State Coastal Atlas, the site is not located in a coastal zone.
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
<b>Other Factors</b>		
<b>Other Factors</b>		
<b>Other Factors</b>		

Comments:

\_\_\_\_\_  
Preparer

\_\_\_\_\_  
Date

**END OF ENVIRONMENTAL ASSESSMENT CHECKLIST**