

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 4, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Mr. Eric Feldmann, Executive Director
Sisters of Charity HDC
150 Brielle Ave
Staten Island, NY 10314-6424
E-Mail:epfeldmann@att.net

Re: SHARS Number: 20086045
Sisters of Charity Housing Development Corp.
Lafayette Manor
226 Fillmore Street, Staten Island, Richmond County

Dear Mr. Feldmann:

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 3, 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 New York State Housing Trust Fund Corporation (HTFC) determination of Unlisted Negative Declaration, on November 3, 2009.

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
Angel Acosta, HTFC Project Manager
Wayne Peterson, HTFC Project Management

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 #: 20086045
Project Sponsor: **Sisters of Charity Housing Development Corp.**
Project Name: **Lafayette Manor**
Project Site Address: 226 Fillmore Street
Staten Island
Project County: Richmond County
Estimated project costs: \$15,616,034
Total TCAP Award: \$ 1,968,549
Project Sponsor Address: Sisters of Charity HDC
150 Brielle Ave
Staten Island, NY 10314-6424
Primary Contact's Name: Mr. Eric Felmann
E-Mail address: epfeldmann@att.net
Telephone Number: 718-477-6803
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 DHCR 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
NYS Division of Housing and Community Renewal

Date: November 3, 2009

Project Name: Lafayette Manor
Project #: 20086045

Environmental Assessment
Site Specific Review

Project Description:

Sisters of Charity HDC proposes new construction of a 5-story building for seniors, with 60 residential units, on a vacant 21,875 square foot site at 226 Fillmore Street in Staten Island, Richmond County. The building, with basement, will include an elevator, office, library/computer room, community room and laundry services. The design and construction of the project will follow the NYS Division of Housing and Community Renewal's guidelines for the "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.

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, abandoned lot 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]

NONE.

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

A Phase I Environmental Site Assessment, September 30, 2009, by Environmental Health Investigations, Inc.
EPA Map of Radon Zones for New York State
NYS Office of Parks, Recreation and Historic Preservation
NYS DEC Coastal Erosion Hazard Map
FEMA Coastal Barrier Resources System
Flood Insurance Rate Map Panel 3610044 0001B dated September 30, 1987

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

Project #: **20086045**
 Project Name: **Lafayette Manor**
 Project Address: 226 Fillmore Street
 Staten Island, Richmond County
 Date: November 3, 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 has been reviewed in accordance with Section 14.09 of the NYS Parks, Recreation and Historic Preservation Law. A letter from the NYS Office of Parks, Recreation and Historic Preservation, dated July 23, 2004 indicates that the proposed construction will have "No Impact" on historic resources. Evidence of Tribal Historic Preservation Office (THPO) consultation was not required because the site is in County that does not contain any tribal interests.
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 3600497 0188F dated September 5, 2007.
Wetlands Protection [Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site is an urban site that was prior disturbed. No wetland review necessary.
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. The site is not located in the Coastal Barrier Resource System according to FEMA mapping.
Sole Source Aquifers [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is not located in a SSA Area.
Endangered Species Act [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is located in an urban area which was prior disturbed. No concern for endangered species.
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 Richmond County, which is in nonattainment for PM-2.5 and is in a nonattainment area and classified as "moderate" 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. Particulate matter includes dust, dirt, soot smoke and liquid droplets directly emitted into the air by sources such as factories, power plants, cars, construction activity, fires and natural windblown dust. The proposed project is a residential use and unlikely to significantly impact air quality from emissions of VOCs, NOx or particulate matter. Since the project is for residential use there will be no significant increase on traffic.
Farmland Protection Policy Act [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is located within Staten Island and is therefore exempt from the Farmland Protection Policy Act. due to the urban concentrations.
Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project site is in a residential area that has not been identified as disproportionately affected by adverse environmental impacts.

Noise Abatement and Control [24 CFR 51 B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is located within the limiting distance from the Newark, JFK and LaGuardia airports. HTFC, after reviewing the noise contour for each airport, determined that the site falls outside of the contour intervals. The Staten Island railroad track located near the site is no longer active and the nearby road is a two lane road and therefor not a noise source.
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A Phase I Environmental Site Assessment on September 30, 2009 was provided by Environmental Health Investigations, Inc. which determined that there are no Recognized Environmental Conditions associated with the site.
Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A Phase I Environmental Site Assessment on September 30, 2009 was provided by Environmental Health Investigations, Inc. which determined that there four tanks of a Thermal and Explosive Hazards concern near the site. Acceptable Separation Distances (ASD) were calculated for each tank and it was determined that they all achieve the ASD.
Airport Clear Zones and Accident Potential Zones [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.

NOTES:

Mary Binder
Preparer

November 3, 2009
Date

APPENDIX B
Environmental Assessment Checklist
Site Specific

Project #: **20086045**
 Project Name: **Lafayette Manor**
 Project Address: 226 Filmore Street
 Staten Island, Richmond County

Date: November 3, 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 sites zoning was changed from R3 to R5 on February 11, 2008. The zoning is considered as of right according to a letter from the project architect, Saky Yakas dated February 12, 2008.
Compatibility and Urban Impact	1	No effects related to urban design or compatibility are anticipated. The development of this site could potentially provide an urban design benefit to the surrounding neighborhood.
Slope	1	The site is an urban lot and contains relatively flat slopes.
Erosion	1	This project is within an MS4 jurisdiction and must comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Water Systems (GP-0-08-002).
Soil Suitability	1	The soils on the project site are Udorthant; urban in nature.
Hazards and Nuisances including Site Safety	1	A Phase I Environmental Site Assessment on September 30, 2009 was provided by Environmental Health Investigations, Inc. which determined that there are no Recognized Environmental Conditions associated with the site.
Energy Consumption	2	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.
Neighborhood Impacts		
Noise - Contribution to Community Noise Levels	1	The site is located within the limiting distance from the Newark, JFK and LaGuardia airports. HTFC, after reviewing the noise contour for each airport, determined that the site falls outside of the contour intervals. The Staten Island railroad track located near the site is no longer active and the nearby road is a two lane road and therefor not a noise source.
Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	The project is in Richmond County, which is in nonattainment for PM-2.5 and is in a nonattainment area and classified as "moderate" 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. Particulate matter includes dust, dirt, soot smoke and liquid droplets directly emitted into the air by sources such as factories, power plants, cars, construction activity, fires and natural windblown dust. The proposed project is a residential use and unlikely to significantly impact air quality from emissions of VOCs, NOx or particulate matter. Since the project is for residential use there will be no significant increase on traffic..
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	The sites zoning was changed from R3 to R5 on February 11, 2008. The zoning is considered as of right according to a letter from the project architect, Saky Yakas dated February 12, 2008.
Socioeconomic		
Demographic Character Changes	1	The project will not alter the demographic character of the area and is consistant 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	1	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 with public transportation and therefore tenants will have access to health care.
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	The site is served by existing public utilities.
Storm Water	1	This project is within an MS4 jurisdiction and must comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Water Systems (GP-0-08-002).
Water Supply	1	The site is served by existing public utilities.
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 on an existing vacant urban lot. 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 is new construction on forested land. 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. This project is new construction on an existing, vacant urban lot. It is not currently used by the community or neighborhood as a cultural facility.
- 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 projects would not result in a significant effect on 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 on an existing vacant urban lot. It will not result in a significant effect on unique natural features or agricultural lands.
Vegetation and Wildlife	1	The site is located in an urban area which was prior disturbed. No concern for endangered species, vegetation or wildlife.
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 3600497 0188F dated September 5, 2007.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	1	The site is not located in the Coastal Barrier Resource System 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	1	HTFC is not aware of any issues likely to cause controversy related to potential environmental impacts. In accordance with NYCRR 617.7(f) a Negative Declaration was provided on November 3, 2009.
Other Factors		
Other Factors		

Comments:

Mary Binder
Preparer

November 3, 2009
Date

END OF ENVIRONMENTAL ASSESSMENT CHECKLIST