

**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

September 11, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

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

Re: Ogden Heights Senior Housing LLC  
Ogden Heights Senior Apartments  
2539 Spencerport Road, Town of Ogden, Monroe 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 September 10, 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)].

HFA, in compliance with the New York State Environmental Quality Review Act (SEQRA), concurred with the Town of Ogden Planning Board acting as lead agency determination of Type I, Negative Declaration dated July 20, 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

**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:** **Ogden Heights Senior Housing LLC**

**Project Name:** **Ogden Heights Senior Apartments**

**Project Site Address:** 2539 Spencerport Road  
Ogden, NY 14559

**Project County:** Monroe

**Estimated project costs:** \$13,656,709

**Total TCAP Award:** \$5,270,000

**Project Sponsor Address:** 144 Village Landing #273  
Fairport, NY 14450

**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, Environmental Services  
NYS Housing Finance Agency

**Date:** 9/10/09

**Project Name:** Ogden Heights Senior Apartments  
**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 Ogden Heights Senior Apartments (the "Project"). The Project will consist of the new construction of a 63,915 square foot apartment building with 89 units (78 one-bedroom units ranging in size from 676 to 881 square feet and 11-bedroom units ranging in size from 918 to 960 square feet ) for seniors 62 years of age or older. The Project is located on a 8.5-acre vacant parcel of land at 2359 Spencerport Road, just east of Gillett Road (Tax Map ID # 102.02-2-3.1) in the Town of Ogden, Monroe County, New York. This parcel of land was part of a larger parcel (90 acres) that was subdivided by the Town in 2007 to accommodate a larger development of single-family homes, senior patio homes and commercial development. Phase 1 of the project includes the Ogden Heights Senior Apartments and 31 senior patio homes that are not part of this funding request.

The two-story I-shaped building will include an elevator, air conditioning, tenant and visitor parking, common laundry, community room, tenant storage, rental office and individual tenant services provided by Unity Health System. The total development cost of the project is approximately \$13,656,709. \$ 5,270,000 in TCAP funds have been proposed for the project, as well as \$250,000 in Monroe County Community Development Block Grant Funds and other funding sources.

As part of the Project's request for \$250,000 in Monroe County Community Development Block Grant Funds, an Environmental Assessment and Statutory Checklist were completed by the Monroe County Department of Planning & Development and a Finding of No Significant Impact (FONSI) was issued. A combined Notice of FONSI and Notice of Intent To Request Release of Funds (RROF) was published on September 10, 2008. On or about September 26, 2008 a RROF was submitted to the U.S. Department of Housing and Urban Development (HUD) and this funding is now part of Monroe County's Consolidated Plan..

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 alternative to the proposed project is a no-action alternative described below. The proposed parcel has long been identified as a suitable parcel for senior development. The Town of Ogden, with over 18,000 people, has no senior affordable housing at present. Monroe County in it's Part II Environmental Assessment Form and subsequent Negative Declaration identified the project

as consistent with the 2005-2010 Strategic Plan and the 2008 Annual Action Plan for Housing and Community Development in Suburban Monroe County as well as the City/County Fair Housing Community Choice Action Plan and the Town of Ogden Comprehensive Plan (2003). The Ogden Planning Board rezoned this parcel and approved a three lot subdivision to accommodate this development in 2007.

No Action: Under a No-Action alternative the project would remain in a vacant state and unproductive use. The opportunity to provide 89 units of senior affordable housing with ancillary services will be lost. The remaining land would likely remain vacant absent the project.

Action: Refer to "Project Description" above.

**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.)*

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.

**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.**

#### **Additional Studies Performed**

Phase I Environmental Assessment-Lu Engineers (6/2008)  
Phase I Environmental Assessment-Lu Engineers (6/2009)  
Phase I Cultural Resource Investigation - Ladd Archeological Services (7/2006)  
Trip Generation - Ogden Subdivision - SRF Associates (3/27/2007)  
Wetland Delineation Report - Environmental Resources, LLC (3/2004)  
NEPA Review For CDBG Funding - Monroe County (9/18/2008)  
Stormwater Pollution Prevention Plan  
Geotechnical Evaluation - Foundation Design, P.C. (May, 2008)  
Trip Generation - Ogden Subdivision - SRF Associates (3/27/2007)

#### **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 & Documentation of Consultation with THPO
4. Flood Insurance Rate Map; Community Panel # 36055 C 0167G
5. Phase I Environmental Assessment-Lu Engineers (6/2009)
6. Monroe County FONSI/NOIRROF - Monroe Co. Dept. of Planning & Development Negative Declaration
7. Town of Ogden Type I Negative Declaration
8. NYS Housing Finance Agency SEQR Determination
9. Storm Water Pollution Prevention Plan - FRA Engineering (Revised June, 2009)
10. Fish & Wildlife Service National Wetlands Inventory Map
11. Wetland Delineation Report - Environmental Resources, LLC (3/2004)
12. Ogden Heights Senior Apartments Site Plan
13. U.S. Fish & Wildlife Service "No Impact " Determination

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

NYS Department of Environmental Conservation (DEC);

NYS Office of Parks, Recreation and Historic Preservation (OPRHP);

Monroe County Aerial Photographs

Rochelle Bell, Environmental Planner, Monroe Co. Dept. of Planning & Development

Sandy Mindel, Monroe Co. Dept. of Planning & Development

Paul Springer, Monroe County Water Authority

Patrick Laber, Schultz Associates (Site Engineer)

Jack Crook, Town of Ogden Building Inspector

## Statutory Checklist

### Site Specific

[24CFR §58.5 and 58.6]

SHARS #: N/A  
 Project Name: Ogden Heights Senior Housing  
 Project Address: 2539 Spencerport Road  
 Ogden, NY 14559  
 Date: September 10, 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
<b>Historic Preservation</b> [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 5/30/07). The Tribal Historic Preservation Office was consulted (See attached Letters to THPO. )
<b>Floodplain Management</b> [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project not located in "Special Flood Hazard Area". Located in Zone "X" on Flood Insurance Rate Map # 36055C 0167 G (attached).
<b>Wetlands Protection</b> [Executive Order 11990]	<input checked="" type="checkbox"/>	<input 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 a 0.53-acre wetland in the northeast corner of the site. The project was subsequently redesigned to not disturb the wetland and have no impact on this area. No fill material will be discharged into a jurisdictional wetland and therefore no Nationwide Permit is required from the U.S. Army Corps of Engineers.
<b>Coastal Zone Management Act</b> [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.
<b>Sole Source Aquifers</b> [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.
<b>Endangered Species Act</b> [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).
<b>Wild and Scenic Rivers Act</b> [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.
<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"/>	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.
<b>Farmland Protection Policy Act</b> [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.
<b>Environmental Justice</b> [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.

<b>Noise Abatement and Control [24 CFR 51 B]</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. New windows with noise attenuation features are part of the project scope. Temporary and minor ambient noise is expected during construction. A noise assessment is not required.
<b>Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phase I Environmental Site Assessment completed in June, 2008 and updated in June, 2009 by Lu Engineers. 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 2 with a predicted average indoor radon level between 2 and 4 pCi/l. 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.
<b>Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]</b>	<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.
<b>Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is not located within proximity to an airport clear zone or accident potential zone.

**NOTES:**

**NAME:** Len Sedney  
**Title/Agency:** Director, Environmental Services  
NYS Housing Finance Agency

**Date:** 9/10/09

**END OF STATUTORY CHECKLIST**

**Environmental Assessment Checklist**  
**Site Specific**

SHARS #: **N.A**  
Project Name: **Ogden Heights Senior Housing**

Project Address: 2539 Spencerport Road  
Ogden, NY 14559

Date: September 10, 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 proposed project was facilitated by the Ogden Town Board by rezoning the parcel from GC General Commercial District & R -1 Single-Family Residential to SC Senior Citizens Housing District on August 8, 2007.
Compatibility and Urban Impact	1	The proposed project is consistent with the Town of Ogden Comprehensive Plan. Compatibility and urban impact were addressed as part of the SEQR process for the preliminary site plan approval of the overall development and the final site plan approval of Phase I (Project). Approval was given by the Ogden Planning Board on October 23, 2008.
Slope	1	The project is located on a flat parcel of land. A site-wide SWPPP has been developed and stormwater management facilities will be developed in conformance with the SPDES permit.
Erosion	1	No soil erosion is anticipated. A grading and erosion control plan was approved by the Town of Ogden on 1/6/09 and all development will conform with the SWPPP and SPDES Permit.

Soil Suitability	1	Soil conditions are suitable for proposed construction and in conformance with attached the Geotechnical Evaluation, dated May, 2008.
Hazards and Nuisances including Site Safety	1	Project will involve typical construction activity and 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. Dust control measures will be implemented.
Energy Consumption	1	The project will comply with HFA's Green Guidelines which requires new projects to provide ENERGY STAR rated appliances and water conservation rated plumbing fixtures.
<b>Neighborhood Impacts</b>		
Noise - Contribution to Community Noise Levels	1	Project will not contribute to community noise levels and will not result in significant increase in traffic at peak times due to senior occupancy.
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. 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 Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	The proposed building will not result in adverse impacts to urban design, visual resources or neighborhood character. The site plan, landscaping and exterior of building have been approved by the Planning Board.
<b>Socioeconomic</b>		
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 Ogden and the nearby Towns of Gates and Greeces where the demographic characteristics are similar.
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.
<b>Community Facilities and Services</b>		
Educational Facilities	1	No impact. The project is providing housing for seniors 62 years of age or older.
Commercial Facilities	2	The project may have a significant positive effect on the neighborhood commercial areas located to the east (Town of Gates) and west (Villages of Spencerport and Brockport). The proposed first phase of the project will have no commercial facilities.
Health Care	2	The project is within the service area of the Unity Health System. A hospital and medical care center is located within 3 miles of the site.
Social Services	2	Tenants of the project will be able to access the services of the Spencerport Senior Center, Monroe County Office of thenAging, Unity Health Services, Lifespan, Catholic Family Services and will not place a significant burden on any one agency. Unity Health Services has entered into a Supportive Housing Initiative Agreement to provide services as needed to the tenants of the project.
Solid Waste	1	The project will not generate a significant amount of solid waste, less than two tons per week and will use a private waste hauler.
Waste Water	1	The proposed project will not have a significant impact on waste water facilities for Monroe County. The project is expected to generate approximately 17,000 g.p.d. of waste water. The project will tie into an existing 8-inch sanitary sewer line in Spencerport Road. This tie-in is currently under review by the Monroe County Division of Pure Waters and will be approved prior to issuance of a building permit for the Project.
Storm Water	1	A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the entire 90 acre parcel and is under review by the Town of Ogden. The Project will not need to obtain separate coverage under SPDES GP-0-08-001. Site drainage will be diverted to a stormwater detention facility located just north of the Project.

Water Supply	1	The project will not have a significant impact on water facilities. The project will connect to a 10-inch line in Kingsford Lane which is part of the 90-acre development. The Kingsford Lane line will connect to an existing line in Spencerport Road. This tie-in is currently under review by the Monroe County Water Authority and will be approved prior to issuance of a building permit for the Project. Restricted flow plumbing fixtures and low-water usage laundry machines in compliance with HFA's Green Guidelines will be utilized.
Public Safety - Police	1	No significant impact. Safety features include intercoms for each apartment and wireless/pull station emergency call systems which will enhance tenant safety and lessen the impact on the Town of Ogden Police force and the Monroe County Sheriff's Dept.
- Fire	1	No significant impact. The systems in the project design include a complete fire alarm detection system, sprinkler system, smoke detectors, heat detectors and wireless/pull station emergency call systems which will lessen the impact on the Spencerport Fire Department.
- Emergency Medical	1	No significant impact. Unity Health Systems has agreed to provide services needed to keep seniors safe and independent in their own living areas.
- Open Space	1	The project is not expected to place a significant demand on recreation resources in the area. The Town of Ogden 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 community room for senior activities.
- 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	3	The proposed Project is not expected to generate significant levels of traffic. Site design considers build out of the entire 90 acre parcel and mitigation measures are under consideration for future phases of the project to be constructed by others. No mitigation is required for Phase I.

<b>Natural Features</b>		
Water Resources	1	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. 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 a 0.53-acre wetland in the northeast corner of the site. The project was subsequently redesigned to not disturb the wetland and have no impact on this area. No fill material will be discharged into a jurisdictional wetland and therefore no Nationwide Permit is required from the U.S. Army Corps of Engineers.
Surface Water	1	Surface water resources are not expected to be adversely impacted by this project. Surface drainage will be diverted to an on-site retention pond.
Unique Natural Features and Agricultural Lands	1	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. A 0.5-acre wetland area on the site will not be disturbed.
Flood Disaster Protection Act [Flood Insurance]	1	Project not located in "Special Flood Hazard Area". Located in Zone "X" on Flood Insurance Rate Map # 36055 C 0167 G, dated August 28, 2008.
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.

<b>Other Factors</b>		
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<b>Other Factors</b>		

Comments:

**NAME:** Len Sedney  
**Title/Agency:** Director, Environmental Services  
NYS Housing Finance Agency

**Date:** 9/10/09

**END OF ENVIRONMENTAL ASSESSMENT CHECKLIST**