

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

October 13, 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: Harborview Preservation, L.P.
Pine Harbor Apartments (A.K.A. Harborview Apartments)
11 Seventh Street, Buffalo, Erie 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)].

DHCR, in compliance with the New York State Environmental Quality Review Act (SEQRA), concurs with the New York State Housing Finance Agency as lead agency, determination of Type II action under SEQRA, dated August 25, 2009.

If you have any questions or concerns regarding this environmental clearance letter, please contact me at (518) 402-3392 or bwigzell@nysdhcr.gov. The Environmental Assessment for this site will be posted on the web at <http://nysdhcr.gov/general/ARRA/EnvironmentalReview.htm>.

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: **Harborview Preservation, L.P.**

Project Name: **Pine Harbor Apartments (A.K.A. Harborview Apartments)**

Project Site Address: 10 Seventh Street
Buffalo, NY 14201

Project County: Erie

Estimated project costs: \$18,322, 792

Total TCAP Award: \$4,600,000

Project Sponsor Address: 60 Columbus Circle
New York, NY 10023

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
New York State Housing Finance Agency

Date: 9/10/09

Project Name: Pine Harbor Apartments
SHARS #: N.A.

Environmental Assessment **Site Specific Review**

Project Description:

Funding from HUD's Tax Credit Assistance Program (TCAP) is being sought in connection with a project known as Pine Harbor Apartments (the "Project"). The Project consists of the acquisition and rehabilitation of a residential rental development consisting of 208 units located at 10 Seventh Street, Buffalo, Erie County, New York. Pine Harbor Apartments is an existing Section 236, multifamily residential rental project, situated on approximately 7.5 acres, in 1 seven-story building with two elevators and 1 townhouse containing a total of 208 units, including 1, non-revenue one-bedroom model unit. Unit mix includes 85 one-bedrooms, all approximately 550 square feet, 43 two-bedrooms, all approximately 650 square feet, 40 three-bedrooms, all approximately 800 square feet, 40 four-bedrooms, all approximately between 900 and 1050 square feet. The buildings were constructed in two phases in 1974 and 1975. Amenities include 210 parking spaces, including 10 handicap spaces, a community room, playground area and laundry facilities.

The Borrower proposes a moderate rehabilitation to be undertaken with the tenants remaining in place. The proposed scope of work consists of new windows, roof replacement, security monitoring system, lighting upgrades throughout, landscaping, office and community room upgrade, elevator modernization, bathroom upgrades and many new kitchen components including; cabinets, counters, floor replacement, sinks, refrigerators and stoves. Total rehabilitation costs are anticipated to be approximately \$3,780,000 or \$21,980 per unit.

The project is determined to be categorically excluded according to 24 CFR 58.35(a)(3)(ii).

The project has been determined to be a Type II 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.)

No alternatives considered. Project is a moderate rehab of a single seven-story building consisting of 204 units that was constructed in the 1974/1975.

No Action: Under no-action conditions, the existing building on the project site would remain in it's current state. The residential building would lose an opportunity of a funding source for needed improvements.

Action: See "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.)

The New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) has determined the Pine Harbor Apartments structure to be eligible for the National Register of Historic Places. NYS OPRHP has also determined that the proposed scope of work will have “No Adverse Impact” provided the applicant and architect continue consultation with the OPRHP as the project progresses through design development.

The Noise Assessment concluded that 22 dBA of composite window/wall attenuation is necessary to achieve HUD interior noise level guidelines. The windows in the building will be replaced with double glazed windows with an Outdoor-Indoor Transmission Class (OITC) of at least 26. The concrete facade along with double-glazed windows will result in an overall window/wall attenuation (i.e., building facade OITC) of at least 22, achieving HUD interior noise guidelines

A Pre-Renovation Asbestos Containing Material (ACM) survey was prepared for the site by EMG in June, 2009 as well as an asbestos site investigation by Laboratory Testing Services in 1992. No friable asbestos was identified. ACM removal & disposal during rehabilitation will conform to NYS Department of Labor Regulations, 12 NYCRR Part 56, as amended. Following abatement, final clearance documentation from an independent third party will be submitted. Undamaged and undisturbed ACM will be managed by an Operations & Maintenance Plan that is currently in place.

Additional Studies Performed

Phase I Environmental Site Assessment, July 7, 2009, prepared by EMG
HUD Noise Assessment, July 22, 2009, prepared by EMG

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 THPO Consultation
4. Flood Insurance Rate Map; Community Panel # 360230 0020 D
5. HUD Noise Assessment, July 22, 2009, prepared by EMG
6. Sound Transmission Loss Test Report For Crystal Window Model CTD-3000
7. Phase I Environmental Site Assessment, July, 7, 2009, prepared by EMG
8. Lead-based Paint Free Certificate by ATC Associates
9. Comprehensive Asbestos Inspection Report, July 20, 2009, prepared by EMG
10. Asbestos Operations & Maintenance Plan, July 21, 2009, prepared by EMG
11. HFA Type II SEQR Determination

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

NYS Office of Parks, Recreation and Historic Preservation (OPRHP);
U.S. Federal Emergency Management Agency (FEMA)

Statutory Checklist

Site Specific

[24CFR §58.5 and 58.6]

SHARS #: N.A.
 Project Name: Pine Harbor Apartments
 Project Address: 10 Seventh Street
 Buffalo, NY 14201

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
Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) was consulted. The structure has been determined to be eligible for the National Register of Historic Places. NYS OPRHP has determined that the proposed scope of work will have "No Adverse Impact" provided the applicant and architect continue consultation with the OPRHP as the project progresses through design development. The Tribal Historic Preservation Office was consulted (See attached Letter to THPO dated 8/11/09)
Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project not located in "Special Flood Hazard Area". Located on Flood Insurance Rate Map # 360230 0020 D.
Wetlands Protection [Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is not located within a federally identified wetland. Projects involving rehabilitation of existing structures are not required to be reviewed for consistency with Executive Order 11990.
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. Projects involving rehabilitation of existing structures (without a change in building footprint or use) do not require review for consistency with the Coastal Zone Management Act (CZMA).
Sole Source Aquifers [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is not located with an area overlying a sole source aquifer. Projects involving rehabilitation of existing structures are not required to be reviewed for consistency with 40 CFR 149.
Endangered Species Act [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed project is located in a developed area of the City of Buffalo. Buildings proposed for rehabilitation are not required to be reviewed for consistency with 50 CFR 402.
Wild and Scenic Rivers Act [Sections 7 (b), (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project not in proximity to a Wild, Scenic or Recreational river.
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 will not impact Prime, Unique or Statewide Important Farmland. Urban land is exempt from 7 CFR 658 if already committed to urban development.
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 type="checkbox"/>	<input checked="" type="checkbox"/>	The project is not located within 15 miles of a military airport or 5 miles of a civilian airport. It is located within 1000 feet of a major road (Interstate 190) and 3000 feet of a railroad. A HUD Noise Assessment was conducted. The

			calculated exterior noise level at the site was 67 dBA. This is in a range of "normally unacceptable" under HUD standards. In order to achieve an interior Ldn value of 45 dBA, or lower, as required under HUD standards, the site would require 22 dBA of composite window/wall attenuation. The windows in the building will be replaced with double glazed windows with an Outdoor-Indoor Transmission Class (OITC) of at least 26. The concrete façade along with double-glazed windows will result in an overall window/wall attenuation (i.e., building facade OITC) of at least 22, achieving HUD interior noise guidelines.
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A Phase I Environmental Site Assessment was prepared in July, 2009. The Phase I Report did identify a historic recognized environmental conditions but no further action was recommended.</p> <p>An asbestos containing material (ACM) survey was prepared for the site by EMG in June, 2009 as well as an asbestos site investigation by Laboratory Testing Services in 1992. No friable asbestos was identified. ACM removal & disposal during rehabilitation will conform to NYS Department of Labor Regulations, 12 NYCRR Part 56. Following abatement, final clearance documentation from an independent third party will be submitted. Undamaged and undisturbed ACM will be managed by an Operations & Maintenance Plan, that is currently in place.</p> <p>Based upon a lead-based paint inspection by ATC Associates, a "Certificate of Testing" has been issued indicating the development to be "Lead-Based Paint Free Housing".</p> <p>The project is located in U.S. EPA Radon Zone 1 with a predicted average indoor radon screening level greater than 4 pCi/L. Radon testing was conducted as part of the Phase I Assessment. The highest sample recorded was 2.0 pCi/L.</p>
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. Rehabilitation projects are exempt from separation distance standards, except where unit density is increased.
Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project not located within 3,000 feet of civil airport runway or 15,000 feet of military airfield runway.

NOTES:

Preparer _____

Date _____

Environmental Assessment Checklist Site Specific

SHARS #: **N.A**
 Project Name: **Pine Harbor Apartments**
 Project Address: 10 Seventh Street
 Buffalo, NY 14201
 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.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist.
Compatibility and Urban Impact	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist.
Slope	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist.
Erosion	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist.
Soil Suitability	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist.

Hazards and Nuisances including Site Safety	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist.
Energy Consumption	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Land Development feature of the Environmental Assessment Checklist. The project will comply with HFA's Green Guidelines which requires rehab projects to provide ENERGY STAR rated appliances and water conservation rated plumbing fixtures.
Neighborhood Impacts		
Noise - Contribution to Community Noise Levels	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Neighborhood Impacts feature of the Environmental Assessment Checklist.
Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Neighborhood Impacts feature of the Environmental Assessment Checklist.
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Neighborhood Impacts feature of the Environmental Assessment Checklist.
Socioeconomic		
Demographic Character Changes	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Socioeconomic feature of the Environmental Assessment Checklist.
Displacement	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Socioeconomic feature of the Environmental Assessment Checklist.

Employment and Income Patterns	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Socioeconomic feature of the Environmental Assessment Checklist.
Community Facilities and Services		
Educational Facilities	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Commercial Facilities	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Health Care	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Social Services	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Solid Waste	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Waste Water	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Storm Water	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.

Water Supply	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
Public Safety - Police	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
- Fire	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
- Emergency Medical	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
- Open Space	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
- Recreation	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
- Cultural Facilities	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment Checklist.
- Transportation	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Community Facilities and Services feature of the Environmental Assessment

		Checklist.
Natural Features		
Water Resources	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Natural Features component of the Environmental Assessment Checklist.
Surface Water	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Natural Features component of the Environmental Assessment Checklist.
Unique Natural Features and Agricultural Lands	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Natural Features component of the Environmental Assessment Checklist.
Vegetation and Wildlife	1	The proposed rehab project has been determined to be a categorical exclusion. Therefore, the project is not required to be assessed for this Natural Features component of the Environmental Assessment Checklist.
Flood Disaster Protection Act [Flood Insurance]	1	Project not located in "Special Flood Hazard Area". Located on Flood Insurance Rate Map # 360230 0020 D.
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	No impact. The proposed Project is not located within a airport runway clear zone.
Other Factors		

Other Factors		
Other Factors		

Comments:

Preparer

Date

END OF ENVIRONMENTAL ASSESSMENT CHECKLIST