

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 11, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Ms. Maggie Bringewatt  
c/o Hornellsville Apartments, LLC  
366 White Spruce Blvd.  
Rochester, NY 14623  
[maggie@rcgld.net](mailto:maggie@rcgld.net)

Re: SHARS Number: 20086034  
Hornellsville Apartments, LLC  
Seneca Manor  
7465 Seneca Road, Town of Hornellsville, Steuben County

Dear Ms. Bringewatt:

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 11, 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), Unlisted, Negative Declaration issued on February 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](mailto:bwigzell@nysdhcr.gov).

Sincerely,

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

Cc: Cathy Frangella, TCAP Program Manager  
Kristen Slaiman, HTFC Project Manager  
Wayne Petterson, DHCR Program Management

**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 #:** 20086034

**Project Sponsor:** **Hornellsville Apartments, LLC**

**Project Name:** **Seneca Manor**

**Project Site Address:** 7465 Seneca Road,  
Town Hornellsville

**Project County:** Steuben County

**Estimated project costs:** \$ 5,516,296.

**Total TCAP Award:** \$ 4,129,745.

**Project Sponsor Address:** 366 White Spruce Blvd.  
Rochester, NY 14623

**Primary Contact's Name:** Maggie Bringewatt

**E-Mail address:** maggie@rcg ltd.net

**Telephone Number:** (585) 424-1400

**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 the New York State Division of Housing and Community Renewal 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:**

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**NAME:** Barbara H. Wigzell, RA  
**Title/Agency:** Director, Environmental Analysis Unit  
NYS-DHCR

**Date:** December 11, 2009

**Project Name:** Seneca Manor  
**Project #:** 20086034

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

### **Project Description:**

Hornellsville Apartments, LLC proposes new construction of 32 residential units in 3 buildings for families and seniors including a single story building with 12 one-bedroom units and 2, two-story buildings with a total of 16 two-bedroom and 4 three-bedroom units for families on a 5.0 acre site on Seneca Road in the Town of Hornellsville, Steuben County. The buildings will include a manager's office, community room and laundry facilities. The design and construction of the project will follow the NYS Division of Housing and Community Renewal's guidelines for the "Green 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 action is taken, the existing site would remain vacant 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]**

The sponsor must submit documentation that issues 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@nysdher.gov](mailto:bwigzell@nysdher.gov) or (518) 402-3392.**

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

A Phase I Environmental Assessment report dated February 4, 2008 prepared by Neeson-Clark Associates, Inc.  
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  
Flood Insurance Rate Map Panel Numbers 360777 0010B dated July 16, 2007.

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

Project #: **20086034**  
Project Name: **Seneca Manor, Hornellsville Apartments, LLC**  
Project Address: 7465 Seneca Road,  
Town Hornellsville,  
Steuben County  
Date: December 11, 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"/>	<p>A letter from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), dated February 12, 2007 indicates that the proposed construction will have “No Effect” on historic resources. OPRHP reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.</p> <p>A letter from the US Department of Agriculture (USDA), Rural Development, Syracuse office, dated August 5, 2008 was sent to the Seneca Nation Tribal Historic Preservation Officer to initiate consultation with the Nation regarding this project under 36 CFR Part 800 2c. On August 28, 2008, the Tribal Historic Preservation Office stated that they were not interested in this participating in this consultation process.</p>
<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 360777 0010B dated July 16, 1980.
<b>Wetlands Protection</b> [Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Northeastern Environmental Management (NEM) conducted a field evaluation on October 29, 2007 to determine if the property site had wetlands. NEM identified three wetland parameters on site but wrote a letter dated November 12, 2007 stating, “The site does not contain any areas defined as wetland.” In its letter dated May 21, 2007, DEC states, “There are no streams/ponds that appear on our state regulatory maps at the location/project site you’ve identified.”
<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 project site is not located in an EPA-designated Sole Source Aquifer area.

<b>Endangered Species Act</b> [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>No impacts to rare, threatened or endangered species or associated critical habitat are anticipated because of this action. A letter dated September 10, 2008 from the Division of Fish, Wildlife &amp; Marine Resources states that there are no records of known occurrences of state regulated rare plants and animals identified on the site.</p> <p>A review of the US Fish &amp; Wildlife Service online resource database revealed that no there are federal listed endangered or threatened species near the site.</p>
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is not located in the wild, scenic and recreational river system.</p>
<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"/>	<p>The proposed project is not sufficient scale to create a significant impact on regional air quality.</p>
<b>Farmland Protection Policy Act</b> [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project area does not lie in or within 500 feet of a NYS Agricultural District certified pursuant to Agriculture and Markets Law, Article 25-AA, Sections 303 and 304. A letter dated November 13, 2008 from the State of New York Department of Agriculture and Markets states that the proposed project in the village of Hornellsville is not located within a county adopted, State certified, agricultural district. A letter dated August 5, 2008 from the Steuben County Soil and Water Conservation District states that the proposed construction will not have an adverse impact on soils considered prime, unique or farmland of state or local importance.</p>
<b>Environmental Justice</b> [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project site is in a residential area that has not been identified as disproportionately affected by adverse environmental impacts.</p>
<b>Noise Abatement and Control</b> [24 CFR 51 B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is within the limiting distances for railroads, a four-lane highway. The project is not inside the mapped 55 dB sound contour map of the Hornell municipal airport. Neeson-Clark Associates, Inc. completed site DNL calculations for the Conrail railroad tracks, located 2,400 feet from the project site and road noise from NY Rt. 36, located 800 feet from the project site. Neither the railroad or highway exceeded 65 DNL and the overall site DNL was calculated to be 60.2 DNL. No further investigation of noise levels is required.</p>
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A Phase I Environmental Assessment report dated February 4, 2008, prepared by Neeson-Clark Associates, Inc. states in Section 6.0, Findings and Conclusions, that the “site poses no environmental, health or safety risk at the present time. No additional investigation is warranted.”</p> <p>The EPA Map of Radon Zones for New York State indicates that properties in Steuben County have high potential for radon levels to exceed the EPA action level. A “passive” soil depressurization system must be incorporated into the building design in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings", EPA 402-R-94-009, March 1994.</p>

<b>Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]</b>	<input type="checkbox"/>	<input type="checkbox"/>	A November 23, 2009 letter from Neeson-Clark Associates, Inc. , consultant to the project sponsor states tht after inspection and review of the database, they found neigher facilities that store flammable or explosive liquids that exceeded 100 gallons within 1,000 feet of the site nor facilities in excess of 20,000 gallons within a mile of the site.
<b>Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is outside the Hornell Municipal accident potential zone.
<b>State Environmental Quality Review Act (SEQRA)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New construction of a 32-unit family apartment complex in three buildings in a municipality with zoning is an unlisted action, in accordance with 6 NYCRR Part 617, the NYS State Environmental Quality Review Act (SEQRA). The HTFC issued a Negative Declaration dated February 3, 2008.
<b>Town of Hornellsville</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is zoned B-2, commercial, which allows multi-family housing with a special use permit. The Hornellsville Planning Board granted the special use permit at their meeting on February 6, 2007. Zoning compliance is complete.

**NOTES:**

Prepared by: Barbara H. Wigzell, RA

December 11 2009

**END OF STATUTORY CHECKLIST**

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

SHARS #: **20086034**  
 Project Name: **Seneca Manor, Hornellsville Apartments, LLC**  
 Project Address: 7465 Seneca Road,  
 Town Hornellsville,  
 Steuben County  
 Date: December 11, 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 site is zoned B-2, commercial, which allows multi-family housing with a special use permit. The Hornellsville Planning Board granted the special use permit at their meeting on February 6, 2007. Zoning compliance is complete.
Compatibility and Urban Impact	1	The proposed project is compatible with the scale of development in the existing residential area.
Slope	1	A Stormwater Pollution Prevention Plan and Notice of Intent, along with the Letter of Acknowledgment from NYSDEC, have been submitted to DHCR. No further action is necessary.
Erosion	1	A Stormwater Pollution Prevention Plan and Notice of Intent, along with the Letter of Acknowledgment from NYSDEC, have been submitted to DHCR. No further action is necessary.
Soil Suitability	1	A letter dated August 5, 2008 from the Steuben County Soil and Water Conservation District states that the proposed construction will not have an adverse impact on soils considered prime, unique or farmland of state or local importance.
Hazards and Nuisances including Site Safety	1	A Phase I Environmental Assessment report dated February 4, 2008, prepared by Neeson-Clark Associates, Inc. states in Section 6.0, Findings and Conclusions, that the "site poses no environmental, health or safety risk at the present time. No

		<p>additional investigation is warranted.”</p> <p>The EPA Map of Radon Zones for New York State indicates that properties in Steuben County have high potential for radon levels to exceed the EPA action level. A “passive” soil depressurization system has been incorporated into the building design in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings", EPA 402-R-94-009, March 1994.</p>
Energy Consumption	1	The project will comply with DHCR’s Green Building 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 will not contribute to community air pollution levels due to significant levels of traffic or unusually high concentrations of stationary source emissions (boiler emissions). Seneca County is not in a nonattainment area.</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	1	The project is intended to serve an existing need for affordable housing for income-qualified families and seniors, and is not likely to induce subsequent development that would result in adverse environmental impacts. The proposed project is compatible with the scale of development in the existing residential area.
<b>Socioeconomic</b>		
Demographic Character Changes	1	The project will not alter the demographic character of the area. The inhabitants of the proposed project have similar demographic characteristics as the population residing in the surrounding neighborhood.
Displacement	1	The project is new construction and will not result in a displacement of any residents.

Employment and Income Patterns	1	Short-term employment will be created during construction. The project will contribute to long-term revitalization of this semi-rural area.
<b>Community Facilities and Services</b>		
Educational Facilities	1	The development of this project is not expected to have an adverse impact to the public school system operated or chartered by the State of New York.
Commercial Facilities	2	The projects will result in a significant positive effect on existing commercial establishments since commercial facilities are within five miles of the site. Project residents may frequent retail establishments in the neighborhood, which can potentially be a benefit to commercial facilities.
Health Care	1	The development of this project is not expected to have an adverse impact to the health care network and infrastructure available to residents of Hornellsville and the surrounding communities.
Social Services	1	The development of this project is not expected to have an adverse impact on the social services network already available to residents of Hornellsville and the surrounding communities.
Solid Waste	1	The project will not place a significant demand on solid waste disposal services.
Waste Water	1	Public water and sewer are available at the site.
Storm Water	1	A Stormwater Pollution Prevention Plan and Notice of Intent, along with the Letter of Acknowledgment from NYSDEC, have been submitted to DHCR. No further action is necessary.
Water Supply	1	Public water and sewer are available at the site.
Public Safety - Police	1	The project will not place a significant new demand on public safety and the local law enforcement services.
- Fire	1	The project will not place a significant new demand on solid waste disposal services.
- Emergency Medical	1	The project will not place a significant new demand on emergency medical services.

- Open Space	1	The project will not place a significant new demand on open space areas.
- Recreation	1	The project will not place a significant new demand on recreational facilities.
- Cultural Facilities	1	The project will not place a significant new demand on cultural facilities.
- Transportation	1	The project will not place a significant new demand on transportation.
<b>Natural Features</b>		
Water Resources	1	<p>The proposed projects would not result in a significant effect on water resources, including groundwater and surface water.</p> <p>Northeastern Environmental Management (NEM) conducted a field evaluation on October 29, 2007 to determine if the property site had wetlands. NEM identified three wetland parameters on site but wrote a letter dated November 12, 2007 stating, "The site does not contain any areas defined as wetland." In its letter dated May 21, 2007, DEC states, "There are no streams/ponds that appear on our state regulatory maps at the location/project site you've identified."</p> <p>The project site is not in a Special Flood Hazard Area, according to the FIRM Map Panel Number 360777 0010B dated July 16, 1980. The project site is not located in a coastal zone or a Sole Source Aquifer designated by the Environmental Protection Agency (EPA).</p> <p>A Stormwater Pollution Prevention Plan and Notice of Intent, along with the Letter of Acknowledgment from NYSDEC, have been submitted to DHCR. No further action is necessary.</p>
Surface Water	1	<p>Northeastern Environmental Management (NEM) conducted a field evaluation on October 29, 2007 to determine if the property site had wetlands. NEM identified three wetland parameters on site but wrote a letter dated November 12, 2007 stating, "The site does not contain any areas defined as wetland." In its letter dated May 21, 2007, DEC states, "There are no streams/ponds that appear on our state regulatory maps at the location/project site you've identified."</p> <p>The project site is not in a Special Flood Hazard Area, according to the FIRM Map Panel Number 360777 0010B dated July 16, 1980. The project site is not located in a coastal zone or a Sole</p>

		<p>Source Aquifer designated by the Environmental Protection Agency (EPA).</p> <p>A Stormwater Pollution Prevention Plan and Notice of Intent, along with the Letter of Acknowledgment from NYSDEC, have been submitted to DHCR. No further action is necessary.</p>
Unique Natural Features and Agricultural Lands	1	The project area does not lie in or within 500 feet of a NYS Agricultural District certified pursuant to Agriculture and Markets Law, Article 25-AA, Sections 303 and 304. A letter dated November 13, 2008 from the State of New York Department of Agriculture and Markets states that the proposed project in the Village of Hornellsville is not located within a county adopted, State certified, agricultural district. A letter dated August 5, 2008 from the Steuben County Soil and Water Conservation District states that the proposed construction will not have an adverse impact on soils considered prime, unique or farmland of state or local importance.
Vegetation and Wildlife	1	A letter dated September 10, 2008 from NYSDEC Natural Heritage Program and data from the US Fish and Wildlife Service indicates that the only potential rare, state, or federal-listed species potentially in the project area, the Bald eagle, has been delisted.
Flood Disaster Protection Act [Flood Insurance]	1	The site is not located in a coastal zone or 100-year floodplain, according to FIRM map panel 360777 0010B dated July 16, 1980.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	1	The site is not located in a coastal zone or 100-year floodplain, according to FIRM map panel 360777 0010B dated July 16, 1980.
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	1	The project site is not located in close proximity to noise sources with potential to adversely affect project residents, nor is it located within a runway clear zone.

Comments:

Prepared by: Barbara H. Wigzell, RA  
December 11, 2009

**END OF ENVIRONMENTAL ASSESSMENT CHECKLIST**