

**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 30, 2009

SENT VIA ELECTRONIC & U.S. MAIL

Mr. Bruce Levine  
3ddevelopment Group, LLC  
4549 Main Street  
Amherst, NY 14226

Re: SHARS Number: 20086025  
Unadilla Senior Housing  
71 Clifton Street, Village of Unadilla, Otsego County

Dear Mr. Levine:

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 completed an Environmental Review Record, dated September 29, 2009, for the above referenced project which 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)]. A copy of this letter and the ERR will be posted at <http://nysdhcr.gov/general/ARRA/EnvironmentalReview.htm>.

DHCR, in compliance the New York State Environmental Quality Review Act (SEQRA), accepts the determination of The New York State Housing Trust Fund Corporation (HTFC), which concurred with the Lead Agency, Village of Unadilla Village Board of Trustees, which conducted a coordinated review for SEQRA, with a determination of Unlisted, Negative Declaration, dated August 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  
SEQRA Officer

Cc: Cathy Frangella, TCAP Program Manager  
Robert Shields, HTFC Project Manager  
Ernie Benoit, A&E Architect  
Wayne Petterson, DHCR Program Management

Web Site: [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us)  
Email address: [dhcrinfo@dhcr.state.ny.us](mailto: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 #:** 20086025  
**Project Sponsor:** **Unadilla Housing Group, Inc.**  
**Project Name:** **Unadilla Senior Housing**  
**Project Site Address:** 77 Clifton Street  
Village of Unadilla  
**Project County:** Otsego County  
**Estimated project costs:** \$4,970,927  
**Total TCAP Award:** \$3,607,982  
**Project Sponsor Address:** 3ddevelopment Group, LLC  
4549 Main Street  
Amherst, NY 14226  
**Primary Contact's Name:** Mr. Bruce Levine  
**E-Mail address:** bruce@3ddevelopment.com  
**Telephone Number:** 716-839-0549 X 2  
**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:** September 29, 2009

**Project Name:** Unadilla Senior Housing  
**Project #:** 20086025

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

**Project Description:**

Unadilla Housing Group, LP proposes new construction of a 2-story building with 24 residential units for seniors, on a vacant 4.56 acre site on 71 Clifton Street in the Village of Unadilla, Otsego County. The building will include an elevator, office, 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 "Green Building Measures" and the "NYSERDA Multifamily Performance Program." The site is near the village recreation fields, where walking trails will connect the project to the recreational area. Public water is available at the site. An on-site septic is required for the project. Site work will include clearing, grading and excavation, construction of driveways, parking areas and sidewalks, finish grading and landscaping. Funding for the project will also be received from UDSA Rural Development.

**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 an unreclaimed stone quarry 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]

HAZARDS AND NUISANCES INCLUDING SITE SAFETY: An Update to Phase I Environmental Site Assessment on August 7, 2009 was provided by Evergreen which determined that there are no Recognized Environmental Conditions. A letter from the Village of Unadilla dated September 1, 2009 states the fill material stored on the site will be removed by the Village prior to disposition of the parcel.

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

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

Phase I Environmental Site Assessment (ESA), prepared by Evergreen Testing & Environmental Services, Inc.,  
March 2008  
Update to Phase I Environmental Site Assessment prepared by Evergreen Testing & Environmental Services, Inc.,  
August 7, 2009  
EPA Map of Radon Zones for New York State  
NYS Office of Parks, Recreation and Historic Preservation  
NYS DEC Freshwater Wetland Map  
U.S. Dept. of Interior National Wetland Inventory Map  
NYS DEC Coastal Erosion Hazard Map  
FEMA Coastal Barrier Resources System  
Agricultural District Map and aerial photographs  
Flood Insurance Rate Map Panel 3610044 0001B dated September 30, 1987  
Supplemental Information for an AST Survey of ASTs Near the Planned Unadilla Senior Housing Facility-R1,  
prepared by Evergreen Testing, September 15, 2009  
General Permit GP-0-05-001 for discharge to groundwater  
Stormwater Pollution Prevention Plan and Stormwater Management Report by ABD Engineers & Surveyors  
February 3, 2009  
Wetland Delineation Report for Unadilla Senior Housing prepared by Earth Dimensions, Inc. on March 3, 2009  
NYS DEC Water Quality Certification ID # 4-3662-00112/00002 July 9, 2009  
Stage 1 Cultural Resource Investigation prepared by Jay Cohen, Inc March 12, 2009

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

Project #: **20086025**  
 Project Name: **Unadilla Senior Housing**  
 Project Address: 71 Clifton Avenue  
 Unadilla, Otsego County

Date: September 29, 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><br>[36 CFR 800]  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | A Stage I Cultural Resource Investigation, Unadilla Senior Housing Project, Village of Unadilla, Otsego County, New York prepared on March 2009 by Jay R. Cohen, Inc. was submitted to SHPO for their review. A March 30, 2009 SHPO impact determination letter states that based upon their review of the assessment, the project will have "No Effect" upon historical properties listed or eligible for listing on the National Register of Historic Places. A request for a determination was forwarded to the Oneida Indian Nation. A response dated October 29, 2008 states that the tribe knows of nothing culturally significant to the Oneida Indian Nation at the subject property.   |
| <b>Floodplain Management</b><br>[24 CFR 55, Executive Order 11988]                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project site is located in Zone X, not in a Special Flood Hazard Area, according to the FIRM map 361044 0001 B dated September 1987.  |
| <b>Wetlands Protection</b><br>[Executive Order 11990]                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The wetland delineation prepared by Earth Dimensions on March 3, 2009 determined that there are two federal wetlands located at the site: wetland 1 is 0.010 acres and wetland 2 is 0.63 acres. A review by the US Army Corp of Engineers (ACOE) requested that a third wetland of 0.026 acres be added to the delineation map. This wetland has a very narrow, linear form and cannot be depicted on the grading plan. Total wetland disturbance for the project would be 0.090 acres and will be authorized under Nationwide Permit 29 according to a letter from the ACOE dated May 18, 2009. A 404 Water Quality Certificate permit was provided by NYS DEC effective until December 31, 2010. NYS DHCR, US ACOE and the NYS DEC have assessed the potential environmental impacts of this proposed action and determined this project will have minimal impacts on wetlands. |
| <b>Coastal Zone Management Act</b><br>[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.   |
| <b>Sole Source Aquifers</b><br>[40 CFR 149]   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The site is not located in a SSA Area.  |
| <b>Endangered Species Act</b><br>[50 CFR 402]   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The US Fish and Wildlife Service (FWS), in a letter dated February 3, 2009 acknowledges receipt of the "no effect" and/or impact determination. They also state that further FWS consultation is not required. A February 19, 2009 letter from the NYS DEC states there are no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site.   |
| <b>Wild and Scenic Rivers Act</b><br>[Sections 7 (b), (c)]                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is not located near a WSRR.   |
| <b>Air Quality</b><br>[Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Otsego County is not within a nonattainment area for all criteria pollutants. Since the project is for residential use there will be no significant increase on traffic.  |

|   |                                     |                                     |   |
|---|-------------------------------------|-------------------------------------|---|
| <b>Farmland Protection Policy Act</b> [7 CFR 658]                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | In a letter from the Natural Resource Conservation Service dated February 17, 2009 it was stated that "the project does not fall on any prime farmland or important farmland soils and is therefore exempt from the Farmland Protection Policy Act."  |
| <b>Environmental Justice</b> [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.  |
| <b>Noise Abatement and Control</b> [24 CFR 51 B]                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | The site is located within the limiting distance from the Canadian Pacific Railway. HTFC, after conducting a noise calculation, determined that a DNL of 59.7 is acceptable.  |
| <b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33] | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | An Update to Phase I Environmental Site Assessment on August 7, 2009 was provided by Evergreen which determined that there are no Recognized Environmental Conditions. A letter from the Village of Unadilla dated September 1, 2009 states the fill material stored on the site will be removed by the Village prior to disposition of the parcel.<br>A "passive" soil depressurization system has been incorporated into the building in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings," EPA 402-R-94-009, March 1994. Radon testing must be conducted when the building is complete, prior to occupancy, with test results forwarded to the HTFC Environmental Analyst. A third-party air-monitoring contractor must complete the final testing/clearance and the results must be certified by an authorized testing laboratory. The third-party must submit a report summarizing the final testing/clearance for the entire project. If radon testing indicates that the radon level in any building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested prior to occupancy to determine that radon levels will be maintained below recommended limits. |
| <b>Siting of HUD-Assisted Projects near Hazardous Operations</b> [24 CFR 51 C]    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | The Supplemental Information for an AST Survey of ASTs Near the Planned Unadilla Senior Housing Facility-R1 prepared by Evergreen Testing, dated September 15, 2009 concludes that there are several potential Thermal Explosive Hazards within the vicinity of the project site. A memo to the file, dated September 30, 2009 demonstrates that all tanks in the vicinity of the project are outside the limiting distances for thermal/explosive hazards. No mitigation is required.  |
| <b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | The site is not located within 2500 feet of any designated commercial service airports or within 15,000 feet of any military airfields.   |

**NOTES:**

Mary Binder  
Preparer

September 29, 2009  
Date

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