

**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

August 9, 2009

SENT VIA ELECTRONIC AND U.S. MAIL

Mr. Roger W. Brandt, Jr., President  
Rochester's Cornerstone Group, LTD  
366 White Spruce Blvd.  
Rochester, NY 14623

Re: SHARS Number: 20086012  
Union Meadows Associates II, LLC  
Union Meadows II  
45 & 46 Union Square Blvd., Town of Chili, Monroe County

Dear Mr. Brandt:

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 August 4, 2009 for the above referenced project complies with the requirements of 24 CFR Part 58 of HUD Environmental Review regulations. This letter constitutes clearance of the environmental review of this project and removal of the limitation on commitment of HUD TCAP assistance per [24 CFR 58.22(b)].

DHCR, in compliance with the New York State Environmental Quality Review Act (SEQRA), accepts the New York State Housing Trust Fund Corporation (HTFC) determination of Unlisted, Negative Declaration, on May 12, 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  
Kristin Slaiman, HTFC Project Manager  
John Farndell, A&E Architect

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 #:** 20086012

**Project Sponsor:** **Union Meadows Associates II, LLC**

**Project Name:** **Union Meadows II**

**Project Site Address:** 45 & 46 Union Square Blvd.  
Town of Chili

**Project County:** Monroe

**Estimated project costs:** \$8, 582,516.

**Total TCAP Award:** \$ 503,859.

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

**Primary Contact's Name:** Roger W. Brandt, Jr.

**E-Mail address:** rogerb@rcglted.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 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:** Barbara H. Wigzell

**Title/Agency:** Director, Environmental Analysis Unit  
NYS Division of Housing and Community Renewal

**Date:** August 4, 2009

**Project Name:** Union Meadows II  
**Project #:** 20086012

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

**Project Description:**

Union Meadows Associates II, LLC proposes new construction 42 family units in nine buildings and a standalone community center on two adjacent parcels totaling 5.96 acres, which is part of the 102 acre Union Square PUD located at 45 Union Square Boulevard in the Town of Chili, Monroe County. The community building will provide a management office, laundry facilities and public meeting space. 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, gas and electric utilities are available in the Union Square Blvd. right-of-way (40'). Public sewer utilities are on site. Site work will include clearing, grading and excavation, construction of new driveways, detention basins, parking areas and sidewalks, finish grading and landscaping.

**Summary of Findings and Conclusions**

**Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]**

**No Action:** If no actions were taken, the existing sites 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 EPA Map of Radon Zones for New York State indicates that properties in Monroe County have a moderate potential (zone 2) 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. Radon testing must be conducted when the building is complete, prior to occupancy, with test results forwarded to the HTFC Environmental Analysis Unit and the Design Services Unit. If radon testing indicates that the radon level in the building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested in the building prior to occupancy to determine that radon levels are being maintained below recommended limits.

**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.**

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

Phase I Environmental Site Assessment (ESA), prepared by Parrone Engineering dated February 12, 2009  
HUD NEPA Review prepared by the Monroe County Department of Planning and Development dated June 8, 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  
USFWS Coastal Barrier Resources System  
Monroe County Geographic Information System database  
Agricultural District Map and aerial photographs  
Flood Insurance Rate Map Panel Numbers 36055C0302G and 36055C0306G dated August 28, 2008

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

Project #: **20086012**  
Project Name: **Union Meadows II/Union Meadows Associates II, LLC**  
Project Address: 45 & 46 Union Square Blvd.  
Town of Chili  
Monroe County  
Date: August 4, 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 project was reviewed in accordance with Section 106 of the National Historic Preservation Act of 1966 by the New York State Office of Parks, Recreation and Historic Preservation. A December 22, 2006 final determination letter from the NYS Office of Parks, Recreation and Historic Preservation states that the proposed construction will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.  A request for a determination was forwarded by Union Meadows Associates, LLC, on July 29, 2009 to the Tribal Historic Preservation Officers for the Seneca Nation of New York and the Tonawanda Band of the Seneca Indians of New York.
<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 Numbers 36055C0302G and 36055C0306G dated August 28, 2008.
<b>Wetlands Protection</b> [Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not in a coastal zone. Although identified state and federal jurisdictional wetlands are near the site, remediation was part of the infrastructure development of the PUD.
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not located in a coastal zone according to the NYS Coastal Area Map.
<b>Sole Source Aquifers</b> [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not located near a Sole Source Aquifer according to the EPA SSA map.
<b>Endangered Species Act</b> [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impacts to rare, threatened or endangered species, or associated critical habitat are anticipated as a result of this action. There are no protected or endangered species or flora in this already developed PUD.
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project site is not located near a wild or scenic river according to the WSRR list prepared by the NYS Department of Environmental Conservation.
<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"/>	According to the FONSI prepared by the Monroe County Department of Planning and Development on June 18, 2009, the type and scale of this project it is not expected to affect existing air or water quality.
<b>Farmland Protection Policy Act</b> [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The previously disturbed during the development of the PUD will not cause disturbance to Prime, Unique or Statewide Important Farmland.

<b>Environmental Justice</b> [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project will facilitate the creation of affordable housing units. There are no negative long term impacts due to the development of this project.
<b>Noise Abatement and Control [24 CFR 51 B]</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the FONSI prepared by the Monroe County Department of Planning and Development on June 18, 2009, the type and scale of this project it is not expected to increase noise levels. Calculations for dbl levels for train noise were found to be <65 dbl, which is acceptable.
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Phase I Environmental Assessment (ESA), prepared by Parrone Engineering dated February 12, 2009 reported that based on site reconnaissance, database review and historical investigation, no recognized environmental conditions (RECs) were noted.  The EPA Map of Radon Zones for New York State indicates that properties in Monroe County have a moderate potential (zone 2) 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. Radon testing must be conducted when the building is complete, prior to occupancy, with test results forwarded to the HTFC Environmental Analysis Unit and the Design Services Unit. If radon testing indicates that the radon level in the building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested in the building prior to occupancy to determine that radon levels are being maintained below recommended limits.
<b>Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A letter from Parrone Engineering dated July 23, 2009 states that "there are no explosives, incendiary or flammable materials located, stored or in use above or visible on site or adjacent to the site.
<b>Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the NEPA Statutory checklist prepared by the Monroe County Department of Planning and Development on June 8, 2009, the project site is within 15 miles of the Greater Rochester International Airport and 3,000 feet of an active railroad. A noise assessment was conducted and the noise levels were determined to be "acceptable". A site noise assessment worksheet is attached with final site evaluation for roadway and aircraft noise concluding that the day-night level (DNL) of noise at the site is below 65 decibels. No further action is necessary.

**NOTES:**

**The EPA Map of Radon Zones for New York State indicates that properties in Monroe County have a moderate potential (zone 2) 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. Radon testing must be conducted when the building is complete, prior to occupancy, with test results forwarded to the HTFC Environmental Analysis Unit and the Design Services Unit. If radon testing indicates that the radon level in the building exceeds the EPA action level of 4 pCi/L, an active fan, complete with alarm system, will be installed and re-tested in the building prior to occupancy to determine that radon levels are being maintained below recommended limits.**

**END OF STATUTORY CHECKLIST**

Preparer \_\_\_\_\_

Date \_\_\_\_\_

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

SHARS #: **20086012**  
 Project Name: **Union Meadows II Apartments/Union Meadows Associates, LLC**  
 Project Address: 45 & 46 Union Square Blvd.  
                     Town of Chili  
                     Monroe County  
 Date: 8/4/09

[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 project consists of new construction 42 family units in nine buildings and a standalone community center on two adjacent parcels totaling 5.96 acres, which is part of the 102 acre Union Square Planned Unit Development (PUD) located at 45 Union Square Boulevard in the Town of Chili, Monroe County. Zoning is RM & PRD, which permits development of this project on this site.  The project conforms with the Comprehensive Plan Update, Town of Chili, 2001.
Compatibility and Urban Impact	1	The project is a planned extension of existing development in the PUD.
Slope	1	The site does not contain steep slopes (Monroe County Geographic Information System database).
Erosion	1	The project will follow the NYS permitting and design requirements to limit erosion during and after construction.  Compliance with the SPDES General Stormwater Permit for Construction Activities is required since the site is greater than one acre. The Stormwater Pollution Prevention Plan, dated January 2008 was prepared by Parrone Engineering. The Notice of Intent will be submitted to NYS Department of Environmental Conservation prior to construction start.
Soil Suitability	1	Based on surrounding development within the existing PUD, soil is suitable for use.

Hazards and Nuisances including Site Safety	1	The project site will not have significant effects related to construction activity but will be typical of construction effects including sidewalk closures, fugitive dust and construction noise. These effects will be addressed under existing regulations governing construction activity with the local municipality.
Energy Consumption	1	The design and construction of the project will follow the NYS Division of Housing and Community Renewal's guidelines for the "Green Building Initiative" which include 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	There will be temporary and minor increase in ambient noise during construction. The property is within 15 miles of the Greater Rochester International airport and 3000 feet of an active railroad; a noise assessment has been conducted. The NEPA review completed by the Monroe County Department of Planning & Development on June 18, 2009 states that "The type and scale of this project it is not expected to affect existing air or water quality or increase noise levels or solid waste production and disposal."
Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	The NEPA review completed by the Monroe County Department of Planning & Development on June 18, 2009 states that "The type and scale of this project it is not expected to affect existing air or water quality or solid waste production and disposal."
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	The project will not alter visual quality, coherence, diversity, compatible use and/or scale. No negative effects related to environmental design are anticipated and significant positive effects related to compatibility and urban impact are anticipated.
<b>Socioeconomic</b>		
Demographic Character Changes	1	The project will not alter the demographic character of the area. The inhabitants of the proposed projects would have similar demographic characteristics as the population residing in the surrounding neighborhood.
Displacement	1	No displacement will occur since the project will be creating 42 new units for families who will likely move in from locations in the vicinity of this project.
Employment and Income Patterns	1	Upon the completion of a project, minor changes to employment and income patterns may result but will not have a significant impact on employment and income patterns.

<b>Community Facilities and Services</b>		
Educational Facilities	1	The project population will not place a significant demand on public schools operated or chartered by the State of New York.
Commercial Facilities	1	The project will result in a significant positive effect on existing commercial establishments since they are proximate to the project site. Project residents will frequent retail establishments in the neighborhood, which can potentially be a benefit to commercial facilities.
Health Care	1	The proposed project will not place a significant additional demand on local health care facilities.
Social Services	1	The proposed project will not place a significant additional demand on local social services.
Solid Waste	1	The proposed project will not place a significant additional demand on solid waste disposal services since it will be served by private haulers.
Waste Water	1	The proposed project is not of sufficient scale to place a significant additional demand on municipal sewer systems.
Storm Water	1	Compliance with the SPDES General Stormwater Permit for Construction Activities is required since the site is greater than one acre. The Stormwater Pollution Prevention Plan, dated January 2008 was prepared by Parrone Engineering. The Notice of Intent will be submitted to NYS Department of Environmental Conservation prior to construction start.
Water Supply	1	The project will be served by the municipal water supply system and is sited within an existing service area. The project will not place a significant additional demand on the municipal water supply.
Public Safety - Police	1	Given the type and scale of this project, no significant impact is expected.
- Fire	1	Given the type and scale of this project, no significant impact is expected.
- Emergency Medical	1	Given the type and scale of this project, no significant impact is expected.

<b>Open Space and Recreation</b>		
- Open Space	1	No significant impact.
- Recreation	1	No significant impact.
- Cultural Facilities	1	No significant impact.
- Transportation	1	Given the type and scale of this project, no significant impact is expected.
<b>Natural Features</b>		
Water Resources	1	No significant impact.
Surface Water	1	No significant impact.
Unique Natural Features and Agricultural Lands	1	No such features are expected to be impacted by the proposed project (Agricultural District Map and aerial photograph).
Vegetation and Wildlife	1	The project will be built on previously disturbed land; vegetation and wildlife are not expected to be impacted by the proposed project. No impact is indicated by the NYS DEC and US FWS databases.
Flood Disaster Protection Act [Flood Insurance]	1	The project site is not in a Special Flood Hazard Area, according to the FIRM Map Panel Numbers 36055C0302G and 36055C0306G dated August 28, 2008.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	1	No impact. The project area is not within a coastal barrier area (USFWS Coastal Barrier Resources System) or a coastal erosion hazard area (NYS DEC Coastal Erosion Hazard Map).
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	1	According to the NEPA Statutory checklist prepared by the Monroe County Department of Planning and Development on June 8, 2009, the project site is not within five miles of clear zone. Thermal or explosive hazards are not a risk to the project.
<b>Other Factors</b>		
<b>Other Factors</b>		
<b>Other Factors</b>		

Comments:

\_\_\_\_\_  
Preparer

\_\_\_\_\_  
Date

**END OF ENVIRONMENTAL ASSESSMENT CHECKLIST**