



ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

November 28, 2016

By Overnight Mail and Electronic Mail

Tennille S. Parker, Director
Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 7272
Washington, D.C. 20410

Re: RROF and Environmental Certification for NYS CDBG-DR: Century Sunrise Redevelopment project, Village of Johnson City, Broome County, New York

Dear Ms. Parker:

Attached is a Request for Release of Funds (RROF) and Environmental Certification for the Century Sunrise Redevelopment project, Village of Johnson City, Broome County, New York.

The Governor's Office of Storm Recovery, operating under the auspices of the New York State Homes and Renewal's Housing Trust Fund Corporation, performed an environmental assessment for the project pursuant to 24 CFR Part 58 for the activities covered by the RROF.

Pursuant to 24 CFR Section 58.70, the combined Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) was published on November 10, 2016 and the comment period closed on November 25 (see attached copy of the FONSI-NOI/RROF and the affidavit of publication). No comments were received.

If you have any questions concerning this submission, please contact me at (518) 474-0755 or by electronic mail at Lori.Shirley@nyshcr.org.

Sincerely,

Lori A. Shirley
Deputy Director, Bureau of
Environmental Review and Assessment,
Governor's Office of Storm Recovery
Housing Trust Fund Corporation

Attachments

CC By Electronic Mail:

disaster_recovery@hud.gov

Lisa Bova-Hiatt, Executive Director, GOSR

Thehbia Hiwot, Managing Director- Housing, GOSR

Paul Lozito, Director- Policy & Affordable Housing, GOSR

Dan Greene, General Counsel, GOSR

Thomas J. King, Assistant General Counsel, GOSR

Amy Lentz, Environmental Records Manager, GOSR

Theresa Fretwell, Regional Environmental Officer, HUD

Donna N. Mahon, DR Field Environmental Officer, HUD

Irene Chang-Cimino, Sandy Recovery Coordination & Policy Advisor, Region II, FEMA

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
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11. Program Activity/Project Description

\$3,485,786

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

X 

Title of Certifying Officer

Date signed

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

X

Title of Authorized Officer

Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF)

CENTURY SUNRISE REDEVELOPMENT

November 10, 2016

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Lori A. Shirley (518) 474-0755.

Per 24 CFR Section 58.33, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to carry out the Century Sunrise Redevelopment (the "Proposed Project") located at 135 – 139 Baldwin Street, Village of Johnson City, Broome County.

Broome County, along New York State's south-central border with Pennsylvania, was devastated by severe flooding in 2011. Tropical Storm Lee, dropped 10-12 inches of precipitation in the area, leading to massive flooding on the Susquehanna and Chenango Rivers, larger tributaries, streams, and creeks. Most municipalities in Greater Binghamton and the Penn-York Valley saw water levels top the levees, inundating several downtown areas along the river.

The 2013 Broome County Comprehensive Plan states that the local housing stock is under tremendous pressure. Three major floods in five years have damaged hundreds of homes, and potential changes to flood maps and the increasing cost of flood insurance threatens whole neighborhoods. The loss and damage of homes and businesses have negatively impacted property values and the property tax base. The New York Rising Community Reconstruction (NYRCR), Broome Reconstruction Plan, states that short- and long-term housing needs should be addressed, including replacing flood-damaged units at more suitable locations, expanding

housing choice to accommodate low and moderate income residents, and creating sustainable and resilient neighborhoods. The Proposed Project is in accordance with those strategies.

Regan Development Corporation proposes to acquire and rehabilitate the existing Century and Sunrise buildings to include 104 residential units (44 one-bedroom, 56-two bedroom, and four three-bedroom units) and a 3,500 square foot multi-level commercial retail/restaurant space. Approximately 90 percent of the units would be available to individuals and families at or below 60 percent of the Area Median Income (AMI), and the remaining 10 percent would be available to those between 60 and 90 percent of the AMI. The residential units would have individual natural gas furnaces and air conditioning. The common areas of the buildings, which would be handicapped accessible, include recreation areas, a children's playground, laundry facilities and a large community room with kitchen.

The Proposed Project site is within the Johnson City Historic District. Both buildings have been determined to contribute to the District. The plans for rehabilitation include preserving the current building facades. Most of the rehabilitation would involve the interiors of the buildings. The development also would include a park with seating areas. Between the two buildings would be a garden space. New outside lighting with pole-mounted and wall-mounted LED downlight fixtures would be installed. The Proposed Project site currently has gravel parking areas that would be covered with an asphalt parking lot. There would be ample tenant off-street parking as well as space for bicycles.

The estimated total cost for the Project is \$33,047,896, funded with up to \$3,485,786 from the CDBG-DR program.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Proposed Project will have no significant impact on the natural or human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: NYS Homes & Community Renewal, Governor's Office of Storm Recovery, 38-40 State Street, Albany, New York 12207. Contact: Lori A. Shirley (518) 474-0755.

Further information may be requested by writing to the above address, emailing NYSCDBG_DR_ER@nyshcr.org or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office and is being published in "*Binghamton Press and Sun Bulletin*," a newspaper of general circulation in the affected community.

Public Comments on FONSI and/or NOIRROF: Any individual, group or agency may submit written comments on the Proposed Project. The public is hereby advised to specify in their

comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before Friday, November 25, 2016 at NYSCDBG_DR_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before Friday, November 25, 2016: Governor’s Office of Storm Recovery, 38-40 State, Albany, New York 12207, Attention: Lori A. Shirley. Comments may be received by telephone by contacting Lori A. Shirley at (518) 474-0755. All comments must be received on or before 5pm on Friday, November 25, 2016 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or about Monday, November 28, 2016, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Lori A. Shirley, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and GOSR’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity’s non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR’s Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley
Certifying Officer
November 10, 2016

PRESS & SUN-BULLETIN

State of New York
City of Binghamton
County of Broome, SS:

CECILIA HERNANDEZ being duly sworn, deposes and says she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton, New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga, State of New York and Susquehanna County, State of Pennsylvania **PRESS & SUN BULLETIN**

A notice of which the annexed is a printed copy, was published on the following dates:

11/10/16

Subscribed and sworn to before me this 10th day of November, 2016

Cecilia Hernandez

Vilma Avelar
Notary Public

Vilma Avelar
Notary Public State of New York
NO. 01AV6318411
Qualified in Westchester County
Commission Expires January 26, 2019

**PUBLIC NOTICE
COMBINED NOTICE OF
FINDING OF NO
SIGNIFICANT IMPACT
(FONSI)
AND NOTICE OF INTENT TO
REQUEST RELEASE OF
FUNDS (NOI-RRF)**

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Lori A. Shirley
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