By Email and Overnight Express

R. Eugene Pigford, Supervisor
Town of Sidney
Civic Center
21 Liberty Street
Sidney, NY 13838

October 17, 2017

Dear Supervisor Pigford and Town of Sidney Board Members:

Attached is the response of Governor’s Office of Storm Recovery (GOSR) to the Town of Sidney’s comments on the SEQR review of the Sidney Circle Drive Development Project. The document will also be posted to GOSR’s Environmental Review website at https://stormrecovery.ny.gov/environmental-docs. It will be posted under the Community Reconstruction heading, Delaware County subheading.

Thank you for your comments. GOSR looks forward to continuing to with you on this project.

Sincerely,

Lori A. Shirley
Director, Bureau of Environmental Review and Assessment
Governor’s Office of Storm Recovery
NYS HCR
38-40 Hampton Plaza
Albany, New York 12207
Lori.Shirley@nyshcr.org

Attachments
June 16, 2017

Lori A. Shirley  
Certifying Officer, GOSR  
38-40 State Street  
Albany, New York 12207

Re: Lead Agency Designation for Environmental Review of Circle Drive Neighborhood Development Project, Village of Sidney, Delaware County

Dear Ms. Shirley:

Thank you for your letter of May 24, 2017.

After careful deliberation, the Sidney Town Board has decided not to consent to GOSR's serving as lead agency for the above referenced project.

In the Town Board meeting of December 8, 2016, a Resolution was passed stating that "The Town of Sidney will be an active participant in the annexation process with the Village of Sidney. In keeping with that earlier declared intention, we anticipate the conducting of a thorough and detailed SEQRA regarding this project, and present to you our findings in a timely manner.

The Town Board has appointed a committee to focus on this and, in the interest of time, has authorized them to review the part 1 of the Full EAF that you furnished and to provide an initial response to you as applicant/sponsor with respect to its completeness and accuracy along with questions raised to date. As soon as their response has been prepared I will forward it to you. At this time all correspondence should be directed to me for processing. If you have any questions or suggestions at this time please email them to me at Gene@pigford.net. Also please advise of any time line you may have for your review including any anticipated hearings you intend to conduct."

Thank you for your anticipated cooperation, as together we review this important matter.

God bless

Gene Pigford, Supervisor  
Township of Sidney
June 23, 2017

Ms. Lori A. Shirley
NYS Homes and Community Renewal
Certifying Officer, GOSR
38-40 State Street
Albany, New York 12207
Lori.Shirley@nyshcr.org

Re: Response to GOSR in Review of EAF
Circle Drive Neighborhood Development Project
Village of Sidney, Delaware County

Dear Ms. Shirley:

1. We received your letter dated May 24, 2017 wherein you requested that the Town of Sidney consent to GOSR being the lead agency for the Circle Drive Neighborhood Development Project, Sidney NY. You asked that we respond to your request to be the lead agency by June 24, 2017.

2. This correspondence included a Part 1 Full EAF also dated May 24, 2017.

3. We addressed this matter at our Monthly Board meeting on June 8th and notified you of our determination that we did not consent to GOSR being lead agency.

4. We have since conducted an initial review of the Part 1 furnished to us. The resulting comments, apparent inaccuracies, and questions generated in that review are included in the attachment. These should be addressed before any final determinations are made by us or anyone else.

6. As an involved and/or interested party we have not been included in the SEQR process for this action, we have not concluded that this action including annexation, the performance of this project, or the use of grant funds as proposed will not have any significant impacts associated with it. Furthermore, we have not concluded that this action is in the best interest of the public.

7. We are in receipt of a petition objecting to this action from in excess of 100 interested persons. We need to insure that these and any other interested persons in the Town both inside and outside the Village are heard and their concerns are considered before the annexation and project are commenced.

8. Please review and respond to the attachment to this correspondence and advise us as soon as possible of your intentions.

9. We solicit your cooperation and assistance to move forward on this action.

God Bless

Gene Bigford, Supervisor
Township of Sidney
CIRCLE DRIVE NEIGHBORHOOD DEVELOPMENT PROJECT

SIDNEY, NY

June 19, 2017

Comments re: Part 1 Full EAF dated 5/24/17

Action and Project as we understand it: Annexation of portion of Town of Sidney into the Village of Sidney. Construction of infrastructure including road, stormwater system, extension of public sanitary sewer system, extension of public water system, development of new water pressure zone, road connections to existing Village street and County highway, utilization of funding for the above was granted or is to be granted to Village for flood mitigation projects; subdivision for and construction of single-family dwellings on individual lots on property currently in the Town of Sidney outside of the Village, construction of 10 duplex units in the Village (and Town) on one parcel to be created by subdivision currently in the Village and zoned for single family dwellings, acquisition of properties for the road, infrastructure and housing units.

Please furnish the following:

1. Ref. pg1: List current property owners and data
2. Ref. pg 2: Bb-List Town of Sidney involvement and application dates
3. Ref. pg2: Bc- Explain plan for zoning amendment, by whom and application date.
4. Ref. pg2:C.2.a-Identify pertinent Town, Village and County land use plans, provide documentation and list specific recommendations for this site.
5. Ref. pg 3:C.3.a- Identify current zoning of Village(R-1) and current zoning of Town portion of the site(residential-agriculture) and what the permitted uses are at this site.
6. Ref.pg 3:C.3.b-To our knowledge the proposed use is NOT permitted.
7. Ref.pg 3: C.3.c.- What is the proposed new zoning for the site?
8. Ref.pg 3:C.4.b.- Add Delaware County Sheriff.
9. Ref.pg 3:D.1.a- Project includes duplex L/M housing.
10. Ref.pg 3:D.1.b-Explain which parcels will be purchased by developer. Will road be transferred to Village by developer?
11. Ref.pg 3:D.1.d- It appears that subdivision will be required for Single lots and Lutheran Church parcels.; Explain Purpose/type; section B.a. says “cluster” –explain here.
12. Ref.pg4:D.1.f.- explain that 2 family units consist of one owner of 10 duplex structures
13. Ref.pg4:D.1.g.- add water pump station info
15. Ref pg 4:D.2.b.-Show wetland and buffer boundaries. Were these delineated for this project? Complete any appropriate information
16. Ref pg5:D.2.c.- Will the project site have adequate fire protection flows? Explain plan for expansion of water district and
who must approve. Explain existing and proposed capacities, domestic and fire, looping and sizing of proposed mains.

17. Ref. pg 5:D.2.d.- Explain plan for expansion of the district and who will be responsible for permits and expense and any additional requirements placed on Village sewer customers.

18. Ref. pg 6:D.2.e.- Identify these management structures, who will own and maintain, effect of 2’ depth to ground water.

19. Ref. pg 7:D.2.j.- Describe creation of roads and access. Address bicycle and pedestrian traffic and connectivity to existing sidewalks and school routes.

20. Ref. pg 9: E.1.- existing land uses should include forest, agriculture, Adjacent wetlands, Nature trail and School.

21. Ref. pg 9: E.1.b.- Wetlands?

22. Ref. pg 1: E.1.d.- VFW, Lutheran Church

23. Ref. pg 10: E.1.f.- Agricultural storage facilities?

24. Ref. pg 11: E.2.a.- Effect of depth to rock of 4’ with respect to water and sewer installations.

25. Ref. pg 11: E.2.d.- Effect of 2’ to groundwater on water piping, sewers, storm drainage system and management, foundations, road?


27. Ref. pg 12: E.3.b.- Farmland Statewide Importance-Address use of federal funding at this location.

28. Ref. pg 13: E.3.f.- Explain archeological sensitivity of this or adjacent site and any likely impacts, also any archeological information that has been gathered on this site and any evaluations made of the information.
Also, please respond to the following:

1. Is there a market for the $200,000 single family homes to be constructed?
2. Must 51% of the single family homes be purchased by low/Moderate income buyers?
3. Example of low/mod income?
4. What would the taxes be on a $200,000 home?
5. What would be the taxes on the townhouse rental units? Are these units subject tax abatements?
6. What would be the typical rental on the townhouses and would the rental be subsidized?
7. Would the single homes be constructed before or after the buyer commits?
8. What is the proposed zoning for the annexed property?
9. What is the purchase price of the properties and how is it determined?
10. Are there any income limits on the rental units?
11. Who would be the contracting agency for the road, water, sewer and storm sewer systems?
12. Who will maintain the storm sewer system?
13. Who will design the road, water, sewer, and storm sewer infrastructure? Will there be multiple design proposals on this?

14. Who will perform the survey work on this project? Will local entities be considered?

15. Regarding streetlighting: Who will design & construct and who will maintain?

16. Will adequate fire protection flows be provided and what will be the impact on adjacent areas?

17. Is using the 3,000,000 dollars for road and utilities on this housing project the best use of this money designated for village flood recovery? Were other alternatives considered? If so what were they? Why were they not selected?

18. What is the total assessment of the proposed and already completed demolitions? Of this proposed development?

19. Will this project compete with the Civic Center project?

20. What taxable assessment will be added to the tax roll by the Civic Center project?

21. Does the annexation include any portion of County Rte. 4?

22. Will this annexation create, as a practical matter, an “island” of the Town(outside the Village) within the Village?
23. Where will County Route 4 and its maintenance end after annexation?

24. What if you can’t get enough L/M buyers for the lots? Will they then be sold to other than L/M buyers?

25. Isn’t the zoning R1 at the Lutheran Church property? If so, how can you put multiple duplex townhouses there?

26. Will the Lutheran Church property require subdivision to transfer the property to 2+4?

27. What will the final annexation map look like? Has it been drafted?

28. Is it true that one of the property owners is not a willing seller and that the property could be taken by eminent domain?

29. Who is purchasing the Church property and with whose money?

30. $300,000 of public money to purchase two parcels of land with a market value, according to the tax roll, of less than $25,000 seems excessive. Please address. The application on record for the land purchase grant lists the Architect/Engineer as Two Plus Four Construction. Are they a Licensed engineering firm?
31. Please furnish one set of full scale design drawings at the current level of development.
July 19, 2017

Lori A. Shirley
Certifying Officer, GOSR
38-40 State Street
Albany, New York 12207

Re: Lead Agency Designation for Environmental Review of Circle Drive Neighborhood Development Project, Village of Sidney, Delaware County

Dear Ms. Shirley:

Attached please find copies of the letters dated June 16th and June 23rd (with attachment) forwarded to you via e-mail and registered mail from the Town of Sidney.

We anxiously await the courtesy of your reply to these letters.

Thank you.

[Signature]

Gene Pigford, Supervisor
Township of Sidney
RESPONSE TO TOWN OF SIDNEY’S COMMENTS
ON THE SEQR REVIEW OF THE
CIRCLE DRIVE NEIGHBORHOOD DEVELOPMENT PROJECT

Response to GOSR in Review of EAF (June 23, 2017)

1. We received your letter dated May 24, 2017 wherein you requested
that the Town of Sidney consent to GOSR being the lead agency for the
Circle Drive Neighborhood Development Project, Sidney NY. You asked
that we respond to your request to be the lead agency by June 24, 2017.
Response: Comment noted.

2. This correspondence included a Part 1 Full EAF also dated May 24,
2017.
Response: Comment noted.

3. We addressed this matter at our Monthly Board meeting on June 8, and
notified you of our determination that we did not consent to GOSR being
lead agency.
Response: Comment noted. Although the Sidney Town Board did not
consent to GOSR being the lead agency, the SEQR regulations require
that an involved agency raising a dispute as to lead agency must request,
in writing directed to the regional office of the Department of
Environmental Conservation, that the DEC Commissioner appoint a lead
agency. That written request was required within 30 days, by June 24,
2017. Since the Town of Sidney did not make a request to the DEC, GOSR
is proceeding with the SEQR review and responding to the Town’s
questions and comments in this document and the Full Environmental
Assessment Form and supporting documentation. GOSR welcomes this
input by the Town as an Involved Agency.

4. We have since conducted an initial review of the Part 1 furnished to us.
The resulting comments, apparent inaccuracies, and questions generated
in that review are included in the attachment. These should be addressed
before any final determinations are made by us or anyone else.
Response: Comment noted. The following includes a response to the Town’s comments. As we continue and complete the SEQR review, we will make the necessary clarifications and corrections to Part 1 of the EAF.

5. On June 15, 2017 The Tri-Town News published "A Combined Notice of no Significant Impact and Notice of Intent to Request Release of Funds" dated June 15, 2017, Nine (9) days before your proposed lead agency establishment concurrence date). Response: The Public Notice issued on June 15, 2017 was not related to the SEQR review referenced above. The notice issued was the Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF)- a step in the National Environmental Policy Act (NEPA) environmental review process. The notices issued under NEPA are independent of the SEQR process.

6. As an involved and/or interested party we have not been included in the SEQR process for this action, we have not concluded that this action including annexation, the performance of this project, or the use of grant funds as proposed will not have any significant impacts associated with it. Furthermore, we have not concluded that this action is in the best interest of the public. Response: The purpose of GOSR’s submittal of the Lead Agency Letter and EAF Part 1 was to include the Town as an Involved Agency and afford the Town the opportunity to comment in the SEQR process. The Town’s comments and GOSR’s responses are incorporated into the SEQR review.

7. We are in receipt of a petition objecting to this action from in excess of 100 interested persons. We need to ensure that these and any other interested persons in the Town both inside and outside the Village are heard and their concerns are considered before the annexation and project are commenced. Response: Comment noted. The Village of Sidney responded to the petition in a letter to the editor published in the Tri-Town News on
August 10, 2017. The Village also held public hearings on the proposed zoning change on August 14, 2017 and on September 11, 2017. Members of the public will have several additional opportunities to be heard, for example, there will also be a public hearing about the annexation and a public hearing about the subdivision application.

8. Please review and respond to the attachment to this correspondence and advise us as soon as possible of your intentions.
Response: GOSR is proceeding with SEQR review of the proposed project, incorporating the Town’s comments.

9. We solicit your cooperation and assistance to move forward on this action.
Response: Thank you. GOSR and the Village of Sidney look forward to working with the Town on this proposed project.

Attachment- Town Comments re: Part 1 Full EAF (June 19, 2017)

Action and Project as we understand it: Annexation of portion of Town of Sidney into the Village of Sidney. Construction of infrastructure including road, stormwater system, extension of public sanitary sewer system, extension of public water system, development of new water pressure zone, road connections to existing Village street and County highway, utilization of funding for the above was granted or is to be granted to Village for flood mitigation projects; subdivision for and construction of single-family dwellings on individual lots on property currently in the Town of Sidney outside of the Village, construction of 10 duplex units in the Village (and Town) on one parcel to be created by subdivision currently in the Village and zoned for single family dwellings, acquisition of properties for the road, infrastructure and housing units.

Please furnish the following:

1. Ref. pg1: List current property owners and data

Response:

a. Parcel 138.-2-7.12: West Main St.; Owner: St Luke’s Evangelical Lutheran, West Main St, Sidney, NY 13838; AC:5.1; PC:620

b. Parcel 138.2-14.22: 220 County HYW 4; Owner: Lamont Martin, 27 Silver St., Sidney, NY 13838; AC:5.64; PC:312

c. Parcel 138.-2-8; ADD:2176 County HYW 4; Owner: Patterson, Brian J., PO Box 2275, Sidney, NY 13838; AC:0.75; PC:210
d. Parcel 138.8-3-1; ADD: 995 Circle Drive; Owner: Veterans of Foreign Wars, 133 West Main St., Sidney, NY 13838; AC:0.26; PC:312

e. Water Booster Pump Alt 1: Parcel 115.20-2-32; 900-970 Circle Dr; Owner: Radial Development Associates, Hillside House, Norwich, NY 13815; AC:6.2; PC:411

f. Water Booster Pump Alt 2: Parcel 116.17-1-1.2; 100 Circle Dr; Owner: Sidney Housing Project Company, 1000 University Ave, Rochester, NY 14607; AC:4; PC:411 (plus Municipal ROW)

g. Water Booster Pump Alt 3: Parcel 138.8-2-1: Loomis Dr; Owner: Village of Sidney, 21 Liberty St., Sidney, NY 13838; AC:0.3; PC:591

2. Ref. pg 2: Bb-List Town of Sidney involvement and application dates.

Response: Town approval will be needed for annexation of the Martin and Patterson parcels. The FEAF has been revised to address this in section B.a. instead of B.b.

3. Ref. pg2: Be- Explain plan for zoning amendment, by whom and application date.

Response: The Village intends to rezone church parcel from R-1 to R-2 to allow the two-family townhomes. The applicant is Lakewood Development, LLC. The Village held public hearings on the proposed zoning change on August 14, 2017 and on September 11, 2017.

4. Ref. pg2:C.2.a- Identify pertinent Town, Village and County land use plans, provide documentation and list specific recommendations for this site.

Response: Although the plans identified below do not identify specific recommendations for the site, the proposed project does meet specific plan goals:

DMA 2000 Hazard Mitigation Plan Update - Delaware County, New York-
- Village- acquisition of property outside of the 100-year floodplain to develop a new mixed-use and mixed-income neighborhood.

Village of Sidney Comprehensive Action Plan (2002)-
- One of every three respondents to the Village of Sidney Community Survey indicated that houses in the Village are "not attractive or in good condition." In addition, 61% of respondents "agree" or "strongly agree" that "there is a shortage of quality housing in the Village"
“Housing Affordability” was ranked by respondents to the Village of Sidney Community Survey as the 3rd most serious issue facing the Village out of a possible 13 issues.

In terms of preferred housing construction in the future, respondents to the Village of Sidney Community Survey prefer the construction of "Low-cost Senior Citizen Housing," and "Mid-high Income, One Family Housing".


- Goal- Develop safe housing at various price points to meet the needs of all residents including young families, seniors and vulnerable populations out of the 100-year floodplain (page 68).
- Goal- Consider alternatives for annexing property adjacent to the Village and extending municipal services for flood safe replacement housing and commercial development (page 113).

5. Ref. pg 3:C.3.a- Identify current zoning of Village(R-1) and current zoning of Town portion of the site (residential-agriculture) and what the permitted uses are at this site.

Response: The current zoning of the church parcel is R-1, Residential. Permitted principal uses are: (1) Single-family dwellings, (2) Family day care/group family day care and (3) Customary agricultural uses. The Village intends to rezone this parcel to R-2 Residential, in which permitted principal uses are (1) All uses permitted in R-1 Residential Districts and (2) Two-family dwellings.

The Town’s current zoning for the parcels to be annexed is residential-agricultural, which allows single family homes. That is what is being proposed for those parcels.

6. Ref.pg 3:C.3.b-To our knowledge the proposed use is NOT permitted.

Response: The Village intends to rezone the church parcel from R-1 Residential to R-2 Residential, for which permitted principal uses are (1) All uses permitted in R-1 Residential Districts and (2) Two-family dwellings.

7. Ref.pg 3: C.3.c.- What is the proposed new zoning for the site?

Response: The proposed new zoning for the church parcel is R-2, Residential. R-2 districts allow Two-family dwellings, such as the proposed two-unit townhomes.

The Town’s current zoning of the two parcels to be annexed is residential-agricultural, which allows single family homes. That is what is proposed for those parcels.
8. Ref.pg 3:C.4.b.- Add Delaware County Sheriff.

   **Response:** Noted and revised.

9. Ref.pg 3:0.1.a- Project includes duplex L/M housing.

   **Response:** Noted and revised.

10. Ref.pg 3:0.1.b- Explain which parcels will be purchased by developer. Will road be transferred to Village by developer?

   **Response:** Lakewood Development II, LLC will purchase the church parcel for the SPARC two-family townhouses. The Delaware County Planning Department will purchase the Martin and Patterson parcels for development of the single-family housing component.

   Upon completion of infrastructure improvements, the road will be transferred to the Village and maintained by the Village.

11. Ref.pg 3:D.1.d- It appears that subdivision will be required for Single lots and Lutheran Church parcels.; Explain Purpose/type; section B.a. says "cluster" -explain here.

   **Response:** For the Lutheran Church parcel, there will need to be a subdivision so that the developer can purchase the piece east of the church parking lot. As part of that subdivision review, the Village Planning Board will need to consider cluster development, because the two-family townhomes will be clustered on one parcel with one owner.

   The small piece from the VFW property adjacent to the church property will also need to be purchased by either the developer or the Village to accommodate the needed street right-of-way. Subdivision will be necessary for this piece.

   The Martin property does not need subdivision for the County to purchase it, but will later need to be subdivided to create the individual lots.

   The eastern half Patterson property will also be purchased by the County and will be part of the single-family development. Like the VFW property, subdivision will be required for this piece.

12. Ref.pg4:D.1.f.- explain that 2 family units consist of one owner of 10 duplex structures

   **Response:** Noted and revised.
13. Ref.pg4:D.1.g.- add water pump station info

Response: The water booster pump station will be housed in a one-story building with maximum exterior dimensions of 20’ x 28’. The water pump control building will be climate controlled to prevent freezing of the process piping in the winter and minimize pipe sweating in the summer time. The booster pump station building will house two or three (to be determined during final design) service booster pumps and a fire booster pump capable of delivering 750 gpm. The booster pump station will include an emergency generator set equipped with an automatic transfer switch.


Response: The stormwater management plan will consist of bio-retention swells on both sides of the new street that will provide treatment of the storm runoff from the street and areas of the development up gradient from the street, and of rain garden for areas down gradient from the street. Best management practices will be used during construction. A SWPPP will be prepared detailing the best management practices to be used.

15. Ref pg 4:0.2.b.-Show wetland and buffer boundaries. Were these delineated for this project? Complete any appropriate information

Response: Noted and revised. The project site is located near NYS DEC Freshwater Wetland SD-5, Class 1, also defined as R4SBC on the NWI maps. A January 13, 2017, wetland assessment and delineation report identified a portion of the NYSDEC jurisdictional wetland SD-5 within the proposed project site. The delineated line crosses the southeast corner of the project site. Therefore, a portion of the southeast corner of the overall site is within its 100-foot regulated adjacent area. However, project area disturbance will not occur within 100 feet of this wetland. However, once site plans and grading plans are finalized, the potential for impacts will be re-evaluated and, if necessary, a joint permit application will be submitted to USACE and NYSDEC for review and approval. See attached wetland figures.

16. Ref pgS:D.2.c.- Will the project site have adequate fire protection flows? Explain plan for expansion of water district and who must approve. Explain existing and proposed capacities, domestic and fire, looping and sizing of proposed mains.
Response: The existing Village water distribution system will be extended to supply municipal water to the project site, which will provide fire protection flows suitable for residential dwellings. The Insurance Service Office (ISO) prescribes fire flows of 750 gpm for 1- and 2-family the residential dwellings not exceeding two stories in height where the distance between the buildings is between 31 and 100 feet; the anticipated distance between buildings in the proposed development. The water system will be designed to provide 750 gpm fire flows.

Once the project site properties are annexed into the Village, the Village will extend water supply piping onto the project site. A village boundary is the de-facto limit for a village water service area and thus the Village will not need to take a specific action to extend the service area once the project site properties are annexed into the Village. Design plans and specifications for the water main extension must be approved by NYSDOH.

The Village of Sidney existing water supply system has a permitted capacity of 800 gallons per minutes(GPM) or 1.15 MGD. The village-wide pre-development average day water demand is 0.751 million gallons per day (MGD) and a maximum day demand of 1.12 MGD. The projected water demand for the proposed development is 11,000 gallons per day (GPD) based on 20 single family units and 10 two-family units (20 apartments).

The water mains in the development will be size to maximize flow while minimizing water residence time in the mains. Based on a preliminary hydraulic analysis, the water mains are anticipated to be 8-inch diameter.

17. Ref. pg S:D.2.d.- Explain plan for expansion of the district and who will be responsible for permits and expense and any additional requirements placed on Village sewer customers.

Response: Once the project site properties are annexed into the Village, the Village will extend sewer collection piping onto the properties. Village boundaries are the de-facto limits for a village sewer service area and thus the Village of Sidney will not need to take a specific action to extend the service area once the project site properties are annexed into the Village. Design plans and specifications for the sewer system extension must be approved by NYSDEC. The Village will be responsible for permits and expenses, which will be paid for with the GOSR funding. No additional requirements will be placed or additional cost borne by the Village sewer customers.

18. Ref. pg6:D.2.e.- Identify these management structures, who will own and maintain, effect of 2' depth to ground water.
Response: The Village of Sidney will own and maintain all infrastructure improvements. The soil survey indicated that the water table is at least 14 to 20 inches below the surface.

On September 18, 2017, Lamont Engineers completed a total of four test pits on the project site to determine the depth to the water table and bedrock. The test pits were located as shown on the attached plan and were excavated by DPW personnel with a tire mounted backhoe. The project engineer, Francois Vedier, P.E., Lamont Engineers, P.C., personally witnessed each test pit excavation. All test pits were excavated to a depth of approximately 7 feet ± 6 inches. Groundwater was not encountered in any of the test pits.

The soils in all test pits were very similar, consisting of approximately 8 to 12 inches of topsoil, followed by 24 to 30 inches of clay with stones, and then 40 to 50 inches of very dense clay with stone.

Although the soils were moist in all four test pits, the moisture content was low. It is the engineer’s opinion that the water table depth of 14 to 20 inches below the surface reported on the soil survey is a perch seasonal water table that occurs during high runoff times such as spring snow melt. The subsurface water condition on the project site is commonly found in Delaware County and other parts of New York State commonly mitigated in road and building design/construction by inclusion of properly design subgrade drainage measures (roads) or foundation drains (houses). The presence of “groundwater” observed on the site is the result of drainage from areas elevated above the project properties, which will be addressed by the stormwater drainage infrastructure being designed for the site.

No bedrock was encountered to the excavated depth of 7 feet in any of the test pits.

19. Ref. pg 7 :D.2.j.-Describe creation of roads and access. Address bicycle and pedestrian traffic and connectivity to existing sidewalks and school routes.

Response: A single road will be constructed, approximately 1,300 feet in length, that will run through the property from the Circle Drive and Manatee Avenue intersection to W. Main Street near the Sidney Country Club driveway. The roadway will be 24 to 30 feet wide (two 12’ travel lanes) with concrete gutter on both side. A sidewalk will be provided on one or two side(s) to accommodate pedestrian traffic within the project site. No sidewalk exists along the streets immediately adjacent to the project area. No bicycle accommodations are proposed within the project site and none exist in the immediate vicinity of the project site.
20. Ref.pg9: E.1.- existing land uses should include forest, agriculture, Adjacent wetlands, Nature trail and School

Response: Noted and revised.

21. Ref.pg9: E.1.b.-Wetlands?

Response: The project site is located near NYSDEC Freshwater Wetland SD-5, Class 1, also defined as R4SBC on the NWI maps. A January 13, 2017, wetland assessment and delineation report identified a portion of the NYSDEC jurisdictional wetland SD-5 within the proposed project site. The delineated line crosses the southeast corner of the project site. Therefore, a portion of the southeast corner of the project site is within its 100-foot regulated adjacent area. However, project area disturbance is not expected to occur within 100 feet of this wetland. Once site plans and grading plans are finalized, the potential for impacts will be re-evaluated and, if necessary, a joint permit application will be submitted to USACE and NYSDEC for review and approval.

22. Ref. pgl:E.1.d.-VFW,Lutheran Church

Response: Comment noted and revised. However, this question is intended to specifically identify special facilities where children, the elderly and people with disabilities are likely found on a daily basis for multiple hours. It is not intended to identify facilities where a diverse portion of the population may use them, such as the church or the VFW.

23. Ref.pg10:E.1.f.- Agricultural storage facilities?

Response: Not applicable. This question asks about previous uses on the proposed project site that may have involved the storage of solid wastes and solid waste management facilities.

24. Ref.pg11:E.2.a.-Effect of depth to rock of 4' with respect to water and sewer installations.

Response: On September 18, 2017, Lamont Engineers completed a total of four test pits on the project site to determine the depth to the water table and bedrock. The test pits were located as shown on the attached plan and were excavated by DPW personnel with a tire mounted backhoe. The project engineer, Francois Vedier, P.E., Lamont Engineers,
P.C., personally witnessed each test pit excavation. All test pits were excavated to a depth of approximately 7 feet ± 6 inches.

The soils in all test pits were very similar, consisting of approximately 8 to 12 inches of topsoil, followed by 24 to 30 inches of clay with stones, and then 40 to 50 inches of very dense clay with stone.

No bedrock was encountered to the excavated depth of 7 feet in any of the test pits.

25. Ref.pg11:E.2.d.-Effect of 2' to groundwater on water piping, sewers, storm drainage system and management, foundations, road?

Response: As stated in the response to No. 18 amd 24 abpve, on September 18, 2017, Lamont Engineers completed a total of four test pits on the project site to determine the depth to the water table and bedrock. The test pits were located as shown on the attached plan and were excavated by DPW personnel with a tire mounted backhoe. The project engineer, Francois Vedier, P.E., Lamont Engineers, P.C., personally witnessed each test pit excavation. All test pits were excavated to a depth of approximately 7 feet ± 6 inches. Groundwater was not encountered in any of the test pits.

The soils in all test pits were very similar, consisting of approximately 8 to 12 inches of topsoil, followed by 24 to 30 inches of clay with stones, and then 40 to 50 inches of very dense clay with stone.


Response: The project site is located near NYSDEC Freshwater Wetland SD-5, Class 1, also defined as R4SBC on the NWI maps. A January 13, 2017, wetland assessment and delineation report identified a portion of the NYSDEC jurisdictional wetland SD-5 within the proposed project site. The delineated line crosses the southeast corner of the project site. Therefore, a portion of the southeast corner of the project site is within its 100 foot regulated adjacent area. However, project area disturbance is not expected to occur within 100 feet of this wetland. Once site plans and grading plans are finalized, the potential for impacts will be re-evaluated and, if necessary, a joint permit application will be submitted to USACE and NYSDEC for review and approval.

27. Ref.pg12:E.3.b.- Farmland Statewide Importance-Address use of federal funding at this location.
Response: In compliance with the Farmland Protection Policy Act of 1981 (FPPA), Parts I and III of the Farmland Conversion Impact Rating Form and Project maps were submitted to the NRCS on December 8, 2016 and resubmitted on June 7, 2017 for determination of whether any part of the Project site is farmland subject to the FPPA. On June 12, 2017, NRCS responded, having filled out Parts IV and V of the Farmland Conversion Impact Rating Form and requesting that GOSR complete Parts VI and VII to compute the site assessment score. Based on 7 CFR Part 658.4, sites with a score of less than 160 receive a minimal level of consideration for protection, and no additional evaluation is required. GOSR completed the form, the site assessment score, and made the determination that the proposed Project will not violate the FPPA. The Project scored 65.3. GOSR responded to NRCS that, as such, the Project will not violate the FPPA.

28. Ref. pg 13: E.3.f. - Explain archeological sensitivity of this or adjacent site and any likely impacts, also any archeological information that has been gathered on this site and any evaluations made of the information.

Response: A 2007 Phase I Archaeological Survey conducted in the northern portion of the Project area (the Church property) recovered four pre-historic (three possible chert flakes and a utilized/debitage chunk) and four historic artifacts (two kaolin pipe bowl fragments, an unidentified nail and a shard of window glass). Coordination with the New York State Office of Parks, Recreation and Historic Preservation (SHPO) recommended a Phase I Archaeological Survey on the portion of the Circle Drive Development portion of the Project site that was not covered by the previous survey.

The Phase I survey report was completed in January 2017. Phase IA research revealed that numerous prehistoric archaeological sites have been recorded within one mile of the Project area and historical maps indicated several possible historic structures across West Main Street from the Project area. Archaeological potential was judged to be high for both prehistoric and historic resources. Phase IB fieldwork was subsequently conducted and found no artifacts or cultural features. The report concluded that the Project would have no adverse effect on significant archaeological resources and recommended project clearance by SHPO. In a January 30, 2017, letter, SHPO stated it had reviewed the Phase I Archaeological Investigation of the Circle Drive Housing Development and concluded that it is SHPO’s opinion that no additional archaeological work is necessary for the project.

On June 7, 2017 the Delaware Tribe requested that additional study and subsurface testing be conducted on the parcel owned by St. Luke’s Lutheran Church, due to the fact that the 2007 Phase I Archaeological Survey identified a pre-contact site in the northern most part of the site. On August 10, 2017, Tectonic Engineering conducted a Phase IB Archaeological Field Survey, including sub-surface testing, on the parcel. No additional cultural resources were recovered.
Also, please respond to the following:

1. Is there a market for the $200,000 single family homes to be constructed?
   
   Response: The proposed single family housing will include a mix of options between $100,000 and $200,000.

2. Must 51% of the single-family homes be purchased by low/Moderate income buyers?
   
   Response: Low-and-moderate income levels are based on population, not simply on the number of homes occupied by low-and-moderate income persons. Therefore, 51% of the population of the proposed development will be sold to low-and-moderate income families, based on the following prioritization: (1) Eligible persons of Low-and-Moderate Income from the Village’s HMGP Buyout & Elevation Program and the Village as a whole; (2) Non-Low-and-Moderate Income participants in the HMGP Buyout & Elevation Program; (3) Low-and-Moderate Income residents within the Village of Sidney; and (4) All other interested participants, regardless of LMI or residency status.

3. Example of low/mod income?
   
   Response: Using a 4-person household as a model, the income limit would be $50,000 per year based on 2017 HUD income limits.

4. What would the taxes be on a $200,000 home?
   
   Response: Town/County/Village taxes for a $100,000.00 home in the Village of Sidney are projected to be $1,728 annually, while School Taxes are forecasted to be $2,064.00 annually.

   For a $200,000.00 home, Town/County/Village taxes would be forecasted to be $3,456.00 annually, while School Taxes would be forecasted at $4,140 annually.

5. What would be the taxes on the townhouse rental units? Are these units subject tax abatements?
   
   Response: Taxes are estimated at $48,429 per year and are only subject to New York State Real Property Law 581a.
6. What would be the typical rental on the townhouses and would the rental be subsidized?

Response: The rental units do not have any subsidies attached to them, and are $750/month for a Two Bedroom apartment and $800/month for a Three Bedroom Apartment.

7. Would the single homes be constructed before or after the buyer commits?

Response: After the buyer commits.

8. What is the proposed zoning for the annexed property?

Response: The Town’s current zoning as Residential-agricultural allows single family homes and that is what is being proposed for the parcels to be annexed, so no rezoning of those parcels will be necessary.

9. What is the purchase price of the properties and how is it determined?

Response: After appraisals, the purchase price of the properties will be negotiated with the individual property owners.

10. Are there any income limits on the rental units?

Response: 80% of AMI based on HUD 2017 income limits.

11. Who would be the contracting agency for the road, water, sewer and storm sewer systems?

Response: As the sub-recipient of funding through the New York Rising Community Reconstruction Program, the Village of Sidney is responsible for entering into agreements with any vendor/contractor associated with the design and construction of roads, water, sewer, and storm sewer systems.

12. Who will maintain the storm sewer system?

Response: The Village of Sidney will maintain the storm sewer system.
13. Who will design the road, water, sewer, and storm sewer infrastructure? Will there be multiple design proposals on this?

Response: Lamont Engineers, P.C. is the sole engineering firm responsible for the design of road, water, sewer, and storm sewer infrastructure on this project. Lamont Engineers was procured to complete this scope of services through a Request for Qualifications process, and selected by the Village of Sidney following review of written responses to the Request for Qualifications and oral interviews conducted by the Village’s RFQ Evaluation Committee.

14. Who will perform the survey work on this project? Will local entities be considered?

Response: Lamont Engineers performed the survey work.

15. Regarding streetlighting: Who will design & construct and who will maintain?

Response: The Village’s procured engineer is responsible for the design of streetlights in the development. Construction contractors for this element of the project have not been selected.

16. Will adequate fire protection flows be provided and what will be the impact on adjacent areas?

Response: The existing Village water distribution system will be extended to supply municipal water to the project site, which will provide fire protection flows suitable for residential dwellings. The Insurance Service Office (ISO) prescribes fire flows of 750 gpm for one- and two-family the residential dwellings not exceeding two stories in height where the distance between the buildings is between 31 and 100 feet; the anticipated distance between buildings in the proposed development. The water system will be designed to provide 750 gpm fire flows.

Once the project site properties are annexed into the Village, the Village will extend water supply piping onto the project site. A village boundary is the de-facto limit for a village water service area and thus the Village will not need to take a specific action to extend the service area once the project site properties are annexed into the Village. Design plans and specifications for the water main extension must be approved by NYSDOH.
Adjacent areas will not be impacted. The Village of Sidney existing water supply system has a permitted capacity of 800 gallons per minutes (GPM) or 1.15 MGD. The village-wide pre-development average day water demand is 0.751 million gallons per day (MGD) and a maximum day demand of 1.12 MGD. The projected water demand for the proposed development is 11,000 gallons per day (GPD) based on 20 single family units and 10 two-family units (20 apartments).

The water mains in the development will be size to maximize flow while minimizing water residence time in the mains. Based on a preliminary hydraulic analysis, the water mains are anticipated to be 8-inch diameter.

17. Is using the 3,000,000 dollars for road and utilities on this housing project the best use of this money designated for village flood recovery? Were other alternatives considered? If so what were they? Why were they not selected?

Response: The Village’s NY Rising Community Reconstruction allocation of $3,000,000.00 is being used for a myriad of projects, including, installation of roads, water, and sewer infrastructure, purchase of developable property, and as matching funds to conduct studies leading to development of economic and green-plain development activities. The activities are all contained within the NYRCR Plan, approved by the Village of Sidney in 2014.

18. What is the total assessment of the proposed and already completed demolitions? Of this proposed development?

Response: No demolitions have been completed yet. GOSR has allocated $5.2 million for demolition and $2.014 million for site restoration of 127 homes.

The total assessment of the proposed Circle Drive will be determined after appraisals have been completed, and offers/negotiations with involved property owners are concluded. The total amount allocated for the purchase and development of properties and necessary infrastructure improvements is approximately $2.9 million.

19. Will this project compete with the Civic Center project?

Response: No, the storm recovery project targets all ages while the residential component of the Civic Center project is targeted to those who are 55 and older. The Civic Center project will also include offices of the Village of Sidney, the Town of Sidney, DMV, Delaware Opportunities, and Catholic Charities.
20. What taxable assessment will be added to the tax roll by the Civic Center project?
   
   Response: GOSR is not involved in the Civic Center project.

21. Does the annexation include any portion of County Route 4
   
   Response: No.

22. Will this annexation create, as a practical matter, an "island" of the Town (outside the Village) within the Village?
   
   Response: No, because the parcels to be annexed from the Town will be for single-family residences, which is compatible with the surrounding areas in the Village and the Town.

23. Where will County Route 4 and its maintenance end after annexation?
   
   Response: The Village owns sufficient right-of-ways to allow for installation of infrastructure without the need for annexation of County Route 4.

24. What if you can't get enough L/M buyers for the lots? Will they then be sold to other than L/M buyers?
   
   Response: Single-Family Homes for purchase have been prioritized for: (1) Eligible persons of Low-and-Moderate Income from the Village’s HMGP Buyout & Elevation Program and the Village as a whole; (2) Non-Low-and-Moderate Income participants in the HMGP Buyout & Elevation Program; (3) Low-and-Moderate Income residents within the Village of Sidney; and (4) All other interested participants, regardless of LMI or residency status.

25. Isn't the zoning R1 at the Lutheran Church property? If so, how can you put multiple duplex townhouses there?
   
   Response: The Village intends to rezone church parcel from R-1 to R-2 to allow the two-family townhomes. The applicant is Lakewood Development, LLC.

26. Will the Lutheran Church property require subdivision to transfer the property to 2+4?
Response: Yes, the Lutheran Church parcel will need to be subdivided so that the Lakewood Development, LLC can purchase the piece east of the church parking lot. The small piece from the VFW property adjacent to the church property will also need to be purchased by either the developer or the Village to accommodate the needed street right-of-way. Subdivision will be also necessary for this piece.

27. What will the final annexation map look like? Has it been drafted?

Response: The annexation map will be a required part of the annexation petition. It will include tax map parcel 138.00-208 owned by Patterson and tax map parcel 138-00-2-14.22 owned by Martin.

28. Is it true that one of the property owners is not a willing seller and that the property could be taken by eminent domain?

Response: No. All property owners have signed Option to Purchase Agreements.

29. Who is purchasing the Church property and with whose money?

Response: Lakewood Development II, LLC with CDBG-Disaster Recovery funds that have been committed by The Housing Trust Fund Corporation, and construction and permanent loan funds provided by The Community Preservation Corporation, will purchase the land from the church.

30. $300,000 of public money to purchase two parcels of land with a market value, according to the tax roll, of less than $25,000 seems excessive. Please address. The application on record for the land purchase grant lists the Architect/Engineer as Two Plus Four Construction. Are they a Licensed engineering firm?

Response: Acquisition of properties under the Uniform Relocation Act requires that property be purchased through the offer and negotiation process. This involves formal appraisals of property followed by offers to property owners, which the property owner may accept, or request negotiations with the subrecipient of funding. Only following successful negotiation and acceptance by the property owner, may the property be transferred. Budgeted dollars for this phase of the project cover more than property purchase. The $300,000.00 in Community Development Block Grant – Disaster Recovery funding is currently budgeted for property appraisals, legal fees, property purchase, and development fees.
Lakewood Development II, LLC/Two Plus Four Construction employs an engineering firm for its engineering needs.

31. Please furnish one set of full scale design drawings at the current level of development.

Response: Please see attached most recent preliminary plan set.
Wetland Figures
NWI Map

Legend:
Aerial Imagery Source: Google Earth (dated May 2013)

- Site Boundary

Circle Drive Development Project, West Main Street, Sidney, Delaware County, New York
FIGURE 4
WETLAND DELINEATION MAP

Legend:
Aerial Imagery Source: Google Earth (dated May 2016)
- Approximate Site Boundary
- Wetland Boundary
- Test Pit

Circle Drive Development Project, West Main Street, Sidney, Delaware County, New York
Freshwater Wetlands
Sidney Circle Drive Neighborhood
Housing and Infrastructure
West Main Street
Village of Sidney
Delaware County, New York
Test Pit Locations
Site Plans-

note: still in design
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND A SPECIFIC DESCRIPTION OF THE ALTERATIONS.

THE ARCHITECT CERTIFIES THAT THIS PROJECT HAS BEEN DESIGNED BY ME, OR UNDER MY SUPERVISION, IN ACCORDANCE WITH THE NEW YORK STATE BUILDING CODE, FIRE CODE AND PROPERTY MAINTENANCE CODE, THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE ALL DATED AUGUST 2010, AND APPLICABLE FEDERAL, STATE AND LOCAL LAWS CODES, AND REGULATIONS. TO THE BEST OF MY KNOWLEDGE AND BELIEF THESE CONSTRUCTION DOCUMENTS ARE IN CONFORMANCE THEREWITH.

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