



## PUBLIC NOTICE

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

#### **CLARKSTOWN SENIOR HOUSING PHASE II**

**August 12, 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.

**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 Clarkstown Senior Housing Phase II Project (the Project) located at One Hyenga Way, Hamlet of Nanuet, Town of Clarkstown, Rockland County, New York.

Both Hurricane Irene (August 28, 2011), and Superstorm Sandy (October 29, 2012) caused widespread flooding, wind damage and prolonged power outages throughout Clarkstown. A significant number of single- and multi-family residential assets within the Town remain at risk of future flooding.

Affordable, senior and supportive housing for socially vulnerable populations are considered FEMA Critical Facilities: assets essential to recovery following a flood or storm event. The Clarkstown Senior Housing Phase II project would achieve two key resiliency goals: first, provision of additional affordable rental housing would address a shortage of affordable and moderately priced rental units in the Town; and second, the project would supplement other existing senior residential housing developments that have been damaged by or identified as vulnerable to flooding from past storm events.

Regan Development Corporation proposes to implement Phase II of a mixed-income senior apartment development located at One Hyenga Way, Hamlet of Nanuet, Town of Clarkstown, Rockland County, New York. The two phase development was fully described and assessed in the Hyenga Lake Final Environmental Impact Statement (FEIS), prepared in accordance with the New York State Environmental Quality Review Act (SEQRA). The Statement of Findings was adopted November 18, 2009. Phase I began construction in 2009 and was completed in June

2011. It included 4.6 acres of site improvements, an access road, and a 65 unit, three story apartment building and parking lot. Phase II (the Project) would be built across the parking lot from the existing apartment building. The new 40-unit project (39,810 square feet) would consist of two connected 20-unit, three-story buildings.

The 40 one-bedroom residential units (~700 square feet each) would include 8 units targeted to seniors with incomes between 60 percent and 80 percent of the Rockland County median income (AMI), and 32 units targeted at seniors with at 80 percent of the AMI. Units will meet Americans with Disabilities Act (ADA) requirements for handicap accessibility and adaptability. Four units would be set aside as Office for People with Developmental Disabilities (OPWDD) housing. Each apartment would be equipped with Energy Star refrigerators, washers, and garbage disposals. Energy Star lighting would be included into each kitchen, bathroom, and living room.

The Project would be implemented under the Small Project Affordable Rental Construction (SPARC) program, which makes financing available to qualified housing developers for the construction of affordable multifamily rental properties of 8 to 20 units located in areas where housing stock was damaged or lost due to the impact of Superstorm Sandy, Hurricane Irene, or Tropical Storm Lee. The SPARC program is being administered by the Community Preservation Corporation (CPC).

The estimated cost for each 20-unit building is \$6,600,000, funded with up to \$3,750,000 from the CDBG-DR program for each of the 20-unit buildings (total CDBG-DR funding: \$7,500,000).

### **FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Assessment (EA) for the 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 Project would 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@nyshr.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 “*The Journal News*,” 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 Project. The public is hereby advised to specify their comments with “notice” and their address. Comments should be submitted via email, in the proper format, on or before Monday, August 29, 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 Monday, August 29, 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 Monday, August 29, 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 Tuesday, August 30, 2106, 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 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley  
Certifying Officer  
August 12, 2016