



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

January 7, 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 7<sup>th</sup> Street, SW, Room 7272  
Washington, D.C. 20410

*Re: RROF and Environmental Certification for NYS CDBG-DR: Meadows at Middle Settlement*

Dear Ms. Parker

Attached is a Request for Release of Funds (RROF) and Environmental Certification for the above referenced project- the Meadows at Middle Settlement, located in New Hartford, 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 25 CFR Section 58.70, the Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) were published on December 18, 2015 (see attached copy of the NOI/RROF and FONSI 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](mailto:Lori.Shirley@nyshcr.org)

Sincerely,

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

Attachments

CC By Electronic Mail:

[disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov)

Theresa Fretwell, Regional Environmental Officer, HUD

Jeffrey D'Agostino, Field Environmental Officer, Disaster Recovery, HUD

Duncan Barrett, Omni Development

Russell Hubley, NYSHCR

Lisa Bova-Hiatt, Executive Director, GOSR

Leo Quigley, Director of Affordable Housing, GOSR

Thomas J. King, Assistant General Counsel, GOSR

Clifford Jarmen, Tetra Tech

CC By Overnight Mail:

Rhoda M. Nicholson, Program Support Specialist, HUD

# 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)
11. Program Activity/Project Description	

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

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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.

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Signature of Certifying Officer of the Responsible Entity

X 

Title of Certifying Officer

Date signed

Address of Certifying Officer

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

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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).

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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)



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Executive Director

## PUBLIC NOTICE

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

#### Meadows at Middle Settlement Senior Apartments

December 18, 2015

**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.

Pursuant to 24 CFR Section 58.43, 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 Meadows at Middle Settlement Senior Apartments (Meadows Apartments) project located at 4300 Middle Settlement Road in the Town of New Hartford, Oneida County, New York.

The Meadows at Middle Settlement is an existing 149-unit housing development built in 1974 for senior and disabled residents. The property is fully developed with 21 two-story housing structures, one one-story housing structure, two one-story non-housing/community structures, parking lots, access road, and yard areas. All or part of five housing structures are within the 100-year floodplain. In 2013, 18 units were lost to flooding.

Meadows Senior Living LP is proposing to redevelop a four-acre portion of the ten-acre senior apartment complex. The redevelopment would include demolishing 11 existing structures (with 93 units) including four housing structures and the community center structure that are located in the 100-year floodplain. The demolished structures would be

replaced by three new three-story housing buildings and a new community center structure constructed outside the 100-year floodplain. The three new housing structures would contain a total of 93 units (84 one-bedroom units and nine two-bedroom units), double loaded corridors, and elevators, and would be designed to better accommodate mobility impaired residents.

The estimated total project cost is \$23,500,000, funded with up to \$7,000,000 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 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, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in 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 in their comments with “notice” their comments address. Comments should be submitted via email, in the proper format, on or before Monday, January 4, 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, January 4, 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, January 4, 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, January 5, 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  
December 18, 2015



**GateHouse Media**  
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PennySaver Mid-York Weekly Your Valley

**MEMO Advertising Invoice / Statement**

The Observer-Dispatch  
221 Oriskany Plaza  
Utica, NY 13501  
315.792.5107  
1/5/2016

**Tetra Tech Inc.**  
1401 Lime Rock Drive

Round Rock TX 78681

**Account#:** 3351581  
**URN reference:** 000556269  
**Amount Due:** \$ 231.99  
**VISA**

**DETAILS:**

<u>Insertion Date Range</u>	<u>Newspaper</u>	<u>Pricing:</u>	<u>Ad Text begins:</u>
12/18/15 to 12/18/15	Observer-Dispatch	12/18/2015 Cost: \$231.99	PUBLIC NOTICE COMBINED NOTICE OF FIND

**THIS IS NOT A BILL - FOR INFORMATION PURPOSES ONLY**

STATE OF NEW YORK)  
                                  )ss  
County of Oneida)

Patricia Zehr of the City of Utica, in said county, being duly sworn, says she is the Principal Clerk of the Utica Observer-Dispatch the Publishers of (Observer-Dispatch), a daily newspaper printed and published in the city of Utica, County and State aforesaid, and that an advertisement of which the attached is a copy, cut from the columns of said paper has been regularly published in said paper on each of the following dates:

12/18/15

Patricia Zehr

Sworn to before me this

6 day of Jan 2016

Theresa B. McShadden

NOTARY PUBLIC ONEIDA CO., N.Y.

THERESA B MCFADDEN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MC6303520  
Qualified In Madison County  
My Commission Expires May 12, 2018

## LEGAL NOTICES

## PUBLIC NOTICE

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The estimated total project cost is \$23,500,000, funded with up to \$7,000,000 from the CDBG-DR program.

## FINDING OF NO SIGNIFI-

cant Impact

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 FONS. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA 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 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 [NYS\\_CDBG\\_DR\\_ER@nyshtcr.org](mailto:NYS_CDBG_DR_ER@nyshtcr.org) or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

## Public Comments on

## FONS and/or NOIRROF:

Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify in their comments with "notice" their comments address. Comments should be submitted via email, in the proper format, on or before Monday, January 4, 2016 at [NY\\_S\\_CDBG\\_DR\\_ER@nyshtcr.org](mailto:NY_S_CDBG_DR_ER@nyshtcr.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, January 4, 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, January 4, 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

## TUESDAY,

## JANUARY 5, 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

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 of 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.

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Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennessee 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

December 18, 2015

OD: 12/18/2015

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