

Owego Gardens, Owego, NY
Environmental Assessment

August 26, 2015

Revised September 11, 2015

Project Name: Owego Gardens, Owego, NY

Project Location: 130A Southside Drive, Village of Owego, Tioga County, NY

Federal Agency: US Department of Housing and Urban Development

Responsible Entity: New York State Homes and Community Renewal

**Responsible Agency's
Certifying Officer:** Thomas J. King, Assistant General Counsel and Certifying Officer

Project Sponsor: Home Leasing, LLC, with Edgemere Development, Inc.

Primary Contact: John Oster, Edgemere Development, Inc.
400 Andrews Street, Suite 400
Rochester, NY 14604
john@edgemere.com

Project NEPA Classification: 24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	<input type="checkbox"/> Finding of Significant Impact - The project may significantly affect the quality of the human environment.
Certification	The undersigned hereby certifies that New York State Homes and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended (42 USC Sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.
Signature	 Thomas J. King

**Environmental
Assessment Prepared By:** Consultant: Tetra Tech, Inc.
Address: 1999 Harrison Street, Suite 500
Address: Oakland, CA 94612

CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2015 NYS CDBG-DR project, Copiague Commons are:

Check the applicable classification.

- Exempt as defined in 24 CFR 58.34 (a).
- Categorically Excluded as defined in 24 CFR 58.35(b).
- Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statues and executive orders [i.e., exempt under 58.34(a)(12)].
- Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statues and executive orders.
- "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).
- Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.



Signature of Certifying Officer

August 25, 2015

Date

Thomas J. King

Assistant General Counsel and Certifying
Officer

CERTIFICATION OF SEQRA CLASSIFICATION

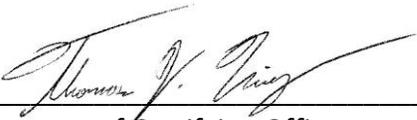
It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2015NYS CDBG-DR project, Owego Gardens constitute a:

Check the applicable classification:

- Type I Action (6NYCRR Section 617.4)
- Type II Action (6NYCRR Section 617.5)
- Unlisted Action (not Type I or Type II Action)

Check if applicable:

- Environmental Impact Statement (EIS) Prepared
 - Draft EIS
 - Final EIS



Signature of Certifying Officer

August 25, 2015

Date

Thomas J. King

Assistant General Counsel and Certifying Officer

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Home Leasing, LLC, with Edgemere Development as a consulting developer, is proposing the new construction of Owego Gardens (“the Project”), a 62-unit mixed-income senior rental community in the Village of Owego (see attached **Figures 1a, 1b, and 1c**). The subject parcel is at 130A Southside Drive in the Village of Owego, and is approximately 6.28 acres of a larger 85-acre site known as the “Tioga County Route 434 Mixed Use Office Park Project” owned by the Tioga County Industrial Development Agency (TCIDA) (see attached **Figure 2**). The proposed plan for the 85-acre site includes the construction of a mix of light industrial, office, supportive retail, senior housing, a satellite health-care facility, multi- and single-family residential units, and a community park with walking trails on currently undeveloped, commercially zoned land. The Tioga County Department of Economic Development and Planning completed a study and Master Plan for that 85-acre property in December 2003, and recommendations for potential uses included residential housing. A Phase I Environmental Site Assessment concluded there were no recognized environmental conditions on the property. TCIDA, the lead agency, completed a Generic Environmental Impact Statement under the State Environmental Quality Review Act (SEQRA) in February of 2005, and issued and accepted a Final Generic Environmental Impact Statement (FGEIS) in September 2006 with its Findings confirmed on July 1, 2015.

Owego Gardens is the first component of development to be scheduled for construction. The Project involves the new construction of one three-story, wood-frame, linear-shaped building that would create 62 one- and two-bedroom mixed-income rental apartments (see attached **Figures 3, 4a, 4b, and 4c**). The Project would target rental apartments for seniors with income at or below 50 to 60 percent of Area Median Income (AMI). The Project would provide affordable rental housing, outside the floodplain, in a market area that lost approximately 2,340 rental and owner-occupied housing units because of Hurricane Irene and Tropical Storm Lee. Owego Gardens would provide affordable, resilient, rental housing stock in an area clearly in need. This need is exemplified by the Southern Tier Regional Economic Development Council's recommendation that this be a priority project.

The Project property has easy access from Route 434 and Route 17, the Southern Tier Expressway, and access to the Susquehanna River Bridge, providing a connection across the Susquehanna River. Its proximity to the Village of Owego's downtown central business district, including the public library, post office, health-care and senior service facilities, banks, pharmacies, supermarkets, and a bus stop, provides a benefit to local residents and visitors.

The Owego Gardens Project would disturb the entire 6.28-acre site. The Project site would be graded to accommodate improvements, landscaping, and an adjacent stormwater management area. On-site parking spaces for residents would be included in the design. Native vegetation would be planted for landscaping to control erosion and minimize water use. The completed Project would comprise a building with a footprint of approximately 22,300 square feet, a parking area of 30,600 square feet, and about 5,200 square feet of walkways. The result is approximately 1.33 acres of impervious surface, 21 percent of the total 6.28 acres.

Site amenities for tenants would include common laundry facilities, air conditioning, community spaces, tenant storage, patios or balconies, and on-site parking. The building design incorporates New York State Housing Finance Agency (HFA) Green and Energy Efficiency measures (including but not limited to energy efficient heating, ventilation, and air conditioning [HVAC] systems; Energy Star lighting, appliances, and doors; and maintenance-free materials incorporated in the design), Community Development Block Grant – Disaster Recovery (CDBG-DR) Resiliency tools, and Americans with Disabilities Act (ADA) compliance. On-site parking would be restricted to the tenants, with no commercial parking spaces.

The Project would provide affordable housing for senior citizens with very low to moderate income. Of the 62 units, 24 would be targeted to tenants earning 50 percent or less of the AMI, 23 to tenants at or below 60 percent AMI, 14 would be unrestricted market-rate units, and 1 unrestricted unit would house an on-site employee. Owego Gardens aligns with State and local goals of providing affordable, resilient housing options in a designated CDBG-DR community.

The subject property and surrounding areas are currently serviced by New York State Electric and Gas Corporation (NYSEG) for gas and electric, United Water of Owego for water, and municipal sewer service through the Village of Owego Sewer Plant. The subject property is currently undergoing planning and design for installation of on-site utilities.

The Project would receive water from United Water of Owego, through a water main from the adjacent residential development to the west, and sanitary sewer service would be provided by the Village of Owego Sewer Plant. There is no storm sewer along the Project boundary. Drainage and water removal systems, including sump pumps and gravity-based drainage, would be designed to accommodate all stormwater on the Project site. A stormwater drainage pipe is proposed to extend along the northern property boundary to a stormwater management area at the northeast corner of the site. The Project would include a naturalized creek bed with boulders, ponds and waterfalls. The creek would play a role in on-site stormwater management.

A stormwater management plan would be part of the infrastructure design for the Project. Stormwater management details are still to be determined, but the stormwater management system would be designed in compliance with the requirements of the New York State Department of Environmental Conservation State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity GP-0-15-002 and to address the stormwater from the Project site, and the adjacent access road being constructed to facilitate the Project. Stormwater management for future development sites farther up the hill would be addressed when those respective sites are developed.

Resiliency

Resiliency measures have been designed into the new construction plans. These measures are a vital component to any project in a flood-impacted area, such as the Village of Owego. The Project site is outside the 100-year floodplain based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), an important resiliency factor for housing units in the wake of the damage caused by Hurricane Irene and Tropical Storm Lee. The new building and electrical system would be more than two feet above base flood elevation (BFE). Backflow preventers would be installed on incoming water lines, and the roof would be secured by hurricane strapping. Drainage and water removal systems including sump pumps and gravity-based drainage would be designed to accommodate all stormwater on the Project site. A stormwater drainage pipe is proposed to extend along the northern property boundary to a stormwater management area at the northeast corner of the site (see **Figure 2**). Native vegetation would be planted for landscaping to control erosion and minimize water use.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

In June 2013, Governor Andrew Cuomo set out to centralize recovery and rebuilding efforts in impacted areas of New York State. Although Tioga County was not affected by Hurricane Sandy, this storm was the catalyst for the allocation of disaster relief funds under the CDBG-DR award. These funds are being used to assist not only counties that were devastated by Hurricane Sandy, but also counties like Tioga County that were severely impacted by Hurricane Irene and Tropical Storm Lee in 2011. The Governor's Office of Storm Recovery (GOSR) was established to administer the award funds, address communities' most urgent needs, and encourage the identification of innovative and enduring solutions to strengthen the State's infrastructure and critical systems. Operating under the umbrella of New York State Homes and Community Renewal (HCR), GOSR uses approximately \$3.8 billion in flexible funding made available by the US Department of Housing and Urban Development's (HUD's) CDBG-DR program to concentrate aid to four main areas: housing recovery, small business, community reconstruction, and infrastructure. Paired with additional federal funding that was awarded to other State agencies, the CDBG-DR program is enabling homeowners, small businesses and entire communities to build back and better prepare for future extreme weather events.

In 2011, Tioga County was severely damaged by the combination of the effects of Hurricane Irene and Tropical Storm Lee. On August 28, 2011, Hurricane Irene made landfall in New York with tropical storm force winds, causing disastrous flash flooding, especially in the eastern part of Upstate New York. The rains saturated the soils, wetlands reached their storage capacity, and the runoff in the area brought the streams and the rivers to near flood conditions. When Tropical Storm Lee hit the county ten days later, on September 7, 2011, the conditions caused by Irene were magnified and resulted in major flooding.

On September 8, 2011 the Chair of the County of Tioga declared a State of Emergency. Tropical Storm Lee caused extensive and severe flooding and damage to the county along the Susquehanna River and its tributaries. The Susquehanna River rose above the flood stage of 30 feet, and a historical crest of 39.62 feet was recorded at Owego on September 8, 2011.

The Village of Owego suffered extensive damage from Tropical Storm Lee that poured almost a foot of rain on parts of Tioga County in two days. The part of the village north of the river was inundated. High water damaged approximately 85 percent of the homes, businesses, and municipal structures in the village (https://stormrecovery.ny.gov/sites/default/files/crp/community/documents/tiogacounty_nyrcr_plan.pdf). Approximately 80 percent of residences experienced basement flooding, and many had water above the first floor level. More than 2,340 owner-occupied and rental properties were damaged from Tropical Storm Lee. Approximately 23 flood-damaged homes in the village are scheduled for demolition and 27 homes are expected to be elevated on new foundations to protect them from future floods.

The New York Rising Community Reconstruction Program (NYRCR) for Tioga County comprises five municipalities: the Town and Village of Nichols, the Town and Village of Owego, and the Town of Tioga. The NYRCR Plan identifies the need to provide resilient and sustainable housing choices for all income levels. The Owego Gardens Project would contribute to this resiliency by diversifying the housing stock to provide much-needed senior affordable rental housing. The Project would provide affordable rental housing, outside the floodplain, in a market area that lost approximately 2,340 rental and owner-occupied housing units because of Hurricane Irene and Tropical Storm Lee. Owego Gardens would provide affordable, resilient rental housing stock in an area clearly in need. This need is exemplified by the Southern Tier Regional Economic Development Council's recommendation that this be a priority project.

The Project would be consistent with the Village of Owego Comprehensive Plan Update 2013 goals that encourage construction of new and rehabilitated housing at higher densities in targeted areas of Owego. The plan promotes the use of available C funds for housing. The plan recognizes that providing housing for all income levels supports plans for economic development and encourages lower income residents to live near jobs in the Village. Establishing mixed-income housing developments would foster the diversity that would be attractive to visitors of all ages, abilities, and incomes. Owego Gardens would address these goals by providing mixed income housing units, including apartments target to seniors with below AMI, and market rate apartments. The Southern Tier Region Economic Development Council (STREDC) Strategic Economic Development Plan, 2011-2016, calls for revitalization projects to create additional residential housing options, while building on existing infrastructure and housing stock with upgrades and new construction in keeping with the downtowns. The STREDC plan recognizes that good housing is critical in maintaining vibrant downtowns and that storm damage has worsened the condition of already deteriorated housing. If its economic development initiatives are successful, there could be a shortage in quality housing that could dampen economic growth. Owego Gardens would generate 15 to 20 construction jobs, one or two full-time jobs, and third party contracts for engineers and services.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The Village of Owego is in the Town of Owego in Tioga County. Owego encompasses approximately 2.5 square miles and has a population of 3,854, according to the American

Community Survey estimates for 2013. This represents a population decrease of 1.0 percent from the 2010 Census figure of 3,896.

Owego has experienced a slight decline in population. Census data does not suggest a significant population change as a result of the flood. Home ownership in 2013 was approximately 56.3 percent, and rental occupancy was about 43.7 percent. It has undergone an increase in the unemployment level and the percentage of individuals below the poverty line. However, the percentage of families below the poverty line has decreased, and the median household income has increased. Between 2010 and 2013, unemployment estimates increased from 7.1 percent of the civilian labor force to 8.4 percent. In 2010 approximately 10.1 percent of all families and 11.3 percent of individuals had incomes below the poverty line. By 2013, these estimates changed to 9.4 percent of all families and 13.7 percent of individuals with incomes below the poverty line. The median household income in 2010 was estimated to be \$51,288, and in 2013 it was \$51,667, a slight increase of about 0.74 percent; however, this value is within the margin of error for each estimate (Source: 34, 35).

Over the same period the housing stock increased slightly and the rate of homeowner and rental vacancy rates declined. Between 2010 and 2013, the housing stock increased by 1.2 percent from 1,873 to an estimated 1,896. The homeowner vacancy rate went from 2.1 percent to 0.0 percent, and the rental vacancy rate declined from 7.8 percent to 0.0 percent. The median house value went up by 2.2 percent, from \$91,900 to \$93,900 (an increase lower than the margin of error for the estimate); while the median monthly rent increased by 2.3 percent from \$577 to \$590. These conditions and trends point to a stagnant housing market and strong need for an increase in housing stock (Source: 34, 35).

Funding Information

Funding for the Project would be derived from tax-exempt bonds, CDBG-DR funds, Low-Income Housing Tax Credits (LIHTC), and State Low Income Housing Credits (SLIHC) from HCR/HFA. Real property taxes would be minimized via a payment in lieu of taxes agreement and/or 581-A valuation. The State Legislature in 2005 (chapter 714) added section 581-a to the Real Property Tax Law (RPTL) to give the owners of residential rental properties, subject to regulatory agreements restricting occupancy in accordance with an income test, the right to have their properties valued, for real property taxation purposes, by the "capitalization of income" method.

Estimated Total HUD Funded Amount:

\$6,800,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

\$12,295,571

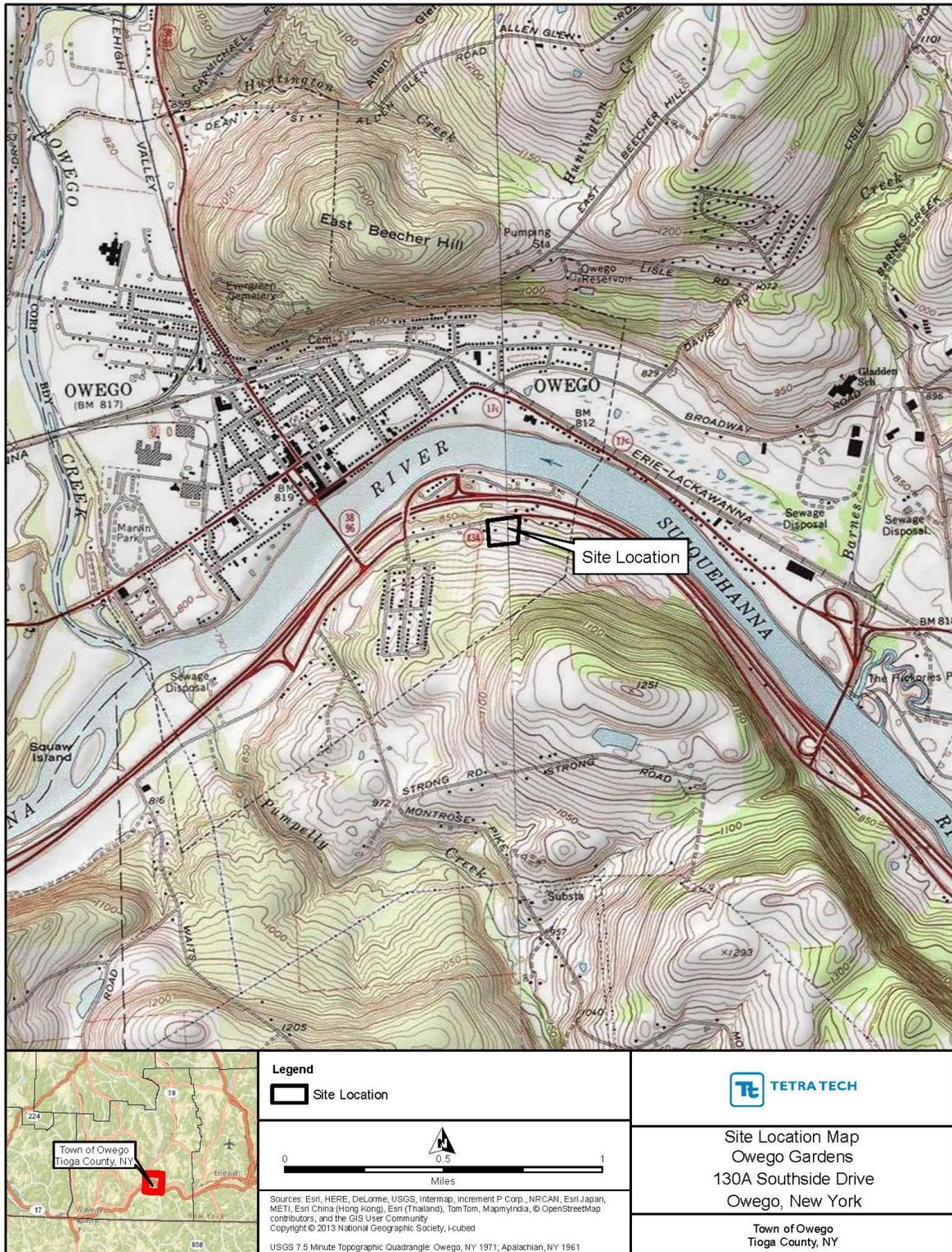


Figure 1a – Site Location Map



Figure 1b – Site Location Map

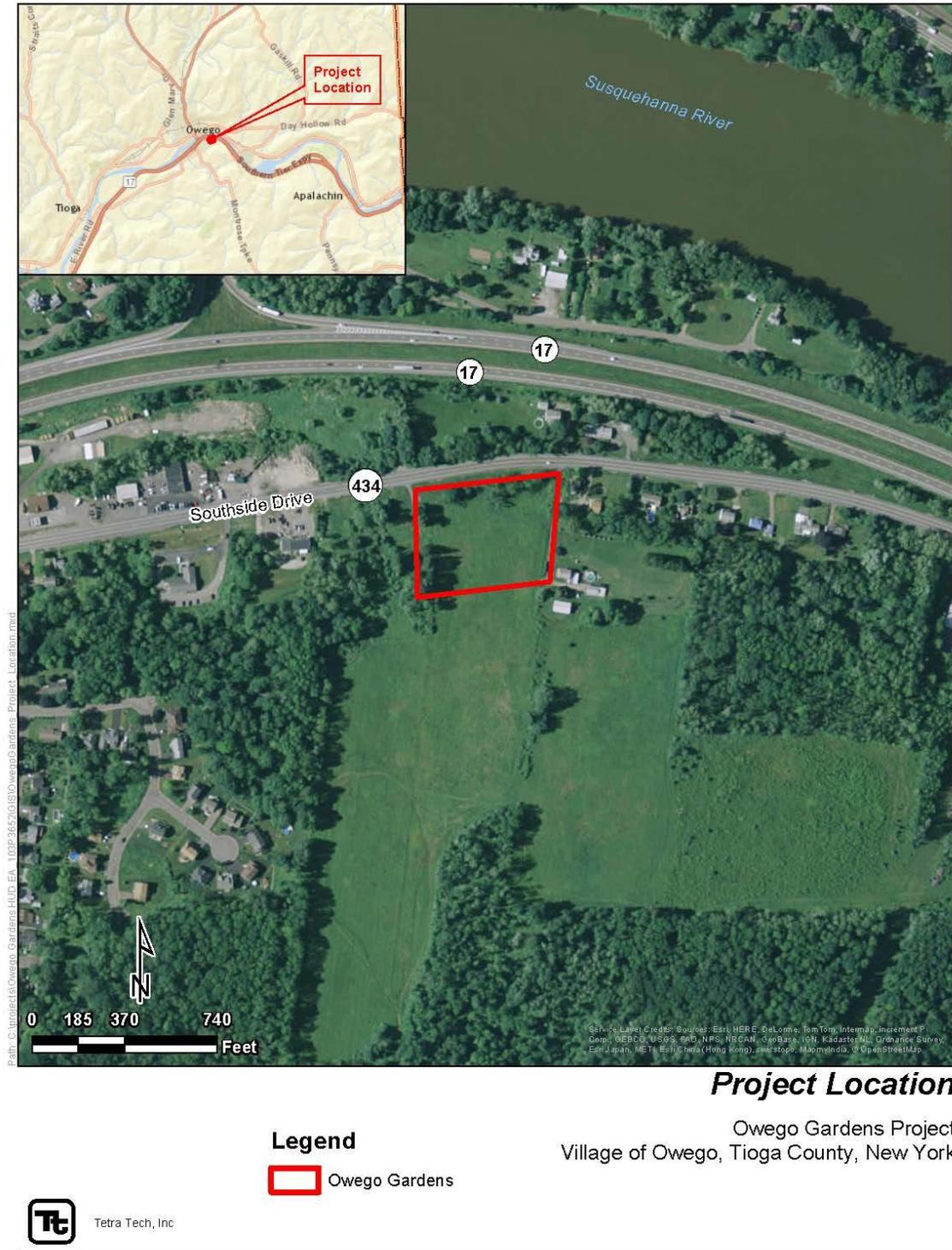


Figure 1c – Project Location Map

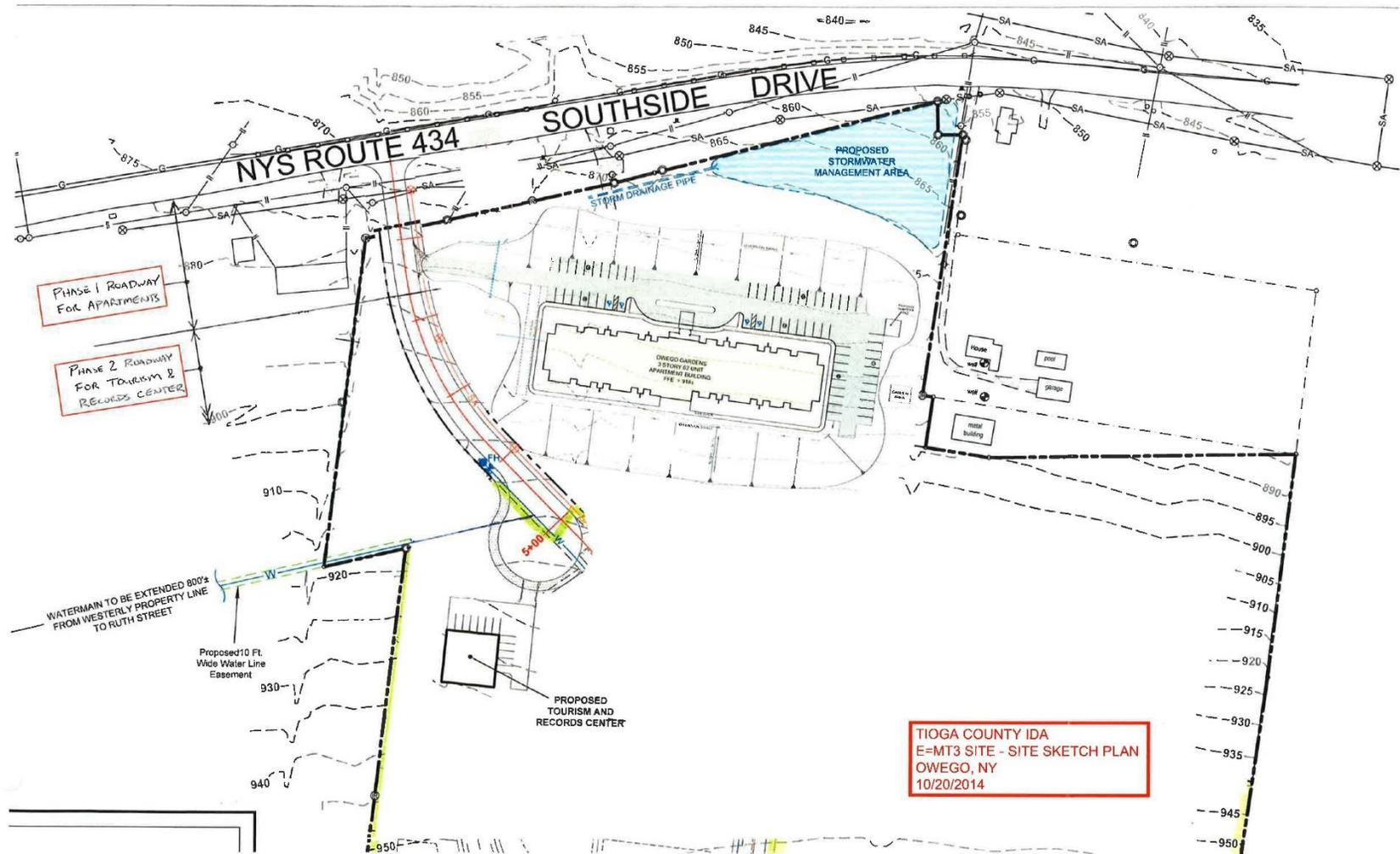


Figure 2 – Site Plan of Proposed Owego Gardens



Figure 3 – Conceptual View of Proposed Owego Gardens Building

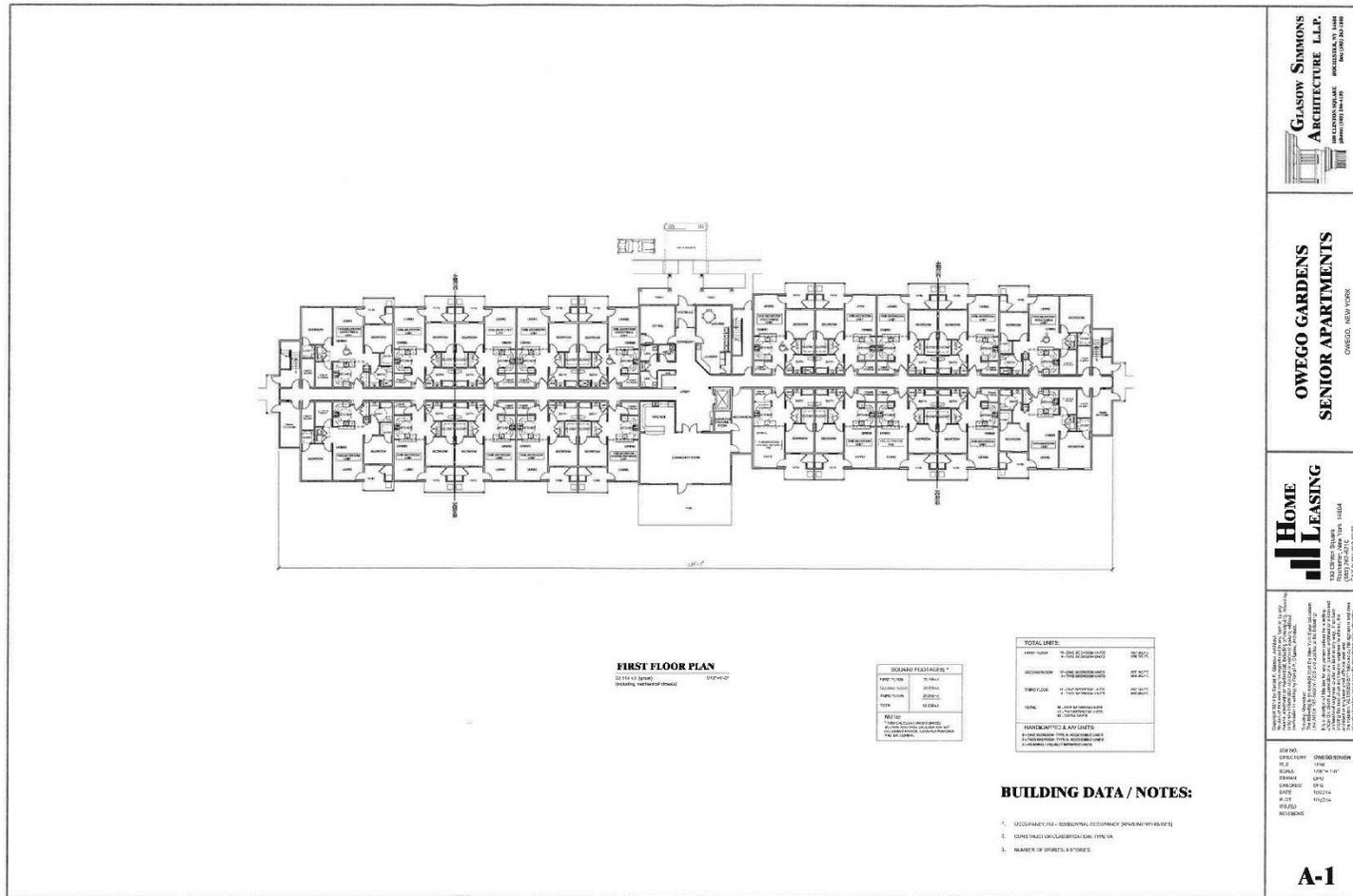


Figure 4a – First Floor Plan of Proposed Owego Gardens Project.

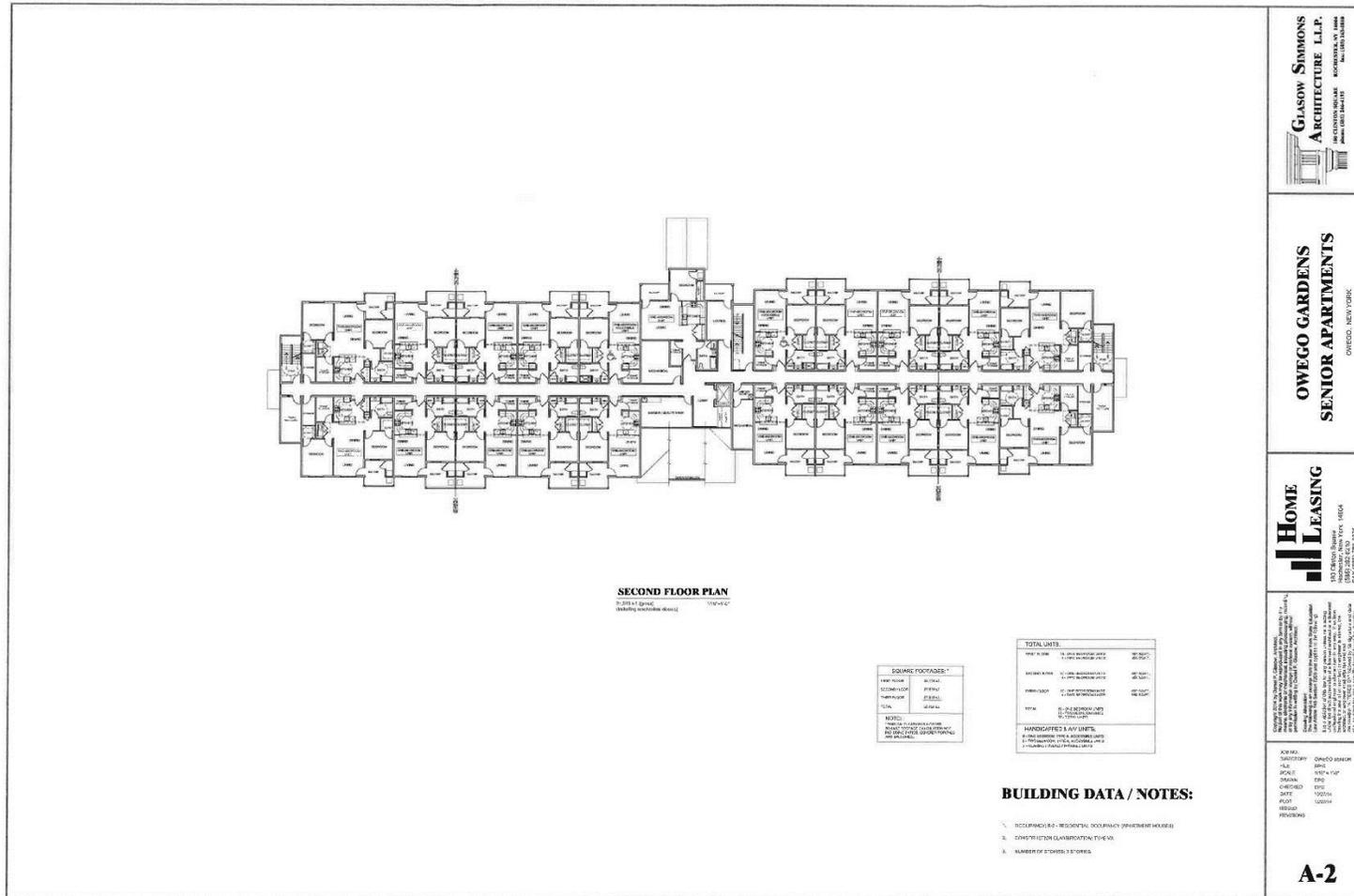


Figure 4b – Second Floor Plan of Proposed Owego Gardens Project.

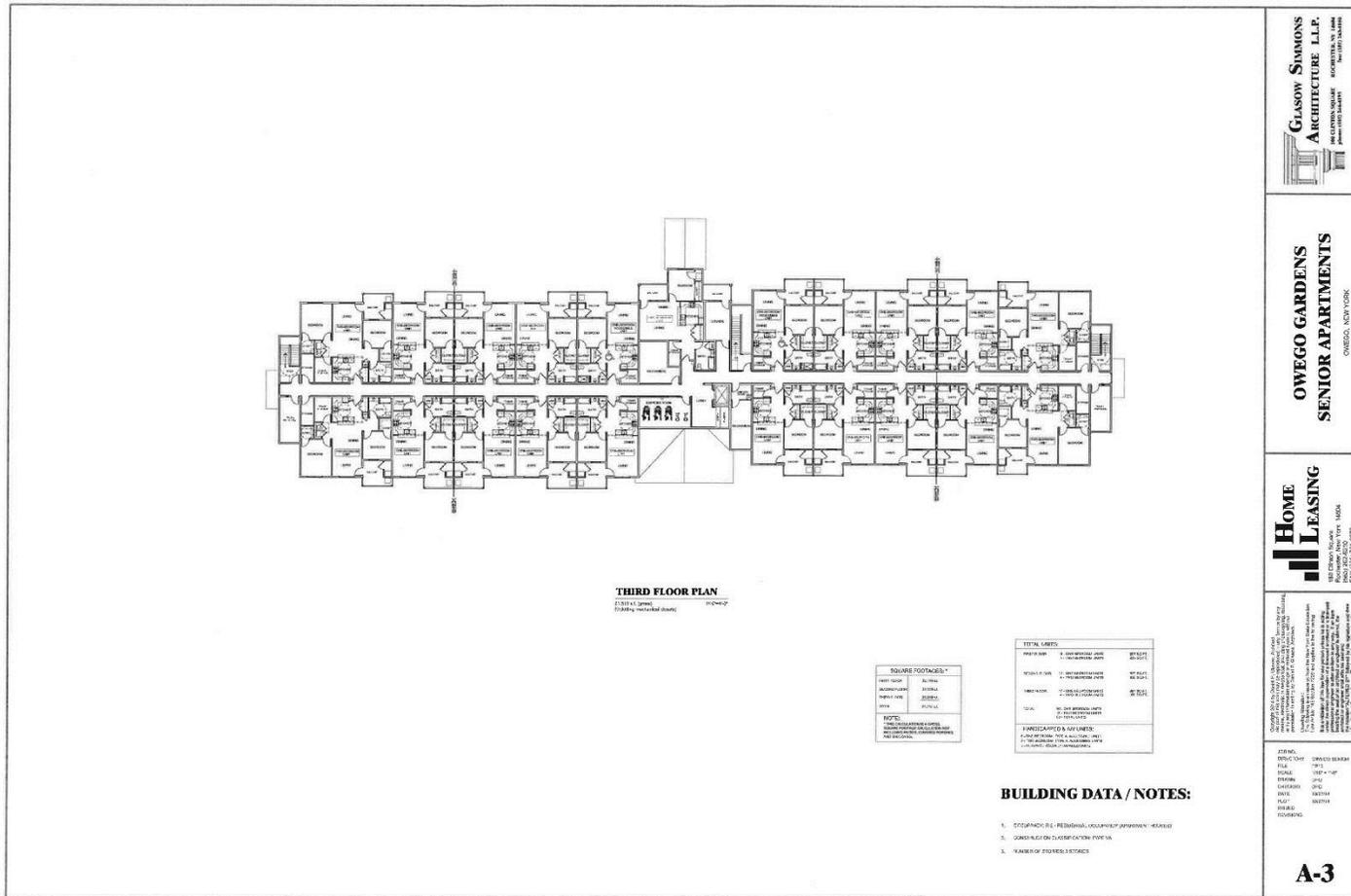


Figure 4c – Third Floor Plan of Proposed Owego Gardens Project.

Compliance with 24 CFR 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on HUD guidance in Fact Sheet #D1, the National Plan of Integrated Airport Systems (NPIAS) was reviewed for civilian, commercial service airports near the Owego Gardens Project area, as projects within 2,500 feet of a civil airport require consultation with the appropriate civil airport operator. The nearest airport to the Project site is the Tri-Cities Airport in Endicott, approximately eight miles away. No known military airports are within 15,000 feet of the program area. The Project site is not in an Airport Runway Clear Zone. No further assessment is needed. Source: 3, 4
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Owego Gardens Project site is not in a Coastal Barrier Resources Area as defined by the State’s Coastal Zone Management Program. Source: 5, 6
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Owego Gardens Project site is not in a Special Flood Hazard Area (SFHA). The site is outside the 0.2-percent-annual-chance (or 500-year) flood hazard zone based on a review of the FEMA FIRM (Map No. 36107C0401E) for

of 1994 [42 USC 4001-4128 and 42 USC 5154a]		the Village of Owego, New York (See Appendix A). Source: 7
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Owego Gardens Project area is not included in the most recent listing of nonattainment or maintenance areas for inhalable particulate matter (PM2.5) or 8-hour ozone, as defined by the US Environmental Protection Agency (EPA) Green Book Nonattainment Areas for Criteria Pollutants.</p> <p>The Project would not require an NYS Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit. The Project activities would not substantively affect air quality.</p> <p>The Project is of a size that is consistent with the NY State Implementation Plan (SIP).</p> <p>Implementation of standard best management practices (BMP) would control dust and other emissions during construction. Air quality impacts would be short-term and localized. Air quality effects of permanent increases in traffic would be minimal. If the Project includes a generator, the sponsor must submit certification of compliance with the EPA Reciprocating Internal Combustion Engines rule prior to site altering activities.</p> <p>No significant impacts on air quality would result and further assessment is not required.</p> <p>Source: 8</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Project site is not in a coastal zone as defined by the State's Coastal Zone Management Program.</p> <p>Source: 5</p>
<p>Contamination and Toxic Substances</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and</p>

<p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property. The Project does not involve the use or storage of any toxic chemicals or radioactive materials.</p> <p>A Phase I Environmental Site Assessment was done in November 2014 and identified no recognized environmental conditions in the records review, interviews, and site reconnaissance. (See Appendix B for the Phase I Environmental Site Assessment.)</p> <p>Polychlorinated Biphenyls</p> <p>Polychlorinated biphenyls (PCB) were widely used in equipment such as transformers, capacitors, and hydraulic equipment until 1979 when the EPA regulated their use in this capacity. The site was inspected for the presence of equipment likely to contain PCBs in the Phase I Environmental Site Assessment. This inspection showed no equipment likely to contain PCBs.</p> <p>Lead-Based Paint</p> <p>No investigation for lead-based paint or lead in drinking water was conducted because there are no structures on the site.</p> <p>Mold</p> <p>The Owego Gardens Project does not involve rehabilitation; there are no structures on the site. If the building materials or areas of the newly constructed building become contaminated with mold, all mold contamination would be properly removed. A certified industrial hygienist would provide verification of site clearance and submit a clearance report to prior to permanent loan closing.</p>
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		<p>Asbestos-Containing Materials</p> <p>No investigation for asbestos-containing materials was conducted because there are no structures on the site.</p> <p>Radon</p> <p>According to the EPA, the Owego Gardens Project site is in Radon Zone 1, where the predicted average indoor radon screening level is greater than 4 picocuries per liter (pCi/L), the highest potential for elevated indoor radon levels. In Tioga County homes an estimated 25 percent of living areas had long term radon levels of greater than 4 pCi/L, and approximately 54 percent of basements had short term radon levels greater than 4 pCi/L. In the Town of Owego in 2014 approximately 37.3 percent of homes tested had radon levels between 4 and 20 pCi/L, and 8.7 percent had radon levels greater than 20 pCi/L.</p> <p>The Project would include a passive radon resistant feature below the slab with a junction box and vertical pipe. Radon testing would be done when construction is completed. If testing indicated radon levels exceeding the EPA action levels, an active radon mitigation system would be installed. All testing and mitigation would be done prior to occupancy. (See Appendix C for Certification Letters).</p> <p>Source: 9, 10, 11, 12</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The US Fish and Wildlife Service (USFWS) online review process, completed May 1, 2015, indicated the threatened northern long-eared bat (<i>Myotis septentrionalis</i>) may occur in the boundary of or may be affected by the Project. No critical habitats were identified in the Project area</p> <p>The USFWS concurred with the data showing there is no potential long-eared bat habitat</p>

		<p>on-site in June 2015. Any tree removal would only occur between October 31 and March 31.</p> <p>The building is only three stories high, with no large bay windows, so would not be a hazard to migratory birds.</p> <p>New York Natural Heritage Program Report on Rare Animals, Rare Plants, and Significant Natural Communities dated May 29, 2015, identified that the:</p> <ul style="list-style-type: none"> • The spatterdock darter (<i>Rhionaeschna mutata</i>), Imperiled in NYS, had been found at a pond that is between a road and railroad tracks in 1988 and • The yellow lampmussel (<i>Lampsilis cariosa</i>), Vulnerable in NYS, was observed in 1997 in the runs, riffles, and pools of the Susquehanna River where the bottom substrate is composed of cobble and gravel. <p>Neither of these two areas would be affected by the proposed Project. The Project landscape plantings would not include prohibited and regulated invasive species identified by the New York State Department of Environmental Conservation (NYSDEC). (See Appendix D, Endangered Species Consultation Letters)</p> <p>Source: 13, 14, 15</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Project does not involve explosive or flammable operations.</p> <p>A search of available aerial imagery and the NYSDEC Bulk Storage Program Database identified one previously existing aboveground storage tank within one mile of the Project site. A 525 gallon chemical storage tank at the North Amityville Swimming Pool was identified as closed in place and would, so would not pose an explosive or flammable hazard.</p>

		<p>No petroleum bulk storage facilities were identified within a quarter-mile of the Project site.</p> <p>An explosives and flammable hazards study was conducted in June 2015. The study involved a review of NYSDEC records online for above-ground tanks (AST) exceeding 100 gallons of flammable or explosive liquids and gases within 1,000 feet of the Project site and ASTs that store flammable or explosive liquids exceeding 20,000 gallons within one mile of the Project site; interviews with code enforcement officials; and a site visit to identify visible ASTs within 1,000 feet of the Project site. The study found no facilities within one mile of the Project site had ASTs exceeding 20,000 gallons and the ASTs within one mile of the Project site contained less than 20,000 gallons. The study concluded that explosive and flammable hazards are at an acceptable separation distance from the Project site. (See Appendix E, Thermal/Explosive Hazards Survey and Noise Analysis Owego Gardens, Owego, NY)</p> <p>Source: 9, 16</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Soils at the Project site are designated farmland of statewide importance. (See Appendix F, Soils). TCIDA removed the Project site from the County’s Agricultural Districts in April 2006, and no agricultural activities are currently occurring on the Project site.</p> <p>The TCIDA property is currently undeveloped land zoned for commercial use. TCIDA completed a GEIS for the “Tioga County Route 434 Mixed Use Office Park Project” that included the construction of a mix of light industrial, office, supportive retail, senior housing, a satellite health-care facility, multi and single-family residential units, and a community park with walking trails for the site. Because of these previously approved</p>

		<p>development activities, the farmland soils of statewide importance on the Owego Gardens property do not qualify for Farmland Protection Policy Act regulatory protection.</p> <p>Source: 17, 18</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Owego Gardens Project site is not in an SFHA. The site is outside of the 0.2-percent-annual-chance (or 500-year) flood hazard zone based on a review of the FEMA FIRM (Map No. 36107C0401E) for the Village of Owego, New York (See Appendix A, Flood Hazard Map.)</p> <p>Source: 7</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>A Phase 1A Archaeological Survey completed for the entire development area, including the Owego Gardens site, in February 2001, indicated low to moderate archaeological sensitivity of the area and recommended a Phase 1B intensive walkover and subsurface testing of the small, relatively flat areas to determine if archaeological sites are present within the Project area. The Phase 1B was prepared in 2006 for seven acres of the Phase IA office space and a 1.25-acre construction buffer on the south side of the proposed offices. This study area included the entire Project site. It found that none of the three historic finds represented a historic deposit of archeological interest nor were they potentially eligible for listing on the National Register of Historic Places. No further investigation of these historic finds was recommended. The Phase 1B found one chert debitage trim flake from a single test in the south central portion of the Phase IA office space survey area that did not require further study. The study indicated that no further examination of this site was warranted because additional work was unlikely to reveal that it is eligible for the National Register of Historic Places and recommended that TCIDA</p>

		<p>confer with NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) concerning the need for and scope of the Phase 1B field reconnaissance for the remainder of the mixed use development.</p> <p>The Cayuga Nation Tribal Historic Preservation Office (THPO) was provided the Phase 1B report and stated in May 2015 that it was not interested in commenting on the Owego Gardens Project. (See Appendix G, Tribal Correspondence.)</p> <p>The OPRHP requested a site-specific Phase 1B for the Project site in May 2015. In June 2015, the Phase 1B archeological field reconnaissance was completed. No pre-contact or historic cultural material was recovered from the shovel test sites, no archeological sites were identified, and no additional archeological investigation was recommended.</p> <p>In a June 16, 2015 letter, OPRHP stated it had reviewed the proposed Project in accordance with Section 106 of the National Historic Preservation Act of 1966 and determined that no historic properties would be affected by the Owego Gardens Project. (See Appendix H, SHPO Correspondence.)</p> <p>Source: 19, 20, 21, 22</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The site is approximately 8 miles from the Tri-Cities Airport; approximately 2,100 feet south of the Norfolk Southern Railroad; about 583 feet from the Southern Tier Expressway (State Route 17); and at an effective distance of 305 feet from Southside Drive (State Route 434).</p> <p>A noise study in June 2015, pursuant to the HUD Noise Assessment Guidelines, indicated that the noise environment would be in the acceptable category (Day/Night Noise Level [DNL] not exceeding 65 decibels [dB]). The noise contour map for the Tri-Cities Airport</p>

		<p>shows the Project site is located well outside of the 55 dB contour. HUD’s electronic assessment tool, DNL Calculator, was used to assess the DNL for the combination of the airport, rail, and road sources. The calculations showed the exterior noise level is 62.1 dB DNL, which is considered acceptable. (See Appendix E, Thermal/Explosive Hazards Survey and Noise Analysis Owego Gardens, Owego, NY.)</p> <p>Source: 16</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Owego Gardens Project site is in the Clinton Street Ballpark Sole Source Aquifer (SSA) area, according the EPA NEPAassist mapper.</p> <p>Construction activities could affect the sole-source aquifer particularly, if there were wellhead protection zones, community well fields, aquifer recharge areas, or wetlands. The Project would result in new construction of a residential structure containing multiple units. The action threshold for significant increases in impervious surfaces is considered to be 30 percent for Safe Drinking Water Act purposes in Region II, based on HUD’s CPD-14-017.</p> <p>The completed Project would encompass a building with a footprint of approximately 22,300 square feet, a parking area of 30,600 square feet, and about 5,200 square feet of walkways, approximately 1.33 acres of impervious surface or 21 percent of the total 6.28 acres.</p> <p>The Project would not involve the operational use of hazardous or toxic substances and, as an affordable housing project, falls into the category of projects that EPA has identified as posing little threat to aquifers.</p> <p>The Project’s applicant submitted Preliminary SSA Review forms to the EPA on July 20, 2015. (See Appendix I, Sole Source Aquifer Review)</p> <p>Source: 23, 24</p>

<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to NYSDEC and National Wetlands Inventory (NWI) wetlands data, there are no wetlands on or adjacent to the Project site. No additional compliance steps are required. (See Appendix J, NWI Wetlands Map).</p> <p>Source: 25, 26</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no Wild and Scenic Rivers, as designated by the US Department of the Interior and NYSDEC, near the Project site.</p> <p>Source: 27, 28</p>
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Project site is not in a potential Environmental Justice (EJ) area, as defined by NYSDEC based on data from the 2010 US Census. (See Appendix K, Potential Environmental Justice Areas). The Owego Gardens Project would not raise EJ issues and would have no potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations. The Project would benefit low- and moderate-income residents through the construction of new affordable housing.</p> <p>The Project is designed to provide housing targeted for senior citizens aged 55 and older with 24 units for households with incomes of 50 percent of the AMI or lower, and 23 units would serve households with incomes of 60 percent AMI or lower.</p> <p>Source: 29</p>

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	<p>Allowable land uses in the Village of Owego are determined by Chapter 195 of the Village of Owego Code, as adopted by the Board of Trustees of the Village of Owego, originally adopted in 1978 and amended in 1997. (http://ecode360.com/10891824) Village land use policies are determined by long-range planning documents, including the Village of Owego Comprehensive Plan, updated in 2013.</p> <p>(http://www.villageofowego.com/PageZoneSiteResources/owego2010-10-06/Resources/file/Clerk/Owego%20Comp%20Plan_Final%20Draft.pdf)</p> <p>The Tioga County Department of Economic Development and Planning completed a study and Master Plan for this property in December 2003 and recommended it for potential residential, office, industrial, retail and institutional uses. The zoning designation for the Project site is OP: Office Park District. On August 11, 2015, the Village Planning Board voted to approve the site plan for the Owego Gardens Project. The Village Zoning Board of</p>

		<p>Appeals approved an area variance for the building height, an area variance for the location of the parking lot, and a special use permit for the Project. The parcel is classified as vacant land in a commercial area, in which multifamily residential use is an allowable use. Therefore rezoning would not be required.</p> <p>While there is no land use designation in the Village of Owego Comprehensive Plan for the Project site, the Project aligns with the goal to encourage the advancement of high-density residential and mixed use developments that spur revitalization. The Project supports the storm recovery goal to rebuild the Village of Owego in a way that strengthens the vitality of the community, reduces risk to life and property, and is sustainable. The Project complies with the housing goals in the Comprehensive Plan, particularly regarding improving the condition of the housing stock throughout the Village of Owego, establishing mixed-income housing developments, and providing market-rate housing. (See Appendix L, Local Approvals). The Project would provide new housing for low-income residents older than 55 and 14 units to be leased at market value.</p> <p>The Project is consistent with goals and funding priorities identified in the NYRCR Tioga Plan, including new affordable and market rate construction in the Town and Village of Owego. The Project provides affordable rental housing in a market area that lost rental and owned housing because of Tropical Storm Lee and Hurricane Irene and is purposely located outside the 100-year floodplain. In addition the development would incorporate resiliency measures under the NYS Building Code and those in the Resiliency Tool Kit. The Project is consistent with the strategies of the STREDC Strategic Plan supporting the revitalization of the Southern Tier Region’s downtowns, main streets and neighborhoods and encouraging sustainable senior developments.</p> <p>Source: 30, 31, 32</p>
<p>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</p>	<p>3</p>	<p>The Project site is on undeveloped gravelly silt loam soils and would be graded to accommodate improvements, landscaping, and an adjacent storm water management facility. Soils would be compacted per local building codes.</p> <p>According to the US Geological Survey (USGS) topographic map (see Appendix M, Topographic Map), the Project site has slopes ranging from approximately 7.9 to 15.9 percent. Soils with these percentage slopes are considered somewhat limited to very limited</p>

		<p>for dwellings and would require grading to be satisfactory for residential development.</p> <p>There is no storm sewer along the Project boundary, and a storm water management plan is proposed for the site, as part of the long term infrastructure design. The storm water management plan would address the potential for increased storm water runoff from the increased density of the site. The Village of Owego is not in the municipal separate storm sewer systems (MS4) storm water area and would not fall under EPA regulations for these facilities. It is regulated by the NYSDEC. The plan would be reviewed and approved prior to issuance of building and grading permits for the Project. Final site plans for construction of storm water management features would be submitted prior to construction.</p> <p>Because the amount of ground disturbance at the site would be greater than one acre, a State Pollutant Discharge Elimination System (SPDES) General Stormwater Permit is required. BMPs, such as silt fence and erosion prevention, would be implemented, if required by permits or agency discretion. State and local permitting requirements would incorporate BMPs (erosion blanketing, phasing and sequencing of construction) to eliminate erosion impacts for project locations that require excavation or soil modification, so minor impacts from erosion are anticipated from this Project.</p> <p>Source: 17, 18, 33</p>
<p>Hazards and Nuisances including Site Safety and Noise</p>	<p>2</p>	<p>The Project site is in areas affected by Hurricanes Irene and Tropical Storm Lee, but, it is not within a 100-year or a 500-year flood hazard area. No other known natural hazards, including earthquake fault zones, landslide zones, or hazardous terrain, are at or near the Project site.</p> <p>The Project does not involve the use or storage of any toxic chemicals or radioactive materials. A November 2014 Phase I Environmental Site Assessment identified no recognized environmental conditions in the records review, interviews, and site reconnaissance.</p> <p>A June 2015 explosives and flammable hazards study involved a review of NYSDEC records online for ASTs exceeding 100 gallons of flammable or explosive liquids and gases within 1,000 feet of the Project site and ASTs that store flammable or explosive liquids exceeding 20,000 gallons within one mile of the Project site; interviews with code enforcement officials; and a site visit to identify visible ASTs within 1,000 feet of the Project site. The study</p>

	<p>found that no facilities within one mile of the Project site had ASTs exceeding 20,000 gallons and the ASTs within one mile of the Project site contained less than 20,000 gallons. The study concluded that explosive and flammable hazards are at an acceptable separation distance from the Project site. (See Appendix E, Thermal/Explosive Hazards Survey and Noise Analysis Owego Gardens, Owego, NY).</p> <p>The Project site is within 3,000 feet of the Norfolk Southern Railroad, north of Southside Drive (State Route 434) and north of the Project site. The federal Department of Transportation, Federal Railroad Administration, and the New York State Rail Safety Inspection Program require safety monitoring and standards for freight and passenger service rail operations to ensure compliance with the Federal Railroad Safety Program.</p> <p>Per CFR 49 Part 212, State Safety Participation in conjunction with the Federal Railroad Administration requires NYS to provide the capability necessary to assure coverage of facilities, equipment, and operating practices through planned routine compliance inspections for all, or a specified part of, the territory of NYS. To this end, NYS is required to certify all safety inspectors in their respective discipline.</p> <p>Freight, intercity, and tourist railroads operating in NYS are required by the Rail Safety Bureau to provide immediate notification to the Rail Safety Inspection Section (RSIS) in case of spill or accident.</p> <p>The Project site is subject to noise from several sources, including the Southside Drive (State Route 434), the Southern Tier Expressway (State Route 17), the Norfolk Southern Railroad, and the Tri-Cities Airport. Construction activities could result in short-term noise from construction vehicles, but the Project would adhere to local ordinances concerning allowable days and times for construction activities, and restrictions on idling times for construction vehicles.</p> <p>A noise study was done in June 2015, pursuant to the HUD Noise Assessment Guidelines. HUD's electronic assessment tool, the DNL Calculator, was applied to assess the DNL for the combination of the airport, rail, and road sources. The noise calculations concluded that the exterior noise level at the site is 62.1 dB DNL, so the noise environment at the site would be in the acceptable category (DNL</p>
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		not exceeding 65 decibels). (See Appendix E , Thermal/Explosive Hazards Survey and Noise Analysis Owego Gardens, Owego, NY.) Source: 16
Energy Consumption	2	The Project would follow the Enterprise Green Communities building standard per the Green Communities Checklist. The design would include HCR/HFA Green Certificate Guidelines, including energy star standards and HFA/ADA compliance. Use of energy efficient HVAC systems; Energy Star lighting, appliances, and windows; and maintenance-free materials would be incorporated in the design. Natural gas and electricity from would be provided by NYSEG. Source: 18, 33

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	<p>According to 2013 Census estimates, the median household income in the Village of Owego was \$51,667. This compares to \$58,003 for the State of New York. The estimated median value of owner-occupied housing units in Owego between 2009 and 2013 was \$93,900, compared to \$288,200 for the State of New York.</p> <p>Employment in Owego is widely distributed among several key industries and occupations. Approximately 26.3 percent of the population is employed in educational services and health care; 14.8 percent in retail trade; 11.4 percent in arts, entertainment, and recreation; and 9.7 percent in professional, scientific, and management, and administrative and waste management services.</p> <p>Because the Project would result in the addition of senior-age residents in the neighborhood, it would not alter employment and income patterns.</p> <p>An estimated 15 to 20 temporary construction jobs would be created by the Project. Permanent employment would include a full-time on-site superintendent.</p> <p>The Project would benefit employment and local income in the area by providing additional residents who would use local businesses and stimulate employment.</p> <p>Source: 34, 35</p>

Demographic Character Changes, Displacement	2	<p>According to the 2013 US Census estimates, the population of the Village of Owego was 3,854. This represents a population decrease of 1.1 percent since 2010. In 2010, approximately 93.8 percent identified as Caucasian, 1.7 percent as black or African-American, 1.5 percent as Asian, 1.9 percent as two or more races, 0.3 percent as American Indian or Alaskan Native, 0.0 percent as Native Hawaiian and Other Pacific Islander, and 0.6 percent as some other race. Of these races, 2.4 percent identified as Hispanic or Latino.</p> <p>The Project would construct 62 housing units on a previously undeveloped site. The Project would increase the supply of rental apartments for seniors at or below 50 to 60 percent of AMI. The Project would provide affordable rental housing, outside the floodplain, in a market area that lost rental and owned housing because of Tropical Storm Lee and Hurricane Irene. The Project would be expected to draw from the existing senior population in the area, so no demographic changes are expected.</p> <p>Owego Gardens is designed to be part of a larger development providing a mix of light industrial, office, supportive retail, senior housing, a satellite health-care facility, multi and single-family residential units, and a community park with walking trails. The site of the proposed Project has easy access to the Owego traditional downtown commercial area on Southside Drive and State Highway 17. Therefore. The Project would not result in physical barriers or create difficult access thereby isolating or concentrating any particular population group.</p> <p>The Project site is undeveloped, so there would be no displacement of residents.</p> <p>Source: 35</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	<p>Because the Project is targeted to the senior population, it would not result in additional demand on schools and would not adversely impact nearby educational facilities.</p> <p>Owego and the surrounding area have numerous cultural amenities that would be available to the residents of Owego Gardens. The Coburn Free Library is approximately 1.3 miles north of the Project site, along East Main Street on the northern bank of the</p>

		<p>Susquehanna River. The Historic Owego Marketplace begins at the intersection of Court Street and Front Street, just on the north side of the Court Street Bridge. Other cultural facilities in Owego include the Corning Museum of Glass, the Tioga County Historical Society, and the Tioga Arts Council.</p> <p>Source: 36, 37, 38, 39</p>
<p>Commercial Facilities</p>	<p>2</p>	<p>There are numerous commercial facilities near the Project site, primarily on the north side of the Susquehanna River. The central business district has many shops along Front Street and Lake Street offering unique gifts, arts and crafts. There are moderately priced restaurants in the Village and along the riverfront. There are five houses of worship in central Owego.</p> <p>These facilities would adequately support the needs of the new residents of the Project site. Owego Gardens is the first component of a planned, new mixed-use development including light industrial, office, supportive retail, senior housing, and satellite health-care facilities. Although new residents would visit the existing commercial establishments in the neighborhood, the Project would not significantly increase the demand beyond existing capacity on existing commercial establishments.</p> <p>Source: 36, 39</p>
<p>Health Care and Social Services</p>	<p>3</p>	<p>There are 11 hospitals and several health-care facilities around and in Owego. Wilson Medical Center is in Johnson City (about 18 miles from Owego), and Robert Packer Hospital is in Sayre, Pennsylvania (approximately 19.8 miles from Owego). Our Lady of Lourdes Memorial Hospital, Binghamton General Hospital, and Greater Binghamton Health Center are all in Binghamton (approximately 21.0 miles from Owego). Memorial Hospital is in Towanda, Pennsylvania (roughly 37.0 miles from Owego), and Elmira Psychiatric Center and St Joseph's Hospital are both in Elmyra (approximately 35.4 miles from Owego). Endless Mountain Health Systems is in Montrose, Pennsylvania (about 35.9 miles from Owego), and Cayuga Medical Center is in Ithaca (approximately 34.0 miles from Owego). The Tioga County Lourdes Hospice on Main Street, Tioga County Health Department CHHA, Riverview Manor Health Care Center, and two Family Medical Care offices on Temple Street are all in Owego. Owego Gardens is the first component of a planned new mixed use development including senior housing and satellite health-care facilities. The number of units and residents associated with the Project would not significantly increase the demand on the health-care system.</p>

		<p>Social services are provided by a range of non-profit, local, state, and federal agencies. The Tioga County Department of Social Services provides a variety of services to county residents from four service centers located throughout the county. These services include Medicaid, food assistance, temporary assistance, and homeless services.</p> <p>The Project is not expected to exceed the capacity of providers because it is in an area well-served by existing health-care and social-service providers.</p> <p>Source: 36, 40, 41, 42</p>
<p>Solid Waste Disposal / Recycling</p>	<p>2</p>	<p>Construction debris would primarily be comprised of materials left over from construction. These materials might include wood, piping, and other materials commonly used in residential construction. These wastes would be collected on-site and disposed of by a commercial contractor.</p> <p>The Project would involve new residential housing and new sources of solid waste. By law, property owners are responsible for solid waste pickup at rental properties. Solid waste haulers in the area include: Claude Hanbury, Lee's Sanitary Service, Owego Sanitation, and Taylor Garbage Services, Inc. Garbage, construction waste, and recycling for the Project would be collected through a contract with Taylor Garbage Services, Inc., for eventual disposal at the Chemung Landfill (about 37 miles west of the Project site). These facilities are adequately sized and would not be adversely impacted by this Project. (See Appendix N, Solid Waste).</p> <p>Source: 33, 18, 43, 44</p>
<p>Waste Water / Sanitary Sewers</p>	<p>3</p>	<p>Wastewater treatment in Owego is provided by the Village of Owego Sewer Department. Wastewater is processed at the Village of Owego Waste Water Treatment Plant.</p> <p>According to a 2003 study for the mixed used development, of which Owego Gardens is a part, the wastewater treatment plant had a capacity of 1,000,000 gallons per day (gpd) and operated at 40 percent of this capacity (400,000 gpd), so the plant is expected to have adequate capacity for Owego Gardens. The Project would connect to an existing 8-inch sewer main along Southside Drive at a manhole near the center of the northern Project boundary. Because the Project site is currently undeveloped, the Project would generate more wastewater than current conditions and previous commercial uses. This increased use would be mitigated by new utilities in the units that would employ efficiency standards</p>

		<p>per local and state codes, the HCR mandatory green building and energy efficiency practices, and the New York State Energy Research and Development Authority (NYSERDA) Low-Rise Residential New Construction Program. According to August 25, 2015, correspondence with the Owego Wastewater Treatment Plant Superintendent, the treatment plant is currently operating at 45 percent, and has more than enough capacity to support the Project. (See Appendix O, Sewer and Water).</p> <p>Source: 33, 18, 45</p>
Water Supply	3	<p>United Water Owego-Nichols provides direct water service to approximately 4,550 people in the Villages of Owego and Nichols and would provide drinking water to Owego Gardens. According to a 2003 study for the mixed used development, of which Owego Gardens is a part, United Water had a capacity of 3,200,000 gpd. The 2015 United Water Annual Water Quality Report, United Water Owego-Nichols provides about 1,400,000 gpd to its customers, which is about 44 percent of its total capacity, so the service is expected to have adequate capacity to provide water to Owego Gardens. On August 25, 2015, United Water Owego Nichols stated that it has sufficient capacity to serve the Project, which is estimated to have an average usage of 5,000 gpd and a peak flow of 7,000 gpd. A water main extends along Southside Drive approximately 400 feet east of Halstead Avenue and into the residential development to the south of Southside Drive and Halstead Avenue. This area is about 0.3 mile east of the Project site. (See Appendix O, Sewer and Water).</p> <p>Most of this water originates from three drilled wells in Owego and two in Nichols from an unconfined aquifer. The Project would include all water conservation measures proscribed by the HCR mandatory green building and energy efficiency practices and the NYSERDA Low-Rise Residential New Construction Program, and local codes. With incorporation of these water conservation components into the design and construction of each residential unit, the Project would not result in a significant demand on the city's water delivery system.</p> <p>Source: 18, 33, 46</p>
Public Safety - Police, Fire and	3	<p>Public safety services are provided by the Owego Police Department, the Tioga County Sheriff's Office, and the New York State Police. The Owego Police Department is located approximately 1.2 miles northwest of the Project site, and the Tioga</p>

<p>Emergency Medical</p>		<p>County Sheriff's Office is about 4 miles to the north. The Owego Fire Department, Central Fire Station, and Owego Fire Department, Hose Co. #3, provide fire suppression, vehicle extrication, and emergency medical services. The Central Fire Station is approximately 1.2 miles northwest of the Project site; and Hose Co. #3 is about 1.7 miles northwest of the Project site. The Owego Fire Department responds to all hazards and protects lives and property through fire suppression, pre-hospital emergency medical care, disaster management, fire prevention, code enforcement, fire investigation and public education (See Appendix P, Emergency Services).</p> <p>There would be an estimated increase of 62 to 124 residents. An increased demand for emergency services may occur because senior citizens typically need more emergency assistance than the general population. Additional satellite health-care facilities are planned for the new development, of which Owego Gardens is a part.</p> <p>Source: 33, 47, 48, 49</p>
<p>Parks, Open Space and Recreation</p>	<p>2</p>	<p>Parks and recreation facilities are managed by the Village of Owego Department of Public Works, Parks, and Recreation. These include Marvin Park, Draper Park, Mayor's Park, Gerry Boland Memorial Park, Thompson Memorial Park, Woodlawn Park, Dave Livingston Memorial Park - Walking Trail, Court House Square, Hyde Park, and Evergreen Cemetery. Hickories Park, a 118-acre municipal recreation area in the Town of Owego is about one mile southeast of Owego Gardens, along the northern bank of the Susquehanna River, near NYS Route 17C. The small increase in the number of residents would not substantially increase the demand for additional parks or open space and would not cause the deterioration of the existing facilities. The planned mixed use development, of which Owego Gardens would be the first phase, includes a community park with walking trails</p> <p>Source: 38</p>
<p>Transportation and Accessibility</p>	<p>2</p>	<p>Several state routes provide access through the Village of Owego. State Route 17C (Main Street) is a primary east-west transportation corridor with direct access to State Route 17 over the Susquehanna River Bridge. State Route 17 extends 397 miles through 11 counties in the Southern Tier. The Project site is in the southeastern portion of the Village of Owego on the southern bank of the Susquehanna</p>

	<p>River. It is connected to the central business district by Southside Drive, State Route 17, and the Court Street Bridge.</p> <p>The Norfolk Southern rail line runs east-west through Owego on the northern bank of the Susquehanna River, providing an industrial and manufacturing link to cities across the Northeast. The Owego and Harford Railway, is a 26.7-mile railroad connecting Owego to Harford Mills in Cortland County.</p> <p>The Project would not require the development of new transit service or create population demand that would exceed the capacity of current transportation infrastructure or transit service systems. As part of the planned mixed use development, a curvilinear, central roadway would traverse the site from North to South and connect to Southside Drive. Sidewalks would connect most uses in the site, link to parkland trails, and extend into adjacent communities. On-site parking spaces for residents only would be included in the design. (See Appendix Q, NYSDOT Comments).</p> <p>Source: 50, 51</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	3	<p>The Project site is undeveloped land. Adjacent properties include residential and wooded land, open fields and Southside Drive. The NYSDEC environmental resource mapper shows no unique natural features or surface water on or near the Project area.</p> <p>http://www.dec.ny.gov/imsmaps/ERM/viewer.htm</p> <p>The Project site is in the Clinton Street Ballpark SSA area, according the EPA NEPAAssist mapper. The Project would result in new construction of a residential structure with multiple units. The action threshold for significant increases in impervious surfaces is considered to be 30 percent for Safe Drinking Water Act purposes in Region II, based on HUD’s CPD-14-017.</p> <p>The Project would result in an increase in the impervious surface on the Project site and, therefore, the total impervious area in the SSA area. A Sole Source Aquifer Review Request was submitted to the EPA on July 20, 2015. (See Appendix I for correspondence.) To date, the EPA has not responded with any concerns or recommendations.</p>

		Source: 23, 24, 52
Vegetation, Wildlife	2	<p>The USFWS online review process, completed on May 1, 2015, indicated the threatened northern long-eared bat (<i>Myotis septentrionalis</i>) may occur in the boundary of or may be affected by the Project, but, no critical habitats were identified on the Project site.</p> <p>The USFWS concurred with the data showing no potential long-eared bat habitat on-site in June 2015.</p> <p>The May 29, 2015 New York Natural Heritage Program Report on Rare Animals, Rare Plants, and Significant Natural Communities, identified that:</p> <ul style="list-style-type: none"> • The spatterdock darner (<i>Rhionaeschna mutata</i>), Imperiled in NYS, was found at a pond between a road and railroad tracks in 1988 and • The yellow lampmussel (<i>Lampsilis cariosa</i>), Vulnerable in NYS, was observed in 1997 in the runs, riffles, and pools of the Susquehanna River where the bottom substrate is composed of cobble and gravel. <p>Neither of these two areas would be affected by the Project. The Project landscape plantings would not include prohibited and regulated invasive identified by NYSDEC. (See Appendix R, Invasive Species Assurance Letter).</p> <p>Source: 13, 14, 15</p>
Other Factors		Beyond those already addressed, no other factors were identified or evaluated for the Project.

Additional Studies Performed:

The Project site is part of a larger 85-acre site known as the Route 434 E=mt3 Mixed Use Office Park Project proposed for development by TCIDA. A Draft GEIS for the Project was issued in 2005 and the Final GEIS and Statement of Findings for the TCIDA project were issued in 2006. A SEQRA Notice of Completion was published on September 6, 2005. TCIDA reaffirmed their finding on July 1, 2015. GOSR issued a SEQR Concurrence Memo on August 21, 2015.

A Phase I Environmental Site Assessment for the Project site was done in November 2014. A Thermal/Explosive Hazards Survey and Noise Analysis was done in June 2015.

A Phase IB Archaeological Field Reconnaissance was done in June 2015.

Field Inspection

Delta Engineers did a field inspection on September 4, 2014 as part of the Phase I Environmental Site Assessment, and a site visit for the Phase IB Archaeological Field Reconnaissance was done on June 1, 2015.

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List of Appendices

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- Appendix B Phase I Environmental Site Assessment (Excerpts)
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Appendix E	Thermal/Explosive Hazards Survey and Noise Analysis, Owego Gardens, Owego, NY
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List of Permits and Approvals Obtained or Required:

- On August 11, 2015, the Village of Owego Planning Board approved the Site Plan for the Owego Gardens Project.
- On August 11, 2015, the Village of Owego Zoning Board of Appeals approved an area variance for the building height, and area variance for the location of the parking lot, and a special use permit for the Project.
- Because the amount of ground disturbance at the Project site would be greater than one acre, an SPDES General Stormwater Permit would be required.
- A NYSDOT PERM 33-COM would be required for the Project entrance.
- United Water and the NYS Department of Health would need to approve design of the waterline extension prior to construction.

Public Outreach [24 CFR 50.23 & 58.43]:

On August 26, 2015, a combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds was published in the Binghamton Press and Sun Bulletin. Any individual, group or agency may submit written comments on the Environmental Review Record to:

Lori A. Shirley, HCR
38-40 State Street
Albany, NY 12207
(518) 474-0755
NYSCDBG_DR_ER@nyshcr.org

Cumulative Impact Analysis [24 CFR 58.32]:

The Project is not expected to trigger cumulative impacts; including the degradation of important natural resources, socioeconomic resources, human health, recreation, quality of life issues, and cultural and historic resources. The Project is not of a scale large enough to contribute significantly to cumulative impacts. It would create positive impacts, as it would create new affordable housing built in an area that lost housing due to Tropical Storm Lee.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Proposed Project As fully described in this Environmental Assessment, Owego Gardens is being developed to address a long-standing need for affordable housing in the Village of Owego. The Project would provide senior housing, including 47 units of affordable housing, 14 units at market value to provide a mix of incomes, and one unit would be provided for on-site staff. This housing would comply with the Village of Owego Comprehensive Plan, NYRCR Tioga Plan, and STREDC Strategic Plan. The Project is reliant on the requested funding for construction. Absent this funding, the Project would not be constructed, and the affordable senior housing goals expressed in the referenced planning would not be realized.

Southside Development Central Senior Housing Alternative:

Several other plans were analyzed in the 2003 Mixed Use Concept Development and Market Analysis: the Southside Square Neighborhood Plan, the Southside New Urbanism Plan, and the Southside Technology Park Plan. All of these plans would locate senior housing in the center of the site, away from Southside Drive. However it would be cost prohibitive to provide a long road and utilities to a site deeper in the 85 acres of the TCIDA property, especially given that it would be the first element in the development. The central location of senior housing in the Southside Development Central Senior Housing Alternative would not take advantage of accessibility for the residents, potential residents, and visitors provided by a location closer to Southside Drive. This could be an issue especially during the winter when road conditions deteriorate and maintenance is more problematic. Due to the steeper slopes at the center of the 85-acre site, construction at this location would require more grading, which would be more intensive and expensive than for the preferred alternative. The centrally-located senior housing could result in age-isolation from the surrounding area until additional development occurred. The initial rental housing element designed to jump start additional mixed use on the 85-acre property owned by TCIDA would be less likely to occur at the more isolated central location.

No Action Alternative [24 CFR 58.40(e)]:

Not undertaking the Project would not be consistent with the goals and objectives of the Village of Owego Comprehensive Plan, NYRCR Tioga Plan, STREDC Strategic Plan, and other local and state plans. The village and state would not realize their housing and land use goals with no increase in the availability of resilient, sustainable, affordable housing, no increase in senior housing, and no net addition of residents supporting the business and facilities necessary to enhance the viability of Owego’s economy. Without the Project, planning goals to revitalize downtowns and neighborhoods, particularly those with high concentrations of poverty, would be delayed. These populations would continue to be underserved in the area, and residents displaced by Tropical Storm Lee would have fewer options to remain in Owego. The initial rental housing element designed to jump start additional mixed use on the 85-acre property owned by TCIDA would not occur. Not constructing the Project would result in a loss of potential customers to businesses and services in the neighborhood.

Summary of Findings and Conclusions:

The proposed Project would be an appropriate use of the Project site. On August 11, 2015, the Village Planning Board voted to approve the site plan for the Project. The Village Zoning Board of Appeals approved an area variance for the building height, an area variance for the location of the parking lot, and a special use permit for the Project. The Project would provide affordable housing consistent with local and state housing goals, and would provide housing for seniors in an area close to existing health and social services. The goals and objectives of GOSR in response to addressing the most impacted counties affected by Hurricanes Sandy and Irene and Tropical Storm Lee would be achieved. The Project would not significantly alter the character, features, or resources of the area. In some cases the Project would result in potential benefits by providing needed housing and new retail choices and employment. The proposed Project would not result in a significant impact on the quality of the human environment.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

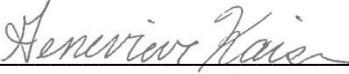
GOSR has summarized below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures /conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Clean Air Act	All Project activities would comply with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to NYCRR, NYSDEC Air Quality Management Plan, and the

	New York SIP. All necessary measures would be used to minimize fugitive dust emissions during activities, such as demolition of existing structures. The preferred method for dust suppression is water sprinkling.
Contamination and Toxic Substances	All Project-related solid waste materials would be managed and transported in accordance with the NYS solid and hazardous waste rules.
Conformance with NYS Department of Environmental Conservation State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity GP-0-15-002	A stormwater management plan would be part of the infrastructure design for the Project. Stormwater management details are still to be determined, but the stormwater management system would be designed in compliance with the requirements of the NYS Department of Environmental Conservation State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity GP-0-15-002 and to address the stormwater from the Project site, and the adjacent access road being constructed to facilitate the Project.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	The Project site would be graded to accommodate improvements, landscaping, and an adjacent storm water management facility. Soils would be compacted per local building codes.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	Because the amount of ground disturbance at the site would be greater than one acre, an SPDES General Stormwater Permit is required. BMPs, such as silt fence and erosion prevention, would be implemented, if required by permits or agency discretion.
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	All improvements made to this site and all conditions imposed by the Village of Owego Planning Board must remain in full force and effect as long as the site remains in the use identified by the site plan.
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	The applicant should coordinate with the United Water Owego to take any necessary measure to insure that this Project would not have an adverse effect on the Village water supply system.
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	The applicant should coordinate with the Village of Owego to take any necessary measure to insure that this Project would not have an adverse effect on the Village wastewater system.

Determination:

- Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.
- Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: August 25, 2015

Name/Title/Organization: Genevieve Kaiser, Senior Environmental Planner, Tetra Tech, Inc.

Certifying Officer Signature:  Date: August 25, 2015

Name/Title: Thomas J. King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

APPENDIX A
FLOOD HAZARD MAP

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was New York State Plane FIPSZONE 3102. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NIMS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3182
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was derived from digital orthophotography provided by the New York State Office of Cyber Security & Critical Infrastructure Coordination. This information was produced as one-foot and two-foot resolution natural color orthoimagery from photography dated April 2006.

Based on updated topographic information, this map reflects more detailed and up-to-date **stream channel configurations and floodplain delineations** than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for unrevised streams may differ from what is shown on previous maps.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM, visit the **Map Service Center (MSC)** website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

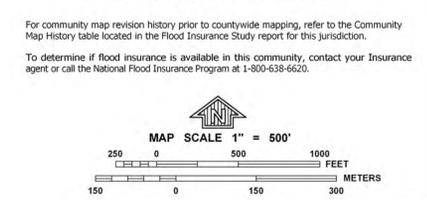
If you have **questions about this map**, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange (FMIX) at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/mfi>.



LEGEND

- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
- The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE
- The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**
- OTHERWISE PROTECTED AREAS (OPAs)**
- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Base Flood Elevation line and value; elevation in feet*
- Base Flood Elevation value where uniform within zone; elevation in feet*

- * Referenced to the North American Vertical Datum of 1988
- Cross section line
- Limited detail cross section line
- Transect line
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 1000-meter Universal Transverse Mercator grid values, zone 18
- 600000 FT
- DX5510 x
- M1.5
- River Mile
- MAP REPOSITORY**
- Refer to listing of Map Repositories on Map Index.
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**
- April 17, 2012
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0401E

FIRM

FLOOD INSURANCE RATE MAP

for TIOGA COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

COMMUNITY	NUMBER
OWEGO, TOWN OF	360839
OWEGO, VILLAGE OF	360840

PANEL 401 OF 551
MAP SUFFIX: E
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
36107C0401E

EFFECTIVE DATE
APRIL 17, 2012

Federal Emergency Management Agency

APPENDIX B
PHASE I ENVIRONMENTAL SITE ASSESSMENT
(EXCERPTS)

PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

130A Southside Drive,
Village of Owego, Tioga County, New York



Prepared for:

Home Leasing, LLC
*180 Clinton Square
Rochester, New York*

Prepared by:



Delta Engineers
860 Hooper Road
Endwell, NY 13760
Phone: 607-231-6600
Fax: 607-231-6640

Project No. 2014.310.001

November 2014

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 - 5.9 Historical Use Information on Adjoining Properties
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 - 6.1 Methodology and Limiting Conditions
 - 6.2 General Site Setting
 - 6.3 Hydrology
 - 6.4 Services
 - 6.5 Stained Soil Visual Inspection
 - 6.6 Vegetation Damage Visual Inspection
 - 6.7 Discarded Batteries Visual Inspection
 - 6.8 Oil/Gas Drums Visual Inspection
 - 6.9 Underground/Aboveground Visual Inspection
 - 6.10 Pesticide/Herbicide Visual Inspection
 - 6.11 Potential PCB Visual Inspection
 - 6.12 Potential Environmental Risks on Adjoining Properties

- 7.0 Interviews
 - 7.1 Interviews
 - 7.2 User Interview
 - 7.3 Owner Interview
 - 7.4 Government Interview
- 8.0 Findings
 - 8.1 Records Review
 - 8.2 Site Reconnaissance
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 - 15.1.1 Location Map
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 - 15.3 Historical Research Documentation
 - 15.3.1 EDR Aerial Photo Decade Package
 - 15.3.2 EDR Historical Topographic Map Report
 - 15.3.3 EDR City Directory Report
 - 15.4 Regulatory Records Documentation
 - 15.4.1 EDR Radius Map Report with Geocheck
 - 15.5 Transaction Screen Questionnaire
 - 15.6 User Questionnaire
 - 15.7 Additional Documentation
 - 15.7.1 Village of Owego Zoning Districts and Legend
 - 15.7.2 Vapor Encroachment Screen
 - 15.7.3 Property Deed

1.0 Summary

Delta Engineers, Architects & Land Surveyors, P.C. (Delta) was retained by Home Leasing, LLC to complete a Phase I Environmental Site Assessment (ESA) for an approximately 36.36 acre property located at 130A Southside Drive, Village of Owego, Tioga County, New York. This report includes one approximately 5 acre parcel, within the 36.36 acre property, proposed for multifamily residential. Tioga County Industrial Development Agency (IDA) currently owns the subject property.

The goal of a Phase I Environmental Site Assessment is to identify recognizable environmental conditions that may require further investigation. The term *recognized environmental conditions* is defined by ASTM as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term "recognized environmental conditions" is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. An assessment includes identifying environmental hazards, evaluating risk qualitatively and quantitatively (when required), and identifying methods of risk reductions if risks are present.

The scope of this Phase I Environmental Site Assessment for the subject property was limited to include assessments, evaluations, conclusions, and recommendations related to the subject property's existing and potential environmental concerns based on a visual site inspection and available records review. This assessment included preparation of site maps, completion of environmental questionnaires, a site and surrounding site history review, a site visit and review of surrounding sites, taking site photographs and the preparation of this report. No sampling (passive or destructive) or testing was completed for this Phase I investigation.

2.0 Introduction

Delta has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM Practice E 1527-13) of the property located at 130A Southside Drive, Village of Owego, Tioga County, New York.

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property. The area records search by Environmental Data Resources, Inc. (EDR) identified no past land uses adjacent to the subject property that may be of environmental significance.

- 2.1 Purpose: The purpose of the ESA is to identify recognized environmental conditions as they are defined by ASTM E1527-13.
- 2.2 Detailed Scope of Services: Delta's scope of services to Home Leasing, LLC for the ESA includes:
- Records review
 - Site reconnaissance
 - Interviews
 - Report preparation
- 2.3 Significant Assumptions: Information regarding the subject property was reasonably ascertainable and therefore, no significant assumptions have been made, unless otherwise noted in a specific section of this report.
- 2.4 Limitations and Exceptions: The ESA is limited to identifying Recognized Environmental Conditions (RECs) related to hazardous substances and petroleum products as defined by the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended.
- 2.5 Special Terms and Conditions:
- Environmental Professional: John J. Muniak, ASP of Delta Engineers
 - User: Home Leasing, LLC
- 2.6 User Reliance: The ESA is reliant on the User fulfilling the User Responsibilities as outlined in ASTM E1527-13.

3.0 Site Description

- 3.1 Site Location and Legal Description: The subject property is identified as an approximately 36.36 acre parcel located at 130A Southside Drive, Village of Owego, Tioga County, New York. This report includes one approximately 5 acre parcel, within the 36.36 acre parcel, proposed for multifamily residential. The subject property's Tax Map Number is 129.09-2-18. The subject property is zoned Office Park District. (see Appendix 15.7.1)
- 3.2 Site and Vicinity General Characteristics: The area in the general vicinity of the subject property is residential, wooded land, fields and Southside Drive.
- 3.3 Current Use of the Subject Property: The 130A Southside Drive property is currently used as undeveloped land.
- 3.4 Description of Structures, Roads, and Other Improvements on the Site: The subject property is currently developed with municipal sewer.
- 3.5 Current Use of Adjoining Properties: The adjoining properties to the north are residential, Southside Drive and wooded land. The adjoining properties to the east are fields and

wooded land. The adjoining properties to the south are fields and wooded land. The adjoining properties to the west are wooded land and residential.

4.0 **User Provided Information**

- 4.1 Title Records: A copy of the current deed was procured by Delta and is included in Appendix 15.7.3.
- 4.2 Environmental Liens or Activity and Use Limitations (AUL): A search of Environmental Liens was conducted by the Tioga County Town Clerk and failed to yield any findings of lien activity or Activity and Use Limitations.
- 4.3 A user questionnaire was completed by Home Leasing, LLC for use in this investigation and is included in Appendix 15.6.
- 4.4 Specialized Knowledge: No specialized knowledge was provided to Delta by Home Leasing, LLC that indicated an environmental concern other than the obvious and documented use of the property.
- 4.5 Commonly Known or Reasonably Ascertainable Information: No information was provided to Delta by Home Leasing, LLC that indicated an environmental concern.
- 4.6 Valuation Reduction for Environmental Issues: Provided. The User indicated that the purchase price for the subject property is not significantly below fair market value.
- 4.7 Owner, Property Manager, Prospective Buyer and Occupant Information:

Owner: Tioga County IDA
Property Manager: Tioga County IDA
Prospective Buyer: Home Leasing, LLC
Occupant: Unoccupied

- 4.8 Reason for Performing Phase I: According to Home Leasing, LLC the reason for requesting a Phase I Assessment was to meet the full fiduciary responsibilities of the purchaser in exercising due diligence in all matters.
- 4.9 Other: None.

5.0 **Records Review**

- 5.1 Standard Environmental Record Sources: A review of state and federal records concerning evidence of past or existing contamination or violations of environmental regulations was ordered from Environmental Data Resources, Inc. (EDR). The purpose of the database search is to identify property which, due to their operating characteristics, may pose an environmental liability to the subject property as a result of a spill, leak, or discharge of regulated materials. Sites of this nature include small and large quantity hazardous waste generators, underground storage tank (UST) facilities and leaking underground storage tank (LUST) facilities. The database review also identifies properties

which have been investigated by the New York State Department of Environmental Conservation (NYSDEC) or the United States Environmental Protection Agency (USEPA) for potential environmental concerns (CERCLA Sites). The EDR report includes a detailed list of record sources searched, search maps and database printouts and is included in Appendix 15.4.1

- 5.2 Subject Property: The Executive Summary of the EDR Radius Map Report with Geotcheck states that the subject property is not listed in any of the databases searched by EDR.
- 5.3 Surrounding Properties: None of the sites listed are likely to have current or former releases of hazardous substances or petroleum products with the potential to migrate to the subject property. (see Appendices 15.4.1 & 15.7.2)
- 5.4 Physical Setting Source(s): See Appendix 15.4.1.
- 5.5 Non-Geocoded Sites: EDR did not analyze unmapped (non-geocoded) sites. Non - Geocoded sites are unmapped in the EDR Report databases due to inadequate address information. The non-geocoded sites can be found in the EDR Map Radius Report (Appendix 15.4.1). Delta conducted a search of the non-geocoded sites and found that none of the sites are within the ASTM E 1527-13 search radii from the subject property.
- 5.6 Historical Topographic Maps: Delta performed review historical topographic maps for the subject property. The historical topographic maps from 1903, 1904, 1906, 1956 and 1969 show the subject property as being undeveloped. (see Appendix 15.3.2)
- 5.7 Historical Aerial Photographs: Delta performed a review of historical aerial photographs for the subject property. The Historic Aerial Photographs from 1944, 1948, 1957, 1960, 1968, 1974, 1986, 1988, 2009 and 2011 show the subject property as being undeveloped. The historic aerial photographs from 1995, 1999, 2006 and 2008 show the northwest corner of the property being developed with a house. (see Appendix 15.3.1)
- 5.8 Historical City Directories: EDR performed a search for historic city directories for the subject property and the address was not identified in the resource source. (see Appendix 15.3.3)
- 5.9 Historical Use Information on Adjoining Properties: Historic information for surrounding properties is summarized in the table below.

<u>Year</u>	<u>West</u>	<u>North</u>	<u>South</u>	<u>East</u>
1906	Undeveloped	Residences, Route 434, railroad, undeveloped	Undeveloped	Undeveloped
1944	Undeveloped	Residences, Route 434, railroad, undeveloped	Undeveloped	Undeveloped

<u>Year</u>	<u>West</u>	<u>North</u>	<u>South</u>	<u>East</u>
1960	Undeveloped, residential	Residences, Route 434, railroad, undeveloped	Undeveloped	Undeveloped
1969	Undeveloped, residential	Residences, Route 434, railroad, undeveloped	Undeveloped	Undeveloped
1974	Undeveloped, residential	Residences, Route 434, railroad, undeveloped	Undeveloped	Undeveloped
2006	Undeveloped, residential	Residences, Route 434, railroad, undeveloped	Undeveloped	Undeveloped

6.0 Site Reconnaissance

- 6.1 **Methodology and Limiting Conditions:** The site reconnaissance was conducted on September 4th, 2014. The weather at the time of the site visit was clear with temperatures in the 70's. Visibility was satisfactory across the site. The site investigation was conducted by Delta Engineers representative John J. Muniak. Site Photographs are presented in Appendix 15.2.
- 6.2 **General Site Setting:** The subject property undeveloped field and wooded land.
- 6.3 **Hydrology:** Groundwater most likely flows in a north-northeasterly direction towards the Susquehanna River.
- 6.4 **Services:** There is currently municipal sewage service provided to the subject property. Gas and electric services are available to the subject property.
- 6.5 **Stained Soil Visual Inspection:** A visual inspection for stained soil was completed. No stained soil was observed during the site visit.
- 6.6 **Vegetation Damage Visual Inspection:** A visual inspection for damaged vegetation was completed. No damaged vegetation was observed.
- 6.7 **Discarded Batteries Visual Inspection:** A visual inspection for discarded batteries was completed. No discarded batteries were observed during the site visit.
- 6.8 **Oil/Gas Drums Visual Inspection:** A visual inspection for oil/gas drums was completed. No oil/gas drums were observed during the site visit.
- 6.9 **Underground / Aboveground Storage Tanks (UST/AST):** A visual inspection for underground/aboveground storage tanks was completed. No USTs/ASTs were observed.

6.10 Pesticide/Herbicide Use Visual Inspection: A visual inspection for pesticide/herbicide use was completed. No visible signs of pesticide/herbicide use were observed.

6.11 Potential PCB Visual Inspection: A visual inspection for potential PCB containing materials was completed. No potential PCB containing materials were observed.

6.12 Potential Environmental Risks on Adjacent Properties:

North – Southside Drive and residences. No environmental risks were observed.

South – Fields and wooded land. No environmental risks were observed.

East – Fields and wooded land. No environmental risks were observed.

West – Wooded land and residential. No environmental risks were observed.

7.0 Interviews

7.1 Interviews: The User and property owner were asked of the existence of any documents related to the environmental condition of the site, such as site assessments, compliance or audit reports, hazardous wastes, permits, tank registrations, material safety data sheets, community right to know plans, safety plans, hydrological condition reports, notices of past violations, liens, geotechnical studies, risk assessments, recorded AULs and any proceedings involving the property, and pending or threatened legal actions related to hazardous and/or petroleum substances. The User and property owner have no knowledge of the existence of any of the above referenced documents.

7.2 User Interview: The User indicated that he has no knowledge of any environmental concerns associated with the subject property. (see Appendix 15.6)

7.3 Owner Interview: Ruth Fiato, Executive Administrator for the Tioga County IDA, completed the Transaction Screen Questionnaire. The Transaction Screen Questionnaire includes questions and answers on site background, wastewater, air emissions, solid waste, hazardous emissions, hazardous waste, water supply, fuel oil and lubricant storage, and other concerns (see Appendix 15.5 - Transaction Screen Questionnaire). Mr. Muniak completed the observation portion of the Transaction Screen Questionnaire during the site visit conducted on September 4th, 2014. In response to the questionnaire, no past or present recognized environmental conditions were revealed.

7.4 Government Interview: James Mead, Code Enforcement Officer for the Village of Owego was contacted regarding code violations for the subject property. Mr. Mead stated that there are no code violations for the subject property.

8.0 Findings

No recognized environmental conditions were observed by Delta in conducting the records review and interviews associated with the ESA. No recognized environmental conditions were observed by Delta in conducting the site reconnaissance associated with the ESA.

8.1 Records Review: A number of data resources provided by Environmental Data Resources, Inc. (EDR) were reviewed as part of this investigation including:

- Historical Topographic Map Report
- Aerial Photo Decade Package
- Government Record Search with Radius Map and GeoCheck
- GeoCheck – Physical Setting Source Addendum

The above items are included in Appendices 15.3 & 15.4.

- 8.2 Site Reconnaissance: A detailed site investigation of the subject property did not raise immediate reasons for environmental concerns.

The topographic, geologic, hydrologic and hydrogeologic conditions of the subject property and surrounding area were observed on site as well as through EDR's Physical Setting Source Addendum (Appendix #15.4.1). No environmental concerns were identified on the subject property or on surrounding properties.

9.0 Opinion and Conclusion

A site investigation, State, Local, and Federal environmental records, as well as personal accounts related to the site have indicated findings outlined in the previous section of this report. Based on scientific information and the experience and judgment of the environmental professional recognized environmental conditions were not found that may negatively impact the subject property.

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 for tax map number 129.09-2-18, located at 130A Southside Drive, Village of Owego, Tioga County, New York. This report includes one approximately 5 acre parcel, within the 36.36 acre property, proposed for multifamily residential. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property. See Section 2.0 for additional information.

10.0 Deviations

No deviations.

11.0 Additional Services

The following are non-scope considerations that persons may want to assess in connection with commercial real estate. No implication is intended as to the relative importance of inquiry into such non-scope considerations and this list of non-scope considerations is not intended to be all-inclusive:

- Asbestos-Containing Building Materials
- Radon
- Lead Based Paint
- Lead in Drinking Water
- Wetlands
- Regulatory Compliance

- Cultural and Historic Resources
- Mold
- Industrial Hygiene
- Ecological Resources
- Endangered Species
- Biological Agents

12.0 References

1. "ASTM Standards on Environmental Site Assessments for Commercial Real Estate" E1527-13: Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and E1528-06: Limited Environmental Due Diligence: Transaction Screen Process.
2. "Technical Aspects of Phase I/II Environmental Site Assessments" Author: Zdenek Hejzlar

13.0 Signature of Environmental Professional

1. "I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR Part 312."

"I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312."

John J. Muniak
Industrial Hygienist


Signature

Reviewed by:

Robert M. Cherevko
Senior Industrial Hygienist


Signature

Cindy Ingraham
Environmental Scientist


Signature

14.0 Qualifications of Environmental Professional

John J. Muniak's qualifications are as follows:

Education: Bachelor of Arts degree in Environmental Studies from Binghamton University
Certifications: Associate Safety Professional (ASP)

Experience: Twenty-six years of experience in the environmental field including preparation of Phase I Environmental Site Assessments

15.0 Appendices

- 15.1 Figures
 - 15.1.1 Location Map
 - 15.1.2 USGS Vicinity Map
 - 15.1.3 Tax Map
 - 15.1.4 Proposed Multifamily Location Map
- 15.2 Site Photographs
- 15.3 Historical Research Documentation
 - 15.3.1 EDR Aerial Photo Decade Package
 - 15.3.2 EDR Historical Topographic Map Report
 - 15.3.3 EDR City Directory Report
- 15.4 Regulatory Records Documentation
 - 15.4.1 EDR Radius Map Report with Geocheck
- 15.5 Transaction Screen Questionnaire with Attachment
- 15.6 User Questionnaire
- 15.7 Additional Documentation
 - 15.7.1 Village of Owego Zoning Districts and Legend
 - 15.7.2 Vapor Encroachment Screen
 - 15.7.3 Property Deed

APPENDIX 15.1

Figures

APPENDIX 15.1.1

Location Map

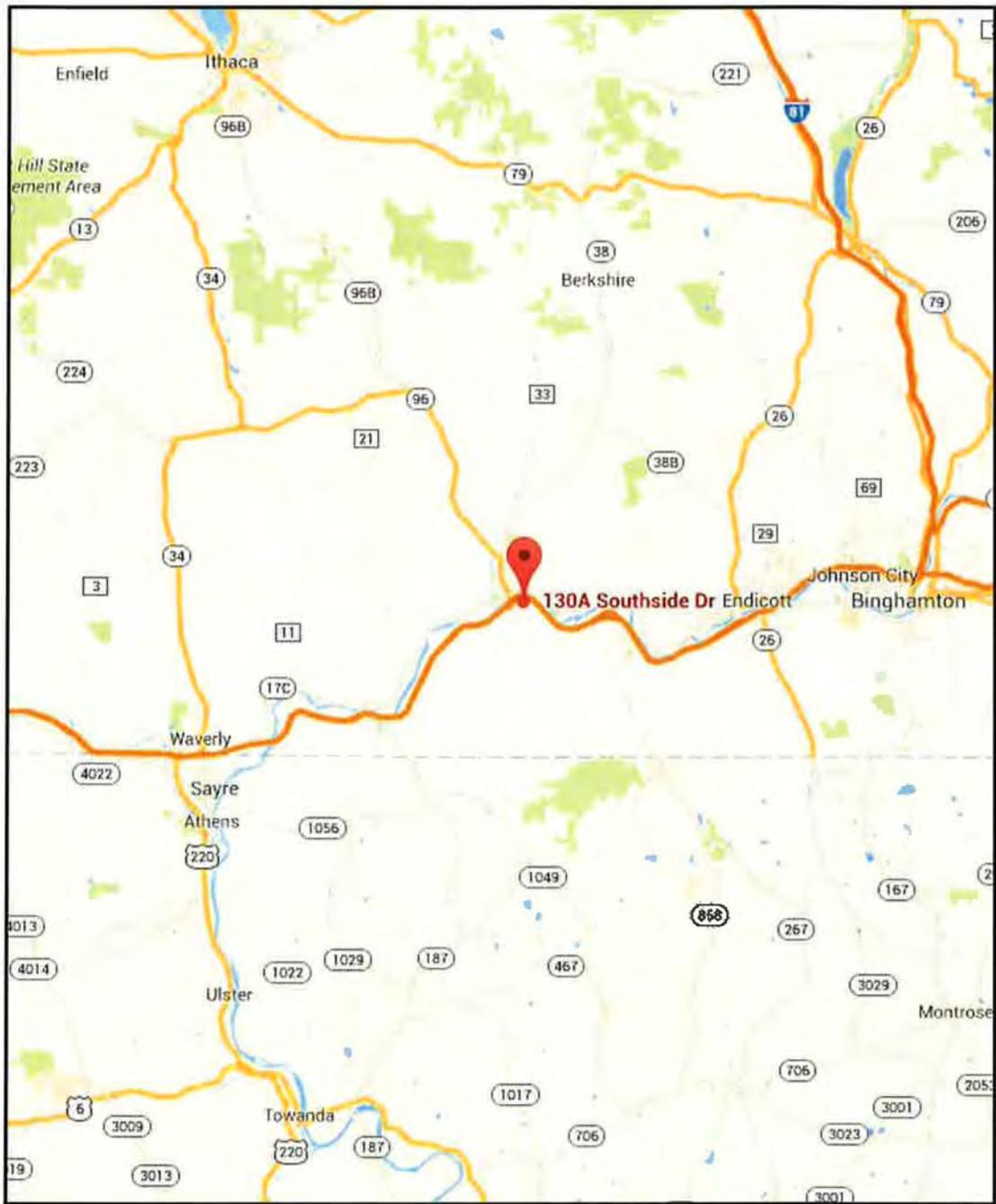


Figure 15.1.1 – Location Map

APPENDIX 15.1.2
USGS Vicinity Map

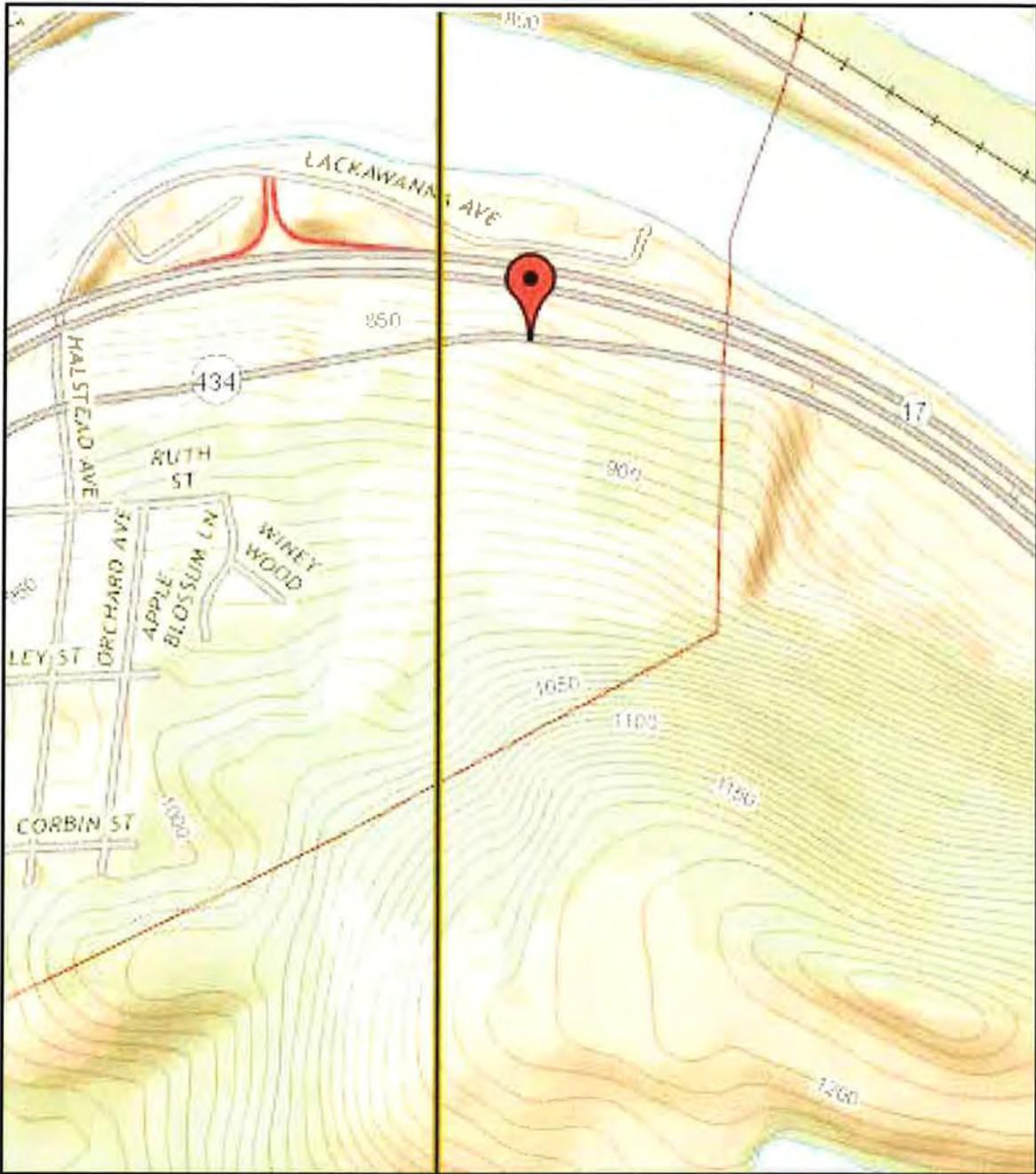


Figure 15.1.2 – USGS Vicinity Map

APPENDIX 15.1.3

Tax Map

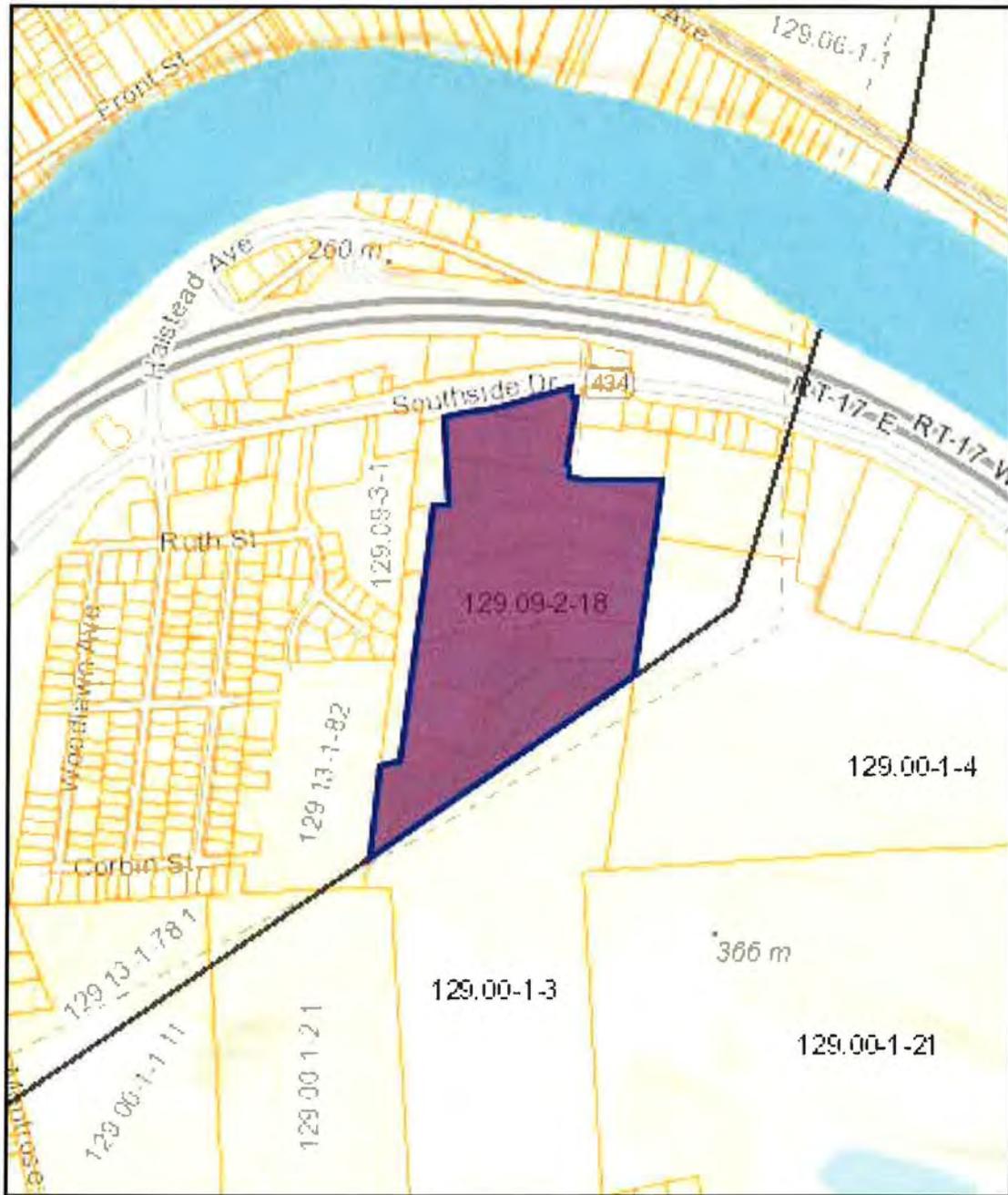


Figure 15.1.3 - Tax Map

(Tioga County GIS, Real Property & Taxation Service)

APPENDIX 15.1.4

Proposed Multifamily Location Map



Figure 15.1.4 – Proposed Multifamily Location Map

APPENDIX C
CERTIFICATION LETTERS



100 Clinton Square, Rochester, New York 14604
585-246-4195 *voice*
585-263-1880 *fax*
vanessa@glasowsimmons.com

July 6, 2015

Terence Tsang,
NYS Housing Finance Agency
641 Lexington Ave
New York, NY 10022

Re: New Construction of Owego Gardens (62 apartments) 130A Southside Drive, Owego, NY
including GOSR and HFA funding

Dear Mr. Tsang:

I, Dan Glasow of Glasow Simmons Architecture, am the Architect of Record for the new construction of the Owego Gardens project. To the best of my knowledge, belief and after reasonable investigation, I hereby certify that the proposed new construction of the aforementioned project will be reflected in the working drawings and specifications and that these will comply with local building codes, ordinances, zoning requirements, and Housing Quality Standards.

Sincerely,

A handwritten signature in blue ink, appearing to read "D.P. Glasow", is written over the word "Sincerely,".

Daniel P. Glasow, AIA
Principal, Glasow Simmons Architecture

**NEW YORK STATE
HOUSING FINANCE AGENCY**
Construction & Environmental Services Unit
ARCHITECTS AFFIDAVIT OF (as applicable)
ADA COMPLIANCE - US FAIR HOUSING ACT-NYS VISITIBILITY

PROJECT NAME: Owego Gardens TOTAL DU 62

LOCATION 130A Southside Drive, Owego, NY 13827

TYPE OF CONSTRUCTION: NEW Part "A" or "C" REHAB Part "B" REHAB Part "C"
(check as applicable)

PURPOSE: All projects undergoing any level of construction, whether it is wholly new or rehabilitative are subject to the Agency's mandate of meeting applicable design requirements for the physically challenged. As such, please certify that the subject project meets any of the following applicable criteria:

A. **New Construction** sites require full compliance with all of the requirements of local codes for accessibility/adaptability, or the US Fair Housing Act when local codes are not in-effect or if Federal funding is allocated, which denotes that 5% of the TOTAL units provided must be fully accessible to the mobility impaired, and 2% of the TOTAL units provided must be accessible for persons with visual or hearing impairments.

PROJECT COMPLIES WITH LOCAL CODE (please reference as applicable) _____ **OR:**

TOTAL DU: 62 X 10% MOBILITY IMPAIRED = 8 UNITS PROVIDED

TOTAL DU: 62 X 2% VISUAL/HEARING IMPAIRED = 2 UNITS PROVIDED

B. **100% Gut/Substantial Rehabilitative** sites require full compliance with the same mandates of new construction denoted above **ONLY** if the project exceeds 15 total units AND if the hard cost equals or exceeds 75% of the estimated total replacement cost of the project

TOTAL DU: _____

ESTIMATED COST OF REHABILITATION \$ _____

ESTIMATED TOTAL REPLACEMENT COST \$ _____

% OF REPLACEMENT COST VS. REHAB: % _____

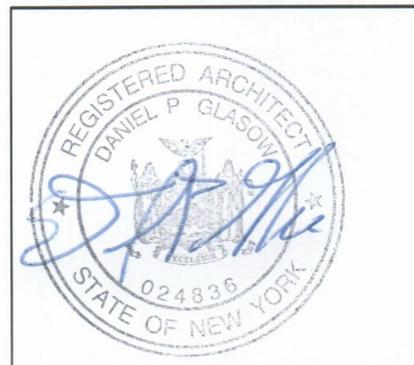
C. **Moderate Rehabilitation sites and/or the new construction of single family homes, townhouses or the ground floor unit(s) of a building with three or fewer dwellings units provide for the occupancy and 'visitability' for and by person with disabilities.**

AS THE ARCHITECT OF RECORD RESPONSIBLE FOR THE DESIGN OF THE SUBJECT PROJECT, I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE PROJECT MEETS THE ABOVE APPLICABLE REQUIRED HOUSING GUIDELINES:

NAME AND ADDRESS OF ARCHITECT OF RECORD:

Daniel P. Glasow
Glasow Simmons Architecture
100 Clinton Square
Rochester, NY 14604

ARCHITECTS AIA SEAL



NYSHCR/HFA MANDATORY GREEN & ENERGY CONSERVATION CERTIFICATION

The New York State Homes and Community Renewal/Housing Finance Agency ("HFA") requires all projects proposed for HFA financing to comply with the below mandatory "GREEN" standards. Where applicable, "ENERGY STAR" criteria may be used as a benchmark or reference standard in the selection of components, equipment, fixtures, etc., however ALL work must achieve a level of energy savings. Further reference may be as required by local codes and/or the Energy Conservation Construction Code of New York State.

THIS FORM MUST BE COMPLETED BY THE PROJECT ARCHITECT AND SUBMITTED TO THE AGENCY CONSTRUCTION AND ENVIRONMENTAL SERVICES UNIT ("CES") IN ORDER FOR THE PROJECT TO BE APPROVED FOR FINANCING.

A. PROJECT: NAME/LOCATION OF PROJECT/# UNITS Owego Gardens 130A Southside Dr. Owego 62 units NC/REHAB: NC
 DEVELOPER Home Leasing/ Owego ARCHITECT Glasow Simmons Architecture BUILDER Home Leasing Services
Gardens Associates, LLC

YES	NO	NA
-----	----	----

B. DIRECT ENERGY USEAGE : (ALL NEW AND AS APPLICABLE TO REHAB PROJECTS)

The Project will provide energy conserving rated equipment, appliances and lighting in all apts, public areas, laundry and community use spaces. The Project will provide high efficiency commercial grade lighting in all outdoor areas

1. ENERGY CONSERVING RATED APPLIANCES IN ALL APTS/COMMUNITY USE AREAS	X		
2. ENERGY CONSERVING LIGHTING IN ALL APARTMENTS AND COMMON AREAS	X		
3. ENERGY QUALIFIED HEATING SYSTEMS	X		
4. PROVIDE DAYLIGHT SENSORS or TIMERS FOR ALL EXTERIOR LIGHTING	X		

C. BUILDING ENVELOPE : (ALL NEW AND REHAB PROJECTS)

The project will address all exterior infiltration issues with the addition of the insulation in walls, ceilings and attics and the installation of new energy star labeled windows and doors. The building envelope will be properly sealed and insulated.

1. PROVIDE WALL, CEILING, PIPE & ALL OTHER DIRECT INSULATION APPLICATIONS	X		
2. WINDOWS, DOORS, FENESTRATIONS PROVIDE MAX PERFORMANCE RATINGS	X		
3. NEW ROOFING, SIDING, VENEERS, TRIMS PROVIDE MAX INFILTRATION PROTECTION	X		

* Items in category C will be in compliance with the Energy Conservation Construction Code of NYS.

D. ENVIRONMENTAL LANDSCAPING (ALL NEW PROJECTS, AS APPLICABLE FOR REHABS)

The Project will provide a landscape plan which utilizes the selection of non-invasive plantings which are appropriate to the Project's location. In addition, site grading and newly planted trees provide shading in the summer and wind protection in the winter months

1. NATIVE PLANTINGS PROVIDE EROSION CONTROL/MINIMIZE WATER USAGE	X		
2. PLANTINGS/GRADING PROVIDE SUMMER SHADING/WINTER WIND PROTECTION		X	

* Existing topography does not allow for planting of trees a proper distance from the building

E. WATER CONSERVATION (ALL NEW AND REHAB PROJECTS)

The Project will provide plumbing fixtures which provide restricted flow rates and usage THROUGHOUT

1. BATHS HAVE 1.6 GAL. TOILETS, 2.2GPM SHR HDS, 2.0 GPM LAV/KITCH FAUCETS	X		
---	---	--	--

F. RADON REDUCTION (AS STATED BELOW)

ALL NEW PROJECTS LOCATED IN EPA ZONE 1 will install a passive radon resistant feature below the slab with a vertical pipe and junction box. At BOTH NEW and REHAB sites in EPA Zone 1: An ACTIVE system will be provided if after testing radon is present above EPA action levels

1. PROVIDE RADON REDUCTION/PROTECTION SYSTEM	X		
--	---	--	--

G. ASBESTOS CONTAINING MATERIALS/LEAD SAFE WORK PRACTICES (REHABILITATION PROJECTS ONLY)

1. For Projects built before 1980, where an asbestos containing materials survey (ACM) has been prepared for the site; ACM removal & disposal during rehabilitation will conform to NYS Department of Labor Regulations, 12 NYCRR Part 56 as well as asbestos work safety practices per U.S Dept. of Labor Regulations, 29 CFR Part 1926.1101. Abatement requires a final clearance document. Undamaged and undisturbed ACM will be managed by an Operations & Maintenance Plan

2. For Projects built before 1978, the rehabilitative work will include a scope for lead-safe work practices throughout the renovations per EPA GUIDELINES 40 CFR PART 745 SUB PART E: "Renovation, Repair, Painting Rule" and per HUD GUIDELINES 24 CFR PART 35

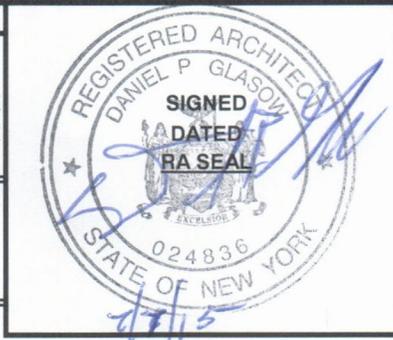
1. ACM SURVEY ABATEMENT SUBMITTED/ O&M PLAN PREPARED			X
2. LEAD SAFE WORK PRACTICE SCOPE PROVIDED IN CONTRACT SPECIFICATIONS			X

ARCHITECTS/PE CERTIFICATION:

AS THE ARCHITECTS OF RECORD FOR THE ABOVE PROJECT WE CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE THE PROJECT COMPLIES AS APPLICABLE TO THE HFA GUIDLEINES

Daniel P. Glasow
 Glasow Simmons Architecture
 100 Clinton Square
 Rochester, NY 14604

NAME AND ADDRESS OF ARCHITECT



CES APPROVAL:

THE AGENCY CONSTRUCTION AND ENVIRONMENTAL SERVICES UNIT HAS REVIEWED THIS CERTIFICATION AND COMPARED IT TO THE SUBMITTED PROJECT PLANS SPECIFICATIONS AND WORK SCOPE AND CERTIFIES TO THE BEST OF IT'S KNOWLEDGE THAT THE PROJECT IS IN COMPLIANCE WITH AGENCY GREEN GUIDELINES

CLIFFORD ARCHER, AAIA, VP-HFA CONSTRUCTION SVCS.



100 Clinton Square, Rochester, New York 14604
585-246-4195 voice
585-263-1880 fax
vanessa@glasowsimmons.com

July 6, 2015

Lori Shirley,
Community Developer- Environmental Services
New York State Homes & Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

RE: Owego Gardens - 130A Southside Drive, Owego, NY 13827
Environmental Review items # 18 Mold

Dear Ms. Shirley:

As project architect, I certify that the Owego Gardens Project does not involve rehabilitation; however, the building materials or areas of the newly constructed building may become contaminated with mold if not properly protected from the elements or water infiltration. In the event that this occurs, we will submit a final clearance report that demonstrates that all mold contamination was properly removed. A certified industrial hygienist (CIH) will complete the clearance and submit this report. We understand if mold does occur, this report must be submitted to HCR **prior to permanent loan closing**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. P. Glasow', is written over the typed name.

Daniel P. Glasow, AIA
Principal, Glasow Simmons Architecture

APPENDIX D
ENDANGERED SPECIES CONSULTATION
LETTERS



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

http://www.fws.gov/northeast/nyfo

To: Brenda Kingsley

Date: Jun 15, 2015

USFWS File No: 150960

Regarding your: Letter [x] Fax Email

Dated: Jun 4, 2015

For project: Owego Gardens

Located: 130A Southside Drive

In Town/County: Village of Owego/Tioga County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service:

- [x] Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.
[x] Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.
[] Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): [Signature]

Supervisor: Dan A. Seidman Date: 6/15/15



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
PHONE: (607)753-9334 FAX: (607)753-9699
URL: www.fws.gov/northeast/nyfo/es/section7.htm

Consultation Code: 05E1NY00-2015-SLI-0946

June 02, 2015

Event Code: 05E1NY00-2015-E-02591

Project Name: Owego Gardens

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (

http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Official Species List

Provided by:

New York Ecological Services Field Office

3817 LUKER ROAD

CORTLAND, NY 13045

(607) 753-9334

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Consultation Code: 05E1NY00-2015-SLI-0946

Event Code: 05E1NY00-2015-E-02591

Project Type: DEVELOPMENT

Project Name: Owego Gardens

Project Description: Owego Gardens is located on approximately 5.0 acres of vacant land. It will be the new construction of 62 one and two-bedroom apartments in a 3-story U-shaped building. The construction will include the necessary site work, infrastructure development, and parking area. Owego Gardens is scheduled to begin site work in the fall of 2015.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-76.250078043 42.100131709, -76.2504601479999 42.097283035, -76.2499666209999 42.100594673, -76.250078043 42.100131709, -76.250009537 42.100642436, -76.248936653 42.100594673, -76.2491083149999 42.099830464, -76.2475204469999 42.099512041, -76.2480568889999 42.096534708, -76.251168251 42.0954042390001, -76.250889301 42.097091973, -76.250524521 42.0972511910001, -76.250524521 42.0996234900001, -76.250181198 42.0997030950001, -76.250078043 42.100131709)))

Project Counties: Tioga, NY



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Endangered Species Act Species List

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Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Critical habitats that lie within your project area

There are no critical habitats within your project area.

June 4, 2015

New York Field Office
3817 Luker Road
Cortland, NY 13045

RE: Owego Gardens 130A Southside Drive, Owego, NY 17048
Consultation Code: 05E1NY00-2015-SLI-0936

Dear Field Office:

Owego Gardens is new construction of 62 one and two bedroom apartment in Owego NY, a designated New York Rising Community. It is Phase I of a mixed-income mixed-use PUD providing rental and ownership residential, retail and commercial facilities.

As part of the environmental review NYS Housing Trust Fund and GOSR has requested submission of specific items, including verification from the USFWS of completion of the search. I have enclosed the maps, letter and attachments from USFWS. Please let me know if additional information should be submitted and/or if USFWS has concerns about the project disturbing threatened/endangered species. If you are comfortable that this project will not impact the Endangered Species, please send us verification for us to submit to NYS HTF and GOSR.

Please let me know if you need additional information from me. I can be reached at 585-325-1450 or by email Brenda@edgemere.com .

Thank you,

Brenda Kingsley
Edgemere Development

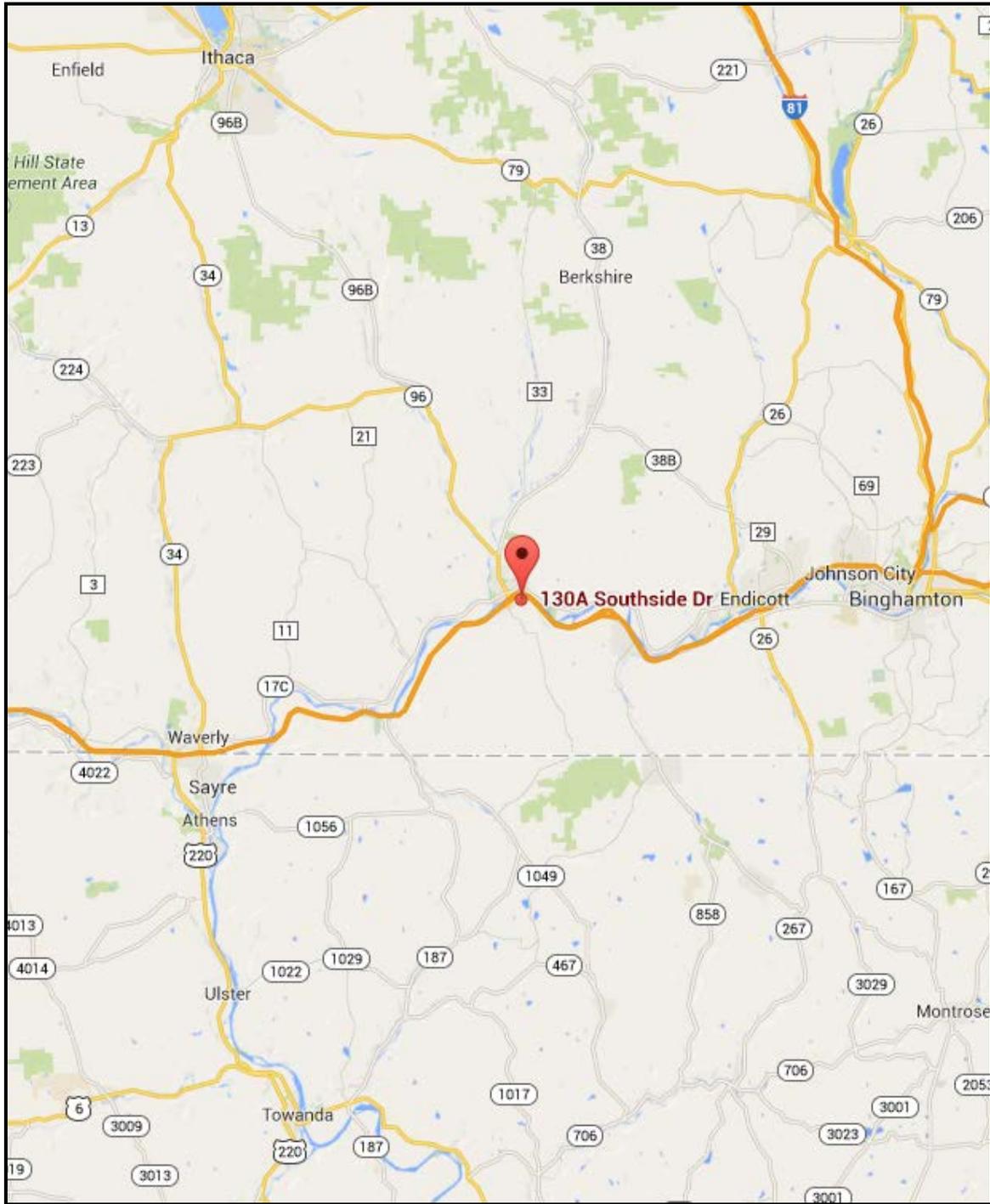


Figure 15.1.1 – Location Map

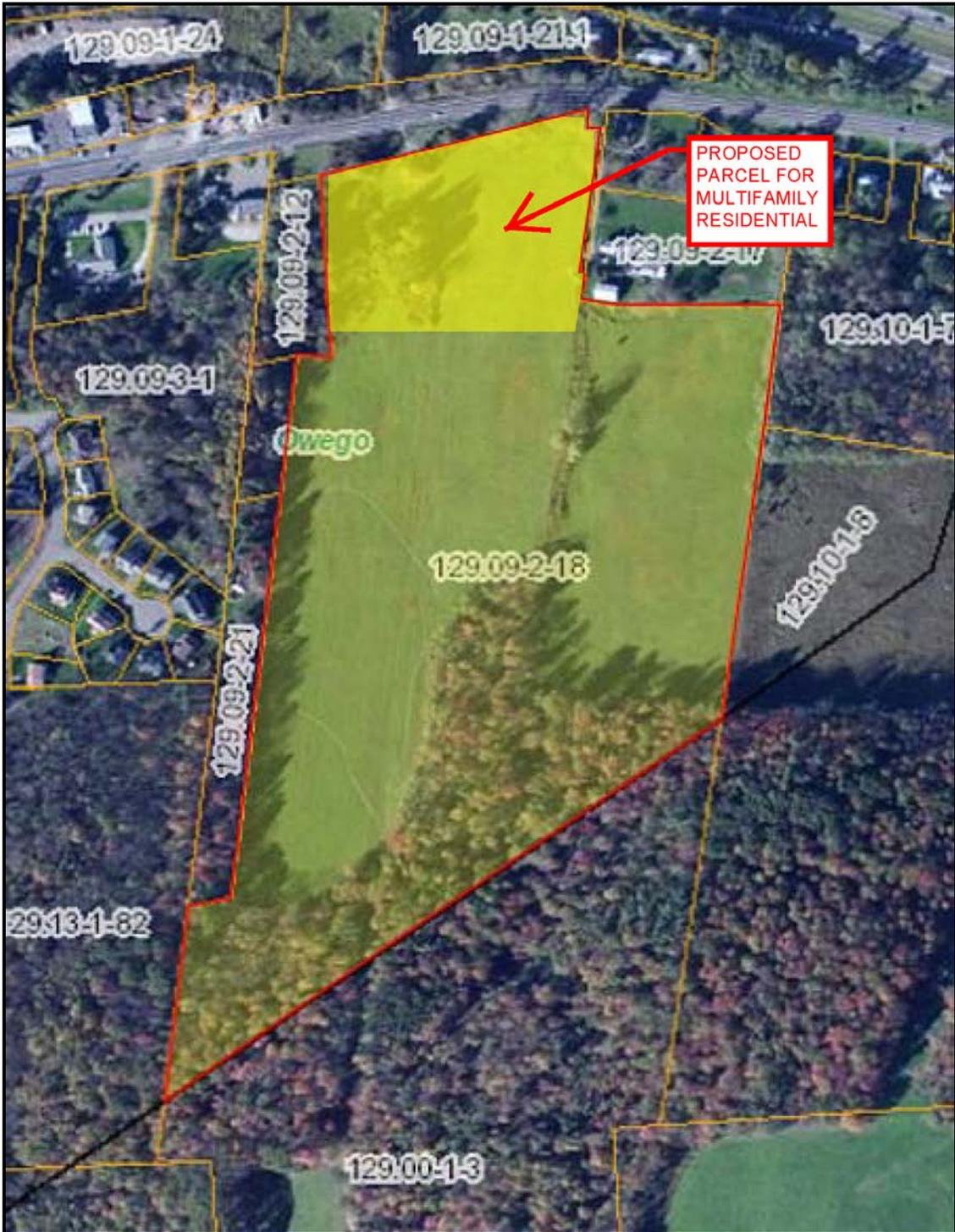


Figure 15.1.4 – Proposed Multifamily Location Map

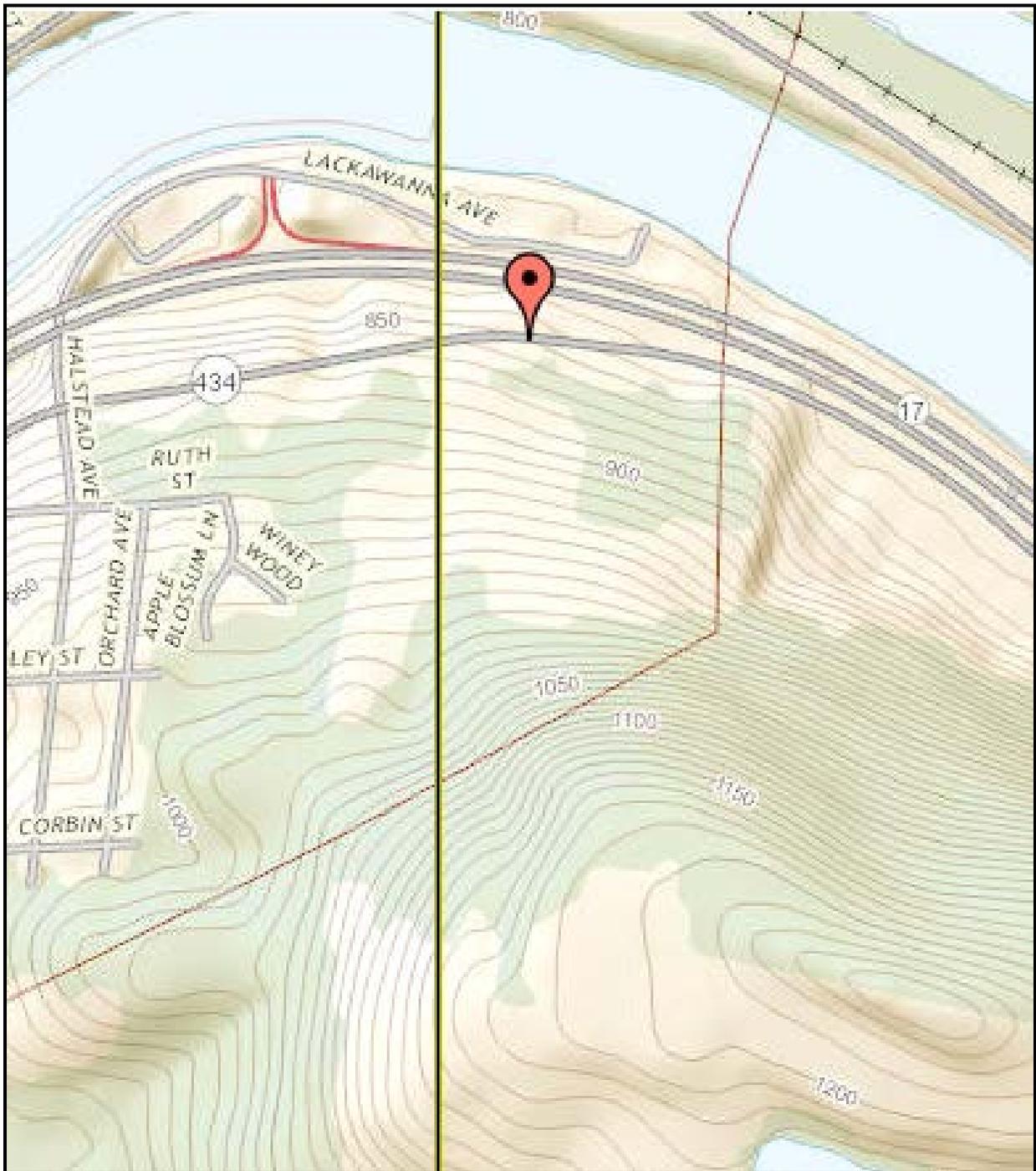


Figure 15.1.2 – USGS Vicinity Map

June 4, 2015

New York Field Office
3817 Luker Road
Cortland, NY 13045

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Consultation Code: 05E1NY00-2015-SLI-0936

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Consultation Code: 05E1NY00-2015-SLI-0946

June 02, 2015

Event Code: 05E1NY00-2015-E-02591

Project Name: Owego Gardens

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

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http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Official Species List

Provided by:

New York Ecological Services Field Office

3817 LUKER ROAD

CORTLAND, NY 13045

(607) 753-9334

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Consultation Code: 05E1NY00-2015-SLI-0946

Event Code: 05E1NY00-2015-E-02591

Project Type: DEVELOPMENT

Project Name: Owego Gardens

Project Description: Owego Gardens is located on approximately 5.0 acres of vacant land. It will be the new construction of 62 one and two-bedroom apartments in a 3-story U-shaped building. The construction will include the necessary site work, infrastructure development, and parking area. Owego Gardens is scheduled to begin site work in the fall of 2015.

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United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-76.250078043 42.100131709, -76.2504601479999 42.097283035, -76.2499666209999 42.100594673, -76.250078043 42.100131709, -76.250009537 42.100642436, -76.248936653 42.100594673, -76.2491083149999 42.099830464, -76.2475204469999 42.099512041, -76.2480568889999 42.096534708, -76.251168251 42.0954042390001, -76.250889301 42.097091973, -76.250524521 42.0972511910001, -76.250524521 42.0996234900001, -76.250181198 42.0997030950001, -76.250078043 42.100131709)))

Project Counties: Tioga, NY



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Endangered Species Act Species List

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Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



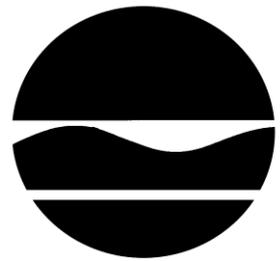
United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens

Critical habitats that lie within your project area

There are no critical habitats within your project area.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

May 29, 2015

Domenic Emilio
Delta Engineers, Architects, & Land Surveyors
860 Hooper Road
Endwell, NY 13760

Re: Proposed Owego Gardens apartment complex located south of NYS Route 434 (Southside Drive)
and east of Ruth Street

Town/City: Owego.

County: Tioga.

Dear Domenic Emilio :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, that our database indicates occur, or may occur, on your site or in the immediate vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



The following rare plants, rare animals, and significant natural communities have been documented e f e e

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Dragonflies and Damselflies			
Spatterdock Darner	<i>Rhionaeschna mutata</i>	Unlisted	Imperiled in NYS
Brick Pond, 1988-07-02: Darners were found at a pond that is between a road and railroad tracks.			11740
Freshwater Mussels			
Yellow Lampmussel	<i>Lampsilis cariosa</i>	Unlisted	Vulnerable in NYS
Susquehanna River, 1997-08-01: The mussels were observed in the runs, riffles, and pools of a river with a bottom substrate composed of cobble and gravel.			3102

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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URL: www.fws.gov/northeast/nyfo/es/section7.htm

Consultation Code: 05E1NY00-2015-SLI-0811

May 01, 2015

Event Code: 05E1NY00-2015-E-02269

Project Name: Owego Gardens Apartment Complex-Village of Owego, Tioga County, NY

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

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Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens Apartment Complex-Village of Owego, Tioga County, NY

Official Species List

Provided by:

New York Ecological Services Field Office

3817 LUKER ROAD

CORTLAND, NY 13045

(607) 753-9334

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Consultation Code: 05E1NY00-2015-SLI-0811

Event Code: 05E1NY00-2015-E-02269

Project Type: DEVELOPMENT

Project Name: Owego Gardens Apartment Complex-Village of Owego, Tioga County, NY

Project Description: Construction of a 62 unit (+/-) apartment complex.

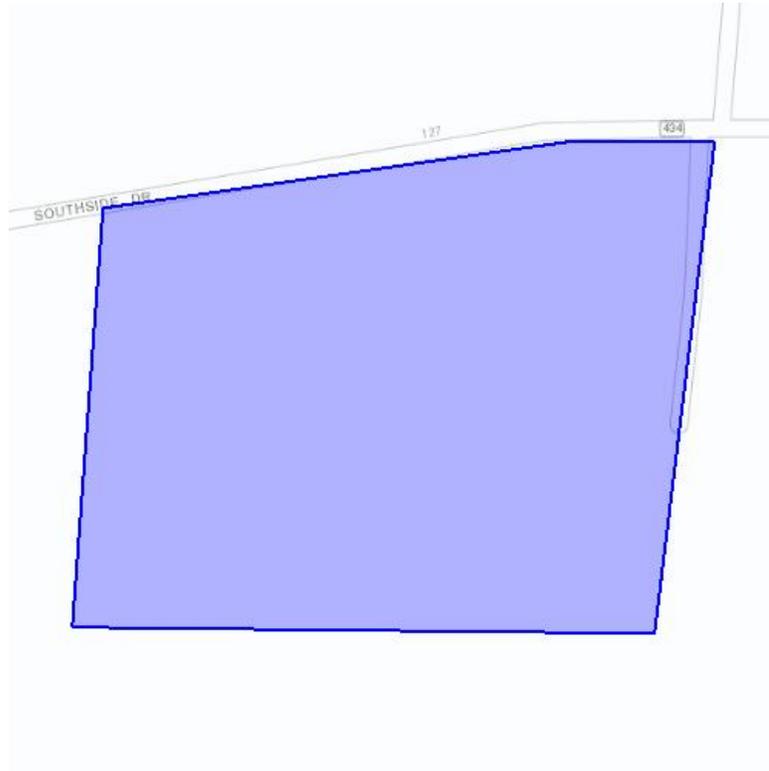
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens Apartment Complex-Village of Owego, Tioga County, NY

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-76.25143378973007 42.1006185547722, -76.25156253576279 42.09930506535012, -76.24910563230515 42.09928118347244, -76.24884814023972 42.1008255263815, -76.24947041273117 42.1008255263815, -76.25143378973007 42.1006185547722)))

Project Counties: Tioga, NY



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens Apartment Complex-Village of Owego, Tioga County, NY

Endangered Species Act Species List

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Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: Owego Gardens Apartment Complex-Village of Owego, Tioga County, NY

Critical habitats that lie within your project area

There are no critical habitats within your project area.

APPENDIX E
THERMAL/EXPLOSIVE HAZARDS SURVEY
AND NOISE ANALYSIS, OWEGO GARDENS,
OWEGO, NY



Stantec Consulting Services Inc.
61 Commercial Street Suite 100, Rochester NY 14614-1009

June 10, 2015
File: 190500856

Attention: Cathy Sperrick

Home Leasing, LLC
180 Clinton Square
Rochester, NY 14604

Dear Ms. Sperrick,

**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

As requested, please find enclosed the results of Stantec's Thermal/Explosive Hazards Survey and Noise Analysis for the Owego Gardens site (Figure 1). These analyses were conducted by following the U.S. Department of Housing and Urban Development (HUD) Siting of HUD-Assisted Projects Near Hazardous Facilities Guidebook as it relates to Acceptable Separation Distances from Explosive and Flammable Hazards as well as the HUD Noise Assessment Guidelines.

Thermal/Explosive Hazards Survey

Review of Available Records

Stantec conducted a records review, onsite investigation, and interviews to determine if there are above-ground tanks (ABT's) exceeding 100 gallons of flammable or explosive liquids and gases that exist within 1,000 feet of the project area and any ABT's which store flammable or explosive liquids exceeding 20,000 gallons that exist within 1 mile of the project area.

Stantec completed this review utilizing New York State Department of Environmental Conservation (NYSDEC) petroleum bulk storage (PBS) tank online records as well as NYSDEC chemical bulk storage (CBS) online records. There were no registered sites within 1,000 feet of the subject property that were listed as maintaining ABT's exceeding 100 gallons. An onsite review on June 2, 2015 was also conducted of the area within a 1,000 ft. perimeter to identify any readily visible ABT's and to confirm the findings of the online review. The results of the survey verified the absence of any readily visible ABT's in the area within the 1,000 ft. perimeter.

Based on our review of the NYSDEC PBS and CBS online records, there are no facilities within 1 mile of the subject property that maintain ABT's exceeding 20,000 gallons. All of the ABT's within 1 mile of the project site are less than the 20,000-gallon capacity (Figure 2, Table 1). Stantec met with James Mead, the Code Enforcement Officer for the Village of Owego, and contacted Ronald Schmidt, the Code Enforcement Officer for the Town of Owego to ask for records of ABT's within the specified search area. Both did not find any records of ABT's that met the search criteria within the 1 mile area around the project site.



June 10, 2015
Cathy Sperrick
Page 2 of 11

**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Conclusion

Based on the above findings and criteria, the Owego Gardens property is at an acceptable separation distance from explosive and flammable hazards.

Noise Analysis

Review of Noise Sources

Stantec completed a noise evaluation pursuant to the HUD Noise Assessment Guidelines for the Owego Gardens project. The project site was reviewed to screen for major roadways (within 1,000 feet), railroads (within 3,000 feet), and military or FAA-regulated airfields (within 15 miles) with the potential to serve as noise generators in the vicinity of the project.

The potential noise sources included in the overall noise level calculation for the site are the Tri-Cities Airport located approximately 8 miles to the east of the site; the Norfolk Southern Railroad located approximately 2100 feet north of the site; the Southern Tier Expressway (State Route 17) at an effective distance of 583 feet from the site; and Southside Drive (State Route 434) at an effective distance of 305 feet from the site. The Susquehanna Heliport located approximately 1.3 miles east of the site was not considered, as it is not expected to be one of the most significant contributors to the noise level.

A noise contour map for the Tri-Cities Airport was obtained and indicates that the project site is located well outside of the 55 dB contour. As such, when including the airport in the HUD's day/night noise level assessment tool, the maximum possible value less than the 55 dB was utilized.

Railway and train information for the Norfolk Southern Railroad was gathered through contact with James Mead, the Code Enforcement Officer for the Village of Owego. More specifically, Mr. Mead provided us with the number of trains using the tracks in 24 hours, type of train occupying the tracks, average train speed, whether or not the tracks are bolted or welded, and if whistles or horns are used. This information, along with the effective distance between the tracks and the Owego Gardens site (2,100 feet), were used to calculate the 24-hour railway noise level.

The "New York State Traffic Data Viewer" enabled the determination of the average daily trips for both the Southern Tier Expressway and Southside Drive (Figure 4). Next, the "New York State Functional Class Viewer" was used to identify the functional classification of both roadways (Figure 5). The "National Average Truck Percentages by Functional Classification of Roadway" was used to separate the total traffic by vehicle type (Table 2). The distance to the nearest stop sign was determined to be greater than 600 feet on both roadways, the effective distance was measured



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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

from the project site to the center of all traffic lanes, and the average speed was determined to be the posted road speed limit on the road being assessed. These inputs allowed for the calculations of both the Southern Tier Expressway and Southside Drive day-night noise levels.

Conclusion

An electronic assessment tool, the Day/Night Noise Level Calculator (DNL Calculator), determined the day-night noise level for the combination of the Airport, Rail, and Road sources to be 62.1 decibels. A printout of the DNL Calculator is provided as an attachment to detail the values which were input into the combined day-night noise level. As presented in the HUD Noise Assessment Guidelines, the noise environment at a site will be in one of three categories: Acceptable (DNL not exceeding 65 decibels), Normally Unacceptable (DNL above 65 but below 75 decibels), or Unacceptable (DNL above 75 decibels). The calculated noise level of 62.1 decibels places the Owego Gardens project into the acceptable category.

Regards,

STANTEC CONSULTING SERVICES INC.

Handwritten signature of Mike Flanigan in blue ink.

Mike Flanigan
Project Manager
Phone: (585) 413-5270
Fax: (585) 424-5951
mike.flanigan@stantec.com

Handwritten signature of Haley Grassi in blue ink.

Haley Grassi
Environmental Analyst
Phone: (585) 413-5324
Fax: (585) 424-5951
haley.grassi@stantec.com

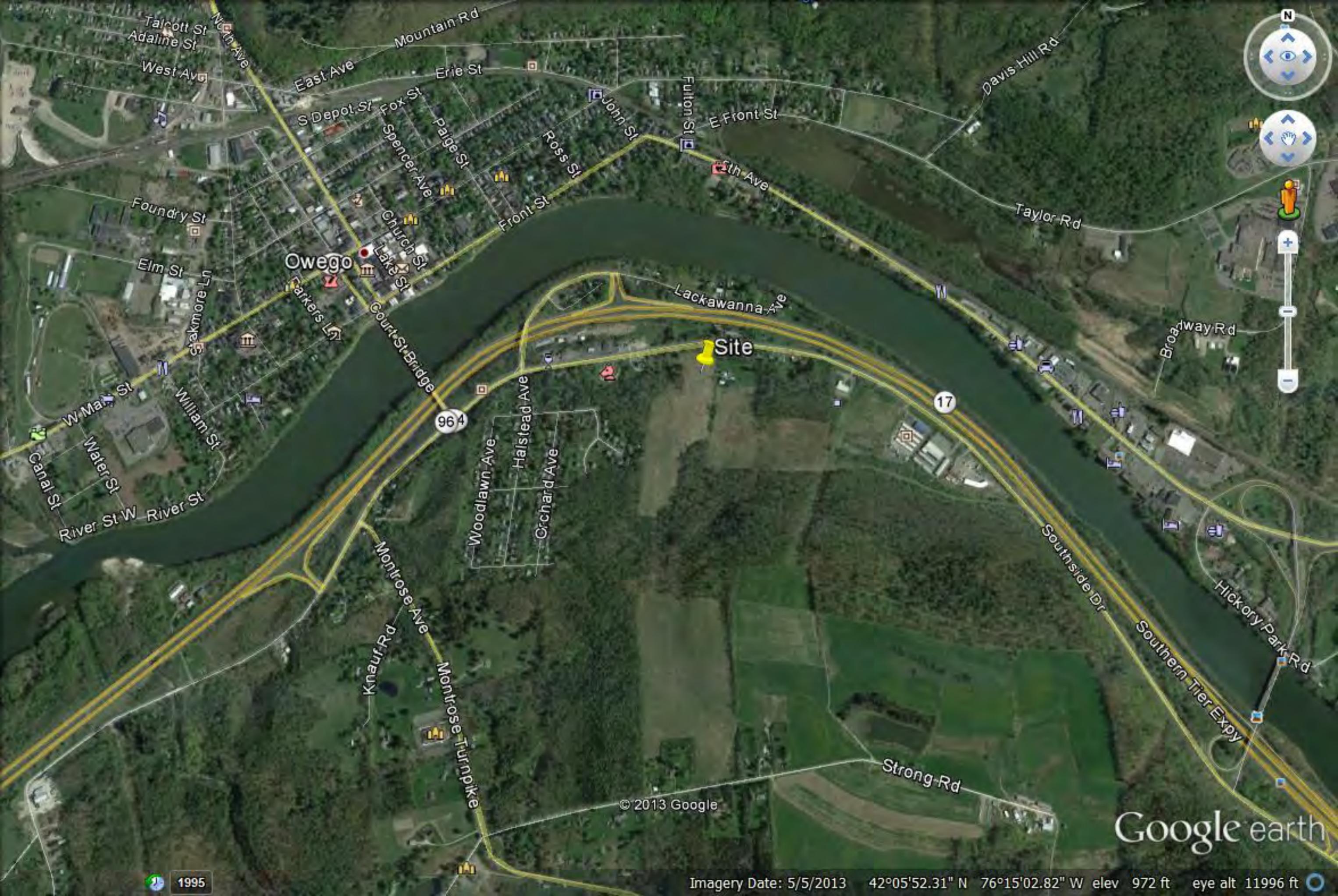
- Attachment: Figure 1: Site Location Map
Table 1: PBS, CBS, and MOSF Facilities with ABT's Within 1 Mile of the Site
Figure 2: Map of Facilities having ABT's Within 1 Mile of the Site
Figure 3: Tri-Cities Airport Noise Contours
Figure 4: NYS Traffic Data Viewer
Figure 5: NYSDOT Functional Class Viewer
Table 2: National Average Truck Percentages by Functional Classification of Roadway
DNL Calculator



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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Figure 1: Site Location



Owego

Site

964

17

© 2013 Google

Google earth

1995

Imagery Date: 5/5/2013 42°05'52.31" N 76°15'02.82" W elev 972 ft eye alt 11996 ft



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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Table 1: PBS, CBS, and MOSF facilities with ABT's Within 1 Mile of the Site

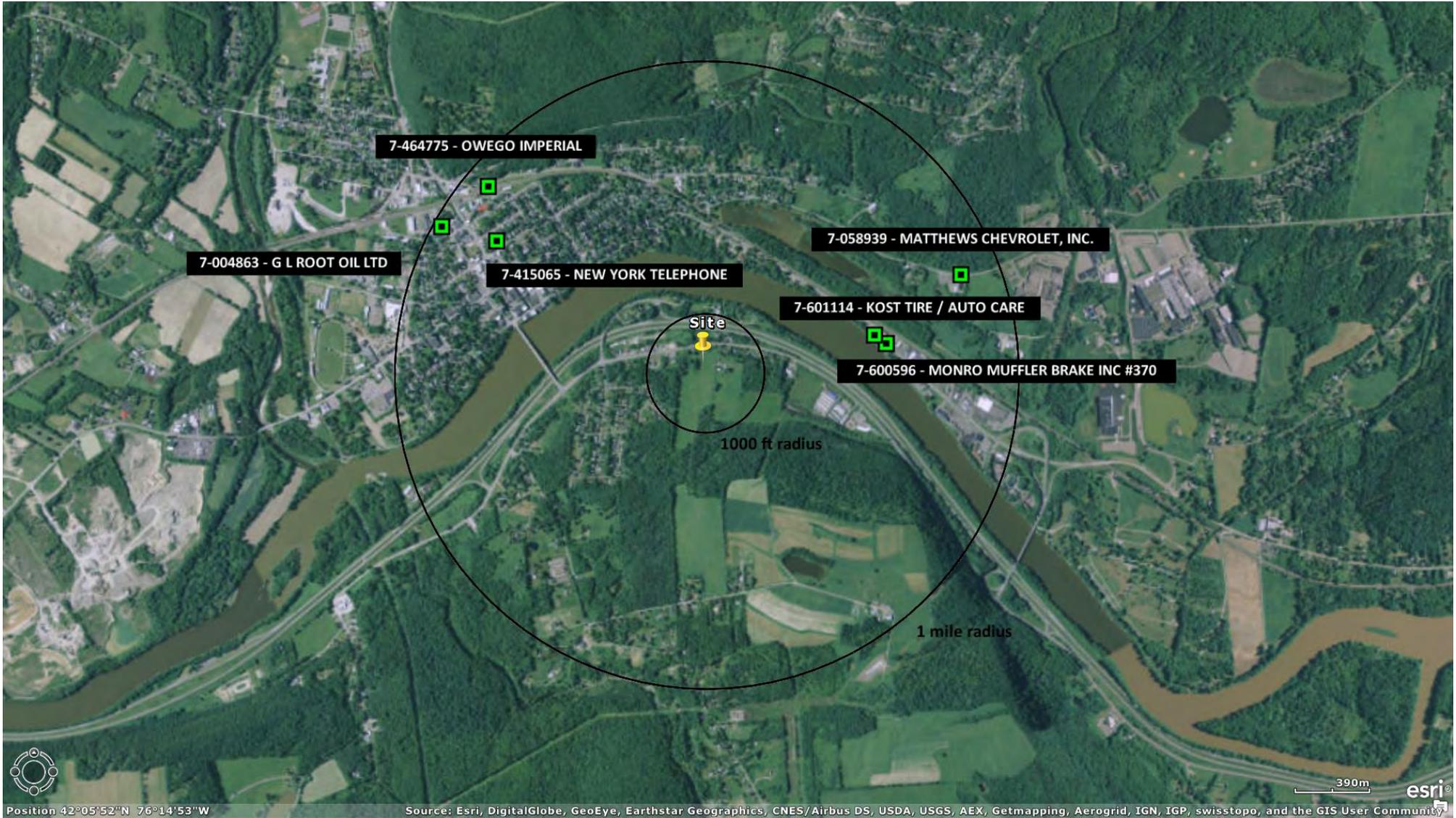
Site No.	Name	Address	Status	ABT's	Capacity (gal)
7-004863	G L ROOT OIL LTD	139 CENTRAL AVENUE	Closed- Removed	8	2 x 7,500 5 x 10,000 1 x 20,000
7-415065	NEW YORK TELEPHONE	110 TEMPLE ST.	In Service	1	400
7-464775	OWEGO IMPERIAL	125 S. DEPOT ST.	Closed- Removed	1	8000
7-058939	MATTHEWS CHEVROLET, INC.	936 TAYLOR RD.	Closed - Removed	2	275 550
7-601114	KOST TIRE / AUTO CARE	717 NY 17C	In Service; Closed-Removed	3	200 275 300[Closed]
7-600596	MONRO MUFFLER BRAKE INC #370	1075 5TH AVE RT. 17C	In Service	1	250



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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Figure 2: Map of Facilities having ABT's Within 1 Mile of the Site

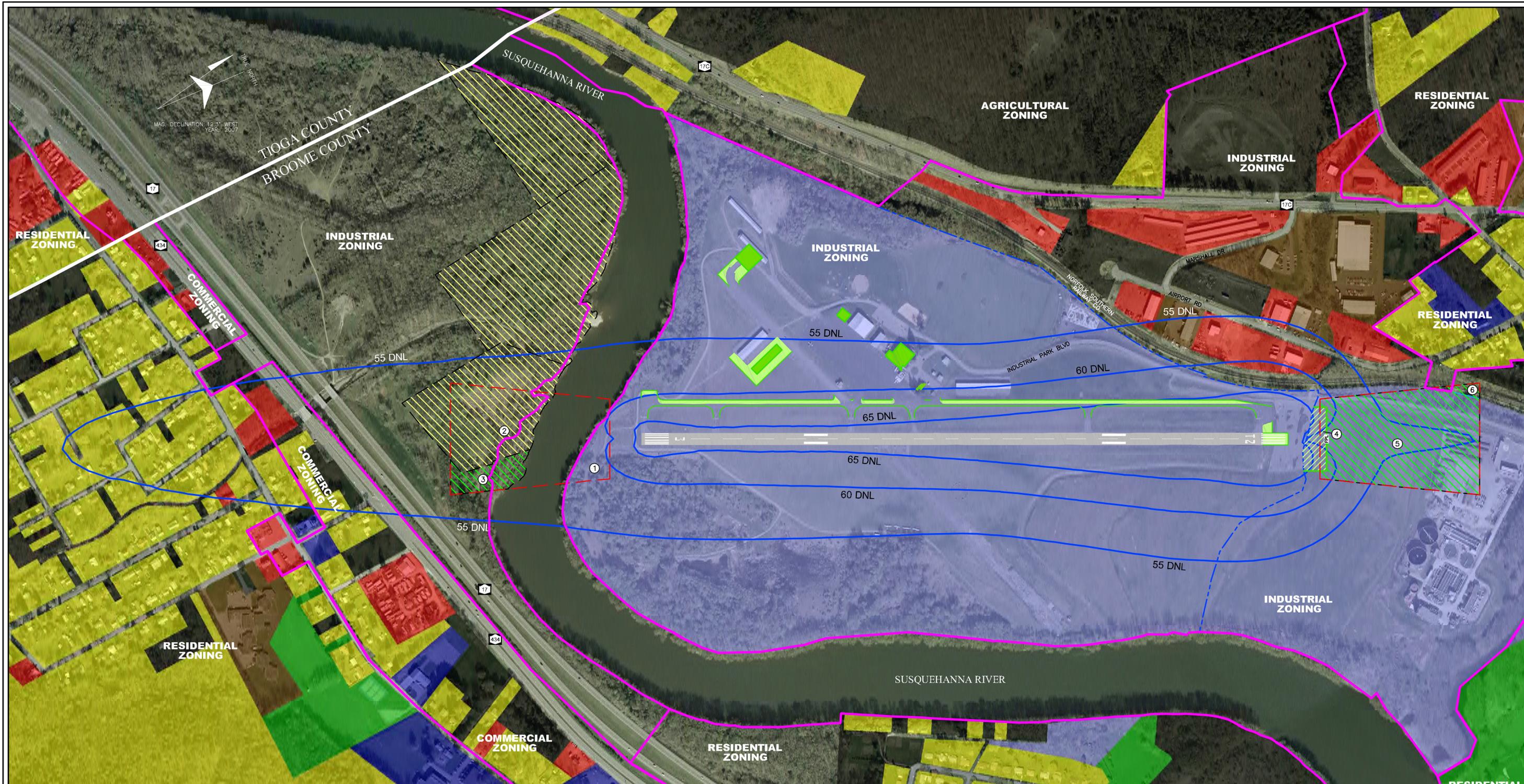




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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Figure 3: Tri-Cities Airport Noise Contours



TRUE NORTH
 MAG. DECLINATION: 12.3° WEST
 YEAR: 2007

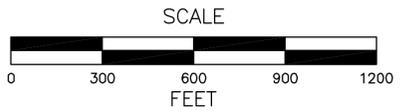
Land Use	Yearly Day-Night Average Sound Level (Decibels)		
	Below 65	65-70	70-75
Residential Use	NO	YES	YES
Public Use			
Schools	NO	YES	YES
Hospitals, Churches	NO	YES	YES
Roads, Parking	NO	NO	NO
Commercial Use			
Office, Retail, Business	NO	NO	YES
Utility, Wholesale	NO	NO	NO
Manufacturing	NO	NO	NO
Recreation			
Parks (general)	NO	NO	NO
Nature Exhib., Zoos	NO	NO	YES
Music Shells	NO	YES	YES
Agriculture	NO	NO	NO

Source: Report FAA-88-85-2, Aviation Noise Effects

DESCRIPTION/LAND USE	LEGEND	
	EXISTING	PROPOSED
RUNWAY PROTECTION ZONE (RPZ)	NOT SHOWN	---
AIRPORT PAVEMENT	N/A	---
AIRPORT BUILDINGS	N/A	█
AIRPORT PROPERTY LINE	---	█
PARCEL BOUNDARY	---	N/A
NOISE CONTOUR	---	---
ZONING BOUNDARY	---	N/A
COMMERCIAL	█	N/A
COMMUNITY SERVICES	█	N/A
INDUSTRIAL	█	N/A
VACANT	█	N/A
PUBLIC SERVICES	█	N/A
RECREATIONAL	█	N/A
RESIDENTIAL	█	N/A
NO DATA	---	N/A

LAND USE AND ZONING DATA PROVIDED BY BROOME AND TIOGA COUNTY

RPZ CONTROL PLAN						
REFERENCE NUMBER	TAX PARCEL NUMBER	OWNER	EXISTING LAND USE	PROPOSED LAND USE	ACREAGE	PROPOSED ACTION
1	172.00-1-1	VILLAGE OF ENDICOTT	PUBLIC SERVICES	PUBLIC SERVICES	1.46	NONE
2	N/A	VILLAGE OF ENDICOTT (EASEMENT)	TRANSPORTATION	TRANSPORTATION	5.90	NONE
3	N/A	NYS DOT	TRANSPORTATION	TRANSPORTATION	1.83	EASEMENT
4	156.00-1-5	VILLAGE OF ENDICOTT	PUBLIC SERVICES	PUBLIC SERVICES	0.37	FEE SIMPLE
5	156.00-1-5	VILLAGE OF ENDICOTT	PUBLIC SERVICES	PUBLIC SERVICES	13.07	EASEMENT
6	N/A	NORFOLK SOUTHERN RAILWAY CO.	TRANSPORTATION	TRANSPORTATION	0.34	EASEMENT



NOTE: NO HEIGHT RESTRICTIONS IN VILLAGE OF ENDICOTT ZONING DISTRICT

REV	DATE	DESCRIPTION	BY	SPONSOR

TRI-CITIES AIRPORT
 BROOME COUNTY, NEW YORK
AIRPORT LAND USE PLAN

49 COURT STREET, METROCENTER, PO BOX 1880
 BINGHAMTON, NEW YORK 13902 www.mjnc.com

SCALE: 1" = 300'	DESIGN: MH	SHEET: 8
DRAWN: RGT	PROJECT: 16232.03	
CHECKED: CHF	DATE: NOVEMBER 2008	



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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Figure 4: NYS Traffic Data Viewer

NYS Traffic Data Viewer

Map Layers

- TDV
 - Average Daily Traffic, 2013
 - 1 - 1500
 - 1501 - 4000
 - 4001 - 10000
 - 10001 - 25000
 - 25001 - 75000
 - 75000 - 300000
 - Continuous Counts
 - Volume
 - Volume, Class
 - Volume, Speed
 - Volume, Speed, Class
 - Volume, Speed, Class, Weight
 - Short Counts
 - Volume





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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

Figure 5: NYSDOT Functional Class Viewer

New York State Department of Transportation Functional Class Viewer

Map Layers

Functional Class

NOTE : ZOOM IN to view FC/NHS layer

Functional Class

RURAL

 (01) Principal Arterial Interstate

 (02) Principal Arterial Expressway

 (04) Principal Arterial Other

 (06) Minor Arterial

 (07) Major Collector

 (08) Minor Collector

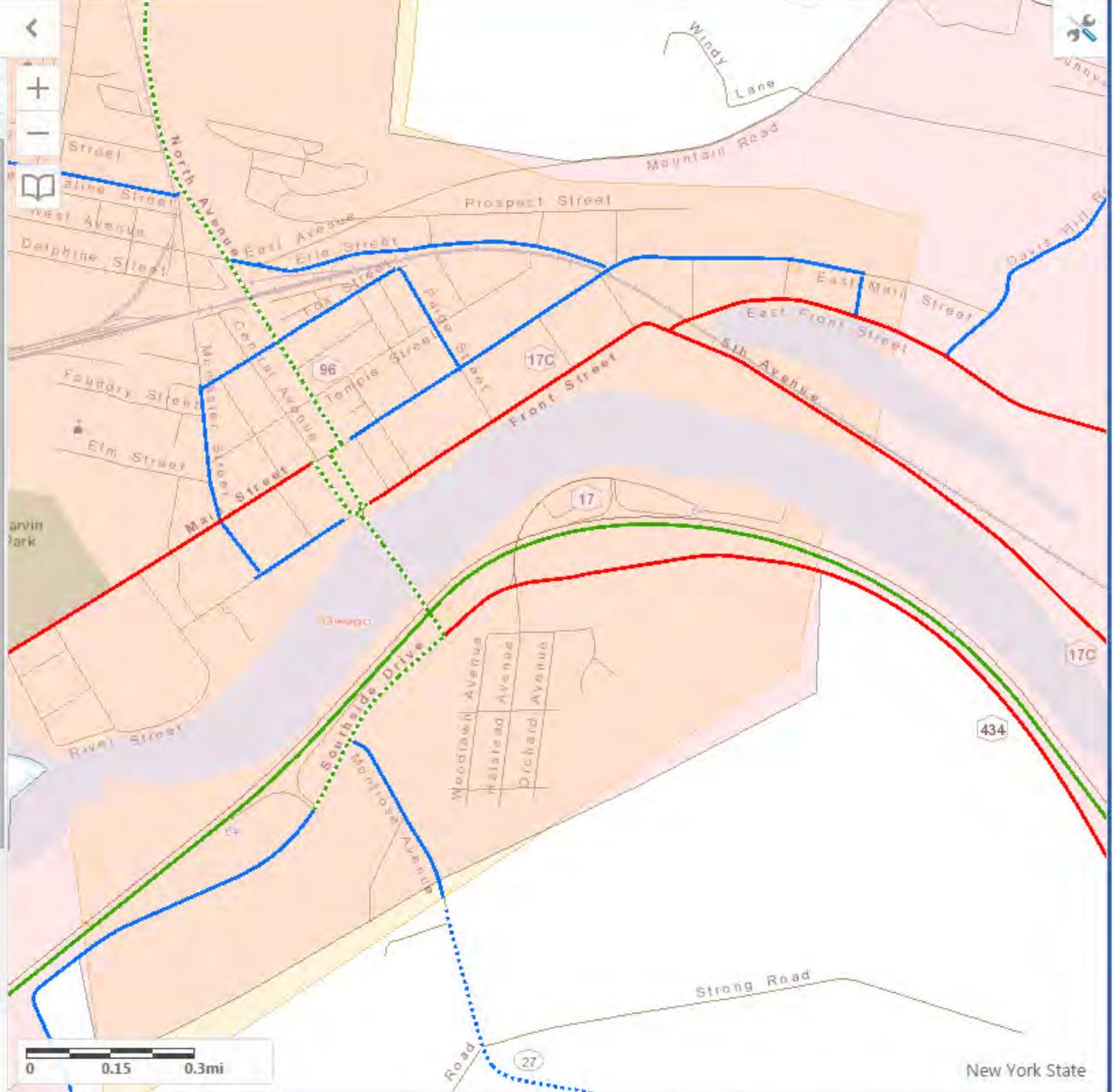
URBAN

 (11) Principal Arterial Interstate

 (12) Principal Arterial Expressway

 (14) Principal Arterial Other

 (16) Minor Arterial





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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
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Table 2: National Average Truck Percentages by Functional Classification of Roadway

Functional Class of Roadway	Cars	Single-Unit Trucks	Combination Trucks	Multi-Trailer Trucks
1	75.5%	3.5%	19.0%	2.0%
2	88.3%	3.7%	7.4%	0.6%
6	91.5%	3.3%	5.2%	0.1%
7	92.7%	4.8%	2.5%	0.1%
11	91.5%	2.6%	5.2%	0.7%
12	88.9%	3.7%	5.9%	1.5%
14	90.5%	3.2%	5.8%	0.6%
16	94.4%	2.4%	2.9%	0.3%



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**Reference: Thermal/Explosive Hazards Survey and Noise Analysis
Owego Gardens, Owego, NY**

DNL Calculator

[Environmental Review Main \(/programs/environmental-review/\)](/programs/environmental-review/)

DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the Day/Night Noise Level Calculator Electronic Assessment Tool Overview (<https://onecpd.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/>).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- Note #1: Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- Note #2: DNL Calculator assumes roadway data is always entered.

DNL Calculator

Site ID

Record Date

User's Name

Road # 1 Name:

Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	<input type="text" value="305"/>	<input type="text" value="305"/>	<input type="text" value="305"/>
Distance to Stop Sign	<input type="text"/>	<input type="text"/>	<input type="text"/>
Average Speed	<input type="text" value="40"/>	<input type="text" value="40"/>	<input type="text" value="40"/>
Average Daily Trips (ADT)	<input type="text" value="2888"/>	<input type="text" value="162"/>	<input type="text" value="9"/>

Night Fraction of ADT	<input type="text" value="15"/>	<input type="text" value="15"/>	<input type="text" value="15"/>
Road Gradient (%)	<input type="text"/>	<input type="text"/>	<input type="text" value="2"/>
Vehicle DNL	<input type="text" value="48.3"/>	<input type="text" value="35.8"/>	<input type="text" value="42.5"/>
Calculate Road #1 DNL	<input type="text" value="49.6"/>	<input type="text"/>	<input type="text"/>
		<input type="text" value="Reset"/>	

Road # 2 Name:

Road #2

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	<input type="text" value="583"/>	<input type="text" value="583"/>	<input type="text" value="583"/>
Distance to Stop Sign	<input type="text"/>	<input type="text"/>	<input type="text"/>
Average Speed	<input type="text" value="65"/>	<input type="text" value="65"/>	<input type="text" value="65"/>
Average Daily Trips (ADT)	<input type="text" value="25396"/>	<input type="text" value="2742"/>	<input type="text" value="429"/>
Night Fraction of ADT	<input type="text" value="15"/>	<input type="text" value="15"/>	<input type="text" value="15"/>
Road Gradient (%)	<input type="text"/>	<input type="text"/>	<input type="text" value="2"/>
Vehicle DNL	<input type="text" value="57.7"/>	<input type="text" value="48.1"/>	<input type="text" value="57.3"/>
Calculate Road #2 DNL	<input type="text" value="60.7"/>	<input type="text"/>	<input type="text"/>
		<input type="text" value="Reset"/>	

Railroad #1 Track Identifier:

Rail # 1

Train Type	Electric <input type="checkbox"/>	Diesel <input checked="" type="checkbox"/>
Effective Distance	<input type="text"/>	<input type="text" value="2100"/>
Average Train Speed	<input type="text"/>	<input type="text" value="45"/>
Engines per Train	<input type="text"/>	<input type="text" value="2"/>
Railway cars per Train	<input type="text"/>	<input type="text" value="50"/>
Average Train Operations (ATO)	<input type="text"/>	<input type="text" value="5"/>

Night Fraction of ATO	<input type="text"/>	<input type="text" value="15"/>
Railway whistles or horns?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Bolted Tracks?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Train DNL	<input type="text"/>	<input type="text" value="49.6"/>
<input type="button" value="Calculate Rail #1 DNL"/>	<input type="text" value="49.6"/>	<input type="button" value="Reset"/>

Airport Noise Level	<input type="text" value="54"/>
Loud Impulse Sounds?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Combined DNL for all Road and Rail sources	<input type="text" value="61.4"/>
Combined DNL including Airport	<input type="text" value="62.1"/>
Site DNL with Loud Impulse Sound	<input type="text"/>
<input type="button" value="Calculate"/>	

Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- No Action Alternative: Cancel the project at this location
- Other Reasonable Alternatives: Choose an alternate site
- Mitigation
 - Contact your Field or Regional Environmental Officer (<https://www.onecpd.info/programs/environmental-review/hud-environmental-staff-contacts/>)
 - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
 - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
 - Incorporate natural or man-made barriers. See The Noise Guidebook (<https://www.onecpd.info/resource/313/hud-noise-guidebook/>)
 - Construct noise barrier. See the Barrier Performance Module (<https://onecpd.info/programs/environmental-review/bpm-calculator/>)

APPENDIX F
SOILS

**Owego Gardens Project
130 Southside Drive, Owego NY
Soils Descriptions**

As seen on the attached map, the site for the proposed Owego Gardens is bisected by two predominant soil types. Wr is located in the northern one-third and Vcs in the southern two-thirds portion. The detailed descriptions of these 2 soil types follow:

WR WOOSTERN GRAVELLY SILT LOAM, 6 to 15 PERCENT SLOPES

Woostern gravelly silt loam, 6- 15% slopes

This is a well-drained loamy soil that is moderately steep. The landscape is a hilly area of terrace gravel that has been mixed with glacial till or silty material. The slopes are fairly short in length and tilt in various directions. The soil material contains a moderate amount of gravel. The permeability varies from moderate to rapid. The material is loose and moderately erodible. The silt pockets have a tendency to slump when wet. This and the hilly slopes are the main features to consider in any use of this soil.

VCS VOLUSIA CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES

VOLUSIA channery silt loam, 8-15% slopes

This is a somewhat poorly drained loamy soil formed in dense glacial till containing some flat stone fragments. This is a moderately sloping soil on upland landscapes that are smooth or slightly concave. It usually is part of an overall long side slope. Surface runoff and subsurface seep affect this soil during wetter seasons of the year. Bedrock is at depths of 5 to 15 feet. The presence of this rock, the persistent seepy condition, a slowly permeable subsoil, moderate slope and control of surface runoff are the major soil features to consider for most uses.

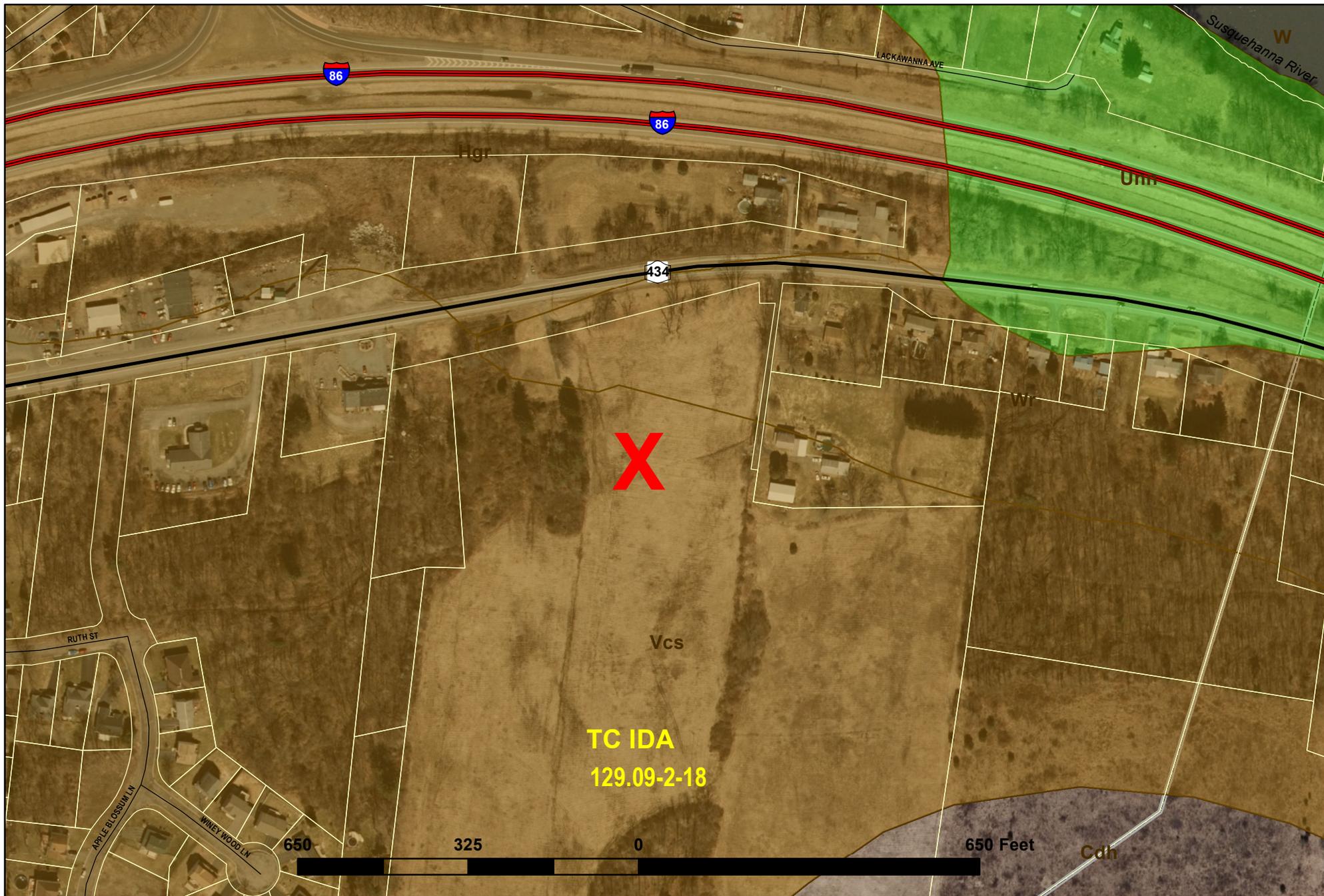
USDA Prime Soils or Soils of Statewide Significance Statement

The two soils mapped for this site are not listed as prime agricultural soils; however the soils on the site are listed as farmland or soils of statewide significance in Tioga County, NY. "Farmlands or soils of statewide importance include those soils in land capability Class II and III that do not meet the criteria as Prime Farmland. These soils are nearly Prime Farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields as high as Prime Farmland if conditions are favorable". (USDA NRCS).



Owego Gardens Project Location Home Leasing / Edgemere Development

- Parcels 2015
- USDA NRCS Soil Survey
- Prime Farmland
- Farmland of Statewide Significance
- Not prime farmland



Owego Gardens Project Site National Wetlands Inventory Map



Owego Gardens Project Site USDA NRCS Soils Survey



APPENDIX G
TRIBAL CORRESPONDENCE

EDGEMERE DEVELOPMENT, INC.
REAL ESTATE • DEVELOPMENT • CONSULTING
May 15, 2015

HARRO EAST
400 ANDREWS STREET
ROCHESTER, NY 14604

TEL: 585.325.1450
FAX: 585.325.1477

Tim Twogun, Nation Representative
Cayuga Nation of New York
Geneva, NY 14456

RE: Owego Gardens-130A Southside Dr, Owego NY 13827

Dear Mr. Twogun:

The Cayuga Tribe has been identified as a possible consulting party under 36 CFR part 800 2c. We are providing you with the attached information regarding our proposed project and respectfully request a reply regarding your interest in this specific project.

Specifically, we would appreciate any comments you have on the following issues:

1. The described project;
2. The described area of potential effect;
3. The potential effects of the project on any historic property we have thus far indentified;
4. Information on other historic property which might be present and could be effected by the proposed project, including property which has religious or cultural significance to one or more Indian Tribes of native Hawaiian organizations;
5. Any additional parties we should consider consulting; and
6. Any other comments of information related to historic preservation that you believe is relevant to the section 106 review.

Please check the YES box if you wish to be consulted as part of the Section 106 process. Please check the NO box if you do not wish to be part of the Section 106 Consultation process. Checking the NO box for this undertaking will NOT compromise your status as a consulting participant for future projects in New York.

- Yes, we are interested in being a consulting party.
- No, we are not interested in participating in the above mentioned undertaking.

Consulting Party (please print) Cayuga Nation of New York

Signature *Tim Twogun / cm*

Printed Name Tim Twogun

Title Nation Representative

Date 6/8/15

Since your response is time sensitive, we would appreciate your response as soon as possible. Please fax to 585-325-1477 or email to Stephanie@edgemere.com at our offices. Please also send the original to us in the mail.

Thank you,

Brenda Kingsley
Brenda Kingsley

CC: Nelson Leenhouts, Home Leasing LLC

4-22-2015

APPENDIX H
SHPO CORRESPONDENCE



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 16, 2015

Ms. Ruth Fiato
Executive Administrator
Tioga County Industrial Development Agency
56 Main St
Owego, NY 13827

Re: HTF
Edgmere 55 housing development named Owego Gardens
130A Southside Drive, Owego, NY 13827
15PR02281
05PR01120

Dear Ms. Fiato:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, the New York SHPO has determined that no historic properties will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Deputy Commissioner for Historic Preservation



HARTGEN

archeological associates inc

PHASE IB ARCHEOLOGICAL FIELD RECONNAISSANCE

Tioga County IDA, Owego Gardens Roadway and Water Line

140A Southside Drive/Route 434
Village of Owego, Town of Owego
Tioga County, New York

HAA 4875-21

Submitted to:

Tioga County Industrial Development Agency
56 Main Street
Owego, New York 13827

Prepared by:

Hartgen Archeological Associates, Inc.

1744 Washington Avenue Ext.
Rensselaer, New York 12144
p +1 518 283 0534
f +1 518 283 6276
e hartgen@hartgen.com

www.hartgen.com

An ACRA Member Firm
www.acra-crm.org

June 2015

MANAGEMENT SUMMARY

SHPO Project Review Number: *15PR02281*

Involved State and Federal Agencies: *United States Department of Housing & Urban Development*

Phase of Survey: *IB*

LOCATION INFORMATION

Municipality: *Village of Owego, Town of Owego*

County: *Tioga County*

SURVEY AREA

Length: *~1,000 feet*

Width: *~100 feet*

Acres: *2.2 acres*

ARCHEOLOGICAL SURVEY OVERVIEW

Number and Interval of Shovel Tests: *24 shovel tests at 50-ft (15.2 m) intervals*

RESULTS OF ARCHEOLOGICAL SURVEY

Number and Name of Precontact Sites Identified: *none*

Number and Name of Historic Sites Identified: *none*

Number and Name of Sites Recommended for Phase II or Avoidance: *none*

RECOMMENDATIONS

No additional archeological investigation is recommended.

Report Authors: *Tracy Shaffer Miller*

Date of Report: *June 10, 2015*

ABSTRACT

Hartgen Archeological Associates, Inc. (Hartgen) conducted a Phase IB archeological field reconnaissance for the proposed Tioga County IDA Owego Gardens roadway and water line located at 140A Southside Drive in the Village and Town of Owego, Tioga County, New York. In 2006, Hartgen completed a Phase IB archeological field reconnaissance for the Tioga County Route 434 E=MT³ Mixed Use Office Park Project (OPRHP 05PR01120) in the area immediately east of the current project area. Currently, the Tioga County IDA plans to construct Owego Gardens, an affordable senior housing unit, in the northern end original E=MT³ Mixed Use Office Park parcel. The site plan for the proposed Owego Gardens requires an additional 2.2-acre parcel west of the original parcel to construct a road and expand a water line. This 2.2-acre parcel is the current project area.

In June 2015, Hartgen completed Phase IB archeological testing along the proposed area of potential effects (APE) for the road alignment and water line. In all, 24 shovel tests (STs) were excavated in the road and water line APE. No precontact or historic cultural material was recovered from the STs and no archeological sites were identified. Therefore, no additional archeological investigation is recommended for the proposed Tioga County IDA Owego Gardens roadway and water line.

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 2.2 Description of the Project..... 1

 2.3 Description of the Area of Potential Effects (APE)..... 1

3 Overview of the Previous Surveys for the E=MT³ Mixed Use Office Park Project..... 2

 3.1 Previous Phase IA 2

 3.2 Previous Phase IB..... 2

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Maps

Photographs

Appendix 1: Shovel Test Records

Map List

Map 1. Project Location (USGS 2015)

Map 2. Project Map (Hartgen 2006; 2015; Delta 2015; Esri Inc. 2015)

Photograph List

Photo 1. View east of the small stream that extends through the southern portion of the project area.

Photo 2. View northeast of the dead end of Ruth Street at the west end of the project area. The wooded area just beyond the dead end was paved with sections old pavement.

Photo 3. View south of the northern end of the project area near Southside Drive. This area was disturbed.

Photo 4. View northwest of the concrete block foundation remains near the southeast corner of the project area.

PHASE IB ARCHEOLOGICAL FIELD RECONNAISSANCE

1 Introduction

Hartgen Archeological Associates, Inc. (Hartgen) conducted a Phase IB archeological field reconnaissance for the proposed Tioga County IDA Owego Gardens roadway and water line located at 140A Southside Drive in the Village and Town of Owego, Tioga County, New York. The project requires approvals by the United States Department of Housing & Urban Development.

This investigation was conducted to comply with Section 106 of the National Historic Preservation Act and will be reviewed by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The investigation was conducted according to the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by OPRHP. This report has been prepared according to OPRHP's *State Historic Preservation Office (SHPO) Phase I Archaeological Report Format Requirements* (2005).

2 Project Information

A site visit was conducted by Adam Luscier on June 1, 2015 to observe and photograph existing conditions within the Project Area. The information gathered during the site visit is included in the relevant sections of the report.

2.1 Project Location

The project is located at located at 140A Southside Drive in Owego, New York (Map 1). The project area lies south of Southside Drive (Route 434).

2.2 Description of the Project

In 2006, Hartgen completed a Phase IB archeological field reconnaissance for the 86-acre Tioga County Route 434 E=MT³ Mixed Use Office Park Project (OPRHP 05PR01120) in the area immediately east of the current project area. Edward V. Curtin, Consulting Archaeologist completed a Phase IA literature review for the same project in 2000. The 2006 report was submitted to OPRHP and received a Letter of No Effect requiring no additional work.

Currently, the Tioga County IDA is undertaking the first development for the E=MT³ Mixed Use Office Park Project. Edgemere Development, Inc. plans to construct Owego Gardens, a 62-unit, 65,252 square-foot affordable senior housing structure in the northern end of the 86-acre E=MT³ Mixed Use Office Park project area (Map 2). The site plan for the proposed Owego Gardens requires an additional 2.2-acre parcel west of the original 86-acre parcel to construct a road and expand a water line. This land belongs to the Tioga County IDA as well, being acquired after the 2006 SHPO letter. This 2.2-acre parcel is the current project area.

2.3 Description of the Area of Potential Effects (APE)

The area of potential effects (APE) includes all portions of the property that will be directly altered by the proposed undertaking. The APE includes the construction of a road from the south side of Southside Drive/Route 434 into the northwest corner of the E=MT³ Mixed Use Office Park project area. A water line will also be extended from the west side of the E=MT³ Mixed Use Office Park project area to Ruth Street. The APE encompasses about 1.5 acres.

3 Overview of the Previous Surveys for the E=MT³ Mixed Use Office Park Project

3.1 Previous Phase IA

Edward V. Curtin, Consulting Archaeologist completed a Phase IA for the northern portion of E=MT³ Mixed Use Office Park project area in 2000. At the time, the mixed use office park project area was smaller than 86-acres and included only the northern portion of the project area. Hartgen conducted additional Phase IA research to include the southern portion of the 86-acre parcel in 2006 when the Phase IB report was completed.

The Phase IA report states that there are 27 previously report precontact and historic archeological sites within two miles (3.2 km) of the project area (Curtin 2000). None of the sites were located in the project area.

Historical maps showing the project area were also examined by Curtin and Hartgen. No map-documented structures were shown in the E=MT³ Mixed Use Office Park project area. The 1869 Beers map of the Town of Owego shows a structure attributed with the name G. Brice just outside the western edge of the 86-acre parcel (Hartgen 2006:2). The G. Brice structure was likely located in the southeastern corner of the current project area. A concrete block foundation was noted in the area during the field work.

The Curtin Phase IA characterized the site as having a low to moderate sensitivity for archeological sites. Although it is in close proximity to the Susquehanna River, most of the area is sloped and may have not been a preferred place for Native American settlement.

3.2 Previous Phase IB

Hartgen completed Phase IB testing for about 8.25 acres of the northern portion of the 86-acre project area where proposed development was planned. This is located immediately east of the current project area and in the proposed location of the Owego Gardens structure (Map 2). This area was somewhat sloped at about 10% grade. In all, 145 shovel tests (STs) were placed at 50-ft intervals. An additional eight confirmation STs were placed at reduced intervals around ST 50 where a single chert trim flake was recovered. No additional precontact artifacts were recovered from the confirmation STs around ST 50. Historical artifacts were also recovered from STs near 20th-century structures formerly in the project area. None of the historic finds were determined to represent an archeological site (Hartgen 2006:7).

Hartgen recommended no additional archeology at the conclusion of the 2006 Phase IB study (Hartgen 2006:8). OPRHP concurred with this recommendation in their review of the report.

4 Archeological Survey

The current project area is mostly wooded except for a small area just south of Southside Drive. The terrain is somewhat sloped throughout at about a 10 to 11% gradient. Area of greater slope were noted in the southern portion of the project area (Map 2). A small stream in a ditch extends through the southern portion of the project area (Photo 1). Disturbance was noted near where the project area meets Ruth Street on the west end and Southside Drive on the north end (Photos 2 and 3; Map 2). The remains of a concrete block foundation were also noted near the southeast corner of the project area (Photo 4).

4.1 Methodology

4.1.1 Shovel Testing

Shovel tests were excavated at a standard interval of 50 ft. Each shovel test was 16 inches (40 cm) in diameter. All excavated soil was passed through 0.25-inch hardware mesh and examined for both precontact (Native American) and historic artifacts. The stratigraphy of each test was recorded including the depth, Munsell color, soil description, and artifact content (Munsell Color 2000). The location of each shovel test was plotted on the project map. Test excavation was photographed.

4.1.2 Artifacts and Laboratory

All precontact (Native American) cultural material identified during the fieldwork was collected. Significant historic artifacts such as glass, ceramics, food remains, hardware, and miscellaneous items were collected. Coal, ash, cinder, brick, and modern materials were noted.

Ultimately, no artifacts were collected during the Tioga County IDA Owego Garden Phase IB. Shovel test records and other provenience information were entered into a Microsoft *Access* database (Appendix 1).

4.2 Results

The Phase IB archeological field reconnaissance was conducted on June 1, 2015. The field crew consisted of Ashli Couch and Adam Lusnier.

In all, 24 shovel tests (STs) were excavated in the road and water line APE. STs 1-10 were excavated along the proposed water line and STs 11-24 were excavated in the roadway APE (Map 2).

In general the STs encountered a dark yellowish or olive brown silty loam about 18 to 34 cm thick underlain by yellowish brown or light olive brown silty clay subsoil. No cultural material was recovered from the STs except a few modern materials such as car windshield glass and brick fragments noted and discarded in the field. No archeological sites were identified.

A possible historical foundation was located near the south end of the current project area. This foundation may be related to the G. Brice structure shown near here on the 1869 Beers map. The foundation is outside of the roadway and water line APE and will not be affected by the proposed development.

5 Recommendations

No additional archeological investigation is recommended for the proposed Tioga County IDA Owego Gardens project.

6 Bibliography

Curtin, Edward V., Consulting Archaeologist

- 2000 *Phase IA Archeological Survey, Tioga County Office Complex, Southside Drive, Village of Owego, Tioga County, New York*, OPRHP, Waterford, NY, Cultural Resource Information System, <http://cris.parks.ny.gov>.

Esri Inc.

- 2015 World Imagery. Esri, Inc., Redlands, California, http://services.arcgisonline.com/ArcGIS/rest/services/World_Imagery/MapServer.

Hartgen Archeological Associates Inc.

- 2006 *Phase IB Archeological Field Reconnaissance, Phase IA Office Park Tioga County Route 434, E-MT³ Mixed Use Office Park Project, Town and Village of Owego, Tioga County, New York (OPRHP 05PR01120/HAA 3653)*. On file at OPRHP, Waterford, NY, Cultural Resource Information System, <http://cris.parks.ny.gov>

Munsell Color

- 2000 *Munsell Soil Color Charts*. GretagMacbeth, New Windsor, New York.

New York Archaeological Council (NYAC)

- 1994 *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State*. NYAC, n.p.

Office of Parks, Recreation and Historic Preservation (OPRHP)

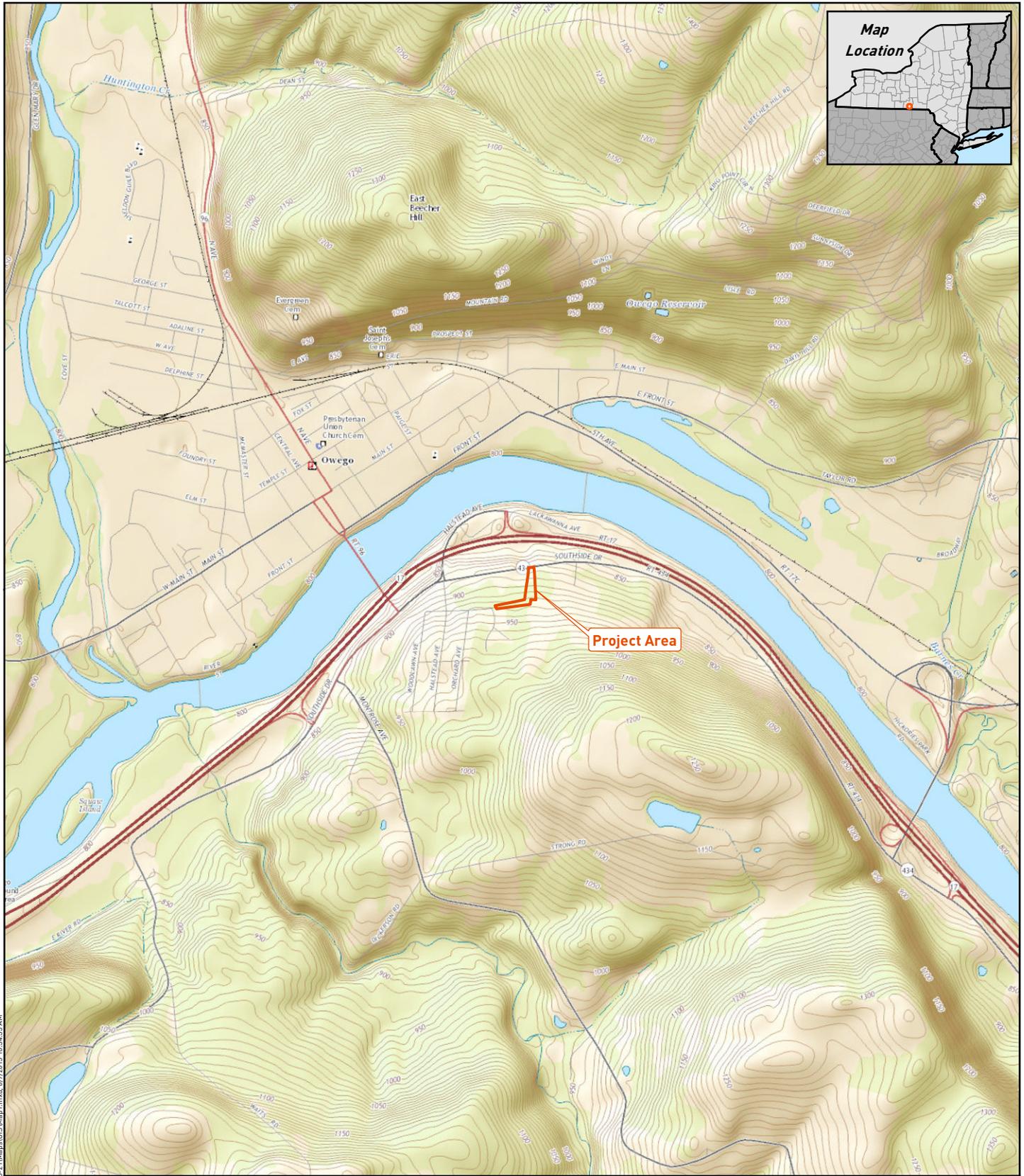
- 2005 *New York State Historic Preservation Office (SHPO) Phase I Archeological Report Requirements*. OPRHP, Waterford, New York.

United States Geological Survey (USGS)

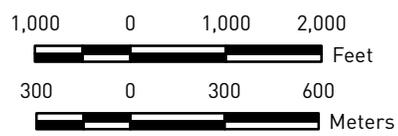
- 2015 USGS The National Map Topo Base Map - Large Scale. USGSTopo (MapServer), The National Map Seamless Server, USGS, Sioux Falls, South Dakota, <http://services.nationalmap.gov/arcgis/rest/services/USGSTopoLarge/MapServer>.

Maps

Tioga County IDA, Owego Gardens, Village and Town of Owego, Tioga County, New York
 Phase IB Archeological Field Reconnaissance



R:\Active Projects\1875 Tioga E-Site\GIS\Map1.mxd, 6/7/2015 10:34:35 AM

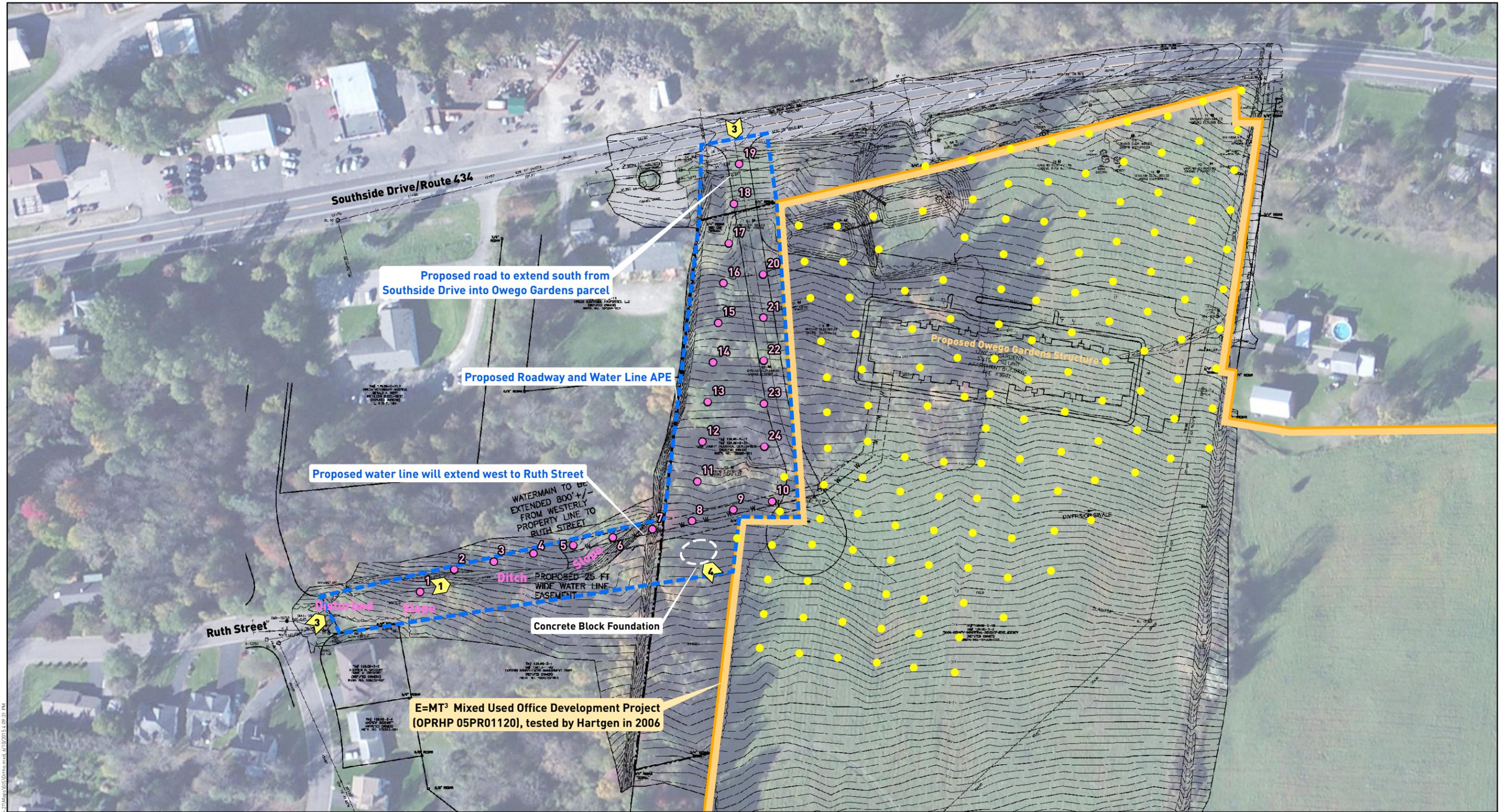


Note: Contour interval is 10 feet.

Project Location (USGS 2015)



Map 1



Proposed road to extend south from Southside Drive into Owego Gardens parcel

Proposed Roadway and Water Line APE

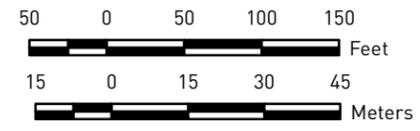
Proposed water line will extend west to Ruth Street

WATERMAIN TO BE EXTENDED 800' +/- FROM WESTERLY PROPERTY LINE TO RUTH STREET

Ditch PROPOSED 25 FT WIDE WATER LINE EASEMENT

Concrete Block Foundation

E=MT³ Mixed Used Office Development Project (OPRHP 05PR01120), tested by Hartgen in 2006



- Legend**
- Current Project Area
 - E=MT³ Mixed Used Office Development Project, tested by Hartgen in 2006

- Shovel Tests (Hartgen 2015)
- Shovel Tests (Hartgen 2006)
- Photo Angles

Project Map
 (Hartgen 2015;
 Delta 2015; Esri Inc. 2015)



R:\Active Projects\1679 Tioga E-Share\1679-21 Maps\GIS\Ortho.mxd 4/10/2015 4:09:31 PM

Photographs



Photo 1. View east of the small stream that extends through the southern portion of the project area.



Photo 2. View northeast of the dead end of Ruth Street at the west end of the project area. The wooded area just beyond the dead end was paved with sections old pavement.



Photo 3. View south of the northern end of the project area near Southside Drive. This area was disturbed.



Photo 4. View northwest of the concrete block foundation remains near the southeast corner of the project area.

Appendix 1: Shovel Test Records

487521: Phase IB Archeological Investigation, Tioga County IDA, Owego Gardens

Shovel Test Records

Test	Depth (cm)	Soil Type	Soil Inclusions	Munsell Color	Termination Reason
1	0 - 18	silty loam		10YR 3/6 dark yellowish brown	
	18 - 20	silty clay		10YR 5/6 yellowish brown	subsoil and rock
2	0 - 38	silty loam		10YR 4/4 dark yellowish brown	
	38 - 48	silty clay		10YR 5/4 yellowish brown	subsoil
3	0 - 24	silty loam		2.5Y 4/4 olive brown	
	24 - 33	silty loam		2.5Y 5/6 light olive brown	subsoil
4	0 - 26	silty loam		10YR 4/4 dark yellowish brown	
	26 - 36	silty clay		10YR 5/6 yellowish brown	subsoil
5	0 - 24	silty loam		2.5Y 4/4 olive brown	
	24 - 36	silty loam	shale	2.5Y 5/6 light olive brown	subsoil
6	0 - 32	silty loam		10YR 4/4 dark yellowish brown	
	32 - 42	silty clay		10YR 5/6 yellowish brown	subsoil
7	0 - 31	silty loam		10YR 4/3 brown	
	31 - 52	silty clay		10YR 4/6 dark yellowish brown	subsoil and water
8	0 - 31	silty loam		2.5Y 4/4 olive brown	
	31 - 44	silty loam	shale	2.5Y 5/6 light olive brown	subsoil
9	0 - 24	silty loam		2.5Y 3/2 very dark grayish brown	
	24 - 42	silty loam	shale	2.5Y 5/6 light olive brown	subsoil
10	0 - 28	silty loam		10YR 4/3 brown	
	28 - 38	silty clay		10YR 5/4 yellowish brown	subsoil
11	0 - 32	silty loam		10YR 4/3 brown	
	32 - 42	silty clay		10YR 5/4 yellowish brown	subsoil
12	0 - 24	silty loam		10YR 4/4 dark yellowish brown	
	24 - 34	silty clay		10YR 5/6 yellowish brown	subsoil
13	0 - 32	silty loam		10YR 3/3 dark brown	
	32 - 47	silty clay		10YR 6/6 brownish yellow	subsoil
14	0 - 31	silty loam		10YR 4/3 brown	
	31 - 41	silty clay		10YR 7/6 yellow	subsoil
15	0 - 30	silty loam		10YR 3/4 dark yellowish brown	
	30 - 40	silty clay		10YR 7/6 yellow	subsoil
16	0 - 34	silty loam		10YR 3/4 dark yellowish brown	
	34 - 44	silty clay		10YR 7/6 yellow	subsoil
17	0 - 27	clayey silt		2.5Y 5/1 gray	
	27 - 34	compact clay		2.5Y 6/8 olive yellow	subsoil

487521: Phase IB Archeological Investigation, Tioga County IDA, Owego Gardens

Shovel Test Records

Test	Depth (cm)	Soil Type	Soil Inclusions	Munsell Color	Termination Reason	
18	0 - 10	silty loam		10YR 4/4	dark yellowish brown	
	10 - 30	sandy silt		10YR 5/6	yellowish brown	fill
19	0 - 25	compact silt	fill and gravel	2.5Y 3/2	very dark grayish brown	
	25 - 35	silty loam		2.5Y 4/4	olive brown	
	35 - 41	silty loam		2.5Y 5/6	light olive brown	subsoil
20	0 - 34	silty loam		2.5Y 4/4	olive brown	
	34 - 46	silty loam	shale	2.5Y 5/6	light olive brown	subsoil
		silty loam	shale	2.5Y 6/4	light yellowish brown	subsoil
21	0 - 30	silty loam		2.5Y 4/4	olive brown	
	30 - 41	silty loam	shale	2.5Y 6/6	olive yellow	subsoil
22	0 - 25	silty loam		2.5Y 4/4	olive brown	
	25 - 45	silty loam		2.5Y 5/6	light olive brown	subsoil
23	0 - 32	silty loam		2.5Y 4/4	olive brown	
	32 - 45	silty loam	shale	2.5Y 5/4	light olive brown	subsoil
24	0 - 24	silty loam		2.5Y 3/3	dark olive brown	
	24 - 42	silty loam	shale	2.5Y 6/4	light yellowish brown	subsoil

Submission Status

Close

View and/or Address a Response

Project 15PR02281: Edgmere 55 housing development named Owego Gardens (CPU7GBCC53K3)

Please accept the following information below as the consolidated response from NYS SHPO for the above referenced submission.

Review Responses

Reviewer	Review Type	Response
Daniel Bagrow	Archaeology	In order for SHPO to complete our evaluation of the Archaeological sensitivity of your project, we need further information. Please review the specific information request(s) below and click the Process button to respond to each request.

Information Requests

Status	Reviewer	Review Type	Request Type	Request Entity	Request Item	Request Description
Information Requested	Daniel Bagrow	Archaeology	Request a New Attachment, Photo, or Survey for this Consultation Project		Survey	Based on the comparison of proposed work compared to the area that was previously tested for archaeological resources it appears that the roadway and water line are in areas that have not been tested. SHPO recommends a Phase 1B Archaeological Survey be completed for the areas that have not been tested.

Attachments

Attachment	Reviewer	Review Type	Type	Name	Description
No Attachment Records					



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

Bernadette Castro
Commissioner

September 26, 2006

Lee Ann Tinney
Tioga County Industrial Development Agency
County Office Building
56 Main Street
Owego, New York 13827

Re: CORPS, DEC
Mixed Use Office Park/
Construction Phase IA (8.25 a)
Town of Owego, Tioga County
05PR01120

Dear Ms. Tinney:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the Phase IB Cultural Resources Investigation Report, prepared by Hartgen Archeological Associates and dated January 2006, in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that Construction Phase IA (8.25) will have **No Effect** upon cultural resources in or eligible for inclusion in the National Registers of Historic Places. Please note that this clearance is only for Construction Phase IA. Phase IB archaeological investigation is still necessary for the remainder of the Mixed Use Office Park project area.

The SHPO appreciates the opportunity to comment on this information. It should be noted that further consultation with the SHPO will be necessary if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have. Please also refer to the PR# above in any future correspondences for this project.

Sincerely,

Nancy Herter
Historic Preservation Program Analyst,
Archaeology

cc. Bill Bouchard, Hartgen

APPENDIX I
SOLE SOURCE AQUIFER REVIEW

From: Jarman, Clifford <Clifford.Jarman@tetrattech.com>
Sent: Friday, July 31, 2015 2:15 PM
To: Gould, Stephen
Cc: Shirley, Lori (NYSHCR); Kaiser, Genevieve
Subject: Owego Sole Source Aquifer

The northern edge of the property is approximately 375 feet south of the floodplain. (The floodplain extends to the north side of State Route 17.)

PSEG is the official name of the company. At least that's what it said when I looked it up. PSE&G stands for Public Services Electric and Gas Company, which is part of PSEG (Public Services Enterprise Group).

Cliff Jarman | Senior Scientist / Project Manager
Tel: 512.244.2192 | Fax: 512.244.2192

Tetra Tech Inc.
1401 Lime Rock Drive | Round Rock, TX 78681

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From: Jarman, Clifford <Clifford.Jarman@tetrattech.com>
Sent: Wednesday, July 29, 2015 2:20 PM
To: Shirley, Lori (NYSHCR)
Cc: Kaiser, Genevieve; Fischl, Joseph; Bock, John
Subject: FW: Sole Source Aquifer documentation for Schenectady, 13 State Street

Cliff Jarman | Senior Scientist / Project Manager
Tel: 512.244.2192 | Fax: 512.244.2192

Tetra Tech Inc.
1401 Lime Rock Drive | Round Rock, TX 78681

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From: Gould, Stephen [<mailto:Gould.Stephen@epa.gov>]
Sent: Wednesday, July 29, 2015 12:42 PM
To: Jarman, Clifford <Clifford.Jarman@tetrattech.com>
Subject: RE: Sole Source Aquifer documentation for Schenectady, 13 State Street

Thanks again, Cliff. I should be able to complete my memo that goes upstairs to the NEPA reviewers.

From: Jarman, Clifford [<mailto:Clifford.Jarman@tetrattech.com>]
Sent: Wednesday, July 29, 2015 1:17 PM
To: Gould, Stephen
Cc: Shirley, Lori (NYSHCR)
Subject: RE: Sole Source Aquifer documentation for Schenectady, 13 State Street

The YMCA (former building occupant) had a fuel tank cleaned and closed in 2002. Soil sampling during this operation indicated that a spill had occurred. The spill was reported and received regulatory closure in June 2003.

Stephen,

An ESA Phase II concluded the 13 State Street property had been impacted by historic solvent use at the adjacent or nearby dry cleaner businesses. Sampling revealed the presence of tetrachloroethylene in the groundwater and carbon tetrachloride, tetrachloroethylene, and trichloroethylene in the soil vapor.

The Phase II report recommended that the project take measures to mitigate any impact to the sub-slab area of the building due to vapor intrusion. The applicant's project description included a commitment that the plans for redevelopment will include such measures.

Due to the presence of these solvents, and the location of the property within a high/moderate radon zone, GOSR has required the applicant provide description of, or architects certification of commitment to, mitigation measures for radon instruction and vapor intrusion from these solvents, before approval of the project.

Cliff

Cliff Jarman | Senior Scientist / Project Manager
Tel: 512.244.2192 | Fax: 512.244.2192

Tetra Tech Inc.
1401 Lime Rock Drive | Round Rock, TX 78681

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From: Gould, Stephen [<mailto:Gould.Stephen@epa.gov>]
Sent: Wednesday, July 29, 2015 9:52 AM
To: Jarman, Clifford <Clifford.Jarman@tetrattech.com>
Subject: RE: Sole Source Aquifer documentation for Schenectady, 13 State Street

Cliff,

Thank you for this information. Could you also send me a couple of sentences on 1) the decommissioning and extraction of the fuel storage tank(s) that took place in 2002--and DEC's approval of the remedial action taken after a leak occurred when the tank was removed and 2) on the nature of the contaminant(s) (besides radon) that is being addressed by venting or vapor-phase extraction, along with the naturally-occurring radon.

Steve

From: Jarman, Clifford [<mailto:Clifford.Jarman@tetrattech.com>]
Sent: Wednesday, July 29, 2015 10:19 AM
To: Gould, Stephen
Cc: Shirley, Lori (NYSHCR)
Subject: Sole Source Aquifer documentation for Schenectady, 13 State Street

Stephen,

I was able to confirm that the building uses and will continue to use natural gas for heating.

The following quote is from the applicant's project description

" Utilities

The site is currently served with all utilities including public water/sewer, electricity, gas and telephone. In the proposed project, tenants will be responsible for heat, hot water, sundry electric, and water/sewer."

Let me know if you have any more questions.

Cliff

Cliff Jarman | Senior Scientist / Project Manager
Tel: 512.244.2192 | Fax: 512.244.2192

Tetra Tech Inc.
1401 Lime Rock Drive | Round Rock, TX 78681

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Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

July 20 2015

Ms. Grace Musemeci
Chief of the Environmental Review Section
U.S. Environmental Protection Agency
Region 2 Main Regional Office
290 Broadway
New York, NY 10007-1866

RE: CDBG-DR Funding Application for Owego Gardens

Ms. Musemeci:

The New York State Governor's Office of Storm Recovery (GOSR) received a funding application for Owego Gardens, located in Owego, New York. The proposed project is located at 130A Southside Drive, Village of Owego, Town of Owego, Tioga County, New York (**Figure 1**). The project is situated on an approximately 6.28-acre portion of a larger 85-acre parcel owned by the Tioga County Industrial Development Agency (TCIDA). In August 2006, TCIDA completed a Generic Environmental Impact Statement (GEIS) for the "Tioga County Route 434 Mixed Use Office Park Project," which include the construction of a mix of light industrial, office, supportive retail, senior housing, a satellite health care facility, multi and single-family residential units, and a community park with walking trails to be built on currently undeveloped, commercially zoned land. The project will have a curvilinear central roadway traversing the site from North to South. Sidewalks will connect most uses within the site, link to parkland trails, and extend into adjacent communities.

Owego Gardens is the first component of the development to be scheduled for construction. The project involves the new construction of one three-story, wood-frame, linear-shaped building that will create 62 one and two-bedroom mixed-income rental apartments. The rental apartments will be targeted to seniors at or below 50-60 percent of Area Median Income (AMI). The project will provide affordable rental housing outside the floodplain in a market area that lost both rental and owner-occupied housing due effects of Hurricane Irene and Tropical Storm Lee in August and September 2011.

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), GOSR is acting under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds from the United States Department of Housing and Urban Development ("HUD") and is the entity responsible for compliance with the HUD NEPA environmental review procedures set forth in 24 C.F.R. Part 58. 24 C.F.R. Part 58 requires GOSR to review projects for conformance with the Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349) as amended, and Environmental Protection Agency ("EPA") regulations pertaining to Sole Source Aquifers found at 40 C.F.R. Part 149.

In accordance with the Memorandum of Understanding ("MOU") between EPA and HUD dated August 24, 1990, GOSR hereby requests an Initial Screen/Preliminary Review for the Owego Gardens project. Please review



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

the attached documentation, including Attachment 2.B and 3 to the MOU. Responses can be sent to me via email at Lori.Shirley@nyshcr.org. In accordance with the MOU, a non-response within fifteen days shall constitute a favorable review of the project/activity. If you have any questions, please call me at 474-0755.

Sincerely,

Lori A. Shirley
Community Developer, Environmental Services

Enclosures

ATTACHMENT 2.B

HOUSING/PROJECT INITIAL SCREEN CRITERIA

The following list of criteria questions are to be used as an initial screen to determine which **housing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For non-housing projects see Attachment 2.A). If any of the questions are answered affirmatively, Attachment 3, SSA Preliminary Review Requirements, should also be completed. The application/final statement, this Attachment, Attachment 3, and applicable project information than be forwarded to EPA at the address below.

Any project not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded. Contact EPA if you have any questions.

Chief, Environmental Impacts Branch
USEPA Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-1840

CRITERIA QUESTIONS:

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|---|------------|-----------|------------|
| 1. Is the project located within a currently designated or proposed ground water sensitive area such as a Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.? [This information can be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.] | <u>X</u> | ___ | ___ |
| 2. Is the project located within a one half mile radius (2640 feet) of a current or proposed public water supply well or wellfield? [This information can be obtained from the local health department, the State health department or the State environmental agency.] | ___ | <u>X</u> | ___ |
| 3. Is the total impervious surfaces greater than 75 percent? | ___ | <u>X</u> | ___ |
| 4. Is the project site greater than 30 acres? | ___ | <u>X</u> | ___ |

5. Will the project include or directly cause:
(check appropriate items)

- construction or expansion of water supply facilities greater than 1320 feet
- construction or expansion of on-site wastewater treatment plants
- construction or expansion of sewage trunk lines greater than 1320 feet
- construction or expansion of gas or petroleum trunk lines greater than 1320 feet

6. Will the project include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents?
(Assurances on construction sites)

5. Will the project include bulk storage of petroleum in underground or above ground tanks in excess of 10,000 gallons or permit verification?

8. Will the project require a federal or state pollutant discharge elimination permit or modification of an existing permit?

This attachment was completed by:

Name: Clifford Jarman

Title: Senior Environmental Scientist

Address: 1401 Lime Rock Dr.

Round Rock, TX 78681

Telephone number: 512-244-2192

Date: 07/17/15

ATTACHMENT 3

SSA PRELIMINARY REVIEW INFORMATION REQUIREMENTS

Where currently available, the information in this Attachment should be provided to the Environmental Protection Agency (see address below) along with the application/final statement; Attachment 2.A, Non-Housing Initial Screen Criteria or Attachment 2.B, Housing Initial Screen Criteria; and any other information which may be pertinent to a Sole Source Aquifer review. Where applicable, indicate the source of your information.

Chief, Environmental Impacts Branch
USEPA Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-1840

ENCLOSED
YES NO

I. Project/Activity Location

1. Provide the geographic location and total acreage of the project/activity site. Include a site location map which identifies the site in relation to the surrounding area. [Examples of maps which can be used include: 1:24,000 or 1:25,000 U.S. Geological Survey quadrangle sheet, Hagstroms Street Map.] X

2. If applicable, identify which groundwater sensitive areas (Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.) the project/activity is located within or adjacent to. [This information may be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.] X

II. Nature of Project/Activity

3. Provide a general narrative describing the project/activity including but not limited to: type of facility; type of activities to be conducted; number and type of units; number of residents etc. Provide the general layout of the project/activity site and a site-plan if available. X

III. Public Water Supply

4. Provide a description of plans to provide water supply. ___
5. Provide the location of nearby existing or proposed public water supply wells or wellfields within a one half mile radius (2640 feet) of the project/activity. Provide the name of the supplier(s) of those wells or wellfields. This information should be available from the local health department, State health department or the State environmental agency. ___ ___

V. Wastewater and Sewage Disposal

6. Provide a description of plans to handle wastewater and sewage disposal. If the project/activity is to be served by existing public sanitary sewers provide the name of the sewer district. ___
7. Provide a description of plans to handle storm water runoff. ___
8. Identify the location, design, size of any on-site recharge basins, dry wells, leaching fields, retention ponds etc. ___

This form was completed by:

Name: Clifford Jarman

Title: Senior Environmental Scientist

Address: 1401 Lime Rock Dr.

Round Rock, TX 78681

Telephone number: 512-244-2192

Date: 07/17/15

Owego Gardens

Project Location:

The proposed project is located at 130A Southside Drive, Village of Owego, Town of Owego, Tioga County, New York (**Figure 1**). The project is situated on an approximately 6.28-acre portion of a larger 85-acre parcel owned by the Tioga County Industrial Development Agency (TCIDA) (**Figure 2**). In August 2006, TCIDA completed a Generic Environmental Impact Statement (GEIS) for the “Tioga County Route 434 Mixed Use Office Park Project,” which include the construction of a mix of light industrial, office, supportive retail, senior housing, a satellite health care facility, multi and single-family residential units, and a community park with walking trails to be built on currently undeveloped, commercial zoned land (See **Figure 3**). The project will have a curvilinear central roadway traversing the site from North to South. Sidewalks will connect most uses within the site, link to parkland trails, and extend into adjacent communities.

Owego Gardens is the first component of the development to be scheduled for construction. The project involves the new construction of one three story, wood-frame, linear-shaped building that will create 62 one and two-bedroom mixed- income rental apartments. The project will target rental apartments for seniors with include at or below 50-60 percent of Area Median Income (AMI). The project will provide affordable rental housing outside the floodplain in a market area that lost rental and owned housing due to Tropical Storm Lee and Hurricane Sandy.

The Owego Gardens project site is located within the Clinton Street Ballpark Sole Source Aquifer (SSA) area. The project site is outside the 100-year floodplain based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

Adjacent properties include residential and wooded land, open fields and Southside Drive. To the north are wooded land and open fields, Southside Drive (State Route 434), the Southern Tier Expressway (State Route 17), Lackawanna Avenue, residential and wooded land, and the Susquehanna River. To the south are open fields and wooded land. To the east are residences, wooded land and open fields. To the west is wooded land, residential land and a veterinary office.

Project Description:

The Owego Gardens project includes the construction of a three-story residential apartment building and site work including accessing utilities, creating surface parking, and landscaping (**Figure 4**). The building would be set in from Southside Drive with an access road extending from Southside Drive to the southwest corner of the project. The municipality has elected to provide the access road and utilities for the project.

The Owego Gardens project would disturb the entire 6.28-acre site. The project site would be graded to accommodate improvements, landscaping, and an adjacent stormwater management facility. On-site parking spaces for residents only would be included in the design. Native vegetation will be planted for landscaping to control erosion and minimize water use.

The completed project would encompass the building with a footprint of approximately 22,300 square feet, a parking area of 30,600 square feet, and about 5,200 square feet of walks. This plan results in a total of approximately 1.33 acres of impervious surface, 21 percent of the total 6.28 acres.

Drainage and water removal systems including sump pumps and gravity-based drainage will be designed to accommodate all stormwater on the project site. A stormwater drainage pipe is proposed to extend along the northern property boundary to a stormwater management area at the northeast corner of the site (see **Figure 4**). The project will also include a naturalized creekbed with boulders, ponds and waterfalls. The creek will play a role in on-site stormwater management.

The project would receive water from United Water of Owego, via a water main from the adjacent residential development to the west, and sanitary sewer service would be provided by the Village of Owego Sewer Plant. No storm sewer exists along the project boundary.

A stormwater management plan would be part of the infrastructure design for the project. Stormwater management details are still to be determined, but the stormwater management system will be designed in compliance with the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity GP-0-15-002, and will be designed to address the stormwater from the project site as well as the adjacent access road being constructed to facilitate the housing project. Stormwater management for future development sites farther up the hill will be addressed on those respective sites.

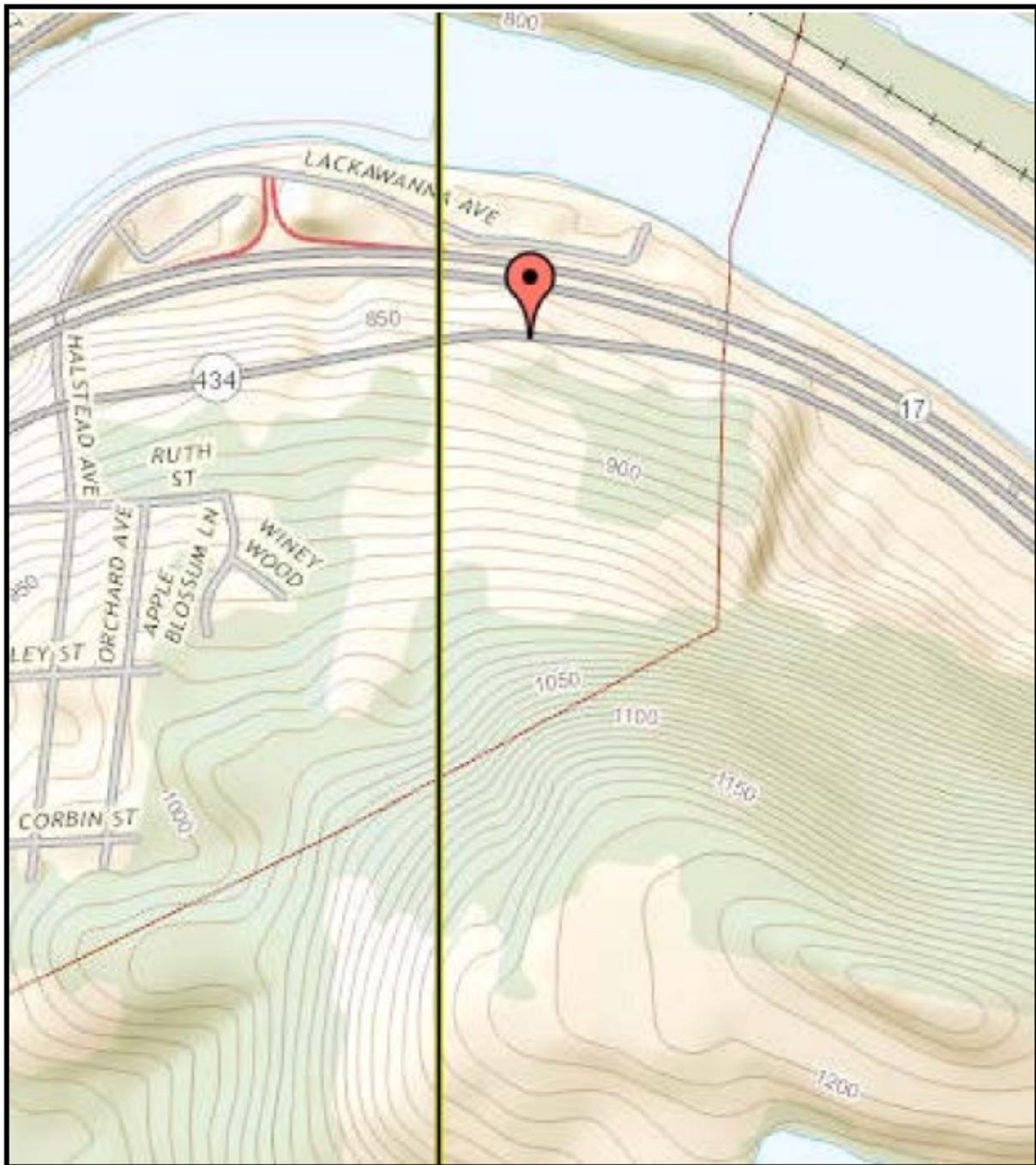


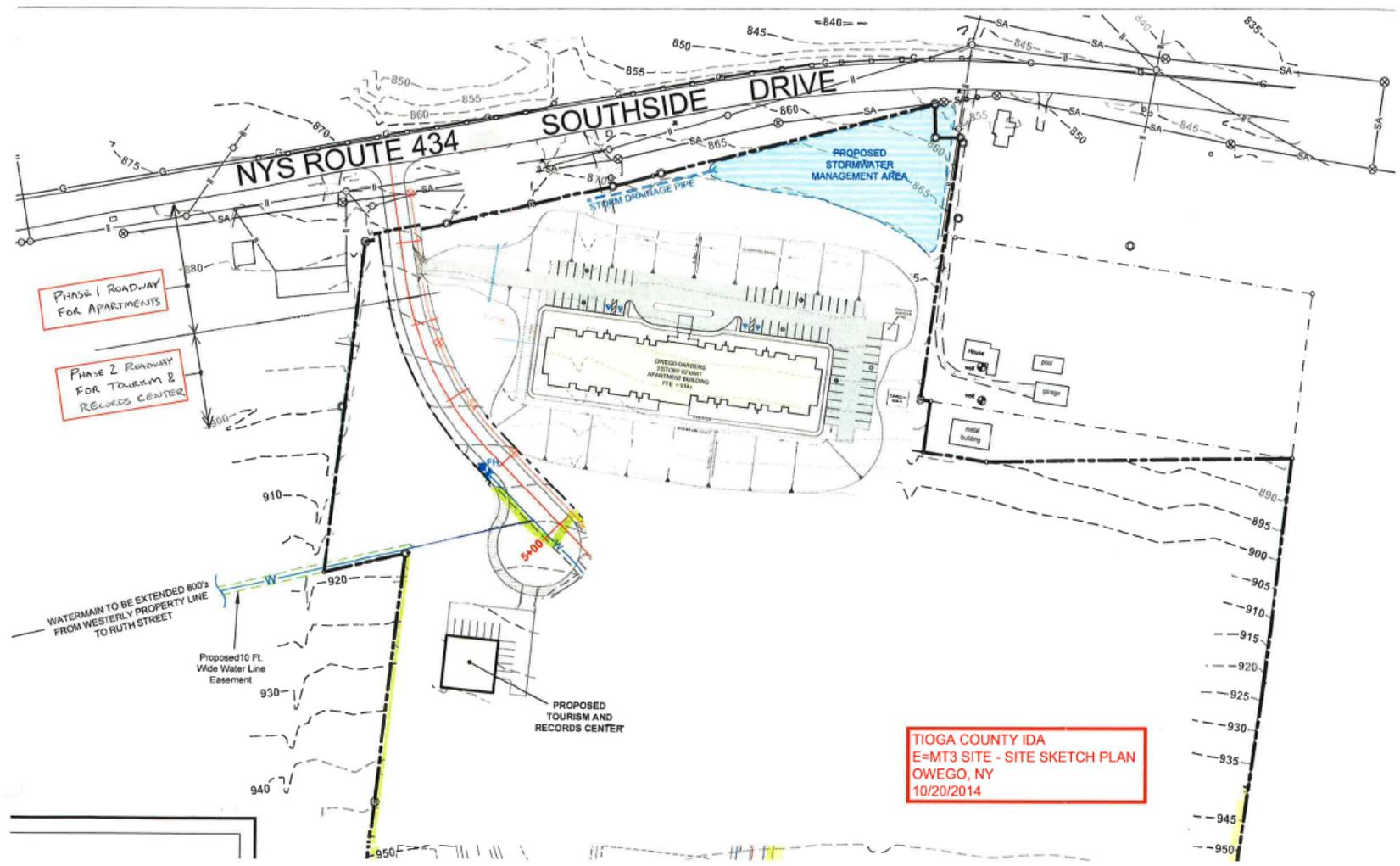
Figure 1 – Site Location



Figure 2 – Housing Project Portion of Overall Site



Figure 3 – Surrounding Area



TIOGA COUNTY IDA
 E=MT3 SITE - SITE SKETCH PLAN
 OWEGO, NY
 10/20/2014

Figure 4 - Site Plan

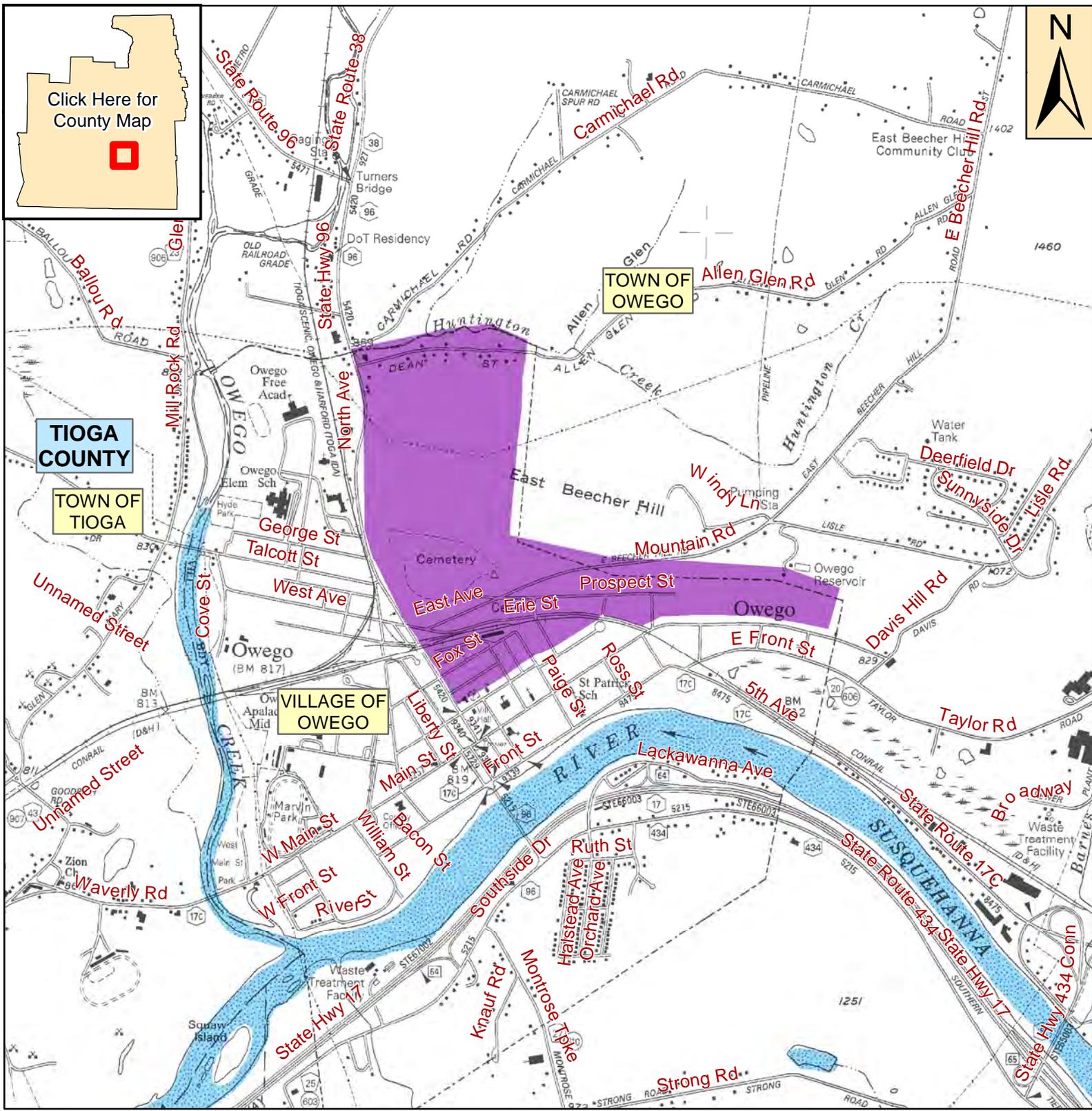
APPENDIX J
NWI WETLANDS MAP

Owego Gardens Project Site National Wetlands Inventory Map



APPENDIX K
POTENTIAL ENVIRONMENTAL JUSTICE AREAS

Potential Environmental Justice Areas in the Village of Owego Tioga County, New York



TIOGA COUNTY

TOWN OF TIOGA

VILLAGE OF OWEGO

TOWN OF OWEGO

Unnamed Street

Unnamed Street

Waverly Rd

State Hwy 17

Southside Dr

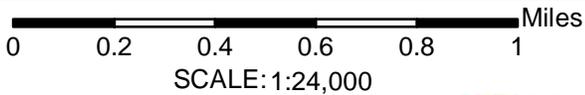
Strong Rd

This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

NYSDEC does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

- Legend**
- Potential EJ Area
 - County Boundary
 - Waterbodies



For questions about this map contact:
New York State Department of Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



APPENDIX L
LOCAL APPROVALS

DECISION OF THE PLANNING BOARD OF THE VILLAGE OF OWEGO

Applicant: Tioga County Industrial Development Agency

Subject Property: Tioga County IDA E-Site
Route 434
Owego, New York

The Tioga County IDA (hereinafter “Applicant”) filed an application with the Planning Board of the Village of Owego requesting a subdivision of property located at the Tioga County IDA E-Site, Route 434, Owego, New York (the “Property”), pursuant to Chapter 175 of the Village of Owego Code.

BACKGROUND

The Applicant’s subdivision plan seeks to create a 6.28 acre lot, together with a roadway, easement, and utilities, as depicted on a subdivision plan entitled “Subdivision No. 1 of the Lands of Tioga County Industrial Development Agency,” dated June 11, 2013, as amended. The subdivision is submitted in connection with a proposal by Home Leasing, LLC for the Owego Gardens Senior Apartments project. The Applicant is seeking two subdivision variances/modifications pursuant to Section 175-22 with respect to the roadway and the performance and maintenance bonds.

The Planning Board held a public hearing on June 24, 2015 and the hearing was continued to July 14, 2015 when it was closed. All interested parties had an opportunity to attend and speak at the hearing.

DECISION

A. SEQR

The Property was the subject of a Final Environmental Generic Impact Statement issued by the Tioga County IDA in September 2006, pursuant to the State Environmental Quality Review Act. On July 1, 2015, the IDA reviewed the FGEIS and determined that it adequately addresses all of the potential significant adverse impacts of the proposed senior housing project and no supplemental EIS is necessary.

B. Subdivision Decision

The Planning Board determined that the Applicant’s proposed plan satisfies the performance standards in Chapter 175 of the Village Code, subject to the following conditions and variances/modifications:

Condition 1: The Applicant has stated its future intention to develop the remainder of the un-subdivided parcel for mixed use purposes. There are no immediate plans for such

development. As such, the Planning Board hereby approves the proposed roadway in accordance with the design standards for a “Minor Street” pursuant to Section 175-10.K (Table 1) on condition that the Tioga County IDA shall be responsible for the full cost of upgrading the roadway to a “Collector Street” should any future development be proposed for the E-Site property. The Applicant has stated its agreement to this condition.

Condition 2: The Applicant shall alter the right-of-way on the subdivision plan to follow the existing property line on the northwest corner of Lot 1. The Planning Board shall not endorse the Subdivision Plan until such alteration is complete. The Applicant has stated its agreement to this condition.

Variance/Modification 1: The Applicant has requested a variance/modification with regard to the requirement in Section 175-11.H, which states that “Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 2% grades for a distance of 50 feet measured from the nearest right-of-way line of the intersecting street.” The Applicant has provided sufficient proof demonstrating that because of the width of the right-of-way for Route 434 and the topography of the lot, a variance/modification shall be granted from Section 175-11.H. The Planning Board accepts the design set forth in sheet C301 of the subdivision plans, dated July 14, 2015, as modified.

Variance/Modification 2: The Applicant has requested a variance/modification with regard to the performance and maintenance bond requirements of Section 175-19 (B) and (C). The Planning Board grants said modification/variance on the condition that the Applicant require the contractor to provide performance and maintenance bonds in accordance with Section 175-19 (B) and (C) prior to the commencement of the project construction, that the Village of Owego be named as an obligee on said bonds, that the Tioga County IDA also be named as an obligee, and that the Tioga County IDA assume the primary responsibility for enforcing said bonds to ensure construction of the project as presented. The Applicant has stated its agreement to these conditions.

This Decision represents the final decision by the Planning Board. The application, the plans, correspondence, meeting minutes and other documents received by the Planning Board at the hearing shall constitute the official record of this matter.

This Decision has been duly filed
in the Office of the Clerk of the Planning Board
on July __, 2015

Shirley, Lori (NYSHCR)

Subject: FW: Owego Gardens

From: Robert H. McKertich [<mailto:RMcKertich@cglawoffices.com>]
Sent: Wednesday, August 12, 2015 1:00 PM
To: Stephanie Benson
Cc: kevin millar (kjmilow@yahoo.com)
Subject: RE: Owego Gardens

Stephanie:

I serve as the Attorney for the Village of Owego. This is to confirm that on August 11, 2015, the Village Planning Board voted to approve the site plan for the Owego Gardens project. In addition, the Village Zoning Board of Appeals approved an area variance for the building height, an area variance for the location of the parking lot, and a special use permit for the project.

Bob

Robert H. McKertich | Partner
COUGHLIN & GERHART, LLP
99 Corporate Drive | Binghamton, NY 13904
P.O. Box 2039 | Binghamton, NY 13902-2039
Tel: 607.723.9511
Fax: 607.723.1530 | Toll Free: 1.877.COUGHLIN
rmckertich@cglawoffices.com | www.cglawoffices.com

From: Stephanie Benson [<mailto:Stephanie@edgemere.com>]
Sent: Wednesday, August 12, 2015 12:47 PM
To: Robert H. McKertich
Subject: Owego Gardens

Hello Bob,

Thanks for your assistance last night. Is it possible for you to provide an email confirmation of the approvals by Planning Board and ZBA last night so I can forward to the State? I'm sure the minutes won't be done for at least a couple of days and they are going to credit committee early next week. Thanks.

2015 Greece Chamber of Commerce New Construction of a Large Project: Gardens at Town Center
2015 Preservation Association of Central New York's Preservation Merit Award: Seaway Lofts
2014 Reshaping Rochester Regional Community Design Center Award for Urban Innovation: West Main Street and State Street (Frederick Douglass, Voters Block, and Mills at High Falls I and II)
2012 NYSAFAH Award for Excellence Historic Preservation Project of the Year: Voters Block Community
2012 ALA Mayor's Award for Urban Design; ALA Citation Award: Mills at High Falls Annex
2012 Preservation League of NYS Excellence in Historic Preservation Award: Mills at High Falls Annex
2011 Urban League of Rochester Business Service Award
2010 NHRA Excellence in Historic Rehabilitation Award for Most Advanced Financial Structure - Apts @ The Belmont
2010 Preservation League of NYS Award for Excellence in Historic Rehabilitation: Apts@ The Belmont

Celebrating 15 years of creating affordable housing for the future.

VILLAGE OF OWEGO

**NOTICE OF
PUBLIC HEARING**

TAKE NOTICE that a public hearing will be held by the Planning Board and the Zoning Board of the Village of Owego on August 11, 2015 commencing at 6:00 P.M. and 7:00 P.M. respectively at 20 Elm Street, Owego, New York regarding:

An application by Home Leasing LLC seeking a Site Plan Review Approval, Special Use Permit and Area Variances regarding the building height and parking for the proposed project at 130 Southside Drive in the Village of Owego, New York.

Notice is further given that the environmental significance, if any, of the application will be reviewed incident to, and as a part of, said public hearing. Any person shall have an opportunity to be heard upon said proposed application, a copy of which is available for review at the Village Department of Public Works. Handicapped persons, who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Dated: July 21, 2015

Village of Owego
20 Elm Street
Owego, New York 13827



tel: 607 687 8255
fax: 607 687 1435
info@developtioga.com

July 16, 2015

Anita Harding
Village of Owego Planning and Zoning Secretary
20 Elm Street
Owego NY 13827

Stephanie Benson (on behalf of)
Home Leasing, LLC
180 Clinton Square
Rochester NY 14604

RE: County Case # 2015-010
Special Use Permit, Area Variances
and Site Plan Review

Village of Owego
Local Case No. SP-PB 2015-3-SUP
and 4 AV A&B
Owego Gardens

Pursuant to Article 12B, Section 239m of NYS General Municipal Law, the Tioga County Planning Board has reviewed the cited case at their July 15th meeting and provided a finding and voted unanimously for recommendation of **Approval of Your Area Variances, Special Use Permit and Site Plan Review.** It is therefore requested that the appropriate Village of Owego Board(s) consider the information presented in the attached document, "Staff Analysis and Recommendation, Section 239 Review", plus other documentation materials, when rendering a decision on this case.

Please notify this office of your Board's decision.

Sincerely,

Elaine D. Jardine
County Planning Director

CC: David Chase, Delta Engineers

File:239/2015-010N

Meeting Minutes 7/14/15

Attendees:

The meeting opened at 6:10 pm with the applicant discussing the subdivision plans of the Sr. housing complex, which were shown and explained. The following concerns were addressed:

62 Units with 50 being 1 bedroom and 12 being 2 bedroom apartments.

Sound proofing

Firewalls

Handicap accessibility

Mike from IDA discussed the perimeters of the complex

64 parking spaces

Fire access

lighting

storm water mgmt

landscaping

traffic flow

Motion was made by Heinz to approve the subdivision plan with the condition that IDA will pay for any future upgrade of the roadway to collector street standards, there was a second to the motion made by Donna Gibbson and the rest of the board voted unanimously to approve.

Motion was made by Donna Kuhns to approve a variance from Sections 175-19 B and C, provided that the applicant obtain performance bond and maintenance bond; that the village is named as an obligee on both bonds, and the IDA shall be the principle enforcer of the bonds to ensure construction of the project. The board voted unanimously to approve.

Motion was made by Donna Gibbson to approve the variance as requested in section 175-11H in accordance with C301 dated 7/14/15. There was a second by Donna Kuhns and the rest of the board voted unanimously to approve.

Motion was made by Donna Gibbson with the condition that the applicant alter the right of way to follow existing property line on the NW corner of lot 1. There was a second by Donna Kuhns and the rest of the board voted unanimously to approve.

Motion was made by Donna Kuhns to recommend that the zoning board approve the special use permit, approve an area variance to allow the height of the building to be 42.5 feet, and approve an area variance for the surface parking location to allow parking in the front and at the side of the building. A second was made by Donna Gibbson and the rest of the board voted unanimously to approve.

The meeting was adjourned at 8:30

Jared Kord
7/14/15

Received 7/15/15 Arik Hudo

DECISION OF THE PLANNING BOARD OF THE VILLAGE OF OWEGO

Applicant: Tioga County Industrial Development Agency

Subject Property: Tioga County IDA E-Site
Route 434
Owego, New York

The Tioga County IDA (hereinafter “Applicant”) filed an application with the Planning Board of the Village of Owego requesting a subdivision of property located at the Tioga County IDA E-Site, Route 434, Owego, New York (the “Property”), pursuant to Chapter 175 of the Village of Owego Code.

BACKGROUND

The Applicant’s subdivision plan seeks to create a 6.28 acre lot, together with a roadway, easement, and utilities, as depicted on a subdivision plan entitled “Subdivision No. 1 of the Lands of Tioga County Industrial Development Agency,” dated June 11, 2013, as amended. The subdivision is submitted in connection with a proposal by Home Leasing, LLC for the Owego Gardens Senior Apartments project. The Applicant is seeking two subdivision variances/modifications pursuant to Section 175-22 with respect to the roadway and the performance and maintenance bonds.

The Planning Board held a public hearing on June 24, 2015 and the hearing was continued to July 14, 2015 when it was closed. All interested parties had an opportunity to attend and speak at the hearing.

DECISION

A. SEQR

The Property was the subject of a Final Environmental Generic Impact Statement issued by the Tioga County IDA in September 2006, pursuant to the State Environmental Quality Review Act. On July 1, 2015, the IDA reviewed the FGEIS and determined that it adequately addresses all of the potential significant adverse impacts of the proposed senior housing project and no supplemental EIS is necessary.

B. Subdivision Decision

The Planning Board determined that the Applicant’s proposed plan satisfies the performance standards in Chapter 175 of the Village Code, subject to the following conditions and variances/modifications:

Condition 1: The Applicant has stated its future intention to develop the remainder of the un-subdivided parcel for mixed use purposes. There are no immediate plans for such

development. As such, the Planning Board hereby approves the proposed roadway in accordance with the design standards for a "Minor Street" pursuant to Section 175-10.K (Table 1) on condition that the Tioga County IDA shall be responsible for the full cost of upgrading the roadway to a "Collector Street" should any future development be proposed for the E-Site property. The Applicant has stated its agreement to this condition.

Condition 2: The Applicant shall alter the right-of-way on the subdivision plan to follow the existing property line on the northwest corner of Lot 1. The Planning Board shall not endorse the Subdivision Plan until such alteration is complete. The Applicant has stated its agreement to this condition.

Variance/Modification 1: The Applicant has requested a variance/modification with regard to the requirement in Section 175-11.H, which states that "Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 2% grades for a distance of 50 feet measured from the nearest right-of-way line of the intersecting street." The Applicant has provided sufficient proof demonstrating that because of the width of the right-of-way for Route 434 and the topography of the lot, a variance/modification shall be granted from Section 175-11.H. The Planning Board accepts the design set forth in sheet C301 of the subdivision plans, dated July 14, 2015, as modified.

Variance/Modification 2: The Applicant has requested a variance/modification with regard to the performance and maintenance bond requirements of Section 175-19 (B) and (C). The Planning Board grants said modification/variance on the condition that the Applicant require the contractor to provide performance and maintenance bonds in accordance with Section 175-19 (B) and (C) prior to the commencement of the project construction, that the Village of Owego be named as an obligee on said bonds, that the Tioga County IDA also be named as an obligee, and that the Tioga County IDA assume the primary responsibility for enforcing said bonds to ensure construction of the project as presented. The Applicant has stated its agreement to these conditions.

This Decision represents the final decision by the Planning Board. The application, the plans, correspondence, meeting minutes and other documents received by the Planning Board at the hearing shall constitute the official record of this matter.

This Decision has been duly filed
in the Office of the Clerk of the Planning Board
on July 24, 2015

Sandi Kurel
7/24/15

Received 7/27/15
Attending

[Print](#)[Close](#)

Planning Board Minutes 8/11/2015

From: **Trudi Koral** (tckoral@yahoo.com)
Sent: Wed 8/12/15 1:43 PM
To: Village of Owego (owegodpw@hotmail.com)

Hi Anita, these are the minutes from last nights meeting.

Planning Board meeting held on Tuesday, August 11, 2015 at 6:10 p.m.

Attendees:

Donna Gibson
Heinz Hoffmann
Donna Kuhns
Trudi Koral
Mayor Millar
Trustee Hartman
Village Attorney Robert McKertich
Several representatives of the applicant

The meeting was opened with the board discussing the Site Plan Review Application submitted by Home Leasing LLC for the proposed multiple unit dwelling project at 130 Southside Drive in the Village of Owego.

The board discussed the conditions/modifications that were required in the Planning Board's July 11, 2015 approval of the subdivision plan, including:

1. The IDA will pay for any future upgrade of roadway to collector street standards if there is further site development.
2. The applicant obtain performance bond and maintenance bond, that the village is named obligee on both bonds and the IDA shall be the principle enforcer of the bonds.
3. Applicant altered right of way to follow existing property line on NW corner of lot 1
4. Applicant granted a variance/modification for the slope of the roadway as it approaches Route 434.

All of those conditions were imposed by the Board during its previous subdivision review.

The applicant assured the Board that the lighting for the project will be a downward illumination to avoid any glaring into the neighboring land. That plan is included as part of the site plan application.

Motion was made by Donna Kuhns to approve the Site Plan for the proposed multiple unit dwelling project at 130 Southside Drive in the Village of Owego, NY.

A 2nd to the motion was made by Heinz Hoffman

All board members voted in favor, the motion was passed 4-0.

The Planning Board discussed the Village of Owego Local Law 5 of 2015-Rezoning of 128.16-1-8 (Southside Drive) from Industrial to R3. The discussion included that this change is consistent with the character of the neighborhood and the Village planning documents.

Motion was made by Heinz Hoffman to recommend approval of the re-zoning of the Southside parcel (128.16-1-8) to R3 from Industrial

A 2nd to the motion was made by Donna Gibson

All board members voted in favor, the motion was passed 4-0.

Judi Konec

8/11/15

Received 8/12/15

Antonia



tel: 607 687 8255
fax: 607 687 1435
info@developtioga.com

July 6, 2015

Anita Harding
Village of Owego Planning Board and ZBA Secretary
20 Elm Street
Owego NY 13827

Home Leasing, LLC
180 Clinton Square
Rochester NY 14604

RE: County Case # 2015-010 Local Case No. SP-PB-2015-3-SUP and
4 AV A&B
Area Variances, SUP, SPR Owego Gardens senior apartment complex

This letter acknowledges your referral of the Application identified above for review and comment by the Tioga County Planning Department pursuant to §239 -l and -m of the New York State General Municipal Law.

Pursuant to Article 12B, Section 239 of NYS General Municipal Law, the County Planning Board has thirty (30) days from the date of receipt to review this matter and to make a recommendation. This case was received on July 2nd, 2015.

The application will be addressed by the Tioga County Planning Board at its next regular meeting to be held on **Wednesday, July 15th, 2015 at 7:00 PM** in the Legislative Conference Room of the Tioga County Office Building, 56 Main Street, Owego, NY.

We *strongly encourage* that the applicant and/or his legal representatives attend this meeting as the Planning Board's action is significantly affected by the applicant's ability to respond to questions that arise. Failure to attend could result in further delay if the Board does not have all information needed to make a recommendation. Please contact this office in advance with your attendance plans and to request directions, if needed.

Sincerely,

Elaine D. Jardine
County Planning Director
(607) 687-8257

Cc: David Chase, Delta Engineers
File:239/2015-0091

FOUNDED 1787

Village of Owego

20 Elm Street

Owego, New York 13827



Office of the Mayor
Village Clerk/Treas.
FAX
Sewer Dept.
FAX

607/687-1710
607/687-3555
607/687-1787
607/687-2282
607/687-2344

Village Police Dept.
FAX
Dept. of Public Works/Code
FAX
Village Garage

607/687-2233
607/687-2235
607/687-1101
607/687-1062
607/687-1221

VILLAGE OF OWEGO NOTICE OF PUBLIC HEARING

TAKE NOTICE that a public hearing will be held by the Planning Board of the Village of Owego on Tuesday, July 14, 2015 commencing at 6:00 p.m. at 20 Elm Street, Owego, New York regarding:

An application by Home Leasing, LLC for a Site Plan Review regarding the proposed Owego Gardens Senior Apartments project. This development is proposed for construction on Lot 1 to be subdivided from the Tioga County Industrial Development Agency property at 130A Southside Drive (Route 434) in the Village of Owego.

Notice is further given that the environmental significance, if any, of the application will be reviewed incident to, and as a part of, said public hearing. Any person shall have an opportunity to be heard upon said proposed application, a copy of which is available for review at the Village Department of Public Works. Handicapped persons who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Dated: July 6, 2015

Superintendent of Public Works
Village of Owego
20 Elm Street
Owego, New York 13827



Tel: 607 687 8255
Fax: 607 687 1435
developtioga.com
tiogacountyny.com

TIOGA COUNTY DEPT OF ECONOMIC DEVELOPMENT & PLANNING
STAFF ANALYSIS AND RECOMMENDATIONS
SECTION 239 REVIEW

COUNTY CASE: #2015-010

VILLAGE OF OWEGO CASE: SP-PB-2015-3-SUP, SP-PB-2015-4-AV-A&B

APPLICANT: Delta Engineers, on behalf of Home Leasing, LLC

DATE RECEIVED: 7/2/2015

REQUEST: AREA VARIANCES, SPECIAL USE PERMIT, SITE PLAN REVIEW

LOCATION: 130 Southside Dr., subdivided from Tax Map Number 129.09-2-18.00

ZONING: Office Park (OP)

General Information: The applicant is requesting two area variances, a special use permit and site plan review approval for their Owego Gardens senior housing project, to be located on the yet to be subdivided 6.28 acre parcel at 130 Southside Drive. This is the first implementation project to be located on the Tioga County IDA's mixed use site, which has been marketed for development since 2006. The project includes construction of 65,477 square foot, 3-story apartment complex with 62 units of 1 and 2-bedroom apartments, plus parking and all other accoutrements. The pitched roof of the building measures 45 ½ feet high, and the apartment complex will be hooked into Village of Owego sewer system and United Water Owego drinking water system. Area variances are needed for building height and parking, and in the future, signage. The applicant has sent a traffic analysis to NYS DOT Region 9 and DOT had no concerns regarding traffic generation related to this specific project.

Home Leasing, LLC has provided staff pictures of an identical apartment complex project they recently developed called Gananda Gardens in Walworth, NY. This provides very good visual information on how they intend to have the Owego Gardens project look when it is complete.

Please see attached narrative for further details.

ANALYSIS:

Local Zoning Code:

Charter and Code of the Village of Owego
Chapter 195
ZONING

Article V. Board of Appeals

§ 195-21. Authority to grant special use permits.

The Board of Appeals shall have the authority to issue special permits for any of the uses for which this chapter requires the obtaining of such permits from the Board of Appeals or for the extension of a building or use as such existed at the time of the passage of the ordinance from which the provisions of this chapter are derived into a contiguous more-restricted district for a distance not exceeding 30 feet, but not for any other use or purpose.

§ 195-22. Restrictions on granting of special use permits.

- A. No special use permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any condition that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
- B. The Board of Appeals after public notice and hearing and on application, may issue a special permit for any use specified in Article VII of this chapter, provided that such special permit use complies with the general standards set forth as follows:
 - (1) Each special permit use must comply with the regulations of this chapter for the district within which it is to be located.
 - (2) Each special permit use shall be of such character, intensity, size and location that it will be in harmony with the orderly development of the district in which it is to be located.
 - (3) Each special permit use may be located only in the district or districts permitted for such special permit use.
- C. In issuing a special permit, the Board shall impose any conditions which it deems necessary (e.g., wall fencing and landscaping) to protect the value of adjacent properties and provide for the orderly development of the surrounding area. The Board shall deny application for a special permit which, in its judgment, is not in accordance with the general standards established in this section and which would prove detrimental to adjacent properties.

§ 195-23. Authority to grant variances.

The Board of Appeals shall have the authority to vary or adapt the strict application of any of the requirements of this chapter, especially in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

§ 195-24. Restrictions on granting of variances.

No variance in the strict application of any provision of this chapter shall be granted by the Board of Appeals unless it finds that:

- A. There are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building.
- B. For reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum that will accomplish this purpose.
- C. The granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Article XIA. OP Districts
[Added 1-17-2006 by L.L. No. 1-2006]

§ 195-75.1. Applicable provisions.

§ 195-75.1. Applicable provisions. In OP Districts, the regulations of this article shall apply.

§ 195-75.3. Uses permitted by special use permit.

The following uses may be permitted by the Board of Appeals upon the granting of a special use permit, provided that the Board receives sufficient evidence to indicate that the proposed use will not materially harm adjacent property nor comprise a nuisance to the health, safety or welfare of the community. The Board may impose such conditions and safeguards as may be deemed necessary to protect and conserve adjacent property and to maintain the character of the district, as provided in Article VIII of this chapter.

- A. Indoor and outdoor recreational facilities.
- B. In-service training school for employees, provided that such use is incidental to one of the principal uses.
- C. Quarters for a caretaker or for security.
- D. Nursery schools or day care centers
- E. Manufacturing and assembly line operations in which accessory research and development activities occur.
- F. Multiple dwellings up to 100 dwelling units.

§ 195-75.5. Building height regulations.

In an OP District, no building shall be erected or altered so as to exceed three stories or 35 feet in height.

§ 195-75.6. Lot area and width requirements.

In an OP District, the lot area shall be not less than 43,560 square feet, and the lot width and depth shall be not less than 100 feet.

§ 195-75.7. Maximum lot coverage.

In an OP District, all buildings, including accessory structures, shall not cover more than 40% of the lot area.

§ 195-75.8. Yard requirements.

In an OP District, each lot shall have front, side and rear yards of not less than the following dimensions:

- A. Front yard: 15 feet.
- B. Each side yard: 15 feet.
- C. Rear yard: 10% of the depth of the lot, but not less than 15 feet.

§ 195-75.10. General requirements.

In an OP District, the following regulations also apply:

- A. Grading. The grade level of the lot and all proposed structures shall be oriented for safe pedestrian access.
- B. Building size. Building sizes shall range from 5,000 to 100,000 square feet and must comply with all lot setbacks, screening and facade requirements.
- C. Open space. At least 30% of the lot shall be devoted to usable open space, including the parking area.
- D. Greenbelt. A greenbelt planting screen is required between the main service road and the planned facility.

- E. Parking shall be provided as prescribed in Article XVIII, Supplemental District Regulations, § 195-112, Offstreet parking requirements, of this chapter. In addition, all parking lots must feature landscaped islands, and surface parking shall be in the rear of the building.
- F. Off-street loading. Off-street loading shall be provided as prescribed in Article XVIII, Supplemental District Regulations, § 195-113, Off-street loading requirements of this chapter. In addition, loading and unloading is confined to on-site areas. All loading and unloading areas shall be shielded from view from the main roadways.
- G. Equipment. All equipment, electrical substations, and mechanical devices shall be shielded from view from the main roadways.
- H. Utilities. All electric, telephone, telecommunications, and other service lines shall be underground and comply with local codes.
- I. Signs. Signage in an OP District shall be the same as permitted in R4 Districts as set forth in Article XVIII, Supplemental District Regulations, § 195-114, Billboard and display signs, of this chapter.
- J. Lighting. Site lighting shall be of a design and height located only to illuminate the lot. All external light sources shall be designed to direct glare away from adjacent streets, properties, and the sky. No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or long-term duration.
- K. Facade requirements. Recommended facade materials include common brick, special masonry units, natural stone, wood, beige, or multitone EFIS (exterior insulation finish systems). Facade materials such as imitation brick siding, bare masonry units, metal, and asphalt shall be prohibited.

§ 195-114. Billboard and display signs.

- F. R4 Districts. Within R4 Districts, advertising signs or structures shall be permitted and such sign or structure shall in all respects strictly comply with the following: [Added 5-20-1996 by L.L. No. 2-1996]
 - (1) Size. Such signs shall not exceed nine square feet.
 - (2) Quantity.
 - (a) Only one single-faced or double-faced advertising sign structure shall be permitted on each parcel.
 - (3) Lighting.
 - (a) No neon lighting of any kind shall be permitted.
 - (b) External lighting of a sign shall conform to the following:
 - (i) Such lighting shall be located in such a manner so as not to be in the same line of vision as traffic-control signals, if any, and no red, green or amber illumination shall be permitted.
 - (ii) Such lighting shall be nonflashing, indirect or diffused.
 - (iii) Such lighting shall be so constructed so that the illumination shall not shine or reflect light into adjacent properties.

§ 195-139. Site plan review.

All permitted uses in zoning districts defined under the Village zoning code as Article XIV, Article CB Districts, Article XV, CBA Districts, Article XVI, B Districts, Article XVII, I Districts, and Article XXI, High-

Density/Mixed- Use Overlay District and Article XHIA, OP Districts, shall require site plan approval by the Planning Board and shall have prior site plan review and approval before a building permit is issued for the alteration or construction of any building. The site plan and required related drawing shall first be submitted by an applicant or agent thereof to the Code Enforcement Officer of the Village. Upon full review for sufficiency and completeness of the application by the Code Enforcement Officer, the application shall be submitted to the Village Planning Board and shall be reviewed in accordance with the following procedures and standards and shall be subject to a public hearing.

- A. Site plan approval. The Planning Board shall review the site plan and supporting data and shall hold a public hearing within 62 days of submittal before approval or approval with stated conditions is given, and shall take into consideration the following objectives:
- (1) Harmonious relationship between proposed uses and existing adjacent uses.
 - (2) Maximum safety of vehicular circulation between the site and the street network.
 - (3) Maximum adequacy of interior circulation, parking and loading facilities with particular attention to vehicular and pedestrian safety.
 - (4) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection to an adjacent residential district. Should changes or additional facilities be required by the Planning Board, final approval of the site plan shall be conditional upon the satisfactory compliance by the applicant to the changes or addition. An applicant wishing to make changes to an approved site plan shall submit a revised site plan to the Planning Board for review and approval before making application for a building permit.

Area Variance Considerations:

According to NYS Law, an area variance request does not have to pass all 5 tests in order for a ZBA to grant the variance.

Required Determinations for Area Variances: Staff answers to questions are below. Please see attached sheets for applicant answers to both the building height and parking area variances.

Building Height

- 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the variance?**

Since the entire site is currently vacant, the building itself will be a change. However, this building will be at the bottom of the mixed use site, which slopes upward from Route 434, therefore should not pose any issues with blocking views from buildings located above it.

- 2. Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than an area variance?**

Not without more impacts. The financial model called for 62 apartments, and if those apartments are not located on a third level, the building footprint would have to increase, causing probable need for area variances to the yard setbacks, particularly the side yards.

- 3. Is the area variance substantial?**

No, the building height at 42 ½ feet represents a 21% increase from the 35 feet high regulation.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

No. There are residences directly to the east and various commercial uses to the west on Southside Drive. This apartment complex is a suitable transition use, and again the small increase in building height at the bottom of the hillside should not block views from future buildings locating on the mixed-use site above this apartment building.

5. Was the alleged difficulty self-created? (... which consideration shall be relevant to the decision but not necessarily preclude the granting of the area variance).

Yes, the applicant was aware of the 35 foot building height requirement when they made application. However this project is being funded through CDBG Disaster Recovery, which illustrates that this project as a whole is of tremendous public benefit and will get many people out of living in the floodplain. The small area variance required for the visual appeal of pitched roof is nominal compared to the public benefit this project provides.

Parking

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the variance?

Since the entire site is currently vacant, the building itself will be a change. But as can be seen in the attached pictures, the grade of the lot alone will be configured so most of the parking area and cars in the front can hardly be seen from State Route 434. Additionally, the Landscape Site Plan shows there will be trees and other landscaping planted in front of the parking area, further buffering the parking area and cars from view.

2. Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than an area variance?

Yes, the applicant could comply with the zoning regulations of having all surface parking to the rear of any buildings, but applicant states that the topography of the site does not fit with the regulations. Putting the parking area in the rear of the apartment building would require building construction on the downside of the hill, thus constructed on fill instead of native ground. This would substantially increase the cost of building's structural footings and require an additional rear retaining wall.

3. Is the area variance substantial?

Yes, it is a 100% variance request as it is directly contrary to the Village of Owego regulations .

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

No. There are residences directly to the east and various commercial uses directly to the west on Southside Drive. This apartment complex is a suitable transition use, and again the grade and additional landscaping should be effective buffers to keep visibility to a minimum from Southside Drive.

5. Was the alleged difficulty self-created? (... which consideration shall be relevant to the decision but not necessarily preclude the granting of the area variance).

Yes, the applicant was aware of the parking requirement when they made application. However this project is being funded through CDBG Disaster Recovery, which illustrates that this project as a

whole is of tremendous public benefit and will get many people out of living in the floodplain. The area variance required for having the parking in front of the building is nominal compared to the public benefit this project provides.

Comments: This project provides a substantial public benefit to the Village of Owego community, and Tioga County as a whole, as it will develop quality, ample and safe housing for seniors out of the floodplain. This is the only site within the Village that will accommodate this type of project. It is a very good example of resiliency planning and implementation since it is located out of the floodplain. Additionally, this site has been planned for mixed use development, of which was included higher density residences and senior housing, for about a decade. This is the first implementation project of the Tioga County IDA's vision for the site. The Village of Owego also has planned for mixed uses on this site in their recently updated 2013 Comprehensive Plan.

This high-density residential use at the bottom of the hill offers a good transition from the single family homes directly to the east, to the commercial uses located west of the site along Southside Drive. As can be seen by the identical project pictures, the developer has experience producing aesthetically pleasing apartment complexes. This addition will make this neighborhood vibrant.

Conditions:

1. That the applicant obtain all required federal, state and local permits, licenses, registrations, and approvals.
2. The Village of Owego Planning Board approves the subdivision proposal for this project.

RECOMMENDATION: After thorough consideration of the above, Staff advises the County Planning Board recommend **APPROVAL of the Area Variances, Special Use Permit and Site Plan Review.**

Tioga County Industrial Development Agency

56 Main Street

Owego, NY 13827

Wednesday, July 1, 2015, 5:30 p.m.

Minutes

1. **Call to Order and Introductions** – the meeting was called to order by the Chair, R. Kelsey at 5:30 p.m.

2. **Attendance**

A. IDA Board Members

1. Roll Call: R. Kelsey, R. Case, T. Monell and K. Gillette

a. Absent:

b. Excused: K. Dougherty, A. Gowan

B. Guests: L. Tinney, J. Meagher, C. Haskell, R. Fiato

3. **Privilege of the Floor - None**

4. **Project Updates**

A. Nichols Cross Dock, LLC

1. Results from the public hearing - There was no opposition for the project. Ms. Tinney, Tioga County Director of Economic Development & Planning explained the benefits requested by Nichols Cross Dock, LLC. Ms. Tinney also read letters of support from the Town of Nichols Supervisor, Mr. Kevin Engelbert and Ms. Martha Sauerbrey, Chair of the Tioga County Legislature. Ms. Tinney noted that Dr. William Russell, Superintendent of Owego Apalachin School District will be sending a letter of support. Ms. Tinney also noted that she attended all board meetings of the effective municipalities to explain the project and benefits being requested by Nichols Cross Dock, LLC. Mr. Charles Wallace, President of VIP Structures gave a brief statement and thanked the TCIDA and Ms. Tinney for their assistance and consideration of the project. No other public comment was made.

2. Resolution finalizing the preliminary inducement resolution for a certain commercial project for Nichols Cross Dock, LLC (the "Company"), authorizing the execution and delivery of certain documents with respect to the project, and declaring that the project constitutes an "unlisted action" that will not have a "significant effect on the environment." (T. Monell/R. Case)

Aye: 4

Abstained: 0

Nay: 0

Carried

B. Lockheed Martin Closing – Ms. Tinney spoke with Mr. Tony Rosemarino from Lockheed Martin; Mr. Rosemarino stated that we should be seeing the executed documents and administration fee soon.

5. **Correspondence - none**

6. **Approval of Minutes (T. Monell/K. Gillette)**

Aye: 4

Abstained: 0

Nay: 0

Carried

7. Financial Report

A. Reports

1. Balance Sheet
2. Profit & Loss
3. Transaction Detail
4. 2nd Quarter Report – Operating Income vs Operating Expense

Motion to acknowledge the financial statements (K. Gillette/R. Case)

Aye: 4	Abstained: 0
Nay: 0	Carried

8. Affirm Email Poll – Affirm the resolution for the IDA to sponsor an ad with the Legislative Gazette in the amount of \$1582.40 (the IDA & ED&P will split the cost equally, \$791.20 each)

Motion for the IDA to sponsor an ad with the Legislative Gazette in the amount of \$1582.40 (the IDA & ED&P will split the cost equally, \$791.20 each)(K. Gillette/R. Case)

Aye: 4	Abstained: 0
Nay: 0	Carried

9. E-Site Development Project Update

1. Update - Progress of Delta Engineers' Design Project

- a. Village of Owego Subdivision Application – submitted on 6/24/2015. Per David Chase from Delta, the road design is tentatively scheduled to be completed by July 14, 2015. The subdivision process is on-going. United Water and the Health Department will need to approve the design of the waterline extension prior to construction.
- b. Owego Gardens – FGEIS Review

Motion for the lead agency, Tioga County IDA, has reviewed the final generic environmental impact statement (FGEIS) and determined that it adequately addresses all the potential significant adverse impacts of the subsequently proposed Owego Gardens development project, and therefore no supplemental EIS is necessary. (T. Monell/K. Gillette)

Aye: 4	Abstained: 0
Nay: 0	Carried

- c. E-Site Design Project Income & Expense Spreadsheet – The income/expense spreadsheet was provided to the board.

2. Waterline Easement Update - Shumaker will provide an easement map and description for Agency Counsel to prepare easement agreement. Per David Chase from Delta, this step isn't critical at this time and can be addressed in the near future.
3. Owego Gardens - Local Approvals Timeline – The timetable was provided to the board.
4. CFA Update – Mr. Bryant Myers, Economic Specialist for ED&P is working on a CFA on behalf of the IDA for the cost of the water system at the E-Site. Mr. Myers will be ready to submit the application under the ESD Capital Grant and is requesting a grant reimbursement of 40% but not less than 20% of the total project cost of approximately \$1.2M.

5. Discussion - \$800,000 STREDC Loan – Nothing to discuss at this time

On June 30, 2015, Ms. Alison Hunt from Congressman Reed's office facilitated a meeting between United Water, TC ED&P and the IDA. Ms. Teresa Saraceno, Deputy Director of ED&P and Ms. Fiato attended a meeting with Mr. Matt Mahoney, Mr. Bill Madden, Mr. Jeff VanWagenen from United Water along with Ms. Alison Hunt from Congressman Reed's office to discuss United Water installing a water tank at the E-Site to assist in development of the site. United Water will pull together an estimate for the cost to construct the water tank and how this will affect its current customers. The United Water representatives recommended that ED&P and the IDA have a conversation with any of the big water users to discuss the

development of the E-Site and how a rate increase would impact them. If United Water were to request a rate increase, they would have to bring it in front of the public service commission for approval. From United Water's perspective, it's important to have support from the larger user in the community. Ms. Tinney will follow-up with the representatives from United Water as well as Ms. Hunt from Congressman Reed's office.

- 10.** A. Public Authority Accountability Act
 1. Audit Committee Report (A. Gowan, R. Kelsey, K. Dougherty) – Sent a RFP for auditing services on 6/18/2015 – Waiting for responses back.
 2. Governance Committee Report (R. Kelsey, A. Gowan, K. Dougherty)
 - a. Discussion - Expand the number of board members from seven (7) to nine (9) – Cannot expand the number of board members unless there is special state legislation from New York State.
 - b. Discussion – Proposed new board member – Ms. Tinney will present Ms. Jan Nolis to the Tioga County Economic Development Legislative Committee to fill the open seat on the IDA Board of Directors.
 3. Finance Committee Report (R. Kelsey, A. Gowan, K. Gillette) - Renew two CDs at .45% for 12 months

11. PILOT Updates

- A. Nothing to report at this time

12. Report

- A. Railroads
 1. Committee Report (T. Monell, W. Caloroso, R. Case, K. Gillette)
- B. Loan Program
 1. IRP 4 Loan Request – Charles Cornell – The loan request was tabled until additional information can be obtained
 2. Façade Loan Request – Ike Lovelass, 13 Lake Street, Owego
Ike Lovelass - Loan Request for \$25,119
Motion to recommend the loan request from Ike Lovelass in the amount of \$25,119 with the following terms/conditions (K. Gillette/T. Monell; R. Kelsey abstained) Ms. Fiato will email Mr. Gowan and Mr. Dougherty to confirm their approval or denial for the loan and affirm at the next board meeting.
 - Maximum of \$25,119 at 0% fixed for six (6) years (\$348.88/month)
 - Loan funds will be used to reimburse for 90% of cost for exterior renovations to include windows/doors, install of new sign, repointing of brick, painting and wood and masonry repairs
 - Unconditional Personal guarantee of Ike and Julie Lovelass
 - Key person life insurance on Ike and Julie Lovelass, at least in the amount of the outstanding debt and assigned to the Tioga County Industrial Development Agency shall be provided. A provision can be made for the insurance to decline as the loan is repaid, retaining an insured amount on the policy equal to the amount of the declining loan balance
 - Collateral includes 2nd co-security interest on the real property located at 13 Lake Street, Owego, NY
 - All applicable local, state and federal requirements to apply
 3. Loan Funds Availability – Ms. Fiato advised the board there is \$619,660 of funds available to loan out
 4. Advertisement of IDA & Commercial Façade Loan Programs– Ms. Fiato advertised the Commercial Façade & IDA Loan Programs in the Greater Valley Chamber of Commerce

Newsletter. The loan committee recommended that Ms. Fiato email the small business banking lenders on a bi-monthly schedule to remind them of the IDA and Commercial Façade Loan Programs.

13. Motion to move into Executive Session pursuant to Public Officers Law Section 105

Motion to move into Executive Session at 6:00 p.m. pursuant to Public Officers Law Section 105 (R. Case/T. Monell)

Exit Executive Session at 6:40 p.m. (T. Monell/R. Case)

Resolution to approve Larson Design Group to apply on behalf of Tioga County IDA for the wastewater system upgrade at the Hunt Creek Road- Lounsberry south site with funding from the 2015 NY State Empire State Development Funds (T. Monell/R. Case)

Aye: 4

Abstained: 0

Nay: 0

Carried

Approve a Contract from Hartgen Archeological Associates to complete a Phase 1A & B Archeological Study on the Lounsberry South Property (Tax Map #149.00-1-46) for a lump sum of \$700 to complete the report and submit to SHPO to get determination letter.

Motion to affirm expenditure in the amount of \$700 from Hartgen Archeological Associates (K. Gillette/T. Monell)

Aye: 4

Abstained: 0

Nay: 0

Carried

14. Next Meeting – Wednesday, August 5, 2015

15. Adjourned - R. Kelsey adjourned the meeting at 6:45 p.m. (K. Gillette/T. Monell)

Attachments:

June DRAFT Minutes

June Financial Report

2nd Quarter Report – Operating Income vs Operating Expense

Owego Gardens Local Approvals Timeline

E-Site Statement of Findings

E-Site Final Generic Environmental Impact Statement

E-Site Design Project Income & Design Spreadsheet

Nichols Cross Dock, LLC Full Environmental Assessment Form

EXECUTIVE SESSION MEETING MINUTES
Tioga County Industrial Development Agency

Date: 7/1/2015

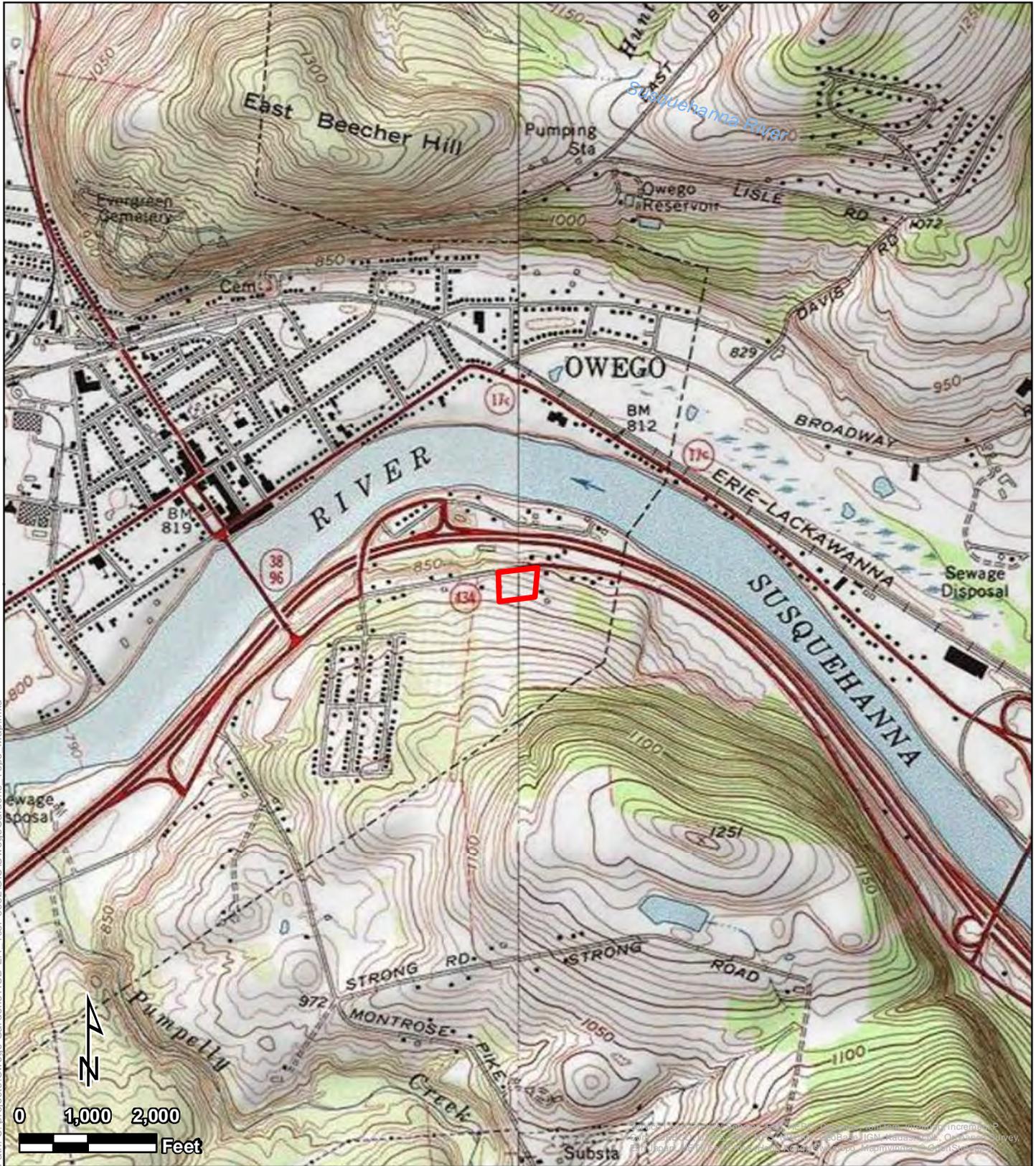
Time: 6:00 p.m.

On a motion of Board Member Case, seconded by Board Member Monell, the Board of Directors went into Executive Session to discuss:

1. Financial matters of a particular person(s)

Motion to Exit Executive Session at 6:40 p.m.

APPENDIX M
TOPOGRAPHIC MAP



Path: C:\projects\Owego Gardens\HUD_EA_103P\3652\GIS\OwegoGardens_Topo_Map.mxd

Topographic Map

Owego Gardens Project
 Village of Owego, Tioga County, New York

Legend
 Owego Gardens

APPENDIX N
SOLID WASTE



Re: Solid Waste/Recycling Opportunities at Owego Gardens

To Whom It May Concern,

The Owego Garden's management team will utilize Taylor Garbage Service for Garbage and Recycling needs at Owego Gardens. We will provide recycling receptacles in every trash room to ensure residents are given every opportunity to recycle items such as bottles, cans, plastic, paper, ect. The community will also utilize recycling opportunities to dispose of appropriate maintenance materials, and any other waste the community may incur.

Thank you,

A handwritten signature in blue ink, appearing to read "Sarah Hunt", is written over the typed name.

Sarah Hunt
Director of Property Management

TAYLOR GARBAGE SERVICE, INC.

P.O. BOX 362
VESTAL, NEW YORK 13851
607-797-5277 • FAX 607-798-7233



July 14, 2015

Home Leasing
180 Clinton Square
Rochester, NY 14604

Re: Southside Drive Owego Project

Dear Tony:

Taylor Garbage Service is a full service waste management company. We offer full menu of waste services and container sizes in Tioga County for the Southside Drive Project. Taylor Garbage is a LEEDS certified waste hauler.

Taylor Garbage Service offers dumpster service, construction roll off containers in many sizes as well as residential curb service pick-up. We service over 40,000 customers in the Broome, Tioga and Chemung Counties as well as service into northern PA.

Taylor Garbage Service has a state-of-the-art recycling sorting center located in Apalachin, New York which allows us to offer single stream No Sort recycling service.

The trash and/or construction waste would be taken to the Chemung County Landfill and the recycling would be taken to Southern Tier Recyclers our sort facility in Apalachin, NY.

Please feel free to contact me directly if you have any further questions. I look forward to working with you on your upcoming project.

Sincerely;

A handwritten signature in black ink that reads "Dennis Ede". The signature is written in a cursive style with a large initial 'D'.

Dennis Ede
Taylor Garbage Service
607 759-4830
Email: dennis@taylorgarbage.com

From: Jardine, Elaine [JardineE@co.tioga.ny.us]
Sent: Thursday, July 09, 2015 2:39 PM
To: Tinney, Lee Ann; Stephanie Benson
Cc: Saraceno, Teresa; Fiato, Ruth; Myers, Bryant; Pratt, Ellen
Subject: RE: GOSR letter

Stephanie-

Q7 Answer: The garbage and recycling will be collected through a contract with Taylor. They will either use roll carts or single stream recycling dumpsters - they will have a garbage dumpster and recycling dumpster. Taylor's waste goes to the Chemung County Landfill. Contact information is below.

Taylor Garbage Services, Inc.
3051 Old Vestal Road
Vestal NY 13850
(607) 797-5277

Chemung County Landfill
1488 County Route 60
Lowman NY 14861
(607) 737-2980

Regards -
Elaine D. Jardine
Tioga County Planning Director

From: Tinney, Lee Ann
Sent: Thursday, July 09, 2015 12:10 PM
To: Stephanie Benson (Stephanie@edgemere.com)
Cc: Jardine, Elaine; Saraceno, Teresa; Fiato, Ruth; Myers, Bryant
Subject: GOSR letter

Stephanie-

In response to your email regarding the GOSR letter:

#5 I have attached resources on NYS's Smart Growth Public Infrastructure Policy which we hope will be of use to you when completing the form. In general, all utilities and infrastructure are either nearby or adjacent to the project site. Also, this project provides a resiliency benefit by locating residential units out of FEMA's designated Special Flood Hazard Area, which is the only available location within the Village of Owego that offers this benefit.

#7- Ellen Pratt, is working on providing this information to you. I will check with her on the status.

#8- I believe Teresa already sent you this information

#11

#14- I believe Elaine already provided you with maps on these

#15- I think Teresa gave this info to Tony in your organization

Please let me know if you do not agree with this.
Thanks.
LT

LeeAnn Tinney
Tioga County Economic Development and Planning
56 Main Street
Owego NY 13827
P (607) 687-8254
F (607) 687-1435
TinneyL@co.tioga.ny.us

APPENDIX O
SEWER AND WATER



Tel: 607 687 8255
Fax: 607 687 1435
developtioga.com
tiogacountyny.com

TIOGA COUNTY DEPT OF ECONOMIC DEVELOPMENT & PLANNING
STAFF ANALYSIS AND RECOMMENDATIONS
SECTION 239 REVIEW

COUNTY CASE: #2015-010

VILLAGE OF OWEGO CASE: SP-PB-2015-3-SUP, SP-PB-2015-4-AV-A&B

APPLICANT: Delta Engineers, on behalf of Home Leasing, LLC

DATE RECEIVED: 7/2/2015

REQUEST: AREA VARIANCES, SPECIAL USE PERMIT, SITE PLAN REVIEW

LOCATION: 130 Southside Dr., subdivided from Tax Map Number 129.09-2-18.00

ZONING: Office Park (OP)

General Information: The applicant is requesting two area variances, a special use permit and site plan review approval for their Owego Gardens senior housing project, to be located on the yet to be subdivided 6.28 acre parcel at 130 Southside Drive. This is the first implementation project to be located on the Tioga County IDA's mixed use site, which has been marketed for development since 2006. The project includes construction of 65,477 square foot, 3-story apartment complex with 62 units of 1 and 2-bedroom apartments, plus parking and all other accoutrements. The pitched roof of the building measures 45 ½ feet high, and the apartment complex will be hooked into Village of Owego sewer system and United Water Owego drinking water system. Area variances are needed for building height and parking, and in the future, signage. The applicant has sent a traffic analysis to NYS DOT Region 9 and DOT had no concerns regarding traffic generation related to this specific project.

Home Leasing, LLC has provided staff pictures of an identical apartment complex project they recently developed called Gananda Gardens in Walworth, NY. This provides very good visual information on how they intend to have the Owego Gardens project look when it is complete.

Please see attached narrative for further details.

ANALYSIS:

Local Zoning Code:

Charter and Code of the Village of Owego
Chapter 195
ZONING

Article V. Board of Appeals

§ 195-21. Authority to grant special use permits.

The Board of Appeals shall have the authority to issue special permits for any of the uses for which this chapter requires the obtaining of such permits from the Board of Appeals or for the extension of a building or use as such existed at the time of the passage of the ordinance from which the provisions of this chapter are derived into a contiguous more-restricted district for a distance not exceeding 30 feet, but not for any other use or purpose.

§ 195-22. Restrictions on granting of special use permits.

- A. No special use permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any condition that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
- B. The Board of Appeals after public notice and hearing and on application, may issue a special permit for any use specified in Article VII of this chapter, provided that such special permit use complies with the general standards set forth as follows:
 - (1) Each special permit use must comply with the regulations of this chapter for the district within which it is to be located.
 - (2) Each special permit use shall be of such character, intensity, size and location that it will be in harmony with the orderly development of the district in which it is to be located.
 - (3) Each special permit use may be located only in the district or districts permitted for such special permit use.
- C. In issuing a special permit, the Board shall impose any conditions which it deems necessary (e.g., wall fencing and landscaping) to protect the value of adjacent properties and provide for the orderly development of the surrounding area. The Board shall deny application for a special permit which, in its judgment, is not in accordance with the general standards established in this section and which would prove detrimental to adjacent properties.

§ 195-23. Authority to grant variances.

The Board of Appeals shall have the authority to vary or adapt the strict application of any of the requirements of this chapter, especially in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

§ 195-24. Restrictions on granting of variances.

No variance in the strict application of any provision of this chapter shall be granted by the Board of Appeals unless it finds that:

- A. There are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building.
- B. For reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum that will accomplish this purpose.
- C. The granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Article XIIA. OP Districts
[Added 1-17-2006 by L.L. No. 1-2006]

§ 195-75.1. Applicable provisions.

§ 195-75.1. Applicable provisions. In OP Districts, the regulations of this article shall apply.

§ 195-75.3. Uses permitted by special use permit.

The following uses may be permitted by the Board of Appeals upon the granting of a special use permit, provided that the Board receives sufficient evidence to indicate that the proposed use will not materially harm adjacent property nor comprise a nuisance to the health, safety or welfare of the community. The Board may impose such conditions and safeguards as may be deemed necessary to protect and conserve adjacent property and to maintain the character of the district, as provided in Article VIII of this chapter.

- A. Indoor and outdoor recreational facilities.
- B. In-service training school for employees, provided that such use is incidental to one of the principal uses.
- C. Quarters for a caretaker or for security.
- D. Nursery schools or day care centers
- E. Manufacturing and assembly line operations in which accessory research and development activities occur.
- F. Multiple dwellings up to 100 dwelling units.

§ 195-75.5. Building height regulations.

In an OP District, no building shall be erected or altered so as to exceed three stories or 35 feet in height.

§ 195-75.6. Lot area and width requirements.

In an OP District, the lot area shall be not less than 43,560 square feet, and the lot width and depth shall be not less than 100 feet.

§ 195-75.7. Maximum lot coverage.

In an OP District, all buildings, including accessory structures, shall not cover more than 40% of the lot area.

§ 195-75.8. Yard requirements.

In an OP District, each lot shall have front, side and rear yards of not less than the following dimensions:

- A. Front yard: 15 feet.
- B. Each side yard: 15 feet.
- C. Rear yard: 10% of the depth of the lot, but not less than 15 feet.

§ 195-75.10. General requirements.

In an OP District, the following regulations also apply:

- A. Grading. The grade level of the lot and all proposed structures shall be oriented for safe pedestrian access.
- B. Building size. Building sizes shall range from 5,000 to 100,000 square feet and must comply with all lot setbacks, screening and facade requirements.
- C. Open space. At least 30% of the lot shall be devoted to usable open space, including the parking area.
- D. Greenbelt. A greenbelt planting screen is required between the main service road and the planned facility.

- E. Parking shall be provided as prescribed in Article XVIII, Supplemental District Regulations, § 195-112, Offstreet parking requirements, of this chapter. In addition, all parking lots must feature landscaped islands, and surface parking shall be in the rear of the building.
- F. Off-street loading. Off-street loading shall be provided as prescribed in Article XVIII, Supplemental District Regulations, § 195-113, Off-street loading requirements of this chapter. In addition, loading and unloading is confined to on-site areas. All loading and unloading areas shall be shielded from view from the main roadways.
- G. Equipment. All equipment, electrical substations, and mechanical devices shall be shielded from view from the main roadways.
- H. Utilities. All electric, telephone, telecommunications, and other service lines shall be underground and comply with local codes.
- I. Signs. Signage in an OP District shall be the same as permitted in R4 Districts as set forth in Article XVIII, Supplemental District Regulations, § 195-114, Billboard and display signs, of this chapter.
- J. Lighting. Site lighting shall be of a design and height located only to illuminate the lot. All external light sources shall be designed to direct glare away from adjacent streets, properties, and the sky. No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or long-term duration.
- K. Facade requirements. Recommended facade materials include common brick, special masonry units, natural stone, wood, beige, or multitone EFIS (exterior insulation finish systems). Facade materials such as imitation brick siding, bare masonry units, metal, and asphalt shall be prohibited.

§ 195-114. Billboard and display signs.

- F. R4 Districts. Within R4 Districts, advertising signs or structures shall be permitted and such sign or structure shall in all respects strictly comply with the following: [Added 5-20-1996 by L.L. No. 2-1996]
 - (1) Size. Such signs shall not exceed nine square feet.
 - (2) Quantity.
 - (a) Only one single-faced or double-faced advertising sign structure shall be permitted on each parcel.
 - (3) Lighting.
 - (a) No neon lighting of any kind shall be permitted.
 - (b) External lighting of a sign shall conform to the following:
 - (i) Such lighting shall be located in such a manner so as not to be in the same line of vision as traffic-control signals, if any, and no red, green or amber illumination shall be permitted.
 - (ii) Such lighting shall be nonflashing, indirect or diffused.
 - (iii) Such lighting shall be so constructed so that the illumination shall not shine or reflect light into adjacent properties.

§ 195-139. Site plan review.

All permitted uses in zoning districts defined under the Village zoning code as Article XIV, Article CB Districts, Article XV, CBA Districts, Article XVI, B Districts, Article XVII, I Districts, and Article XXI, High-

Density/Mixed- Use Overlay District and Article XHIA, OP Districts, shall require site plan approval by the Planning Board and shall have prior site plan review and approval before a building permit is issued for the alteration or construction of any building. The site plan and required related drawing shall first be submitted by an applicant or agent thereof to the Code Enforcement Officer of the Village. Upon full review for sufficiency and completeness of the application by the Code Enforcement Officer, the application shall be submitted to the Village Planning Board and shall be reviewed in accordance with the following procedures and standards and shall be subject to a public hearing.

- A. Site plan approval. The Planning Board shall review the site plan and supporting data and shall hold a public hearing within 62 days of submittal before approval or approval with stated conditions is given, and shall take into consideration the following objectives:
- (1) Harmonious relationship between proposed uses and existing adjacent uses.
 - (2) Maximum safety of vehicular circulation between the site and the street network.
 - (3) Maximum adequacy of interior circulation, parking and loading facilities with particular attention to vehicular and pedestrian safety.
 - (4) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection to an adjacent residential district. Should changes or additional facilities be required by the Planning Board, final approval of the site plan shall be conditional upon the satisfactory compliance by the applicant to the changes or addition. An applicant wishing to make changes to an approved site plan shall submit a revised site plan to the Planning Board for review and approval before making application for a building permit.

Area Variance Considerations:

According to NYS Law, an area variance request does not have to pass all 5 tests in order for a ZBA to grant the variance.

Required Determinations for Area Variances: Staff answers to questions are below. Please see attached sheets for applicant answers to both the building height and parking area variances.

Building Height

- 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the variance?**

Since the entire site is currently vacant, the building itself will be a change. However, this building will be at the bottom of the mixed use site, which slopes upward from Route 434, therefore should not pose any issues with blocking views from buildings located above it.

- 2. Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than an area variance?**

Not without more impacts. The financial model called for 62 apartments, and if those apartments are not located on a third level, the building footprint would have to increase, causing probable need for area variances to the yard setbacks, particularly the side yards.

- 3. Is the area variance substantial?**

No, the building height at 42 ½ feet represents a 21% increase from the 35 feet high regulation.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

No. There are residences directly to the east and various commercial uses to the west on Southside Drive. This apartment complex is a suitable transition use, and again the small increase in building height at the bottom of the hillside should not block views from future buildings locating on the mixed-use site above this apartment building.

5. Was the alleged difficulty self-created? (... which consideration shall be relevant to the decision but not necessarily preclude the granting of the area variance).

Yes, the applicant was aware of the 35 foot building height requirement when they made application. However this project is being funded through CDBG Disaster Recovery, which illustrates that this project as a whole is of tremendous public benefit and will get many people out of living in the floodplain. The small area variance required for the visual appeal of pitched roof is nominal compared to the public benefit this project provides.

Parking

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the variance?

Since the entire site is currently vacant, the building itself will be a change. But as can be seen in the attached pictures, the grade of the lot alone will be configured so most of the parking area and cars in the front can hardly be seen from State Route 434. Additionally, the Landscape Site Plan shows there will be trees and other landscaping planted in front of the parking area, further buffering the parking area and cars from view.

2. Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than an area variance?

Yes, the applicant could comply with the zoning regulations of having all surface parking to the rear of any buildings, but applicant states that the topography of the site does not fit with the regulations. Putting the parking area in the rear of the apartment building would require building construction on the downside of the hill, thus constructed on fill instead of native ground. This would substantially increase the cost of building's structural footings and require an additional rear retaining wall.

3. Is the area variance substantial?

Yes, it is a 100% variance request as it is directly contrary to the Village of Owego regulations .

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

No. There are residences directly to the east and various commercial uses directly to the west on Southside Drive. This apartment complex is a suitable transition use, and again the grade and additional landscaping should be effective buffers to keep visibility to a minimum from Southside Drive.

5. Was the alleged difficulty self-created? (... which consideration shall be relevant to the decision but not necessarily preclude the granting of the area variance).

Yes, the applicant was aware of the parking requirement when they made application. However this project is being funded through CDBG Disaster Recovery, which illustrates that this project as a

whole is of tremendous public benefit and will get many people out of living in the floodplain. The area variance required for having the parking in front of the building is nominal compared to the public benefit this project provides.

Comments: This project provides a substantial public benefit to the Village of Owego community, and Tioga County as a whole, as it will develop quality, ample and safe housing for seniors out of the floodplain. This is the only site within the Village that will accommodate this type of project. It is a very good example of resiliency planning and implementation since it is located out of the floodplain. Additionally, this site has been planned for mixed use development, of which was included higher density residences and senior housing, for about a decade. This is the first implementation project of the Tioga County IDA's vision for the site. The Village of Owego also has planned for mixed uses on this site in their recently updated 2013 Comprehensive Plan.

This high-density residential use at the bottom of the hill offers a good transition from the single family homes directly to the east, to the commercial uses located west of the site along Southside Drive. As can be seen by the identical project pictures, the developer has experience producing aesthetically pleasing apartment complexes. This addition will make this neighborhood vibrant.

Conditions:

1. That the applicant obtain all required federal, state and local permits, licenses, registrations, and approvals.
2. The Village of Owego Planning Board approves the subdivision proposal for this project.

RECOMMENDATION: After thorough consideration of the above, Staff advises the County Planning Board recommend **APPROVAL of the Area Variances, Special Use Permit and Site Plan Review.**

Kaiser, Genevieve

From: Kaiser, Genevieve
Sent: Thursday, September 10, 2015 4:09 PM
To: Kaiser, Genevieve
Subject: FW: United Water Capacity @ Owego

From: McEvoy, Paula [<mailto:Paula.McEvoy@UnitedWater.com>]
Sent: Tuesday, August 25, 2015 5:19 PM
To: Tony D'Arpino <tonyda@homeleasing.net>
Cc: VanWagenen, Jeffrey <Jeffrey.VanWagenen@UnitedWater.com>
Subject: RE: Paula info

Tony
It was a pleasure speaking to you today. United Water Owego Nichols has sufficient capacity to serve the proposed development, which is estimated to have an average usage of 5000 gpd and a peak flow of 7000 gpd. Please complete the attached willingness to serve application so a will serve can be issued.
Thank you
Paula

Paula L. McEvoy, PE
Director of Engineering, NY Division

United Water New York
461 From Road
Building 6, Suite 400
Paramus, NJ 07652
201 986 4743 phone
201 225 5113 fax

APPENDIX P
EMERGENCY SERVICES

VILLAGE of OWEGO POLICE DEPARTMENT

Chief Karen L. Vinti

90 Temple Street Owego, New York 13827



Phone (607) 687-2233
FAX (607) 687-2235

Email: opdchief@stny.rr.com

July 16, 2015

Shannon Duffy
Home Leasing
180 Clinton Square
Rochester, NY

Dear Shannon,

Per our conversation today, this letter is to confirm that the Village of Owego Police Department provides dedicated law enforcement and emergency services on a 24/7 basis to the property located at 130 Southside Dr. Owego, NY 13827.

If I can be of further assistance, please do not hesitate to ask.

Sincerely,

Karen L. Vinti
Chief of Police

From: Duffy, Shannon <shannond@homeleasing.net>
Sent: Thursday, July 16, 2015 11:33 AM
To: meganho@homeleasing.net
Subject: FW: Fire Protection



Shannon Duffy | Development Assistant

Office: 585-287-5775 | Cell: 585-472-4217 | Fax: 585-232-3135
180 Clinton Square, Rochester, NY 14604
www.homeleasing.net

From: Chief & Assistants [<mailto:OwegoFDChief@stny.rr.com>]
Sent: Thursday, July 16, 2015 11:32 AM
To: Duffy, Shannon
Cc: jmorris@globalservices-usa.com; Stephanie Cole
Subject: Fire Protection

To Shannon,

This email is in regard to who will service State Route 434 also known as Southside drive for fire and EMS protection. The Owego Fire Department will be the primary agency to respond and handle any incident regarding Fire or EMS services for Owego Gardens.

Village of Owego Fire Department Chiefs
178 Main Street, Owego, NY 13827

Chief Daniel Gavin
Phone: 607-687-1201
Fax: 607-687-1787

From: Duffy, Shannon <shannondu@homeleasing.net>
Sent: Thursday, July 16, 2015 8:45 AM
To: meganho@homeleasing.net
Subject: FW: Letter of Support of Tioga County Sheriff Dept



Shannon Duffy | Development Assistant

Office: 585-287-5775 | Cell: 585-472-4217 | Fax: 585-232-3135
180 Clinton Square, Rochester, NY 14604
www.homeleasing.net

From: Howard, Gary [<mailto:HowardG@co.tioga.ny.us>]
Sent: Thursday, July 16, 2015 7:57 AM
To: Duffy, Shannon
Cc: Rockwell, Diane
Subject: RE: Letter of Support of Tioga County Sheriff Dept

Ms. Duffy,

Tioga County Sheriff's Office is the is the Public Safety Answering Point (PSAP) for all of Tioga County. This would include all law enforcement, fire and ambulance 911 calls. As a PSAP there is a policy with all law enforcement agencies that when a 911 call comes in to the Sheriff's Office the closest law enforcement agency responds. This insures of a law enforcement presents within the shortest amount of time. All 911 calls for medical or fire departments are dispatched according to the fire districts guidelines.

As Sheriff I support your endeavor and hope the best for the development of the project.

Sheriff Gary W. Howard
103 Corporate Drive
Owego, NY 13827
(607)687- 1010

From: Duffy, Shannon [<mailto:shannondu@homeleasing.net>]
Sent: Tuesday, July 14, 2015 2:13 PM
To: Howard, Gary
Subject: Letter of Support of Tioga County Sheriff Dept

Sheriff Howard,

Home Leasing, LLC, a real estate developer, is developing a 62-unit mixed-income senior apartment community in the Village of Owego. The location of the community will be 130A Southside Drive, Owego, New York 13827 (Tioga County).

We are currently in the final stages of the application with New York State and the State is requesting that we obtain letters of support from local first responders assuring that our residents will have a response if they call 911 for an emergency. Would you be able to provide me with a brief letter or email stating that your department will respond to our community if there ever is a need for police presence?

Please let me know and I look forward to hearing from you.

Thank you,
Shannon Duffy



Shannon Duffy | Development Assistant

Office: 585-287-5775 | Cell: 585-472-4217 | Fax: 585-232-3135

180 Clinton Square, Rochester, NY 14604

www.homeleasing.net

APPENDIX Q
NYS DOT COMMENTS



Department of Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

JACK WILLIAMS, P.E.
Regional Director

July 15, 2015

Ms. Elaine Jardine
Planning Director
Tioga County Department of Economic Development & Planning
56 Main Street
Owego, New York 13827

**RE: Site Plan Review – Owego Gardens
Tioga County IDA E-Site on SR 434 Tioga County
NYSDOT Case 14-137/15-114**

Dear Ms. Jardine:

We have reviewed the site plan for the above-referenced location and have the following comments.

- The proposed Belva Lockwood Lane entrance to SR 434 shall be designed in accordance with the 'Policy and Standards for the Design of Entrances to State Highways' dated January 15, 2015. Per section 5A.6.3 of this policy, this project will require a drainage study for review and approval by the Department.
- The entrance proposed will require a PERM 33-COM Highway Work Permit prior to construction. Please review the PERM 33-COM at www.nysdot.gov as the submittal/review process has changed.
- Nothing shall be placed within the State right-of-way without prior approval.
- For questions regarding the permitting process, please contact Jon VanVleet, Tioga County Assistant Resident Engineer at 607 687-3730.

If you have any questions or need further assistance, please give me a call at (607) 721-8116.

Sincerely,

Scott Vergason, P.E.
Assistant to the Regional Director

ec: Site Plan Committee (D. Newby; K. Mangan; C. England; J. Conn; D. Pencek; J.
O'Connor; T. Pritchard; J. Yonkoski)
Anita Harding, Village of Owego
Rick Sperski, Tioga County Resident Engineer
Jon VanVleet, Tioga County Assistant Resident Engineer

cc: File



Department of Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

JACK WILLIAMS, P.E.
Regional Director

July 3, 2015

Ms. Elaine Jardine
Planning Director
Tioga County Department of Economic Development & Planning
56 Main Street
Owego, New York 13827

**RE: Trip Generation Report Review
E=MT3 Site – SR 434 Tioga County
NYSDOT Case 14-137**

Dear Ms. Jardine:

Our Site Plan Committee reviewed the trip generation report associated with the E=MT3 site in October of 2014. At that time we sent the following comments to Delta Engineers for their records.

We have no comments on the anticipated traffic volumes from the proposed senior housing and government office building. Traffic volumes from the senior housing and government office building should be added to future development proposals on this property so that the cumulative traffic impacts can be assessed and mitigation implemented as necessary. We request the opportunity to review the full site plan submission for the senior housing and government office building when it is available.

If you have any questions or need further assistance, please give me a call at (607) 721-8116.

Sincerely,

Scott Vergason, P.E.
Assistant to the Regional Director

ec: Site Plan Committee
cc: File

APPENDIX R

INVASIVE SPECIES

ASSURANCE LETTER



Site Design • Land Planning • Urban Design

9 S. Washington St. Binghamton, NY 13903
Ph: 607.723.6005 Fax: 607.231.8474
www.haas-la.com

July 20, 2015

Lori Shirley
Community Developer, Environmental Services
HTF
641 Lexington Ave
New York, NY 10022

RE: Environmental Review Owego Gardens, Invasive Species

Dear Ms. Shirley:

As the licensed design professional for the Owego Gardens project, I certify that I have reviewed the prohibited and regulated invasive species lists from the NYS Department of Environmental Conservation and that the project landscaping plantings will not include any of those species.

Sincerely,

Michael Haas, RLA, ASLA
Principal

APPENDIX S

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
AND NOTICE OF INTENT TO REQUEST RELEASE OF
FUNDS**



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

August 26, 2015

MEMORANDUM

**RE: NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI)
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)**

*New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 473-4732*

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: Thomas J. King.

This combined notice satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR. As a result, the comment periods for the FONSI/NOIRROF and the RROF have been combined.

Project Description: The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide funding to carry out the Owego Gardens project, located at 130A Southside Drive, Owego, Tioga County, New York.

Home Leasing, LLC, with Edgemere Development as a consulting developer, proposes the new construction of Owego Gardens ("the Project"), a 62-unit mixed-income senior rental community in the Village of Owego. The subject parcel is located at 130A Southside Drive in the Village of Owego, and is approximately 6.28 acres of a larger 85-acre site known as the "Tioga County Route 434 Mixed Use Office Park Project" owned by the Tioga County Industrial Development Agency (TCIDA).

The Project involves the new construction of one three-story, wood-frame, linear-shaped building that will create 62 one- and two-bedroom mixed-income rental apartments. The Project will target rental apartments for seniors with income at or below 50 to 60 percent of Area Median Income (AMI). The Project will provide affordable rental housing outside the floodplain in a market area that lost over 2,300 rental and owner-occupied housing units due to Hurricane Irene and Tropical Storm Lee. Owego Gardens will provide affordable, resilient rental housing stock in an area in need.

The estimated total project cost is \$12,295,571, funded with up to \$6,800,000.00 from the CDBG-DR program.



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the proposed project has been prepared and is maintained on file. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the proposed project is anticipated. A full copy of the EA, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below or online at <http://www.stormrecovery.ny.gov/environmental-docs>.

GOSR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al.

GOSR has also determined that the project, as proposed, will have no significant adverse environmental or socioeconomic impacts, either direct, indirect, or cumulative. There will be no significant impact on the human environment, and the project will not negatively impact the quality of the environment. Therefore, GOSR has determined that the project does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA is available online at the website listed above and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address:

*HCR, Governor's Office of Storm Recovery
38-40 State Street
Albany, NY 12207
Contact: Lori A. Shirley (518) 474-0755*

Further information may be requested at NYSCDBG_DR_ER@nyshcr.org or by calling HCR at (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/Findings and NOIRROF: Any individual, group or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before September 10, 2015 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 September 10, 2015:

Lori A. Shirley
HCR, Governor's Office of Storm Recovery
38-40 State Street
Albany, New York 12207.

Comments may be received by telephone at (518) 474-0755. All comments must be received on or before 5pm on September 10, 2015 or they will not be considered.



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS

Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.

On or about September 11, 2015, 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 Thomas J. King, in his 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, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that an environmental review of the proposed project described herein has been completed. 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 the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period is September 26, 2015. Potential objectors may contact HUD 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 the responsible entity'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) 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



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

451 7th Street SW
Washington, DC 20410
Phone: (202) 402-4649

Thomas King, Esq.
Certifying Officer
August 26, 2015

AFFIDAVIT OF PUBLICATION

State of New York
City of Binghamton
County of Broome, ss.:

Stacie Heath being duly sworn, deposes and says that 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:
8/26/2015

Stacie Heath
Stacie Heath

Sworn to before me this 26th day of August, 2015

Patricia L DeVault
Notary Public

PATRICIA L DEVAULT
Notary Public, State of New York
No. 01DE6312246
Qualified in Broome County
Commission Expires September 29, 2018

the Village of Owego. The requested subject parcel is located at NYSCDBG_DR_ER@nyshcr.org or by calling HCR at (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/Findings and NOIRROF: Any individual, group or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before September 10, 2015 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 September 10, 2015: Lori A. Shirley, HCR, Governor's Office of Storm Recovery, 38-40 State Street, Albany, New York 12207. Comments may be received by telephone at (518) 474-0755. All comments must be received on or before 5pm on September 10, 2015 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

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 the responsible entity'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;
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(d) 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. Thomas King, Esq., Certifying Officer, August 26, 2015, 8/26/2015

MEMORANDUM
RE: NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)
New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 473-4732

Sworn to before me this 26th day of August, 2015

Stacie Heath

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: Thomas J. King.
This combined notice satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR. As a result, the comment periods for the FONSI/NOIRROF and the RROF have been combined. Project Description: The economic impacts, either direct, indirect, or cumulative, There will be no significant impact on the human environment, and the project will not negatively impact the quality of the environment. The requested subject parcel is located at NYSCDBG_DR_ER@nyshcr.org or by calling HCR at (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/Findings and NOIRROF: Any individual, group or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before September 10, 2015 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 September 10, 2015: Lori A. Shirley, HCR, Governor's Office of Storm Recovery, 38-40 State Street, Albany, New York 12207. Comments may be received by telephone at (518) 474-0755. All comments must be received on or before 5pm on September 10, 2015 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

On or about September 11, 2015, 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 Thomas J. King, in his capacity as Certifying Officer, consents to accept the jurisdiction to the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period is September 26, 2015. Potential objectors may contact HUD to verify the actual last day of the objection period.

On or about September 11, 2015, 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 Thomas J. King, in his capacity as Certifying Officer, consents to accept the jurisdiction to the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period is September 26, 2015. Potential objectors may contact HUD to verify the actual last day of the objection period.

Patricia L DeVault

Notary Public

PATRICIA L DEVAULT
Notary Public, State of New York
No. 01DE6312246
Qualified in Broome County
Commission Expires September 29, 2018

Sworn to before me this 29th day of August

Public Health

**MEMORANDUM
RE: NOTICE OF
FINDING OF NO
SIGNIFICANT IMPACT
(FONSI) AND NOTICE
OF INTENT TO
REQUEST RELEASE OF
FUNDS (NOIRROF)**
New York State Housing
Trust Fund Corporation
(HTFC)
38-40 State Street
Albany, NY 12207
(518) 473-4732

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: Thomas J. King.

This combined notice satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR. As a result, the comment periods for the FONSI/NOIRROF and the RROF have been combined.

Project Description: The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the HUD Community Development Block Grant - Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide funding to carry out the Owego Gardens project, located at 130A Southside Drive, Owego, Tioga County, New York.

Home Leasing, LLC, with Edgemere Development as a consulting developer, proposes the new construction of Owego Gardens ("the Project"), a 62-unit mixed-income senior rental community in story, wood-frame, linear-shaped building that will create 62 one- and two-bedroom mixed-income rental apartments. The Project will target rental apartments for seniors with income at or below 50 to 60 percent of Area Median Income (AMI). The Project will provide affordable rental housing outside the floodplain in a market area that lost over 2,300 rental and owner-occupied housing units due to Hurricane Irene and Tropical Storm Lee. Owego Gardens will affordable, resilient rental housing stock in an area in need.

The estimated total project cost is \$12,295,571, funded with up to \$6,800,000.00 from the CDBG-DR program.

FINDING OF NO SIGNIFICANT IMPACT
An Environmental Assessment (EA) for the proposed project has been prepared and is maintained on file. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the proposed project is anticipated. A full copy of the EA, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below or online at <http://www.stormrecovery.ny.gov/environmental-docs>.

GOSR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al. GOSR has also determined that the project, as proposed, will have no significant adverse environmental or socioeconomic impacts, either direct, indirect, or cumulative. There will be no significant impact on the human environment, and the project will not negatively impact the quality of the environment. Therefore, GOSR has determined that the project does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA is available online at the website listed above and is also available in person Monday - Friday, 9:00 AM - 5:00 PM at the following address:
HCR, Governor's Office of Storm Recovery
38-40 State Street
Albany, NY 12207
Contact: Lori A. Shirley
(518) 474-0755

Further information may be

(a) Certification was not executed by the responsible entity'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
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Director, Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing & Urban Development
451 7th Street SW
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Phone: (202) 402-4649
Thomas King, Esq.
Certifying Officer
August 26, 2015
8/26/2015

Field Office, and is being published in a newspaper of general circulation in the affected community.
Public Comments on FONSI/Findings and NOIRROF: Any individual, group or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before September 10, 2015 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 September 10, 2015:
Lori A. Shirley
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38-40 State Street
Albany, New York 12207.
Comments may be received by telephone at (518) 474-0755. All comments must be received on or before 5pm on September 10, 2015 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
Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.
On or about September 11, 2015, 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 Thomas J. King, in his 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, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that an environmental review of the proposed project described herein has been completed. 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.

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