



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

September 11, 2015

By Overnight Mail and Electronic Mail

Tennille S. Parker, Director
Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 7272
Washington, D.C. 201410

Re: RROF and Environmental Certification for NYS CDBG-DR: Owego Gardens

Dear Ms. Parker

Attached is a Request for Release of Funds (RROF) and Environmental Certification for the above referenced project- Owego Gardens. The Governor's Office of Storm Recovery, operating under the auspices of the New York State Homes and Renewal's Housing Trust Fund Corporation, performed an environmental assessment for the project pursuant to 24 CFR Part 58 for the activities covered by the RROF.

Pursuant to 25 CFR Section 58.70, the Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) were published on August 26, 2015 (see attached copy of the NOI/RROF and FONSI and the affidavit of publication). No comments were received.

If you have any questions regarding this submission, please contact me at (518) 473-0015 or send me an email at Thomas.King@stormrecovery.ny.gov.

Sincerely,

Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation

Attachments

CC By Electronic Mail:

Therese Fretwell, Regional Environmental Officer, Regions I & II, HUD
Jeffrey D'Agostino, Field Environmental Officer, Disaster Recovery, HUD
Heather M. Spitzberg, Certifying Officer, NYSHCR
Lori Shirley, Community Developer, NYSHCR
Amy Lentz, Environmental Records Manager, GOSR
Lisa Bova-Hiatt, Executive Director, GOSR
Daniel Greene, General Counsel, GOSR
Latoya Murphy, Deputy Executive Director, GOSR
Kate Dineen, Deputy Executive Director, GOSR
Jaye Fox, Director of Affordable Housing, GOSR
Stephanie Benson, Edgemere Development

CC By Overnight Mail:

Rhoda M. Nicholson, Program Support Specialist, HUD

Request for Release of Funds and Certification

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

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

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

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

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

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

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

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

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

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

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

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

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Date signed

X

Address of Certifying Officer

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

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

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

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



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
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



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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

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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

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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.

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Patricia L DeVault

Notary Public

PATRICIA L DEVAULT
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No. 01DE6312246
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Sworn to before me this 29th day of August

Public Health

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SIGNIFICANT IMPACT
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OF INTENT TO
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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.

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Further information may be

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Objection to Release of Funds: HUD will accept ob-