

ATTACHMENT D
STATE ENVIRONMENTAL QUALITY REVIEW
THE MEWS AT PRATTSVILLE ACTION

DETERMINATION OF NON-SIGNIFICANCE
(NEGATIVE DECLARATION)

DATE: November 25, 2015

This Negative Declaration is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, SEQRA) of the Environmental Conservation Law.

New York State (NYS) Governor's Office of Storm Recovery (GOSR), as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement WILL NOT be prepared.

NAME OF ACTION: The Mews at Prattsville

LOCATION: 5456 Washington Street (County Route 10), Prattsville, Greene County, NY

SEQR CLASSIFICATION: Type I; Unlisted

CONDITIONED NEGATIVE DECLARATION: YES; NO

DETERMINATION OF SIGNIFICANCE:

GOSR is managing the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) program pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013). The NYS Housing Trust Fund Corporation (HTFC), which administers the CDBG-DR program funds on behalf of GOSR, intends to approve funding for the construction of a new flood-safe neighborhood called the Mews at Prattsville, in a mostly undeveloped area located at 5456 Washington Street northeast of the center of Prattsville, from the CDBG-DR Affordable Housing Fund. The project will create a 5,400-square foot regional health care facility, a 2½-story affordable senior housing facility (accommodating 44 apartments), and 8 multifamily townhouses with 2 attached units per townhouse (for a total of 16 units). The health care facility would include a 16,000-square foot parking area, while the senior housing facility would include an approximately 18,500-square foot parking area and the townhouses an approximately 5,600-square foot parking area. Collectively, the proposed project would occupy approximately 7.8 acres of three parcels: portions of a 46.03-acre parcel that is currently owned by the town and two parcels totaling 8.81 acres that would be acquired by the town ("Fuchs" parcel of 3.80 acres and "Spanhake" parcel of 5.01 acres).

In June 2013, Governor Andrew Cuomo set out to centralize recovery and rebuilding efforts in storm-impacted areas of New York State. Although Greene County was not affected by Hurricane Sandy, this storm was the catalyst for 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 such as Schenectady County that were severely damaged by Hurricane Irene and Tropical Storm Lee in 2011. 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 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, the combination of the effects of Hurricane Irene and Tropical Storm Lee, resulted in floodwaters from the Schoharie Creek that overwhelmed the town and isolated residents from surrounding communities and critical health services. Severe flooding from Schoharie Creek destroyed a significant portion of the town's residences and businesses, communications infrastructure, and power grids. Stormwater also damaged the Schoharie Creek Bridge, causing its closure for ten days and greatly hindered the town's ability to provide emergency response services to its residents. Following the storm events, President Obama issued Major Disaster Declarations for counties affected by the storms, including Greene County.

The New York Rising Community Reconstruction Program (NYRCR) for Prattsville discusses six overarching strategies to reduce risks from future flooding and recover from the recent flooding. The proposed project would fulfill the first strategy, "ensure that all residents have an exceptional quality of life and that vulnerable seniors are safe," by relocating seniors from the floodplain and addressing limited access to health and social services. The proposed project will enable Prattsville to rebuild the community in a more resilient way by locating the development above the floodplain. Prattsville is considered a "Medically Underserved Area" by the U.S. Department of Health and Human Services. The proposed project would improve the town's resilience to future storm events by providing regionally accessible health care outside the 100-year floodplain. This facility will also serve the population of portions of Greene, Delaware, Schoharie, Ulster, and Albany Counties and is anticipated to serve the needs of a population that includes, but is not limited to the Towns and Villages of Prattsville, Blenheim, Preston Hollow, Windham, and Roxbury. The residents of these communities currently travel significant distances to address their health care needs at medical facilities in Oneonta, Kingston, and Albany.

The proposed project is classified as a Type I action, and GOSR, as the lead agency, prepared an Environmental Assessment Form (EAF) under SEQRA. The proposed project is funding the construction of a new flood-safe neighborhood, consisting of a regional health care facility, a 2½-story affordable senior housing facility, and 8 multifamily townhouses, and is not of sufficient scale to result in adverse effects to existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, or to create erosion or drainage problems.

The proposed project would include the following measures to avoid or reduce environmental effects:

- An application, proposed sanitary sewer design, and engineer report would be submitted to the New York City Department of Environmental Protection (DEP) for review and approval prior to construction of a sanitary sewer extension.
- Measures would be taken to avoid disturbance to the NWI feature on the Town-owned parcel during construction, especially in the form of excavation or fill, of the stormwater management basin that is proposed to be located within 100 feet of the feature.

- Efforts would be made to locate all stormwater management basins outside of the 100-year floodplain.
- The project sponsor must make arrangements with DEP to witness soil testing in the area proposed for stormwater management practices to determine soil suitability and feasibility for meeting regulatory requirements.
- If the proposed project would result in impervious surfaces covering 20% or more of a drainage area, then stormwater within that drainage area should be treated by infiltration. If that cannot be accomplished, then treatment should involve two separate methods employed in series.
- A management plan would be developed to minimize the use of de-icing chemicals, pesticides, and herbicides, in order to minimize the presence of those chemicals in stormwater runoff.

Physical changes will result from the construction of the project, which would occur on currently undeveloped, heavily wooded land.

Designs for the regional health care facility feature complete heating and air conditioning systems, electrical systems, and plumbing. It would be designed using Leadership in Energy and Environmental Design (LEED) strategies and conform to New York State Energy Efficiency Performance standards. All components of the affordable senior housing apartments and multifamily townhouses development would use green building techniques and potentially solar green energy, reducing operating costs and long-term maintenance expenses. Mixing uses in a compact neighborhood that encourages walking and bicycling makes the project a candidate for LEED for Neighborhood Development (LEEDND) certification. The project would comply with all applicable Greene County codes and regulations concerning energy conservation as well as the July 2007 Greene County Comprehensive Development Plan; this compliance would occur during the building permit review process for each site.

No Critical Environmental Areas would be affected by the project.

The project will not convert farmland to nonagricultural use and will not require preparation of an Agricultural Impact Statement and Notice of Intent.

A Programmatic Agreement with the State Historical Preservation Office (SHPO) has been executed, and all properties were reviewed under Section 106 of the National Historic Preservation Act for compliance with the Programmatic Agreement and forwarded to NYS Office of Parks, Recreation and Historic Preservation for further review as required by the Programmatic Agreement. The SHPO has determined that the proposed project would have no adverse effect on properties in or eligible for inclusion in the National Register of Historic Places (NRHP). The Delaware Nation, Delaware Tribe of Indians, Mohawk Nation, Saint Regis Mohican Tribe, and Stockbridge-Munsee Mohawk Tribe were invited to consult in August 2015 and were provided the Phase IA/IB Archeological Investigation report in October 2015. The Saint Regis Mohican Tribe Tribal Historic Preservation Office (THPO) responded that the Tribe does not have significant cultural concerns with the Project. No additional compliance steps are required.

Schoharie Creek is located approximately 1,840 feet away from the project site; however, there appears to be a National Wetland Inventory (NWI) feature on the town-owned parcel where the municipal wastewater treatment plant is located, approximately 100 feet away from the proposed multifamily townhouse section of the project. Whereas no new impervious surfaces are proposed within 100 feet of this NWI feature, a stormwater management basin is proposed within 100 feet of the NWI feature. Measures will be taken to avoid disturbance of the NWI feature during construction, especially in the

form of excavation or fill. Therefore, the proposed project would not result in impacts to surface water. The NY Natural Heritage Program (NYNHP) has no records of any rare or state-listed species in the project area. The US Fish and Wildlife Service (USFWS) online review process, however, indicated there is only one threatened or endangered species that may occur within the boundary of and/or may be affected by the project. The project site could affect the proposed endangered northern long-eared bat (*Myotis septentrionalis*). The USFWS recommended conducting tree removal in winter to avoid any potential for impacting any bats that could be present, and that practice would be beneficial to migratory birds. To further minimize impacts to nesting birds protected under the Migratory Bird Treaty Act and roosting bats, GOSR recommends that any tree removal be limited to the non-nesting/non-roosting period, approximately September 1 to February 28 for the migratory bird non-nesting period and approximately mid-October to Mid-March for roosting bats for a combined no tree removal period of March 1 to mid-October.

Current design plans include construction of an access road off Washington Street that will serve as the primary ingress and egress to the site. This new roadway will be sited to take advantage of the natural landscape; however, considerable grading will be necessary to provide appropriate slopes. For water connectivity, approximately 330 feet of eight-inch water main will be required on the site, connecting to approximately 150 feet of eight-inch water main extended from the nearest hookup source along Washington Street to the site's entrance. There are two options for the installation of sanitary sewer lines, one of which would include connecting sanitary sewer lines directly to the town's wastewater treatment plant, which is located on property adjoining the project site. Another option would include the installation of approximately 350 feet of eight-inch sewer lines running to a connection on Washington Street. This option will also require the construction of a pump station that will "lift" sewage from the lower site elevation to the higher elevation on Washington Street. Finally, approximately 500 feet of stormwater pipe, ranging from 12 inches to 18 inches in diameter will be required to meet current stormwater management regulations. Additionally, the town anticipates the construction of up to five stormwater retention areas/catch basins will be necessary.

Because the amount of ground disturbance at the project site would be greater than one acre, a State Pollutant Discharge Elimination System (SPDES) General Stormwater Permit is required. A Stormwater Pollution Prevention Plan (SWPPP) as well as a notice of intent (NOI) were prepared for the project in accordance with the NYS Stormwater Design Manual. Best management practices (BMPs), such as silt fence and erosion prevention, would be implemented, as 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 program locations that require excavation or soil modification, so impacts from erosion are not anticipated as a result of this program.

Only the northwestern portion of the project site is within a Special Flood Hazard Area (SFHA). The portions proposed for the health center, senior housing, and townhouses are not within an SFHA. Based on a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), (Map No. 36039C0158F) for the Town of Prattsville, only the northern section of the secondary access road and the last section of the sanitary sewer line as it connects to the treatment plant would be within the 100-year floodplain. The project site is not located within a regulatory floodway.

A dust control mitigation program will be implemented that includes air monitoring, i.e., dust (PM10) measurements upwind and downwind during construction activities, and mitigative/control measures such as wetting exposed work areas with water.

Phase I Environmental Site Assessments (ESA) were conducted for each of the parcels not currently owned by the town (Fuchs and Spanhake parcels) in January 2015 and November 2014, respectively, and there were no indications that the project site has been environmentally impaired. The Phase I ESA prepared for the Spanhake parcel concluded that there is one recognized environmental concern (REC) associated with a septic tank system and recommended that the soil in the vicinity of the septic system be removed prior to construction. Further investigation was not recommended. The Phase I ESA prepared for the Fuchs parcel concluded that there are no RECs associated with the property, and no further investigation was recommended. The residence and barn on the Spanhake Parcel could contain lead-based paint (LBP) and asbestos-containing materials (ACM) due to the age of construction. However, the demolition of these structures is not part of the project, as they are outside of the proposed area of development. There are no other potential sources of LBP, ACM, polychlorinated biphenyls (PCBs), or mold on the project site.

All project-generated solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules.

According to the US Environmental Protection Agency (EPA), the Mews at Prattsville project is in Radon Zone 1, where the predicted average indoor radon screening level is greater than 4 picocuries per liter (pCi/L). A "passive" sub-slab vent system will be incorporated into the building design in accordance with EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings," EPA 402-R-94-009, March 1994, or ASTM 1465-08a Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings. Radon testing would be conducted prior to occupancy. If testing indicated radon levels exceeding the EPA action levels, the radon mitigation system would be made active. All testing and mitigation would be done prior to occupancy.

The proposed funding of the construction of a new flood-safe neighborhood called the Mews at Prattsville, including a regional health care facility, a 2½-story affordable senior housing facility, and 8 multifamily townhouses, will not cause significant adverse impacts. Furthermore, this review has not identified any issues likely to cause controversy related to potential environmental impacts.



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