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## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

### **Project Information**

**Project Name & SHARS No.:** Binghamton Gateway Homes, Binghamton, NY  
SHARS No.-200146004

**Responsible Entity:** New York State Governor's Office of Storm Recovery

**Grant Recipient:** First Ward Action Council, Inc.

**State/Local Identifier:**

**Preparer:** Tetra Tech

**Certifying Officer Name and Title:**  
Daniel Greene, Deputy General Counsel, Governor's Office of Storm Recovery

**Consultant (if applicable):** Tetra Tech

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## **Project Location:**

The proposed project includes twelve individual properties in the First Ward neighborhood, City of Binghamton, Broome County, State of New York (see attached Figure 1). The First Ward neighborhood is in the western end of the City and encompasses the area north of the Norfolk Southern tracks, east of the neighboring village of Johnson City along Market Street and Airport Road, west of the Chenango River and south of the Binghamton Ely Park neighborhood and NY Route 17. The First Ward is a residential and mixed-use commercial neighborhood that contains the north-south Front Street gateway leading into Binghamton and the east-west commercial corridor of Clinton Street. The Chenango River joins the Susquehanna River approximately one mile south of the project site.

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

The Binghamton Gateway Homes project would rehabilitate and reuse eleven existing buildings that were constructed between the late 1800s and early 1900s and construct one mixed-use building on an in-fill site made vacant by a recent fire. The First Ward Action Council, Inc. (FWAC) is the applicant and developer of the proposed project.

The existing buildings to be rehabilitated are at 249, 252, 254, 255, 257.5, 259, 267, 269, and 273-275 Front Street, 8 Meadow Street, and 20 Spring Forest Avenue. The new mixed-use building would be constructed at 164-168 Clinton Street, the site of the former Lincoln Hotel, a local landmark destroyed by fire in 2013. The project will create 37 apartments; 27 in the rehabilitated buildings and ten in the new three-story building. This is an increase of 25 units.

The proposed unit sizes range from studios to three-bedrooms, designed to meet the demand for quality affordable housing from individuals, small households, and families. All units would be available to tenants, with none reserved for superintendent use. Twelve of the units are targeted to households with incomes at or below 50 percent of the area median income (AMI), and 25 are targeted to households with incomes at or below 60 percent of the AMI. Eleven units would be available to persons with physical disabilities and two other apartments would be adapted for persons with hearing or visual impairments. There will be an admissions preference for persons displaced by Tropical Storm Lee as part of the Affirmative Fair Housing Marketing Plan.

The new three-story building would contain two commercial storefronts at street level. The City of Binghamton requested the inclusion of the storefronts to maintain the mixed-use nature of Clinton Street. This building would also include an elevator. The total proposed residential square footage is 31,023, and the proposed square footage of the two commercial storefronts is 1,084. All of the apartments include off-street parking; however, it is anticipated that not all the residents would have cars. The project area includes nearby stores, services, and employment opportunities, and public transportation is available close to all of the proposed housing sites.

Electricity and natural gas would be provided from New York State Electric & Gas, and all of the units would be heated by gas. Each unit would have its own heating and separately metered utilities paid by the tenants. Water and sewer would be provided by the City of Binghamton, and the cost of those services would be included in the rent. Laundry hook-ups would be provided in each rehabilitated unit, and a common laundry room would be provided in the new building.

### **Resiliency**

Resiliency measures have been designed into the rehabilitation and new construction plans. These measures are a vital component to any project in a flood-impacted area, such as the First Ward neighborhood. Typical measures include proper storm water management and permeable surfaces, reinforced bracing for exterior walls, first floors at 35 or more inches above grade, and mechanical and electrical systems on the first floor or at higher elevations in basements. None of the project sites are located within 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 Tropical Storm Lee. Should this status change due to new maps developed as a result of Tropical Storm Lee, the developer has agreed to purchase and maintain any required flood insurance for the life of the projects.

### **Historic Nature of Project/Reuse of Buildings**

Rehabilitation and reuse of buildings that were originally constructed between the late 1800s and early 1900s will preserve the character and history of the neighborhood. The scope of work on these Victorian-era homes was submitted to the New York State Historic Preservation Office (SHPO) for review. Although none of the properties are listed on the National Register of Historic Places, the historic nature of the buildings and neighborhoods will be respected and retained during renovations. SHPO has imposed “conditions” on repair activities at two of the structures to help preserve historic integrity:

- 267 Front Street – “No Adverse Effect” is based upon the provision that all stained glass windows in the house will remain in place.
- 269 Front Street – SHPO notes that some features (gutters, windows, doors) have already been installed. SHPO office requires that projects be reviewed PRIOR to the initiation of construction activity and requests justification for replacement on future projects that appears to have undertaken work prior to their review.

The eleven structures to be rehabilitated are currently in poor condition and mostly vacant; some are vacant due to damage caused by Tropical Storm Lee and some due to condemnation as a result of elevated blood lead levels (EBLL) in former residents (the neighborhood is considered a High Risk zip code for lead-based paint). The project would revitalize these buildings that are blighting the neighborhood, converting them into homes that are safe, healthy places to live and reflecting a healthy neighborhood. Lead-Safe Work Practices would be used during renovations, lead-based paint hazards would be abated, and asbestos-containing materials would be abated. The units adapted for persons with physical disabilities and hearing and visual impairments would be dispersed among the buildings based on the ability to adapt an existing, historic-type home and to meet the goals of the New York State Olmstead Implementation Plan.

### **In-Fill Housing and Commercial Development**

The new building at 164-168 Clinton Street would provide in-fill construction on the former site of the Lincoln Hotel, destroyed in a 2013 fire. This mixed-use building would be a three-story, fire-resistant structure with an elevator and sprinkler system. The appearance of the two proposed storefronts would be consistent with the four other historic mixed-use buildings that FWAC renovated on Clinton Street. Those previous projects received awards from the local preservation organization. There would be 10 one-bedroom apartments in this building, with five fully adapted

for persons with physical disabilities and one adapted for hearing or visual impairments. The accessible units would be dispersed throughout the building per the goals of the New York State Olmstead Implementation Plan.

### **Mandatory and Optional Energy Efficiency and Green Building Measures**

Binghamton Gateway Homes would meet and exceed all of the Mandatory Energy Efficiency Measures and Green Building Measures per New York State Homes and Community Renewal (NYSHCR). FWAC has elected to participate in the Enterprise Green Communities Criteria program to meet the energy efficiency requirements and earn the optional Green Building points.

### **Land and Building Information**

FWAC will control of all of the project sites either through direct ownership through a deed from Broome County or through Purchase Contracts. Three of the sites are being purchased from the City of Binghamton at below-market costs.

All parcels are properly zoned for the residential or mixed-use activities proposed and have sufficient off-street parking to comply with the Binghamton's code. All local approvals are in place either as of right or through pro-active approvals from the Planning Commission (**Appendix G**, Special Use Permit for 164-168 Clinton Street) and Zoning Board of Appeals (**Appendix G**, area variance for 254 Front Street). Phase I environmental site assessments have been completed, and there are no recognized environmental conditions (RECs). Both asbestos and lead-based paint abatement have been included in the scope of work and budget.

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

#### **Community Development Block Grant – Disaster Recovery**

In June 2013, Governor Andrew Cuomo set out to centralize recovery and rebuilding efforts in impacted areas of New York State. Broome County was impacted by Tropical Storm Lee. Establishing the Office of Storm Recovery, the Governor aimed to 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 Homes and Community Renewal (HCR), the Governor's Office of Storm Recovery (GOSR) uses approximately \$3.8 billion in flexible funding made available by the U.S. Department of Housing & Urban Development's (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program to concentrate aid to four main areas: Housing Recovery, Small Business, Community Reconstruction, and Infrastructure. Paired with additional federal funding that has been 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.

#### **Broome County**

Broome County was devastated by severe flooding in 2011. Heavy rain from Tropical Storm Lee brought flooding to the Susquehanna River valley, dropping 10-12 inches of precipitation. In the Binghamton area, record flooding was observed along the Susquehanna and Chenango Rivers. US Geological Survey river gauges recorded water levels as high as 17 feet above flood stage, topping previous record heights achieved in the Mid-Atlantic United States flood of 2006. In some areas,

such as Conklin, several residents had finished rebuilding from the 2006 floods only months before Tropical Storm Lee hit.

Most municipalities in Greater Binghamton and the Penn-York Valley saw water levels top the levees, inundating several downtown areas along the river. Many of the locations under water had not flooded since the mid-1930s, when the levees were constructed. Over 20,000 Broome County residents were forced to evacuate and downtown Binghamton was closed off. More than 7,300 buildings in Binghamton alone were damaged or destroyed. Damages in Broome County were estimated to be \$513 million.

Based on the FEMA Individual Assistance Program (FEMA IA) data, as of November 2013 more than 7,042 owner-occupied homes and rental properties were damaged or destroyed by Tropical Storm Lee in Broome County. This number accounts for approximately 58.8 percent of reported damage in the entire State of New York from Tropical Storm Lee. As many as 200,600 persons in Broome County were impacted by the storm. The 2013 Broome County Comprehensive Plan estimates that approximately 10 percent of homes in Broome County were destroyed or damaged by Lee, and of the 9,247 homes affected, 229 were destroyed and 2,367 suffered major damage (<http://www.gobroomecounty.com/comprehensiveplan>). The loss and damage of homes and businesses has negatively impacted property values and the property tax base.

### **City of Binghamton**

The City of Binghamton is included in the area covered by the Regional Economic Development Council of the Southern Tier (STREDC). STREDC's "Strategic Economic Development Plan 2011-2016" (the Plan) analyzed existing conditions of the region and identified opportunities ([http://regionalcouncils.ny.gov/themes/nyopenrc/rc-files/southerntier/CU\\_RegEcoDevRprt\\_loR.pdf](http://regionalcouncils.ny.gov/themes/nyopenrc/rc-files/southerntier/CU_RegEcoDevRprt_loR.pdf)). The Plan points to deteriorating housing stock and main street corridors compounded by damage from Tropical Storm Lee, as creating barriers to economic development. The Plan identifies community revitalization as a key component of Plan Strategy 5 (page 24). The goal of Action Item 5A is to leverage resources to redevelop key buildings and neighborhoods, particularly those damaged by Tropical Storm Lee in 2011. It calls for working with local developers and local development corporations to advance community revitalization projects, while using CDBG dollars to assist those projects (page 32). The Plan identifies revitalization of the urban cores and neighborhoods damaged by Tropical Storm Lee as a critical objective, as economic development investment from outside sources is often driven by the perception of the quality of the communities involved (page 74).

### **Binghamton Gateway Homes Project**

The proposed project is in a storm-impacted area in the City of Binghamton. The First Ward neighborhood was flooded by Tropical Storm Lee and is considered a FEMA High Risk Area. Binghamton Gateway Homes would provide affordable housing in an area that the NY Rising Community Reconstruction Plan for Broome County (NYRCR Plan) identifies as needing affordable housing.

([http://stormrecovery.ny.gov/sites/default/files/crp/community/documents/broomecounty\\_nyrcr\\_plan.pdf](http://stormrecovery.ny.gov/sites/default/files/crp/community/documents/broomecounty_nyrcr_plan.pdf))

The proposed project involves substantial reconstruction and rehabilitation of eleven existing buildings. Eight of the buildings have been vacant since Tropical Storm Lee in 2011, furthering

the neighborhood blight. The three structures with remaining occupants are of poor quality, do not meet the HUD Housing Quality Standards, and must be substantially rehabilitated in order to address resiliency and health and safety issues. These eleven buildings are part of the numerous buildings in the First Ward neighborhood impacted or damaged by the storm; most of the damage in the First Ward was Moderate to Major.

The Binghamton Gateway Homes project is consistent with the STREDC Plan in that it involves the revitalization of an urban core neighborhood and substantially renovates existing structures, thus restoring and maintaining the historic character of the streets, key residential and commercial corridors (Front Street and Clinton Street) that suffered damage from the storm flooding.

The Binghamton Gateway Homes project is also consistent with the NYRCR Plan and is strongly supported by state and local officials and organizations (**Appendix I**). These letters confirm that the Binghamton Gateway Homes project will help the City implement the NYRCR Plan. The project will create quality affordable housing in rehabilitated structures and a new structure and will diversify housing stock by adding handicapped accessible units to the local housing inventory for use by persons with disabilities or seniors to age in place. The units will be affordable to low-income households who are otherwise priced out of the rental market or have been unable to find quality affordable housing since Tropical Storm Lee.

One of the goals in the NYRCR Plan for Broome County is to “Increase resiliency of water supply and sanitary sewer systems (Strategy #8). The first proposed project listed is the Front Street Storm Water Separation project for an investment of \$750,000. Front Street is the location of nine of the twelve total sites in the Binghamton Gateway Homes project. This infrastructure investment will support and enhance the substantial rehabilitation being made to these nine buildings on Front Street that includes storm water management resiliency measures. Further investment in infrastructure is targeted, specifically, to “ensure reliability and resiliency of critical public works infrastructure” (Strategy #12). The first project listed is the Scattered Site Stormwater Infrastructure improvements in the City of Binghamton and two of the sites are in the First Ward neighborhood. This investment is for \$1,100,000.00.

Another NYRCR strategy calls for increasing the resiliency of the existing and new housing in flood prone areas. The Binghamton Gateway Homes project addresses resiliency measures through the substantial renovation of the 11 existing buildings being acquired for the project, all of which are in the First Ward neighborhood. The one new building also incorporates sustainable and resiliency measures.

Many aspects of the proposed Binghamton Gateway Homes project tie directly into the NYRCR for Broome County and will help address current and future housing needs and increase community resiliency against future storms.

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

The First Ward neighborhood was one of the areas in the City of Binghamton impacted by Tropical Storm Lee in 2011. The Broome County Comprehensive Plan 2013 points to the structural damage as negatively impacting the available affordable housing stock (page 23). Tropical Storm Lee destroyed 229 housing units in Broome County and another 2,367 units suffered major damage.

The STREDC Plan also acknowledges the increase in housing vacancies after damage caused by Tropical Storm Lee (page 51).

Over time, the rate of homeownership in the First Ward has declined to less than 40 percent, and with the introduction of absentee landlords, the condition of the neighborhood deteriorated. During the past decade, the project developer, FWAC, previously worked with the City of Binghamton to revitalize the First Ward neighborhood. FWAC developed other affordable senior and family housing projects in the area, including the Historic Dwightsville Gateway Apartments along Front Street, and a mixed-use building that houses FWAC offices and other storefronts. Since the 13 units in Historic Dwightsville Gateway were funded in 2007, no other affordable housing has been funded in the area.

There are numerous vacant structures in the First Ward neighborhood, including 8 of the 11 buildings being acquired as part of the proposed project. Community revitalization efforts along the commercial corridors in the First Ward have been underway for the past decade. FWAC has been part of the local effort, in cooperation with the City of Binghamton, through homeowners' repair programs and retail development, and through the Historic Gateway project. Revitalization efforts along the Front Street gateway corridor include the acquisition of a vacant hotel at 50 Front Street by the Broome County Land Bank Corporation with funds from the Southern Tier Regional Economic Development Council; these funds will contribute to demolition costs of the defunct structure to provide for development of a mixed-use commercial and residential building for the site. In another step forward, this proposed project, Binghamton Gateway Homes, will provide 37 new apartments to help address the current affordable housing shortage and contribute to the First Ward neighborhood's revitalization.

### **Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Funding Amount</b>
B-13-DS-36-0001	CDBG-DR	\$6,970,000

#### **Estimated Total HUD Funded Amount:**

\$6,970,000

- \$4,970,000 as a 50-year, 0.5% interest only loan to Binghamton Gateway LLC
- \$2,000,000 as a grant to FWAC, the project's not-for-profit sponsor, which FWAC will contribute to the project as Managing Member/GP Capital.

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

\$7,478,500

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

NYSHCR has conducted a review for each of the compliance factors listed below and determined whether the activity affects the resources under consideration or whether formal compliance steps or mitigation is required. All compliance source documentation regarding the necessary reviews or consultation is attached to the Checklist and included in the ERR.

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b></p>		
<p><b>Airport Hazards</b>  24 CFR Part 51 Subpart D</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Based on guidance provided by the U.S. Department of Housing and Urban Development in Fact Sheet #D1, the National Plan of Integrated Airport Systems (NPIAS) was reviewed for civilian, commercial service airports near the Binghamton Gateway Homes project area, as projects within 2,500 feet of a civil airport require consultation with the appropriate civil airport operator. The Greater Binghamton/Edwin A. Link Field Airport is the nearest to the project area and is approximately 9 miles away. None of the Binghamton Gateway Homes project parcels is within 2,500 feet this airport (see <b>Appendix A</b>, Greater Binghamton Airport Clear Zones Map). No known military airports are within 15,000 feet of the program area. No additional action is needed.  <b>Source: 3, 4</b></p>
<p><b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The project sites are not located within a Coastal Barrier Resource Area, therefore, HUD funding can be provided to this project.  <b>Source: 5</b></p>
<p><b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The Binghamton Gateway Homes project parcels not in a Special Flood Hazard Area (SFHA). The project parcels are located in the</p>

<p>Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>		<p>0.2-percent-annual-chance (or 500-year) flood hazard zone, with areas of 100-year shallow flooding of depths less than 1 foot (Zone B), based on a review of the FEMA FIRM (Map No. 3600380002C) for Binghamton, New York (See <b>Appendix B</b>). The Binghamton Office of Building Construction, Zoning and Code Enforcement reviewed the location of the project and confirmed that all of the project parcels are in the 500-year flood hazard area (see <b>Appendix B</b>, Binghamton Floodplain Map).</p> <p>Due to the impact of Tropical Storm Lee, the flood zone maps for Binghamton are being re-evaluated with no changes approved or adopted. If the flood zone determination changes for the project parcels, FWAC will obtain the necessary flood insurance for the properties for the duration of the regulatory period.</p> <p><b>Source: 6</b></p>
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**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5**

<p><b>Clean Air</b></p> <p>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Binghamton Gateway Homes project is not in the most recent nonattainment or maintenance area for inhalable particulate matter (PM2.5) or 8-hour ozone, as defined by the EPA's Green Book Nonattainment Areas for Criteria Pollutants.</p> <p>Project activities at Front Street, Spring Forest Avenue, and Meadow Street would be completed on existing residential developed sites and existing structures and would not substantively affect the NY State Implementation Plan (SIP) due to the implementation of standard best management practices (BMP) that control dust and other emissions during construction. New construction at Clinton Street also would employ BMPs to control dust and emissions and, therefore, would not substantively affect the NY State SIP. Air quality impacts would be short-term and localized. No significant impacts on air</p>
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		<p>quality would result and further assessment is not required.</p>
<p><b>Coastal Zone Management</b></p> <p>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The project sites are not within the coastal zone boundary, and the New York Department of State (NYDOS) made a “general concurrence determination” for the CDBG-DR program for all of Broome County based on the fact the program involves rehabilitation (see <b>Appendix C</b>, NYDOS Coastal Consistency Consultation and Response Letter).</p> <p>Binghamton is a Local Waterfront Revitalization Community, and two of the 12 project sites are located within the Local Waterfront Revitalization Program boundaries.</p> <p><a href="http://www.binghamton-ny.gov/sites/default/files/files/LWRP%20map.pdf">http://www.binghamton-ny.gov/sites/default/files/files/LWRP%20map.pdf</a></p>
<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property. Phase I Environmental Site Assessments (ESA) were completed for each of the properties in the Binghamton Gateway Homes project in September 2014, and determined that the sites are not environmentally impaired. There was no evidence that hazardous materials were generated or stored at the project parcels or that industrial processes, mineral production, waste disposal or material storage or disposal at nearby sites pose an environmental risk to the project. No further investigations were recommended.</p> <p>All project-related solid waste materials must be managed and transported in accordance with the NYS’s solid and hazardous waste rules.</p>

	<p><b>Polychlorinated Biphenyls</b></p> <p>Due to the age of the existing buildings, there is the potential for polychlorinated biphenyls (PCBs) to be present (in caulking materials, as well as in lighting ballasts), as well as mercury which may be present in thermostats, switches or lighting equipment. It is possible that the building contains PCB-containing equipment, such as light fixtures. If such equipment is scheduled to be replaced or removed from the site, FWAC will submit project specifications to the HCR Environmental Analyst to demonstrate that the project will comply with all federal, state and local regulations regarding the proper categorization, removal and disposal of the equipment.</p> <p><b>Lead-Based Paint</b></p> <p>Eleven of the 12 sites have existing buildings constructed before 1978; therefore, all buildings are presumed to contain lead-based paint and could contain lead in soils. There are no lead-based paint concerns for the Clinton Street site because there are no structures. However, the structures previously on this site could have contained lead-based paint, and the soils could contain lead. All renovation activities would follow Lead-Safe Work Practices. All activities would comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, the US Environmental Protection Agency (EPA) Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD's lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing."</p> <p>The Guidelines complement regulations that have been issued by HUD, the EPA, and the Occupational Safety and Health Administration (OSHA), and policies from the Centers for Disease Control and Prevention (CDC). In general, these</p>
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	<p>regulations apply to housing constructed prior to 1978. Dust wipes would be done in each apartment prior to occupancy. Lead testing will be conducted upon substantial completion, prior to occupancy. Soil tests would be conducted after the selective demolition occurs to properly assess potential impacts from LBP materials</p> <p><b>Asbestos-Containing Materials</b></p> <p>Surveys for asbestos-containing materials (ACM) were conducted for each of the existing structures in the Binghamton Gateway Homes project in November and December 2014. Analysis of samples indicated that all of the existing buildings have ACM. Structures with ACM that would be reconstructed or rehabilitated would conform to: Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos-Standard for demolition and renovation 40 CFR Part 61.145, and National Emission Standard for Asbestos-Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations 40 CFR Part 61.150. Because there are no structures at the Clinton Street site, there is no concern regarding ACM.</p> <p><b>Mold</b></p> <p>Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. Inspection and sampling to determine the nature and extent of mold growth associated with water intrusion in the existing structures on the Binghamton Gateway Homes project sites was conducted in December 2014. Visible mold or visible conditions supporting mold growth were found in each of the structures. Characterization of fungi was performed on air samples to identify species of fungi that are implicated in adverse health effects experienced by persons occupying water-</p>
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		<p>damaged buildings, and remediation measures were outlined. Mold remediation will be performed for each building scheduled for rehabilitation in accordance with the recommendations included in the developer's mold contamination removal and disposal specifications report. Required mold remediation would be done in accordance with New York City Guidelines on Assessment and Remediation.</p> <p><b>Radon</b></p> <p>According to the EPA, the Binghamton Gateway Homes project is in Radon Zone 1, where the predicted average indoor radon screening level is greater than 4 picocuries per liter (pCi/L). Radon mitigation would be included for all properties in the Binghamton Gateway Homes project. Remediation measures would be in accordance with EPA 'Model Standards and Techniques for Control of Radon in New Residential Buildings' EPA 402-R-94-009 and EPA 'Passive Radon Control System for New Construction' EPA 402-95-012. If radon testing indicates that a radon level in any of the project buildings exceeds the EPA action level of 4 pCi/L, additional mitigation would be applied until radon levels are demonstrated to be below recommended limits. All radon testing and mitigation measures would be conducted upon substantial completion, prior to occupancy.</p> <p><b>Source: 7, 8, 9, 39, 40</b></p>
<p><b>Endangered Species</b></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>FWAC completed the USFWS online review process on September 19, 2014. That review indicated that the area around the project sites may have habitat for the northern long-eared bat (<i>Myotis septentrionalis</i>). However, it is unlikely that the northern long-eared bat or any other endangered or threatened species are in the project area as there is no critical or desirable habitat. In addition, it is likely that little or no impact to endangered or threatened species would occur due to the urban nature of the project sites and lack of any tree cover or removal of trees. The New</p>

		<p>York State Department of Environmental Conservation (NYSDEC) reviewed the New York Natural Heritage Database and found that the project vicinity is potential habitat for the brook floater (<i>Alasmidonta varicose</i>), yellow lampmussel (<i>Lampsilis cariosa</i>), and pygmy snaketail (<i>Ophiogomphus howei</i>); however, these are freshwater aquatic species found in local rivers, including the Chenango and Susquehanna Rivers, and are unlikely to be affected by the project.</p> <p>No rare, threatened or endangered species will be impacted by the proposed project. The project consists of rehabilitation of existing buildings and new construction of one building in an urban infill area. No additional compliance steps are required.</p> <p>See <b>Appendix K</b>, USFWS Correspondence.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Separation distance requirements for HUD assisted projects, as defined in 24 CFR Part 51.201 could apply for the Binghamton Gateway Homes properties because the HUD project increases the number of people that would be exposed to hazardous operations within one mile. NYSDEC data identified eight remediation sites within one mile of the Binghamton Gateway Homes properties. These are sites that are undergoing or have undergone cleanup under the oversight of NYSDEC. NYSDEC data identified 102 bulk storage facilities within one mile of these properties. Bulk storage facilities include chemical bulk storage facilities pursuant to the Hazardous Substance Bulk Storage Law, Article 40 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 595-599; major oil storage facilities pursuant to NY Code Article 12 of the Navigation Law; and petroleum bulk storage facilities registered pursuant to title 10 of Article 17 of the ECL.</p> <p>Phase I ESAs done in September 2014 for each of the Binghamton Gateway Homes properties found that no explosive and flammable hazards were located on any of these properties, and there was no evidence</p>

		<p>that hazardous materials generated, stored or disposed of at nearby sites pose an environmental risk to the subject properties.</p> <p>A Thermal Explosive Hazards Study was performed on the project sites in November 2014 in accordance with the HUD guidance found within the publication "Siting of HUD-Assisted Projects near Hazardous Facilities. This study found no evidence of any outdoor aboveground tanks that: 1) store flammable or explosive gasses (i.e. propane) within a 1,000-foot radius of the site; 2) exceed 100 gallons and store flammable or explosive liquids within 1,000-foot radius of the site; or 3) exceed 20,000 gallons and store flammable or explosive liquids within one mile of the site. Based on the Phase I ESAs and the Thermal Explosive Hazards Study, no separation distance requirements would apply to the project sites.</p> <p><b>Source: 7, 11, 12, 13, 14, 15</b></p>
<p><b>Farmlands Protection</b></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>The Binghamton Gateway Homes project is rehabilitation and urban infill and would not convert farmland to nonagricultural purposes or violate the Farmland Policy Protection Act. Further assessment is not required (see <b>Appendix D</b>, Farmland Protection Checklist).</p> <p><b>Source: 16</b></p>
<p><b>Floodplain Management</b></p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Binghamton Gateway Homes project parcels are not in an SFHA. The project sites are located in the 0.2-percent-annual-chance (or 500-year) flood hazard zone, with areas of 100-year shallow flooding of depths less than 1 foot (Zone B), based on a review of the FEMA FIRM (Map No. 3600380002C) for Binghamton, New York (see <b>Appendix B</b>). The Binghamton Office of Building Construction, Zoning and Code Enforcement reviewed the location of the project and confirmed that all of the project parcels are in the 500-year flood hazard area.</p> <p>Due to the impact of Tropical Storm Lee, the flood zone maps for Binghamton are being re-evaluated, but, no changes have been</p>

		<p>approved or adopted. If the flood zone determination changes for the project parcels, FWAC would obtain the necessary flood insurance for the properties for the duration of the regulatory period.</p> <p><b>Source: 17</b></p>
<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) provided final determination letters in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966. OPRHP determined that the proposed undertaking would have no adverse effect on properties in or eligible for inclusion in the National Register of Historic Places for all of the project sites.</p> <p>OPRHP’s final determination letters submitted with the application contained the following condition and comment:</p> <ul style="list-style-type: none"> <li>• 267 Front Street - “No Adverse Effect” is based upon the provision that all stained glass windows in the house will remain in place.</li> <li>• 269 Front Street- SHPO notes that some features (gutters, windows, doors) have already been installed. SHPO office requires that projects be reviewed prior to the initiation of construction activity and requests justification for replacement on future projects that appears to have undertaken work prior to their review.</li> </ul> <p>The area in and around 267 Front Street in Binghamton is located in the National Register-eligible Dwigtsville Historic District, a historic suburban neighborhood developed by Col. Walton Dwight beginning in 1872 with some buildings designed by Isaac Perry who later became the State Architect. Further study would be required to refine the actual district boundaries in light of Dwight’s involvement. The district has not been formally proposed, not formally defined and a formal determination of eligibility for the National Register has not</p>

		<p>yet been made. No additional compliance steps are required.</p> <p>Per Section 106 of the NHPA, 36 CFR 800.2(c), the applicant consulted with the Oneida Nation of New York, the Onandaga Nation of New York, and the Tuscarora Nation of New York in correspondence sent on September 22, 2014. To date, no responses have been received. No additional compliance steps are required.</p> <p>See <b>Appendix J</b>, SHPO Correspondence, <b>Appendix L</b>, Tribal Correspondence.</p>
<p><b>Noise Abatement and Control</b></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 checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Potential noise generators in the vicinity of the project include NY State Route 17, the railroad line south of Clinton Street, and The Greater Binghamton/Edwin A. Link Field Airport. NY State Route 17 is approximately 685 feet from the nearest project site on Spring Forest Avenue and about 1,200 feet from the northernmost site on Front Street. The railroad line is approximately 570 feet south of the Clinton Street site and roughly 900 feet south of the southernmost Front Street site. The airport is approximately 9 north of the Binghamton Gateway Homes Project. The northernmost project addresses on Front Street and the Spring Forest Avenue site would be impacted most by NY State Route 17 noise. The Clinton Street sites would be directly impacted by railroad noise.</p> <p>A Noise Abatement and Control Study was conducted in November 2014 for the project area, in general accordance with 24 CFR Part 51 Sub Parts B, C, and D. This study concluded that the total combined day/night noise level to be acceptable at 63.7 decibels. This noise level is less than the action level of 65 decibels, which would require incorporation of noise attenuation features. The proposed construction and rehabilitation activities would cause temporary increases in noise levels. Temporary increases in noise levels would be mitigated by complying with</p>

		<p>the City of Binghamton Noise Control Ordinance.</p> <p><b>Source: 47</b></p>
<p><b>Sole Source Aquifers</b></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 Binghamton Gateway Homes project properties are in the Clinton Street Ballpark sole source aquifer (SSA) area, according to the EPA NEPAassist mapper. The SSA authority applies only for new construction and conversion activities. A memorandum of understanding between EPA and HUD states that the following activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> <li>• Construction of individual new residential structures containing from one to four units</li> <li>• Rehabilitation of residential units</li> </ul> <p>(See <b>Appendix E</b>, Binghamton Sole Source Aquifers)</p> <p>While project activities at 11 of the 12 project sites would involve only rehabilitation of existing residential units, the Binghamton Gateway Homes project would result in new construction of a residential structure containing more than one to four units at the Clinton Street site. 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. The Binghamton Gateway Homes project would not significantly increase the total impervious area of the parcels on which construction would occur. Therefore, this authority would not be triggered because these activities would not increase the preexisting area covered by structures, sidewalk, driveway, parking lot, or other developed area.</p> <p>In addition, 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</p>

		<p>that EPA has identified as posing little threat to aquifers.</p> <p><b>Source: 18</b></p>
<p><b>Wetlands Protection</b></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>There are no classified water bodies, or any state/federal wetlands at or near this property.</p> <p><a href="http://www.dec.ny.gov/imsmaps/ERM/viewer.htm">http://www.dec.ny.gov/imsmaps/ERM/viewer.htm</a></p> <p><a href="http://www.fws.gov/wetlands/Data/Mapper">http://www.fws.gov/wetlands/Data/Mapper</a>.</p>
<p><b>Wild and Scenic Rivers</b></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 Binghamton Gateway Homes project.</p> <p><a href="http://www.rivers.gov/wildriverslist.html">http://www.rivers.gov/wildriverslist.html</a></p> <p><b>Source: 19, 20</b></p>
<b>ENVIRONMENTAL JUSTICE</b>		
<p><b>Environmental Justice</b></p> <p>Executive Order 12898</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The Front Street properties are in a potential EJ Area, as defined by NYSDEC based on data from the 2000 U.S. Census; and the other Binghamton Gateway Homes project properties are surrounded by potential EJ areas. (See <b>Appendix F</b>, Potential Environmental Justice Areas Maps).</p> <p>The Binghamton Gateway Homes project would not raise environmental justice (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 rehabilitation of existing homes devastated by Tropical Storm Lee and constructing new affordable housing.</p> <p>All of the units in the project would provide affordable housing for very low to moderate income residents (at or below 80 percent of the AMI) and give occupancy preference to residents displaced by Tropical Storm Lee. Of the 37 units that would be created by the project, 12 are targeted to households with incomes at or below 50 percent of the AMI</p>

		<p>and 25 are targeted to households with incomes at or below 60 percent of the AMI. Three of the 27 apartments created in the 11 rehabilitated buildings and 5 of the 10 units in the new construction on Clinton Street would be fully adapted for persons with physical disabilities. Two of units in the rehabilitated buildings and one unit on Clinton Street would be adapted for persons with hearing or visual impairments.</p> <p><b>Source: 38</b></p>
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**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] NYSHCR has recorded below 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
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	<b>2</b>	Allowable land uses in the City of Binghamton are determined by Chapter 410 of the City of Binghamton Code of Ordinances, as adopted by the City Council by Ord. No. 06-31 (Appendix A of the 1970 Code). City land use policies are determined by long-range planning documents, including the City of Binghamton Comprehensive Plan ( <a href="http://www.binghamton-ny.gov/departments/planning-housing-community-development/2003-comprehensive-plan">http://www.binghamton-ny.gov/departments/planning-housing-community-development/2003-comprehensive-plan</a> ) and the Front Street Gateway Plan

		<p>(<a href="http://www.bmtsonline.com/files/bmts/pdfs/Front Street Gateway Plan.pdf">http://www.bmtsonline.com/files/bmts/pdfs/Front Street Gateway Plan.pdf</a>).</p> <p>While there are no land use designations in either of these plans for the project sites, the Binghamton Gateway Homes project complies with the housing goals in the Comprehensive Plan, particularly with regards to neighborhood revitalization. The project also complies with the vision of the Front Street Gateway Plan for the street to become a middle-income residential neighborhood, with successful neighborhood businesses and public access to the river. The scale and design of the structures and other visual elements of the project parcels and surrounding areas reflect the predominantly residential character of the First Ward neighborhood. The new and rehabilitated buildings would enhance the visual character and quality of the neighborhood by maintaining the scale and continuity of the residential streetscapes, particularly along Front Street. While the three-story building at 164-168 Clinton Street would be larger than the former hotel it is replacing, it would be consistent with the visual scale along Clinton Street with its mix of residential and retail/commercial buildings.</p> <p>The zoning designation at the projects sites are R-2: Residential 1 &amp; 2 Family Dwelling, R-3: Residential Multi-Unit Dwelling, and C-1: Service Commercial. The individual project sites were referred to the City’s Department of Planning, Housing, and Community Development for determinations of the project’s compliance with the zoning ordinance provisions and land use designations for the sites. The City determined the project complies with the zoning ordinance, and has granted variances and special use permits in individual cases where discretionary land use approvals were required. (see <b>Appendix G</b>) These include a variance at 254 Front Street to construct a 2-story house on a 40-foot wide lot where a 60-foot width is required in the R-2 District, and a Special Use Permit and Series A Site Plan Review for 164-168 Clinton Street for allowance to construct a three-story mixed-use building.</p> <p><b>Source: 22, 23, 24</b></p>
<p>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</p>	<p>2</p>	<p>The project sites are on silt and gravelly soils previously disturbed by development and in a dense urban setting. Because the sites previously supported similar structures, the soils would be suitable for the new/rehabilitated</p>

		<p>structures. Grading for the sites would be minimal, and soils would be compacted per local building codes.</p> <p>According to the US Geological Survey (USGS) topographic map (see <b>Appendix A</b>), the City of Binghamton has slopes of less than 10 percent near the project sites, which is considered moderate, and is satisfactory for urban development and does not present concerns regarding rehabilitation of the project sites.</p> <p>The project includes development of individual sites connected to the public street and drainage systems of the City of Binghamton. Rehabilitation and development of the sites would not create stormwater runoff that would adversely affect these drainage systems. The project sites would include the construction of catchbasins and gutters that would connect to the public stormwater system administered by the City of Binghamton. The site plan and special use permit conditions of approval include conditions for preparation of an Urban Runoff Reduction Plan to address the potential for increased stormwater runoff due to the increased density of these sites. This plan would be reviewed and approved by the City of Binghamton prior to issuance of building and grading permits for the applicable sites.</p> <p>Because the amount of ground disturbance at each site would be less than one acre, a State Pollutant Discharge Elimination System (SPDES) General Stormwater Permit is not 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 program locations that require excavation or soil modification, so impacts from erosion are not anticipated as a result of this program.</p> <p><b>Source: 25</b></p>
<p>Hazards and Nuisances including Site Safety and Noise</p>	<p><b>3</b></p>	<p>The Binghamton Gateway Homes project sites are not in areas with any previous known history of hazardous materials releases. The neighborhood is a historic residential and commercial area and has not been the site of industrial operations or other activities known to emit hazardous materials or air pollutants. A hazardous materials analysis was prepared to determine the presence or potential impact to the project sites from hazardous materials and wastes in proximity to the sites. The analysis found no presence of any hazardous materials, including</p>

	<p>outdoor aboveground tanks storing flammable or explosive gasses or flammable or explosive liquids within 1,000 feet of the sites, and aboveground tanks exceeding 20,000 gallons and flammable or explosive liquids within 1 mile of the sites.</p> <p>The project sites are located between State Route 17 and the Norfolk Southern freight rail corridor. The Norfolk Southern line handles freight potentially containing hazardous and flammable materials. Both 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 the State 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 the State. To this end, the State is required to certify all safety inspectors in their respective discipline.</p> <p>Freight, intercity, and tourist railroads operating in New York State 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 sites are located within the First Ward that experienced severe flooding due to Tropical Storm Lee, and is considered a FEMA High Risk Area. While not within the 100-year flood zone, all of the project sites are within a 500-year flood hazard area. The NYRCR Plan for Broome County identifies this neighborhood as needing affordable housing to address blight conditions caused by this storm event. No other known natural hazards, including earthquake fault zones, landslide zones, or hazardous terrain, exist at or near the project sites.</p> <p>The project sites are subject to noise from several sources, including Route 17 and the Norfolk Southern Railroad tracks. A noise study was prepared per 24 CFR Part 51 that included noise from these and other traffic sources and found that the total combined day/night noise level to be at 63.7 decibels at the Binghamton Gateway Homes project sites, within the acceptable range for noise exposure. Renovation and construction activities could result in short-term noise from construction vehicles, but the project</p>
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		<p>must adhere to local ordinances concerning allowable days and times for construction activities, and restrictions on idling times for construction vehicles.</p> <p><b>Source: 8, 26, 27, 47</b></p>
Energy Consumption	2	<p>The project is using the Enterprise Green Communities Criteria 2011.</p> <p>The project complies with the NYSHCR mandatory green building and energy efficiency practices, the requirements of New York State Energy Research and Development Authority (NYSERDA) Low-Rise Residential New Construction Program, and the Energy Star Version 3 Guidelines. The project would comply with all applicable City of Binghamton codes and regulations concerning energy conservation; this compliance would occur during the building permit review process for each site. The sites are in the service areas of local energy providers and are not anticipated to result in any usage requirements beyond existing load capacities. The project sites are within close proximity to existing transit lines and are located either on State Route 11 (Front Street) or within a half mile of this route. The sites are within a half mile of most basic services, including grocery stores, banks, and local-servicing retail businesses offering a variety of employment opportunities.</p> <p><b>Source: 28, 29</b></p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	2	<p>According to 2012 Census estimates, the median household income in the City of Binghamton was \$29,371, and represents an increase from \$25,665 in 2000. This compares to \$56,448 for the State of New York. The estimated median house or condo value in 2012 was \$87,221, compared to \$66,100 in 2000. This compares to \$280,900 for the State of New York.</p> <p>Employment in Binghamton is widely distributed among many key industries and occupations. Approximately 12 percent of the population is employed in the retail trade, 12 percent in manufacturing, 11 percent in educational services, 9 percent in construction, 9 percent in hotel and food services, 9 percent in health care and social</p>

		<p>assistance, and 7 percent in professional, scientific, and technical services.</p> <p>The Binghamton Gateway Homes project would not alter the employment and income patterns in the area and would support temporary and permanent employment. Approximately 75 construction jobs would be created for the project. Permanent employment would include 4-6 jobs for maintenance, management, and operation of the two commercial uses to be located at 164-168 Clinton Street. These uses would include two spaces of 531 and 553 square feet and would be targeted for neighborhood commercial businesses.</p> <p>The project would benefit employment and local income in the area by providing additional residents who would utilize local businesses and stimulate employment.</p> <p><b>Source: 30</b></p>
<p>Demographic Character Changes, Displacement</p>	<p>2</p>	<p>According to the 2012 U.S. Census estimates, the population of the City of Binghamton was 46,551. This represents a population decrease of 1.7 percent since 2000. Approximately 74.5 percent of the population identifies as Caucasian, 10.5 percent of the population identifies as black or African-American, 5.5 percent identify as Hispanic, 5.3 percent identifies as Asian, 3.8 percent identify as two or more races, 0.2 percent of the population considers themselves to be American Indian or Alaskan Native, and 0.1 percent of people in Broome County identify their race to be “other”. The median age of residents is 35.8.</p> <p>The Binghamton Gateway Homes project would construct 37 housing units on sites previously developed for housing or commercial uses. The project residents would likely reflect the existing demographics of the neighborhood due to the proposed housing types and units reserved for affordable and disabled persons. The sites are spread throughout the First Ward neighborhood; therefore, the project would not concentrate or isolate low-income or disadvantaged people. Three of the eleven buildings are currently occupied. The residents and owners of these occupied units have been provided notice per the Uniform Relocation Act (URA), and a relocation plan has been prepared for the affected residents. Per the requirements of the URA, these residents will be given a right to return upon completion of the project. Therefore, no existing residents would be permanently displaced.</p>

	<p>The First Ward Action Committee is targeting 6 of the proposed units for persons with physical disabilities, and the project would provide affordable housing per the Front Street Gateway Plan and local housing goals. Based on the City of Binghamton’s average household size of 2.17, the project would include 37 units with approximately 80 residents and would not result in a net increase or change in residents that would significantly alter the demographic characteristics of the area. No significant impacts would occur to the demographic character of the City of Binghamton.</p> <p><b>Source: 30</b></p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	<b>2</b>	<p>The City of Binghamton includes educational facilities serving primary, secondary, and college education. There are 10 public and 2 elementary and middle schools serving 5,386 students. There are three public and three private high schools serving 3,528 students. There are five centers for college and adult education; the largest is the Binghamton campus of the State University of New York, with a full-time enrollment of 12,914.</p> <p>The city includes two libraries, the Broome County Public Library and the Fenton Free Library. Cultural facilities include the Bundy Museum Galleries and Showroom, Broome County Historical Society, and the Discovery Center of the Southern Tier.</p> <p>The average household size in Binghamton is 2.17. Based on this average, the project would add approximately 80 residents to the City of Binghamton. Of these, approximately 20 residents would be school-age children under 18. The nearest high school is Binghamton High School, approximately a quarter mile south of the project sites. The 2012-2013 enrollment at this school is 1,657, a decline of 8 percent since the 2000 enrollment of 1,744. Nearby elementary and middle schools have also reported declining enrollments during this same period at roughly the same rate. Therefore, the potential addition of approximately 20 school-age children to the Binghamton public school system would not be sufficient to adversely impact or exceed the capacity of these facilities.</p> <p><b>Source: 30, 44, 45, 46</b></p>

<p>Commercial Facilities</p>	<p>2</p>	<p>There are numerous commercial facilities within a half mile of the project sites, primarily on Front and Clinton Streets. These are mostly serving the local area. Larger, regional facilities include the Binghamton Plaza Shopping Center, approximately a quarter mile northeast of the project sites.</p> <p>These facilities would adequately support of the needs of the new residents of the project sites. The proposed project would not result significantly increase the demand on existing commercial establishments. New residents would frequent commercial establishments in the neighborhood. The project would create commercial space in the building at 164-168 Clinton Street, providing additional retail opportunities and sources of jobs in the neighborhood.</p> <p><b>Source: 30</b></p>
<p>Health Care and Social Services</p>	<p>2</p>	<p>There are three hospitals and numerous health care facilities in Binghamton. Two hospitals, Our Lady of Lourdes Hospital and UHS Binghamton General Hospital, are located within ten minutes of the project sites. Both are full-service hospitals, and provide emergency services. The UHS Clinton Street Family Care Center, located within three blocks of the project sites at 164-168 Clinton Street, is within 5 minutes of the other project sites. This facility provides primary care and urgent care services. The number of units and residents associated with the proposed 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 Broome County Department of Social Services provides child support enforcement services, Supplemental Nutrition Assistance Program (SNAP) benefits (food stamps), temporary financial, housing, medical, home energy assistance, and protective and preventive services for vulnerable children and adults.</p> <p>The project would not significantly increase the demand for social services as the location is in an area served by existing social service providers.</p> <p><b>Source: 30</b></p>
<p>Solid Waste Disposal / Recycling</p>	<p>2</p>	<p>Construction debris would primarily be comprised of materials from the rehabilitation and renovation of existing residential structures. These materials include wood, piping, appliances, and other materials commonly found in residential construction. These wastes would be deposited</p>

		<p>at the existing Broome County Landfill, located approximate 8 miles north of the project sites. Per 6 NYCRR Part 360, a Waste Transport Manifest would be required by the Broome County Department of Public Works, Solid Waste Management Division for transport and disposal of certain wastes, included asbestos wastes, to the landfill.</p> <p>The project would be developed at a higher density than the previous residential housing at the sites. The project would generate approximately one ton of solid waste per month. The sites would be served by the City of Binghamton Sanitation Division currently serving the neighborhood every Wednesday, and waste would be deposited in the existing Broome County Landfill. This facility is adequately sized and would not be adversely impacted by this project. Additionally, the project would comply with the goals and objectives of the City’s Solid Waste Management Plan to achieve a 25 percent net reduction in solid waste from 1990 conditions and increase recycling rates.</p> <p><b>Source: 30, 41, 42, 43</b></p>
<p>Waste Water / Sanitary Sewers</p>	<p>2</p>	<p>Wastewater treatment is provided by the Binghamton-Johnson City Joint Sewage Board. The project is in a central area of the city that is served by existing wastewater and sewer services and infrastructure, and would not require the installation of new wastewater collection infrastructure. The project would connect to the city’s sanitary sewers and wastewater treatment system. The project would likely generate less wastewater than previous residential uses because new utilities in the units would employ efficiency standards per local and state codes, and the NYSHCR mandatory green building and energy efficiency practices and the NYSERDA Low-Rise Residential New Construction Program.</p> <p><b>Source: 31</b></p>
<p>Water Supply</p>	<p>2</p>	<p>Water supply is provided by the City of Binghamton. The project sites are connected to the city’s water supply delivery system. The project is anticipated to generate approximately 1,200 gallons of water usage per day. The project would include all water conservation measures proscribed by the NYSHCR mandatory green building and energy efficiency practices and the NYSERDA Low-Rise Residential New Construction Program, and local codes. The project would likely decrease demand on the City’s</p>

		<p>water supply services compared with the previous property uses.</p> <p><b>Source: 32</b></p>
Public Safety - Police, Fire and Emergency Medical	3	<p>Public safety services are provided by the City of Binghamton. The project sites are within one mile of existing police and fire stations. There would be a net increase of approximately 58 residents compared to the previous population of the project sites; however, this would not adversely affect response times or other levels of emergency services. The increase in population would not significantly increase the demand for police, fire, or emergency medical services.</p> <p><b>Source: 33</b></p>
Parks, Open Space and Recreation	2	<p>Parks and recreation facilities are managed by the City of Binghamton Parks and Recreation Department. There are numerous parks within one mile of the project sites, including Valley Street Park, Ely Park, Veterans Memorial Park, and Cheri A. Lindsey Park. There are numerous public access points along the Chenango River near the sites. The small increase in the number of residents would not substantially increase the demand for additional parks or open space and would not result in the deterioration of the existing facilities. Because the current uses of the sites are residential and commercial, project implementation would not result in the loss of parks or open space.</p> <p><b>Source: 34</b></p>
Transportation and Accessibility	2	<p>The project sites are in a central location in the city, well-connected to the local and regional transportation network. Front Street is designated as US Route 11 and provides access along the Chenango River and various locations throughout the city. Local and regional bus service is provided on Front Street and Clinton Street by the Broome County Department of Public Transportation. This service provides public transit access from the vicinity of the project sites to various locations in Binghamton and around Broome County. 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.</p> <p><b>Source: 23</b></p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	<b>2</b>	<p>There are no unique natural features on or adjacent to any of the project sites. The Front Street sites are along the Chenango River, but are in existing developed locations, and project implementation would not affect public access or natural features along this river.</p> <p>Broome County is located over the Clinton Street Ballpark SSA. 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, and the total change in impervious surfaces across the project sites would not exceed this threshold. Therefore, no adverse impacts on this SSA would occur.</p> <p>The project does not require a SPDES General Stormwater Permit and would comply with local and state stormwater management codes and requirements to prevent any construction-related runoff to the storm system.</p> <p><b>Source: Source: 26</b></p>
Vegetation, Wildlife	<b>2</b>	<p>The USFWS online review completed on September 19, 2014, indicated that the project area may contain habitat for the northern long-eared bat. However, this is a highly developed, urbanized setting in the City of Binghamton and is not suitable habitat for rare or endangered species. The NYSDEC reviewed the New York Natural Heritage Database and found that the project vicinity is potential habitat for the brook floater, yellow lampmussel, and pygmy snaketail; however, these are freshwater aquatic species found in local rivers and are unlikely to be affected by the project. The applicant submitted a formal request for a statement of “no effect” to USFWS, and the USFWS responded by deferring the final ESA determination to the federal lead agency.</p> <p><b>Source: Source: 26, 39</b></p>
Other Factors		Beyond those already addressed, no other factors were identified or evaluated for the proposed project.

**Additional Studies Performed:** Pre-rehabilitation surveys for asbestos and mold have been conducted. All debris and mold contaminated materials will be removed and properly disposed. Any water infiltration issues will be addressed by the demolition/rehabilitation plans and specifications for each building. After selective demolition of existing structures, soil tests will

be conducted around the perimeter of the structures to determine the extent of new topsoil required for building pads.

**Field Inspection** (Date and completed by): Matt Adelson, Tetra Tech Inc. conducted field investigations of the 11 project sites on November 19, 2014. The field investigations included surface reconnaissance of the sites and assessment of neighborhood conditions.

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

1. New York State. 2013. State of New York Action Plan for Community Development Block Grant Program Disaster Recovery (Action Plan, issued April 25, 2013, amended July 3, 2012) New York State. 2013.
2. New York State. 2013. NY Rising Housing Recovery Program Homeowner Guidebook (Guidebook) (revised December 12, 2013).
3. Federal Aviation Administration. Report to Congress - National Plan of Integrated Airport Systems. Internet Website: [http://www.faa.gov/airports/planning\\_capacity/npias/reports/media/npias-2015-2019-report-appendix-b-part-4.pdf](http://www.faa.gov/airports/planning_capacity/npias/reports/media/npias-2015-2019-report-appendix-b-part-4.pdf).
4. Federal Aviation Administration. Report to Congress - National Plan of Integrated Airport Systems. Internet Website: [http://www.faa.gov/airports/planning\\_capacity/npias/reports/media/npias-2015-2019-report-narrative.pdf](http://www.faa.gov/airports/planning_capacity/npias/reports/media/npias-2015-2019-report-narrative.pdf).
5. New York State Department of State, Office of Communities and Waterfronts – Coastal Boundary Map. Internet Website: [http://appext20.dos.ny.gov/coastal\\_map\\_public/map.aspx](http://appext20.dos.ny.gov/coastal_map_public/map.aspx).
6. United States Federal Emergency Management Agency. Current FEMA issued Flood Maps. Internet Website: <https://msc.fema.gov/portal/search?AddressQuery=binghamton%2Cny>.
7. New York State Department of Environmental Conservation GIS Clearinghouse, Bulk Storage Sites in New York State and Remediation Sites in New York State. Internet Website: <http://gis.ny.gov/gisdata/inventories/member.cfm?organizationID=529>.
8. United States Department of Housing and Urban Development. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition). Internet Website: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/lbp/hudguidelines](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines)
9. United States Environmental Protection Agency EPA Map of Radon Zones. Internet Website: <http://www.epa.gov/radon/pdfs/zonemapcolor.pdf>.
10. United States Department of Housing and Urban Development. Explosive and Flammable Facilities. Internet Website: <https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities>.
11. United States Department of Housing and Urban Development. Acceptable Separation Distance Guidebook. Internet Website: <https://www.hudexchange.info/resource/2762/acceptable-separation-distance-guidebook/>.

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Project Name: Binghamton Gateway Homes

Project Location: Binghamton, NY

Page 32 of 39 (plus 149 pages of attachments)

12. Link Environmental Services, Inc. 2014. Phase I Environmental Site Assessment, 164-168 Clinton Street, Binghamton, New York. September 29, 2014.
13. Link Environmental Services, Inc. 2014. Phase I Environmental Site Assessment, 20 Spring Forest Avenue, Binghamton, New York. September 29, 2014.
14. Link Environmental Services, Inc. 2014. Phase I Environmental Site Assessment, 8 Meadow Street, Binghamton, New York. September 29, 2014.
15. Link Environmental Services, Inc. 2014. Phase I Environmental Site Assessment, Binghamton Gateway Homes, 9 Properties: 249, 252, 254, 255, 257.5, 259, 267/267.5, 269, and 273/275 Front Street, Binghamton, New York. September 29, 2014.
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18. United States Environmental Protection Agency. Sole Source Aquifers in New York. Internet Website: <http://www.epa.gov/region02/water/aquifer/>.
19. National Wild and Scenic Rivers System. Internet Website: <http://www.rivers.gov/new-york.php>.
20. New York State Department of Environmental Conservation. Wild Scenic and Recreational Rivers. Internet Website: <http://www.dec.ny.gov/permits/32739.html>.
21. New York State Department of Environmental Conservation GIS Clearinghouse, Potential Environmental Justice Areas in the Binghamton Area. Internet Website: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/broomeej.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/broomeej.pdf).
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25. Willard, Jerry. 2014. Personal Communication with Mr. Jerry Willard, First Ward Action Council, from NYSHCR. November 10, 2014.
26. Willard, Jerry. 2014. Personal Communication with Mr. Jerry Willard, First Ward Action Council, USFWS, Online Project Review Request, Binghamton Gateway Homes. September 19, 2014.
27. Federal Railroad Administration, Office of Safety Analysis. 2014. Internet Website: <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx>.
28. First Ward Action Council. 2014. Attachment B1 - Outline Specification. October 7, 2014.
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Environmental Review Record

Project Name: Binghamton Gateway Homes

Project Location: Binghamton, NY

Page 33 of 39 (plus 149 pages of attachments)

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35. United States Department of Housing and Urban Development. Noise Abatement and Control. Internet Website: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review/noise](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/noise).
36. United States Environmental Protection Agency. Designations for fine particulates. Internet Website: <http://www.epa.gov/pmdesignations/2006standards/final/region2.htm>.
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38. New York State Department of Environmental Conservation, Division of Environmental Permits, Region 7. Letter to Kristina Rogers regarding No DEC Jurisdiction. November 5, 2014.
39. Link Environmental Services, Inc. 2014. Indoor Air Quality Investigation (20 Spring Forest Avenue; 8 Meadow Street; 249, 252, 254, 255, 257.5, 259, 267, 269, 273-275 Front Street). December 2014.
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41. City of Binghamton Sanitation Division. Internet website: <http://www.binghamton-ny.gov/sanitation>.
42. Broome County Department of Solid Waste Management. Internet website: <http://www.gobroomecounty.com/solidwaste/landfill>
43. City of Binghamton Solid Waste Management Plan, updated January 2013.
44. Binghamton City School District. Internet website: <http://www.binghamtonschools.org/>
45. New York State Education Department, Binghamton City School District Enrollment (2012-13). Internet website: <http://data.nysed.gov/enrollment.php?year=2013&instid=800000055103>
46. United States Department of the Census. Internet website: <http://quickfacts.census.gov/qfd/states/36/3606607.html>
47. Noise Abatement and Control Study for Binghamton Gateway Homes Project Shars #20146004, Scattered Sites Binghamton First Ward, Binghamton, NY, Broome County, NY, prepared by Quad Three Group, Inc. November 2014.

### Appendices

- A Greater Binghamton Airport Clear Zones Map
- B Binghamton Floodplain Map
- C NYDOS Coastal Consistency Consultation and Response Letter
- D Farmland Protection Checklist
- E Binghamton Sole Source Aquifers
- F Broome County Potential Environmental Justice Area Maps
- G Zoning Compliance
- H Topographic Map
- I Community Support Documentation
- J SHPO Correspondence
- K USFWS Correspondence
- L Tribal Correspondence

### **List of Permits Obtained:**

1. 164-168 Clinton Street, Site Plan Approval, City of Binghamton Planning Board, November 2013; extended on August 11, 2014.
2. 254 Front Street Area Variance Approval, City of Binghamton Zoning Board, September 2014
3. Parking Approvals, approved for each site by the City of Binghamton Department of Planning, August 26, 2014.

**Public Outreach** [24 CFR 50.23 & 58.43]: On January XX, 2015, a combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds will be published in the XX. Any individual, group or agency may submit written comments on the Environmental Review Record to:

Daniel Greene, Governor's Office of Storm Recovery  
25 Beaver Street  
New York, New York 10004  
(212) 480-4644  
NYSCDBG\_DR\_ER@nyshcr.org

### **Cumulative Impact Analysis** [24 CFR 58.32]:

The proposed project is not expected to trigger cumulative impacts that would degrade important natural resources, socioeconomic resources, human health, recreation, quality of life issues, and cultural and historic resources. The proposed project, combined with other rehabilitation projects in the vicinity, would result in positive cumulative impacts to the First Ward neighborhood per the redevelopment goals of the City of Binghamton.

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

The Binghamton Gateway project is being developed to address long-standing conditions of blight and increased residential and commercial vacancy in the First Ward neighborhood of the City of Binghamton exacerbated by flooding from Tropical Storm Lee in 2011. The project would include a mix of residential and commercial uses in conformance with the goals and objectives of local and regional plans for the First Ward neighborhood, and a portion of the project would include housing units reserved for residents with disabilities. The project is reliant on the requested funding for construction. Absent this funding, the project would not be constructed, and the affordable housing and commercial retail uses critical to revitalization of the First Ward neighborhood would not be realized. The only other alternative considered is the No Action Alternative, discussed below.

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

Not undertaking the project would result in the continued physical and human deterioration of the First Ward neighborhood and would not be consistent with the goals and objectives of the Front Street Gateway Plan and the City of Binghamton Comprehensive Plan. The existing, vacant structures would continue to deteriorate, and the resulting blight from these structures could reduce the potential for investment and redevelopment of nearby properties, thus contributing to blight conditions in the neighborhood. Additionally, the vacant structures would continue to be a source of potential hazardous materials exposure for neighboring residents, and the buildings could attract squatters and vagrants to potential harm to themselves and nearby residents. Not constructing the two commercial retail uses would result in a loss of employment opportunities and deprive the neighborhood of additional retail choices along Clinton Street.

**Summary of Findings and Conclusions:**

The proposed project would be an appropriate use of the 12 project sites in the First Ward neighborhood. The sites have already been reviewed and approved by the City of Binghamton for consistency with local zoning ordinance provisions and development densities, including setbacks and heights. The project would reverse blight and vacancy conditions in the neighborhood and would be consistent with local and regional land use goals and policies for the First Ward neighborhood. The project would provide for affordable housing consistent with local and state housing goals, and would provide housing for persons with disabilities in an area lacking such facilities. The project would not significantly alter the character, features, or resources of the project 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)]

NYSHCR summarizes 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 activities will 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 will be used to minimize fugitive dust emissions created during program 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 will be managed and transported in accordance with the NYS solid and hazardous waste rules.
Contamination and Toxic Substances	All renovation activities would follow Lead-Safe Work Practices. All activities would comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, the EPA RRP Rule (40 CFR 745.80 Subpart E), HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and the HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.” These measures are not required for the project activities at 164-168 Clinton Street.
Contamination and Toxic Substances	Structures with ACM that would be reconstructed or rehabilitated would conform to: Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos-Standard for demolition and renovation (40 CFR Part 61.145), and National Emission Standard for Asbestos-Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations (40 CFR Part 61.150). An asbestos operations and maintenance plan will be prepared prior to funding. These measures are not required for the project activities at 164-168 Clinton Street.
Contamination and Toxic Substances	Mold remediation will be performed for each building scheduled for rehabilitation in accordance with the recommendations included in the developer’s mold contamination removal and disposal specifications report. Required mold remediation would be done in

Law, Authority, or Factor	Mitigation Measure
	accordance with New York City Guidelines on Assessment and Remediation.
Contamination and Toxic Substances	<p>Radon mitigation would be included for all project properties. Mitigation measures would be in accordance with EPA Model Standards and Techniques for Control of Radon in New Residential Buildings (EPA 402-R-94-009) and EPA Passive Radon Control System for New Construction (EPA 402-95-012). The mitigation design must be submitted to the program architect for review and approval. Radon testing will be conducted in each building at the time of construction completion, with test results forwarded to the case manager to be placed in the case file prior to occupancy. A third-party air-monitoring contractor must complete the final testing/clearance with certified results by an authorized testing laboratory. If radon testing indicates that the radon level exceeds the EPA action level of 4 pCi/L, additional mitigation would be applied until radon levels are demonstrated to be below recommended limits. All radon testing and mitigation measures would be conducted upon substantial completion, prior to occupancy. If construction is phased, then test results must be forwarded to the case manager prior to occupancy of each building.</p>
Bald and Golden Eagle Protection Act	<ol style="list-style-type: none"> <li>1. Maintain a buffer of at least 660 feet (200 meters) between all activities and the bald eagle nest (including active and alternate nests) unless a similar activity is closer than 660 feet, then maintain a distance buffer as close to the nest as the existing tolerated activity</li> <li>2. Restrict all clearing, external construction, and landscaping activities within 660 feet of the bald eagle nest to outside of the nesting season (outside the nesting season is from August through January). The nesting season in the Northeast is generally from mid-December to June for the states in the Chesapeake Bay area (Delaware, Maryland, and Virginia) and as late as January through July for the remaining states.</li> <li>3. Maintain any established landscape buffers.</li> </ol>
Section 106 of the National Historic Preservation Act	At 267 Front Street, all stained glass windows in the house will remain in place.
City of Binghamton Department of Planning, Housing, and	Prior to the issuance of a grading, building, and/or demolition permit for the proposed project, a Final

Law, Authority, or Factor	Mitigation Measure
<p>Community Development (254 Front Street Area Variance and 164-168 Clinton Street Special Use Permit and Series A Site Plan Review)</p>	<p>Urban Runoff Reduction Plan incorporating green infrastructure techniques shall be submitted to the Building Department for review and approval by the Stormwater Management Officer, or his or her designee. Upon submittal, the Building Department shall refer the Plan immediately to the Stormwater Management Officer, or his or her designee. Within 30 business days of receiving the Plan, the Stormwater Management Officer shall approve, require revisions to, or disapprove the Plan. Prior to approval or denial of a Plan, the Stormwater Management Officer may require that the applicant make revisions to the Plan as may be necessary to comply with the provisions of Chapter-227. Approved Plans shall be referred back to the Building Department, who shall issue the Plan to the applicant concurrent with other necessary permits pertinent to site alteration and construction. Any Plan disapproved by the Stormwater Management Officer must be revised by the applicant and resubmitted for approval in order for the project to proceed. No building, grading, and/or demolition permit shall be issued until a Final Urban Runoff Reduction Plan has been approved by the Stormwater Management Officer.</p>
<p>City of Binghamton Department of Planning, Housing, and Community Development (254 Front Street Area Variance and 164-168 Clinton Street Special Use Permit and Series A Site Plan Review)</p>	<p>The project applicant shall submit plans for review and approval by the Department of Building Construction Building Construction, Zoning and Code Enforcement, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground from the project applicant's structure to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.</p>
<p>City of Binghamton Department of Planning, Housing, and Community Development (254 Front Street Area Variance and 164-168 Clinton Street Special Use Permit and Series A Site Plan Review)</p>	<p>Prior to Issuance of a Certificate of Occupancy the trees, shrubs and landscape materials illustrated on the proposed site plan shall be planted or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal to the estimated cost of the required landscaping materials and installation, based on a licensed contractor's bid.</p>

Law, Authority, or Factor	Mitigation Measure
City of Binghamton Department of Planning, Housing, and Community Development (254 Front Street Area Variance and 164-168 Clinton Street Special Use Permit and Series A Site Plan Review)	All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.
City of Binghamton Department of Planning, Housing, and Community Development (254 Front Street Area Variance and 164-168 Clinton Street Special Use Permit and Series A Site Plan Review)	Along with the Building Permit application for the proposed project, the applicant shall submit a Public Improvement Plan for the adjacent public right-of-way (ROW) showing all proposed improvements necessary to bring the property into compliance with City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, street lighting, on-street parking and accessibility improvements.
City of Binghamton Department of Planning, Housing, and Community Development (254 Front Street Area Variance and 164-168 Clinton Street Special Use Permit and Series A Site Plan Review)	Prior to the issuance of a building permit, the applicant shall submit a revised site plan for review and approval by the Planning Department that orients the required parking spaces perpendicularly to the rear property line or locates the parking in such a manner as to provide for safe and efficient parking and maneuverability that complies with Article X of the Zoning Code.

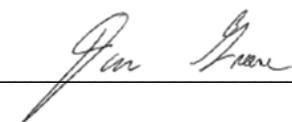
**Determination:**

**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.

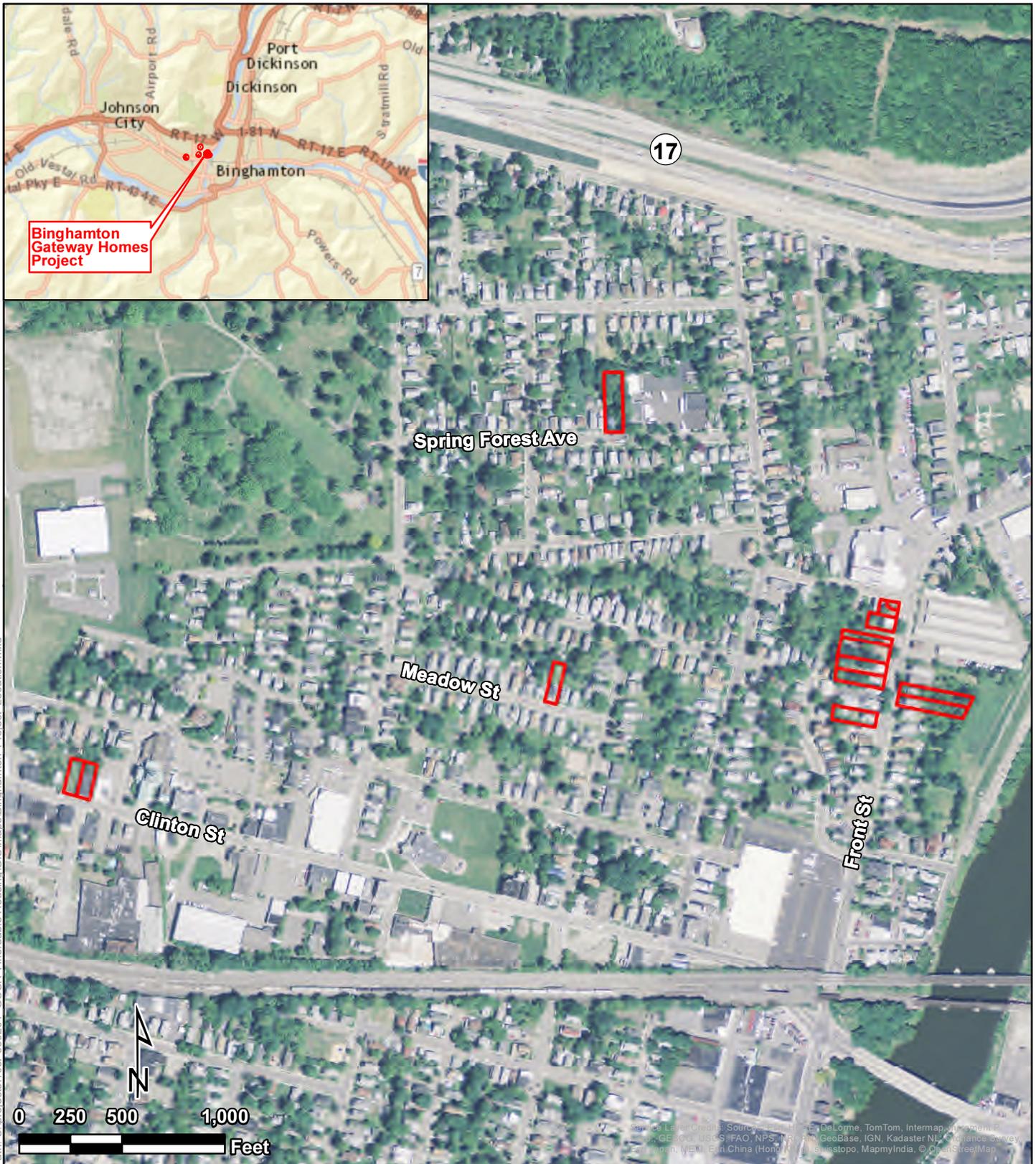
Preparer Signature:  Date: 1/14/2015

Name/Title/Organization: Derek Farmer, Senior Environmental Planner, Tetra Tech, Inc.

Certifying Officer Signature:  Date: 1/15/2015

Name/Title: Daniel Greene, Deputy General Counsel, 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).



Path: C:\projects\103p359201\_GOSR\_Affordable Housing\GIS\maps\Binghamton\_Project\_Location.mxd

Source Layer Credits: Source: Esri, DeLorme, TomTom, Intermap, increment P, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap

## Project Location

### Legend

 Binghamton Gateway Homes Project Properties

Binghamton Gateway Homes Project  
Broome County, New York



Tetra Tech, Inc

Figure 1

**APPENDIX A**  
**GREATER BINGHAMTON AIRPORT CLEAR ZONES MAP**



## Greater Binghamton Airport Airport Clear Zones

Binghamton Gateway Homes Project  
Broome County, New York



Tetra Tech, Inc

**APPENDIX B**  
**BINGHAMTON FLOODPLAIN MAP**

**KEY TO SYMBOLS**

Zone B  
Zone C  
Zone A

**EXPLANATION OF ZONE DEMONSTRATIONS**

1. Areas of Special Flood Hazard (SFH) shown on this map are based on the Flood Insurance Rate Map (FIRM) for the City of Binghamton, New York, dated June 1, 1977.

2. The Flood Insurance Rate Map (FIRM) is a map of the City of Binghamton, New York, showing the areas of special flood hazard (SFH) as determined by the Federal Emergency Management Agency (FEMA) in cooperation with the State of New York.

3. The Flood Insurance Rate Map (FIRM) is a map of the City of Binghamton, New York, showing the areas of special flood hazard (SFH) as determined by the Federal Emergency Management Agency (FEMA) in cooperation with the State of New York.

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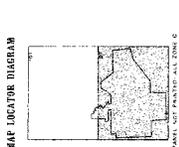
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UNDER WRITING APPROVED MAP # 812  
FLOOD INSURANCE RATE MAP # 812

**CITY OF BINGHAMTON,  
NEW YORK**  
BRORHKE COUNTY

**PANEL H&I-02**

PAGE 1 OF 1 PRINTED

EFFECTIVE DATE:  
JUNE 1, 1977

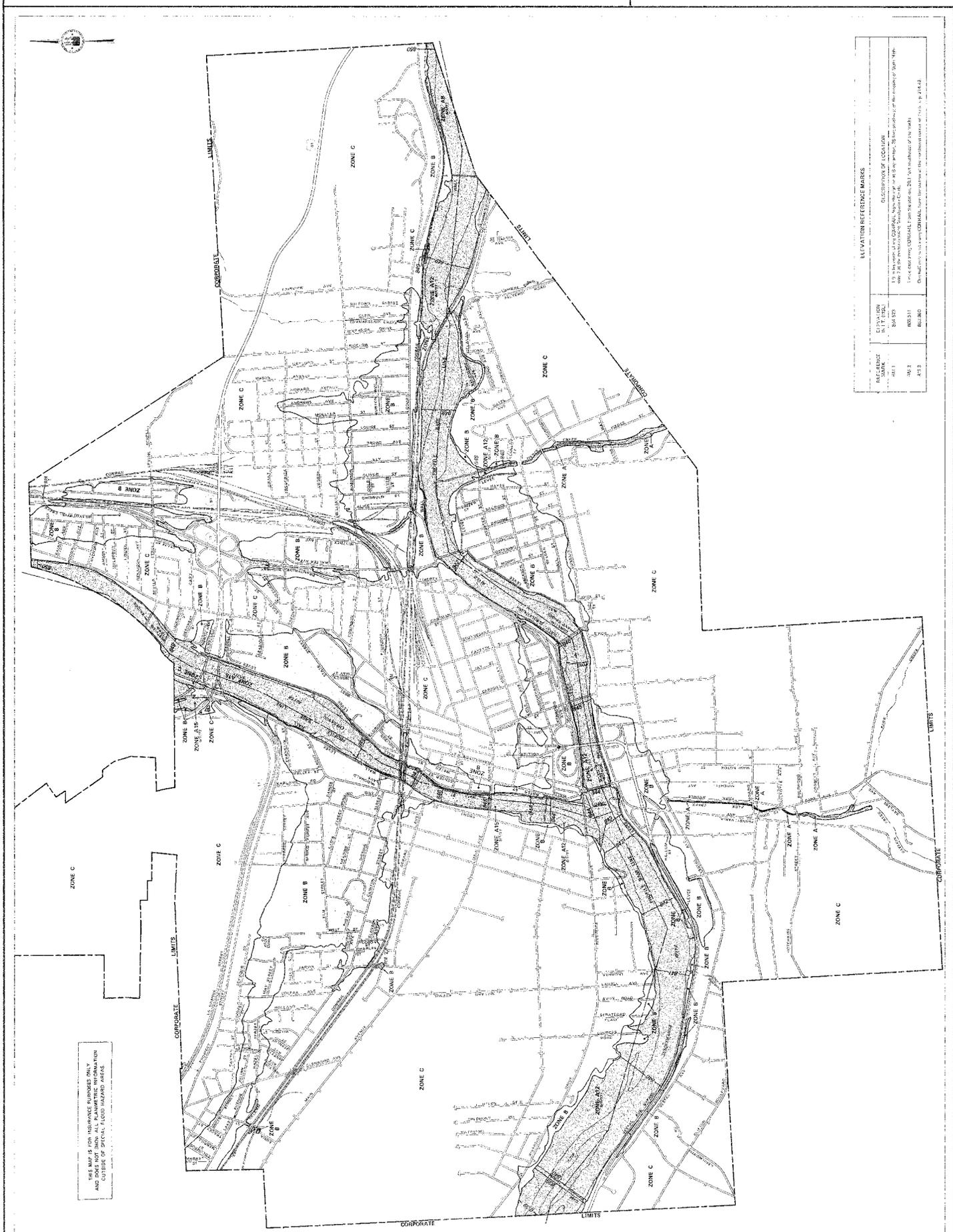
COMMUNITY NUMBER:  
30080C

U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT

THIS MAP IS FOR INSURANCE PURPOSES ONLY  
AND DOES NOT CONSTITUTE A GUARANTEE  
OR A STATEMENT OF FACTS.  
IT IS THE RESPONSIBILITY OF THE INSURANCE  
COMPANY TO VERIFY THE ACCURACY OF THE  
INFORMATION ON THIS MAP.

**ELEVATION REFERENCE MARKS**

REFERENCE MARK	ELEVATION IN FEET (MSL)	DESCRIPTION OF LOCATION
MSL 1	802.82	1st Floor of the City of Binghamton, New York, at the intersection of the intersection of State St. and 1st St.
MSL 2	802.31	1st Floor of the City of Binghamton, New York, at the intersection of the intersection of State St. and 1st St.
MSL 3	802.80	1st Floor of the City of Binghamton, New York, at the intersection of the intersection of State St. and 1st St.





DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **164 CLINTON 144.78-2-48**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **164 CLINTON ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

AT: Jerry Willard, Director  
RE: 168 CLINTON 144.78-2-49  
Flood Hazard Determination

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **168 CLINTON ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **249 FRONT 144.80-2-31**  
**Flood Hazard Determination**

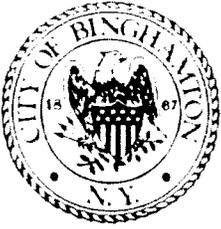
At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **249 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **252 FRONT 144.80-3-11**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **252 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

**Thomas F. Costello, Supervisor of Building Construction**



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **255 FRONT 144.80-2-28**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **255 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **257.5 FRONT 144.80-2-27**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **257.5 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **259 FRONT 144.80-2-26**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **259 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

**Thomas F. Costello, Supervisor of Building Construction**



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **267 FRONT 144.80-2-25**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **267 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION**  
**ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **267.5 FRONT 144.80-2-24**  
**Flood Hazard Determination**

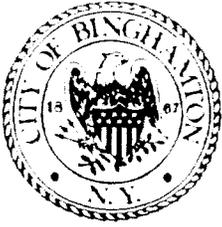
At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **267.5 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **269 FRONT 144.80-2-23**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **269 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **273 FRONT 144.80-2-21**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **273 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **254 FRONT 144.80-3-10**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **254 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **275 FRONT 144.80-2-22**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **275 FRONT ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **8 MEADOW 149.79-4-24**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **8 MEADOW ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

September 10, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

AT: **Jerry Willard, Director**  
RE: **20 SPRING FOREST 144.72-1-33**  
**Flood Hazard Determination**

At your request, the Office of Building Construction, Zoning & Code Enforcement has reviewed the location of the property and related structures, except where parcel is vacant land, at **20 SPRING FOREST ST**, to determine the degree of Flood Hazard at this location, as provided by the officially prepared and adopted Flood Hazard Boundary Map, H-01-02, Community Number 360038002C (June 1, 1977).

Based on this information, this Office has determined that the referenced parcel and all structures within it are located within Flood Hazard Zone X500. You will note that Zone "X500" refers to an area where the degree of flood hazard has a 0.2-percent chance of being equaled or exceeded each year.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction

**APPENDIX C**  
**NYDOS COASTAL CONSISTENCY CONSULTATION**  
**AND RESPONSE LETTER**



ANDREW M. CUOMO  
GOVERNOR

DARRYL C. TOWNS  
COMMISSIONER/CEO

NEW YORK STATE  
DIVISION OF HOUSING  
& COMMUNITY  
RENEWAL

August 29, 2013

HOUSING  
TRUST FUND  
CORPORATION

STATE OF  
NEW YORK MORTGAGE  
AGENCY

NEW YORK STATE  
HOUSING FINANCE  
AGENCY

NEW YORK STATE  
AFFORDABLE HOUSING  
CORPORATION

STATE OF  
NEW YORK MUNICIPAL  
BOND BANK AGENCY

TOBACCO SETTLEMENT  
FINANCING  
CORPORATION

Jeffrey Zappieri  
Supervisor, Consistency Review Unit  
Division of Coastal Resources  
State of New York  
Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, New York 12231-0001

**Re: Program Update/Introduction of all Programs, and Request for General Consistency Concurrence for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR)**

Dear Mr. Zappieri:

On June 26, 2013, New York State Homes and Community Renewal (NYSHCR) submitted a letter (via email) to the State of New York Department of State (DOS) requesting concurrence that the proposed activities for the 1-4 unit rehabilitation action are covered by the DOS general consistency concurrence criteria. On July 3, DOS provided a response letter (project # F-2013-0533 FA) stating that the proposed activities in the June 26 letter meet the general consistency concurrence criteria, and the DOS has no objection to funding.

As you may recall, NYSHCR has been authorized to implement the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Assistance Program (Program) in accordance with the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01). This document is available for review at <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

Recently, NYSHCR has been directed to proceed with completing all Environmental Review Records (ERRs) for the entire Program. Therefore, the purpose of this letter is to provide DOS notice of the Program actions updates and to obtain written confirmation from DOS that the proposed activities will be in compliance with general consistency concurrence criteria. Actions in the Program that were not described in the June 26 letter include Rehabilitation, Buy out, Acquisition, and Economic Development, as described below.

Mr. Jeffrey Zappieri

August 29, 2013

Page 2 of 2

### **Program Overview**

The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Program descriptions are included in **Attachment A**, and a brief overview is included below. A list of affected counties included in the CDBG-DR program is included in **Attachment B**. Specific Federal Actions related to the program include:

1. Rehabilitation and repair of 1-4 unit homes, 5+ unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation.
2. Reimbursement (incorporated as part of the Rehabilitation program). Qualifying participants may get reimbursed for expenses associated with disaster recovery, which were incurred before the CDBG-DR program funds were ready.
3. Buy-out of storm-damaged properties. The State will buy eligible properties and will result in demolition and return to green space for perpetuity.
4. Acquisition of damaged properties. The State will buy eligible properties and result in demolition and options for future land use.
5. Economic Development- Eligible entities may receive funding for general economic recovery and improvement of the local economy.

### **Compliance**

NYSHCR is anticipating it will be responsible for preparing approximately 133 Environmental Review Records (ERRs), covering the various actions within the various counties. Because of the large extent of the Program, it is appropriate to coordinate with DOS, so NYSHCR, as the Responsible Entity (RE), can accurately document compliance.

NYSHCR is requesting a program comprehensive response letter from DOS, covering all actions (in addition to the July 3 letter), that can be included in all Tier 1 ERRs to document that coordination with DOS is being completed, and general consistency concurrence criteria will be met. The prior correspondence between NYSHCR and DOS is included in **Attachment C** for reference.

If you have question or require additional information regarding this request, please contact me at (518) 486-3379 or hspitzberg@nyshcr.org. Thank you for your time and consideration.

Sincerely,



Heather M. Spitzberg, Esq.  
NEPA Certifying Officer  
NYS Homes and Community Renewal  
38-40 State Street  
Hampton Plaza  
Albany, NY 12207

cc. Robin Keegan, NYSHCR  
Chris Leo, NYSHCR

Attachment A - Program Descriptions

Attachment B- List of Affected Counties Included in the CDBG-DR Program

Attachment C- Prior Correspondence

## **Attachment A- Program Descriptions**

The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan), issued April 25, 2013, is used as the overall reference for these programs and is incorporated by reference into these project descriptions. The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01) may be referenced at: <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

### **Buyout/Acquisition**

An overview of each activity under the program covered by this document is provided below. This program applies to 1- and 2-unit residential properties.

#### **Voluntary Buyouts and Acquisitions of One- and Two-unit Homes**

The Recreate NY Home Buyout Program will include the purchase of eligible substantially damaged properties (>50% of the pre-storm value of the property) inside the floodplain in storm-impacted areas.

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

The State intends to conduct most purchases outside of the enhanced buyout areas as “acquisitions,” as defined by HUD, whereby purchase offers must begin with the post-storm FMV of the property.

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

#### **Enhanced Buyout Areas**

Enhanced buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments, will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer

zones or other non-residential/commercial uses; there may also be acquisition of vacant or undeveloped land in these targeted areas.

### **Program Activities**

Summarized in the sections below are the physical program activities:

#### Buyout

Following purchase of the property, the land would remain open space in perpetuity. As applicable, structures on the properties would be removed. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner, but will retain restrictions on use.

#### Acquisition

Following purchase of the property, the land may be developed in a resilient manner. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner for development.

### **Rehabilitation 1-4 Units and 5+ Units**

In response to the damage caused by Hurricane Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, homeowners of disaster-declared counties who sustained damage will be invited to submit an application for assistance. The Recreate New York Smart Homes Project activities to be funded by CDBG-DR have been designed to provide assistance for repairing damaged property, reconstructing damaged homes, and mitigating damaged properties for future resilience.

The specific actions include rehabilitation and reconstruction of moderate, major, and substantial storm-damaged structures and elevation to the required advisory base flood elevation plus freeboard as required by each community's floodplain ordinance as further described in the Floodplain Management Document. It is anticipated that the renovations and elevations will take place within the existing footprint of the structure (unless elevation is not technically feasible without alteration of the footprint), and no additional structures will be built upon each approved project parcel. Under this program, the expansion of the structure may not exceed 20% of the original pre storm footprint. The structure must remain 1-4 units in size after rehabilitation or reconstruction.

Wherever allowable by local building codes and any other law and/or regulation, homeowners will be allowed to choose whether to repair the original home, or rebuild (reconstruct) a new home in its place. However, only funding for the more cost-effective option will be provided.

#### Reimbursement

The program may also provide reimbursements for homeowners of one- to four-unit buildings that have started or completed Hurricane Sandy-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the program requirements (e.g., eligibility criteria, grant restrictions). Reimbursement is contingent on compliance with Recreate NY 1-4 Unit Rehabilitation requirements discussed above

### **Economic Development Program Description**

The applicable programs from the Action Plan are:

- Small Business Grant Program
- Small Business Loan Program
- Coastal Fishing Industry Program
- Seasonal Tourism Industry Program

An overview of each program covered by this document is provided below.

#### **Small Business Grant Program**

This program will provide funding grants to eligible businesses for purchase or repair of equipment, renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and the following activities identified in Section 4 of the Action Plan:

- Purchase of equipment, materials, inventory, furniture, fixtures
- Employee training
- Acquisition of real property
- Working capital
- Construction, rehabilitation, reconstruction of buildings)
- Engineering, architectural, and/or design costs
- Infrastructure directly associated with economic development activities
- Technical assistance
- Any other eligible business related activity (requires State consultation and approval)
- Marketing and outreach to solicit applications from businesses eligible for any of the State's proposed programs

#### **Small Business Loan Program**

This program will provide loans to eligible businesses for purchase or repair of equipment, renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and other activities identified in Section 4 of the Action Plan.

#### **Coastal Fishing Industry Program**

This program will provide funding to businesses and individuals qualified as a Coastal Fishing Industry. Details of this program are included on page 50 of the Action Plan.

#### **Seasonal Tourism Industry Program**

This program will provide funding to eligible seasonal tourism businesses. Details of this program are also included on page 50 of the Action Plan.

Attachment B- List of Affected Counties

County	Impacted by:			Potential Programs						Total Documents	total started	Overall total
	Irene	Lee	Sandy	BO/Acq	Rehab 1 - 4	Rehab 5+	Economic	Reimburse				
Albany	x				x	x	x	x	4	0	4	
Bronx	x		x						1	0	1	
Broome		x			x	x	x	x	4	0	4	
Chemung		x			x	x	x	x	4	0	4	
Chenango		x			x	x	x	x	4	0	4	
Clinton	x				x	x	x	x	4	0	4	
Columbia	x				x	x	x	x	4	0	4	
Delaware	x	x			x	x	x	x	4	0	4	
Dutchess	x				x	x	x	x	4	0	4	
Essex	x				x	x	x	x	4	0	4	
Greene	x				x	x	x	x	4	0	4	
Fulton		x			x	x	x	x	4	0	4	
Herkimer	x	x			x	x	x	x	4	0	4	
Kings	x		x						1	0	1	
Montgomery	x				x	x	x	x	4	0	4	
Nassau	x		x		<b>X</b>	x	<b>X</b>	x	5	3	2	
New York			x		x				1	0	1	
Oneida		x			x	x	x	x	4	0	4	
Orange	x	x	x		x	x	x	x	5	0	5	
Otsego	x	x			x	x	x	x	4	0	4	
Putnam	x		x		x	x	x	x	5	0	5	
Queens	x		x						1	0	1	
Rensselaer	x				x	x	x	x	4	0	4	
Richmond	x		x						1	0	1	
Rockland	x		x		<b>X</b>	x	<b>X</b>	x	5	3	2	
Saratoga	x				x	x	x	x	4	0	4	
Schenectady	x	x			x	x	x	x	4	0	4	
Schoharie	x	x			x	x	x	x	4	0	4	
Suffolk	x		x		<b>X</b>	x	<b>X</b>	x	5	3	2	
Sullivan	x		x		x	x	x	x	5	0	5	
Tioga		x			x	x	x	x	4	0	4	
Ulster	x	x	x		x	x	x	x	5	0	5	
Warren	x				x	x	x	x	4	0	4	
Washington	x				x	x	x	x	4	0	4	
Westchester	x		x		x	x	<b>X</b>	x	5	1	4	
<b>TOTALS</b>									<b>133</b>	<b>10</b>	<b>123</b>	

**Heather Spitzberg**

---

**From:** Heather Spitzberg  
**Sent:** Friday, April 26, 2013 12:43 PM  
**To:** jeffrey.zappieri@dos.ny.gov; denise.caldwell@dos.ny.gov  
**Subject:** Consistency Determinations For Disaster Recovery Projects

Hi,

I'm an Environmental Analyst with NYS HCR. I believe that I've worked with both of you in the past.

HCR's Office of Community Renewal (OCR) is going to be administering millions of dollars to rehabilitate homes that have been damaged by Hurricanes Sandy, Lee & Irene. It is CDBG-DR (Disaster Recovery) funding from HUD and will be directly administered by OCR through local non-profits and municipalities. The potential project descriptions are below. We anticipate that most of the properties will be in a Coastal Zone.

Specific sites have not yet been chosen. We are currently drafting our NEPA review, which will be a Programmatic Review, with preparation of individual site specific checklists as sites are chosen.

As this will be entirely rehabilitation of existing structures in their existing footprints, do we need to undertake a Federal Consistency Review for each project, or can we do this on the Programmatic level? If we can do a Programmatic response from DOS, what do you need from OCR? If we need to submit individual consistency reviews, can we discuss how to expedite that process with your office?

If you think we need to discuss further by phone, please let me know.

Thanks so much for your help.

Heather

Program Description:

Scattered Sites

The Following NY Counties: Albany, Broome, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington and Westchester

The New York State Homes & Community Renewal (HCR) Office of Community Renewal (OCR) intends to enter into subrecipient agreements with non-profit and municipal entities to fund activities eligible under the **Housing Assistance Program** section of the State of New York Action Plan for Community Development Block Grant Program - Disaster Recovery (CDBG-DR). The CDBG-DR was approved under the Department of Housing and Urban Development Appropriations Act of 2013 (Public Law 113-2).

A site specific environmental checklist will be completed for each individual site that is chosen to receive an award and be kept on file at the offices of each subrecipient.

The program activities include replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes (including flood-proofing and mitigation). The program activities may also include necessary utility connection replacements and repair or replacement of minor accessory/appurtenant residential structures. The following five programs will be undertaken:

1. Recreate NY Smart Home Repair and Reconstruction

- Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including Condominiums, Co-Ops and Garden Apartments.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

2. Recreate NY Smart Home Resilience

- Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including: Condominiums, Co-Ops and Garden Apartments.
- Property is located within a 100-year floodplain and damaged, or property was substantially damaged (i.e., lost more than 50% of pre-storm FMV), and still needs additional rehabilitation.
- Will cover costs to mitigate future damage.

3. Small Multi-Family Repair and Reconstruction

- Available to owners of multi-unit (3-7 units) residential buildings located outside of New York City including: Rental properties, including owner-occupied rental properties, non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate does not exceed a total of seven (7) units.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

4. Small Multi-Family Mitigation

- Available to owners of multi-unit (3-7) residential buildings located outside of New York City, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate do not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.
- Will cover costs to mitigate future damage.

5. Large Multi-Family Mitigation

- Available to owners of multi-unit properties with eight or more units located outside of New York City including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered site. New York City will administer its own CDBG-DR programs directly.
- Property is located within a 100-year floodplain and sustained damage as a result of the disaster.
- Will cover costs to mitigate future damage.

**Heather M. Spitzberg, Esq.**  
 Environmental Analyst  
 NYS Homes and Community Renewal  
 38-40 State Street  
 4th Floor, Hampton Plaza  
 Albany, NY 12207

(518) 486-3379 (phone)  
 (518) 402-7376 (fax)  
[hspitzberg@nyshcr.org](mailto:hspitzberg@nyshcr.org)



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

July 3, 2013

Ms. Heather M. Spitzberg, Esq.  
NYS Homes and Community Renewal  
38-40 State Street  
4th Floor, Hampton Plaza  
Albany, New York 12207

**Re: F-2013-0533(FA)**  
NYS Homes and Community Renewal  
Replacement, rehabilitation or reconstruction of a  
structure or facility, in kind, on the same site,  
including upgrading buildings to meet building or fire  
codes (including flood-proofing and mitigation). The  
program activities may also include necessary utility  
connection replacements and repair or replacement of  
minor accessory/appurtenant residential structures.  
**General Concurrence - No Objection To Funding**

Dear Ms. Spitzberg:

The Department of State received the information you submitted regarding the above matter on June 26, 2013.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of HUD funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2013-0533(FA).

Sincerely,

Jeffrey Zappieri  
Supervisor, Consistency Review Unit  
Division of Coastal Resources

JZ/dc



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

October 18, 2013

Ms. Heather M. Spitzberg, Esq.  
NEPA Certifying Officer  
NYS Homes and Community Renewal  
38-40 State Street  
Hampton Plaza  
Albany, NY 12207

**Re: U.S. Department of Housing and Urban Development  
Community Development Block Grant - Disaster Recovery  
(CDBG-DR) Housing Assistance Program, administered by  
New York State Homes and Community Renewal (NYSHCR)**

**General Concurrence with Program; No Objection to Funding**

Dear Ms. Spitzberg:

The Department of State received your letter request (dated August 29, 2013) for our agency's review and comprehensive program response. This submission included the program overview, descriptions of program components and objectives, current updates, and reference to additional supporting materials.

The Department of State has determined that this program is generally consistent with the policies and purposes of the New York State Coastal Management Program (NYSCMP). We anticipate that any substantial modifications or additions to the CDBG-DR program will be further coordinated on an ongoing basis with the Department of State.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, and other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact me at (518) 474-6000.

Sincerely,

Jeff Zappieri  
Manager of Consistency Review  
Office of Planning & Development

*JZ/ts*

*cc: Robin Keegan, NYSHCR  
Chris Leo, NYSHCR*

**APPENDIX D**  
**FARMLAND PROTECTION CHECKLIST**

# Farmland Protection

## Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
The Farmland Protection Policy Act discourages Federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

**1. Does your project include new construction, acquisition of undeveloped land or change in use of land or property.**

Yes: PROCEED to #2

No: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

Maintain, in your ERR, a determination that the project does not include new construction, acquisition of undeveloped land or change in use of a property

**2. Does your project meet one of the following exemptions?**

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land used for water storage or already in or committed urban development (this includes land with a density of 30 structures per 40 acre area. It also includes lands identified as “urbanized area” (UA) on the Census Bureau Map, or as urban area mapped with a “tint overprint” on the USGS topographical maps, or as “urban built-up” on the USDA Important Farmland Maps. Please note that land “zoned” for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA).

Yes: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

Maintain, in your ERR, documentation to evidence the project meets one of the exemptions. If the project is already in urban development provide a map as described above with your site marked or documentation from another credible source.

No: PROCEED to #3

**3. Does “important farmland” regulated under the Farmland Protection Policy Act occur on the project site? This includes prime farmland, unique farmland and/or land of statewide or local importance**

**You may use the links below to determine if important farmland occurs on the project site:**

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrsc> or your NRCS state soil scientist [http://soils.usda.gov/contact/state\\_offices/](http://soils.usda.gov/contact/state_offices/) for assistance

No: STOP here. The project does not convert farmland to nonagricultural purposes. Record your determination on the Statutory Worksheet and attach documentation used to make your determination

Yes: PROCEED to #4

**4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

Complete form AD-1006, “Farmland Conversion Impact Rating”

[http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist. Work with NRCS to minimize the impact of the project on the protected farmland.

Return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination once you have finished the analysis.

Record your determination on the Statutory Worksheet and attach documentation used to make your determination. Include any mitigation required in the review.

**DISCLAIMER:** This document is intended as a tool to help Region X HUD grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement, and the Farmland Protection Legislation and Regulations take precedence over any information found in this document.

**APPENDIX E**  
**BINGHAMTON SOLE SOURCE AQUIFERS**



OPTIONAL FORM 99 (7-90)

## FAX TRANSMITTAL

# of pages - 14

To: <b>Jeff Hollman</b>	From: <b>Steve Gomb</b>
Dept./Agency	Phone #
Fax #	Fax #

## MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
REGION II, NEW YORK, NEW YORK

AND

THE ENVIRONMENTAL PROTECTION AGENCY  
REGION II, NEW YORK, NEW YORK

PURPOSE and GOAL

This Memorandum of Understanding (MOU) is established to assist the Environmental Protection Agency (EPA), Region II, and the Department of Housing and Urban Development (HUD), Region II, in meeting the Sole Source Aquifer (SSA) project review requirements of Section 1424(e) of the 1974 Safe Drinking Water Act (SDWA) PL 93-523.

The MOU establishes a formal agreement of each agency's responsibilities and the procedures to be followed in evaluating the potential groundwater impact of projects/activities submitted for HUD Federal financial assistance which are located within the project review area of a designated SSA in Region II.

Under Section 1424(e), an aquifer may be designated by EPA as a SSA if it is determined that the aquifer is the sole or principal source of drinking water for an area and, if contaminated, would create a significant hazard to public health. Following designation, no commitment of Federal financial assistance may be entered into for any project/activity within the SSA project review area which the EPA Administrator determines may contaminate the aquifer so as to create a significant hazard to public health.

The overall goal is to ensure that each project/activity receiving Federal financial assistance in a SSA project review area is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health.

GEOGRAPHIC AREAS AFFECTED

This MOU applies to HUD Federal financially assisted projects/activities in the project review area of all current and future designated SSAs in Region II.

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Attachment 1, Designated SSAs in Region II, lists the designated SSA areas within the states of New York and New Jersey in EPA, Region II; the date of designation; and the Federal Register Notice citation. Attachment 1 also provides a map of the SSA project review area boundary for each of the designated aquifers. When any other SSAs are designated in Region II, EPA will notify HUD in writing.

#### DEFINITIONS

##### Significant Hazard to Public Health:

A level of contaminant which causes or may cause the aquifer to:

- (a) Exceed any (1) maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard; (2) state standard where more stringent than the Federal standard; (3) public health advisory level for currently unregulated contaminants; at any point where the water may be used for drinking purposes, or
- (b) May otherwise adversely affect the health of persons, or
- (c) May require a public water system to install additional treatment to prevent such adverse effect.

##### Federal Financial Assistance:

Financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the federal government in any form including contracts, grants and loan guarantees. Actions or projects carried out by the federal government itself do not involve federal financial assistance.

Actions performed for the federal government by contractors should be distinguished from contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving Federal financial assistance.

Federal financial assistance is limited to benefits earmarked for a specific project or action and directly awarded to the project or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives federal assistance not specifically related to the project in question is not federal financial assistance under Section 1424(e).

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SSA Project Review Areas

The area within which federal financially assisted projects/activities will be reviewed, which includes the designated area and may include all or a portion of the streamflow source area(s). The designated area can include the area above the aquifer, the area which recharges the aquifer (possibly including all or a portion of the streamflow source area) and the area where the population served by the aquifer resides. Streamflow source zone is defined as the upstream headwaters area of losing streams (streams contributing to recharge to Ground Water) that drain into the recharge area. The extent of the SSA project review area is outlined in the Federal Register designation notice for that SSA. Attachment 1 lists the Federal Register Notice citation and provides a map of the SSA project review area.

MOU ATTACHMENTS

- Attachment 1: Designated SSAs in Region II
- Attachment 2: A. Non-Housing Initial Screen Criteria  
B. Housing Initial Screen Criteria
- Attachment 3: SSA Preliminary Review Information Requirements
- Attachment 4: Hazardous Constituents

ENVIRONMENTAL REVIEW RESPONSIBILITY

Pursuant to Section 1424(e) of the SDWA, EPA is responsible for designating SSAs and reviewing federal financially assisted projects/activities within SSA project review areas.

Pursuant to the National Environmental Policy Act (NEPA) and other provisions of law, HUD is responsible for environmental review and decision making except in those cases delegated by law such as with Community Development Block Grant Program (CPD). Environmental responsibility includes compliance with Section 1424(e) of the SDWA.

EIS EARLY NOTIFICATION/SCOPING

If an Environmental Impact Statement (EIS) is prepared for a project/activity in a SSA project review area, HUD or its grant recipients that assume by law environmental responsibilities and EPA shall coordinate at the earliest possible time so that the draft EIS contains EPA's SSA review determination. This is to ensure that any possible groundwater contamination has been considered.

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This early notification will serve to initiate consultations with the developer to determine the scope of study that may be necessary if any formal groundwater quality assessment is required.

REVIEW PROCESS:

COMMUNITY PLANNING AND DEVELOPMENT (CPD) and HOUSING PROGRAM

The general procedures to be followed by HUD, its delegated agencies and EPA in reviewing HUD federal financially assisted activities and determining their potential impact on the SSA are outlined below. The overall goal is to ensure that each project/activity receiving federal financial assistance is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health. Two levels of potential review are: (1) Initial Screen/Preliminary Review, and (2) Formal Section 1424(e) Review.

I. Excluded Projects/Activities

EPA and HUD mutually agree that the following list of project/activity categories would not create a significant hazard to public health:

- Construction of individual new residential structures containing from one to four units
- Funding of planning grants
- Rehabilitation of residential units
- Funding of all other grants for non-construction projects/activities
- Projects identified as exempt in 24 CFR 58.34

These categories of projects/activities are therefore excluded from the Initial Screen/Preliminary Review requirements as outlined in Sections II and III below. Potential CPD recipients; states; other delegated agencies and HUD are responsible for making this determination for their respective programs. EPA may request information on these projects/activities and conduct a review if EPA determines it to be necessary.

II. CPD Applications/Final Statements

A. Initial Screen/Preliminary Review

-5-

HUD shall notify all potential CPD recipients, including states that are administering HUD programs (Non-Entitlement Small Cities Program, etc.) and other delegated agencies with jurisdiction in SSA project review areas of the SSA review requirements under Section 1424(e) and of their responsibility as outlined in this MOU.

Potential CPD recipients shall conduct an initial screen of CPD projects/activities proposed for HUD federal financial assistance prior to submission of an application or final statement to HUD. Attachment 2.A, Non-Housing Initial Screen Criteria, shall be used for CPD projects/activities that do not involve housing; and Attachment 2.B, Housing Initial Screen Criteria, for CPD projects/activities involving housing only.

EPA shall be notified of any projects/activities which result in a positive response to one of the criteria questions in Attachment 2. Where a project/activity meets one of the criteria in Attachment 2, the information in Attachment 3, SSA Preliminary Review Information Requirements, shall also be completed and forwarded to EPA along with applicable project/final statement information.

Upon receipt of the above, EPA will conduct its Preliminary Review. If additional information is required, EPA will inform the potential CPD recipient and HUD. The potential CPD recipient shall be responsible for submitting to EPA any additional information requested in a timely manner.

Based on the information provided, EPA will make its determination on whether to complete its review at this stage and provide SSA review clearance, or proceed to a Formal Section 1424(e) Review. The project/activity may be cleared as is, or with modifications.

#### B. Timeframe for Preliminary Review and Notification

Within fifteen calendar days of EPA's receipt of the project's final statement, Attachment 2 and Attachment 3, EPA will notify the potential CPD recipient and HUD of one or more of the following:

- the project/activity has received SSA review clearance
- the project/activity requires modifications to receive SSA review clearance
- additional environmental information is required
- additional time to review the project, is required
- the project/activity raises major environmental concerns requiring interagency consultation
- a Formal Section 1424(e) Review is required

-6-

If EPA does not notify HUD within 15 days of receipt of the project, HUD should proceed with its project review.

HUD shall not authorize a release of funds until all outstanding issues with regard to the subject project/activity have been resolved.

#### C. Formal Section 1424(e) Review

Should a Formal Section 1424(e) Review be required, EPA shall formally notify the potential CPD recipient and HUD of this decision. If additional information is required, the potential CPD recipient shall be responsible for submitting the requested information to EPA in a timely manner. EPA may also schedule a public hearing to gather additional information.

Based on the information provided, EPA shall make a determination to either approve the project/activity, request more information, suggest modifications or disapprove the project/activity.

### III. Housing Program Applications

#### A. Initial Screen/Preliminary Review

HUD shall notify all of its field offices of the SSA review requirements under Section 1424(e) and of their responsibilities as outlined in this MOU.

HUD shall conduct an initial screen of housing projects proposed for HUD Federal financial assistance. Attachment 2.B, Housing Initial Screen Criteria, shall be used for this review. EPA shall be notified of any projects which result in a positive response to one of the criteria questions in Attachment 2.B. Where a project meets one of the criteria in Attachment 2.B, the information in Attachment 3, SSA Preliminary Review Information Requirements, shall also be completed and forwarded to EPA along with the applicable project information.

Upon receipt of the above, EPA will conduct its Preliminary Review. If additional information is required, EPA will inform the HUD field office who shall then be responsible for submitting to EPA the requested information in a timely manner.

Based on the information provided, EPA will make its determination on whether to complete its review at this stage and provide SSA review clearance or proceed to a Formal Section 1424(e) Review. The project may be cleared in its existing form, or with modifications.

-7-

#### B. Timeframe for Preliminary Review and Notification

Within fifteen calendar days of EPA's receipt of the pertinent environmental information from the housing application, Attachment 2 and Attachment 3, EPA will notify HUD of one or more of the following:

- the project has received SSA review clearance
- the project requires modifications to receive SSA review clearance
- additional environmental information is required
- additional time to review the project is required
- the project raises major environmental concerns requiring interagency consultation
- a Formal Section 1424(e) Detailed Review is required

The project environmental clearance needed for project approval shall not be considered complete (appropriate sign-offs) until outstanding SSA issues with regard to the subject project have been satisfactorily resolved.

If EPA does not notify HUD within 15 days of receipt of the project, HUD should proceed with its project review.

#### C. Formal Section 1424(e) Review

Should a Formal Section 1424(e) Review be required, EPA shall formally notify HUD of this decision. If additional information is required, HUD shall be responsible for submitting the requested information to EPA in a timely manner. A public hearing may be held to gather additional information.

Based on the information provided, EPA shall make a determination to either approve the project, request more information, suggest modifications or disapprove the project.

#### D. Local Area Certification For Housing Environmental Review

If the community is wholly or partially within a SSA project review area boundary, the local certified agency shall have the same responsibility as HUD in meeting the SSA review requirements as outlined in Section 1424(e) and this MOU.

GENERAL PROCEDURAL MATTERS

Materials submitted to IPA by HUD or the applicant will be addressed to the attention of:

Chief, Environmental Impacts Branch  
U.S. EPA Region II  
26 Federal Plaza, Room 500  
New York, New York 10278

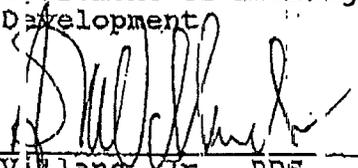
The following representatives will serve as liaisons for HUD and EPA respectively. The liaisons will maintain communication as needed regarding projects/activities affecting the SSAs and this MOU.

HUD: Regional Office Environmental Officer  
(212) 264-0793

EPA: Chief, Environmental Impacts Branch  
(212) 264-1840

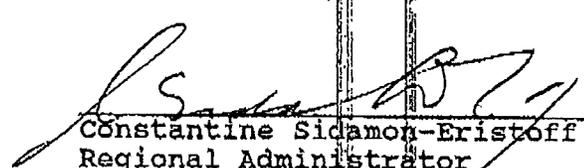
This MOU is subject to revision upon agreement by both parties.

U.S. Department of Housing and  
Urban Development



A. M. Villane, Jr., DDS  
Regional Administrator/  
Regional Housing Commissioner

U.S. Environmental Protection  
Agency



Constantine Sidamon-Eristoff  
Regional Administrator

AUG 24 1990

Date: \_\_\_\_\_

Date: 8/10/90

ATTACHMENT 2.A

NON-HOUSING PROJECT/ACTIVITY INITIAL SCREEN CRITERIA  
(For projects in a designated Sole Source Aquifer area)

The following list of criteria questions are to be used as an initial screen to determine which non-housing projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For housing projects/activities see Attachment 2.B) 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 any other pertinent information should then be forwarded to EPA at the address below.

Any project/activity 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) 261-1840

CRITERIA QUESTIONS

- 1. Is the project/activity located within a currently designated or proposed groundwater 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.]
  
- 2. Is the project/activity 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.]

YES NO N/A

\_\_\_\_\_

\_\_\_\_\_

3. Will the project/activity include or directly cause: (check appropriate items)

- construction or expansion of solid waste disposal, recycling or conversion facilities
- construction or expansion or closure of landfills
- construction or expansion of water supply facilities (i.e., treatment plant, pump house, etc.)
- construction or expansion of on-site wastewater treatment plants or sewage trunk lines, greater than 1/4 mile
- construction or expansion of gas or petroleum trunk lines, greater than 1200 feet
- construction or expansion of railroad spurs or similar extensions
- construction or expansion of municipal sewage treatment plants

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Will the project/activity include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents?

If these constituents are used during the construction phase of the project, than an assurance statement must be provided indicating that chemicals will be used in a safe and proper manner, and that they will be promptly removed after construction is completed.

_____	_____	_____
-------	-------	-------

5. Will the project/activity include bulk storage of petroleum in underground or above ground tanks in excess of 1100 gallons?

_____	_____	_____
-------	-------	-------

6. Will the project/activity require a federal or state discharge elimination permit or modification of an existing permit?

_____	_____	_____
-------	-------	-------

This attachment was completed by:

Name:

_____	_____	_____
-------	-------	-------

Title:

_____	_____	_____
-------	-------	-------

Address:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Telephone number:

_____	_____	_____
-------	-------	-------

Date:

_____	_____	_____
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ATTACHMENT 2.B

HOUSING/PROJECT INITIAL SCREEN CRITERIA  
(For projects in a designated Sole Source Aquifer area.)

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 III  
26 Federal Plaza, Room 500  
New York, New York 10278  
(212) 264-3840

CRITERIA QUESTIONS:

	YES	NO	N/A
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.]			
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.]			
3. Will the total impervious surfaces be greater than 75 percent?			
4. Is the proposed project site greater than 30 acres?			
5. Will the proposed density of the project be greater than 150 units per acre ?			

- 6. Will the project include or directly cause:  
(check appropriate items)
  - construction or expansion of water supply facilities (i.e., treatment plant, pumphouse, etc.)
  - construction or expansion of on-site wastewater treatment plants
  - construction or expansion of sewage trunk lines greater than 1320 feet in length
  - construction or expansion of gas or petroleum trunk lines greater than 1320 feet

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Will the project include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents? If these constituents are used during the construction phase of the project, an assurance statement must be provided indicating that chemicals will be used in a safe and proper manner, and they will be promptly removed after construction is completed.

_____	_____	_____
-------	-------	-------

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

_____	_____	_____
-------	-------	-------

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

_____	_____	_____
-------	-------	-------

This attachment was completed by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Telephone number: \_\_\_\_\_

Date: \_\_\_\_\_

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.]
- 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.]

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

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. If private wells are to be used, then information necessary to obtain a well drilling permit should be provided.


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.

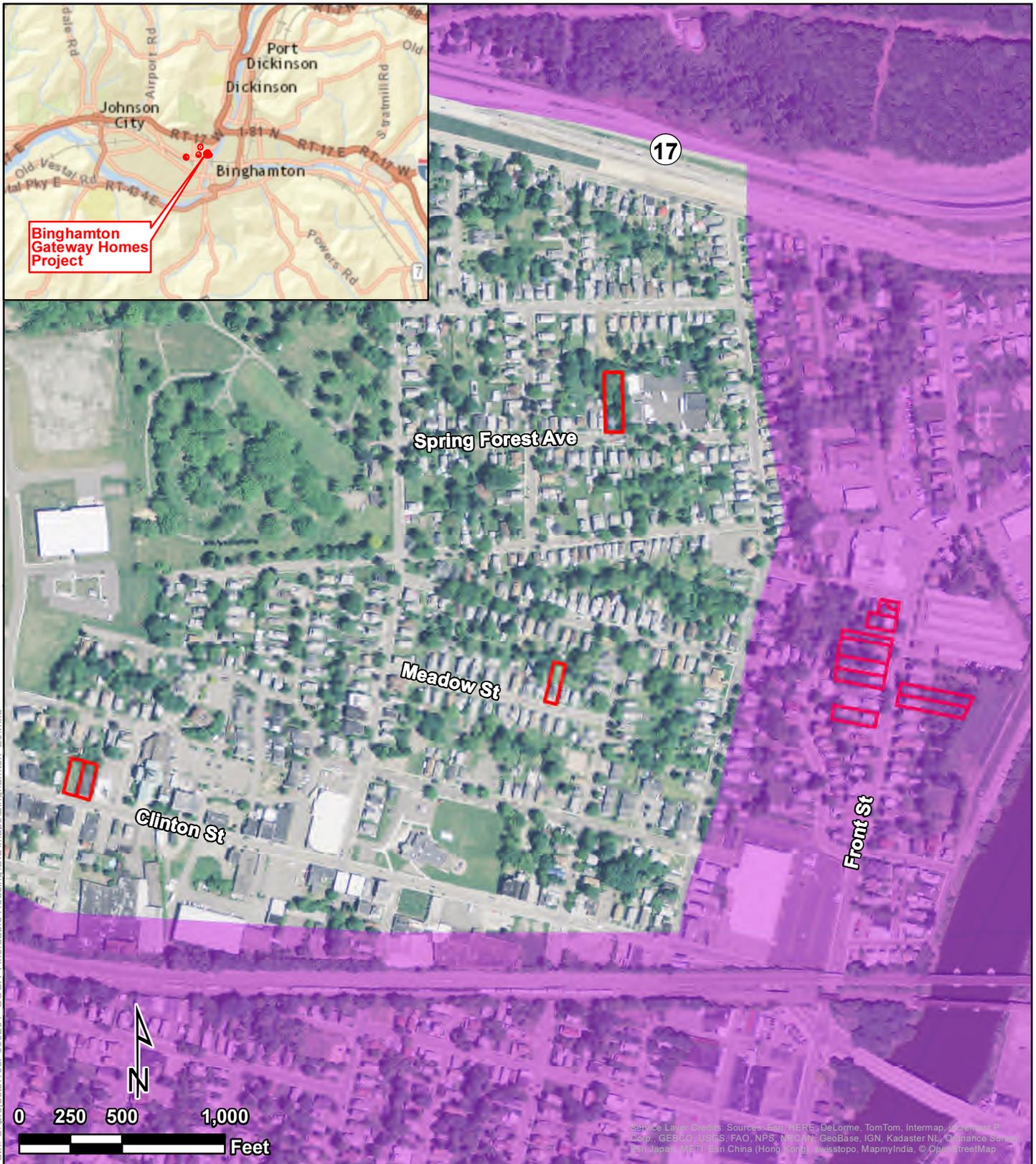

VI. Use, Storage, Transport of Hazardous or Toxic Materials (Applies only to non-housing projects/activities)

- 9. Identify any products listed in Attachment 3, Hazardous Constituents, of the Housing and Urban Development-Environmental Protection Agency Memorandum of Understanding which may be used, stored, transported, or released as a result of the construction activity.
- 10. Identify the number and capacity of underground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.
- 11. Identify the number and capacity of above ground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.


**APPENDIX F**  
**BROOME COUNTY POTENTIAL**  
**ENVIRONMENTAL JUSTICE AREA MAPS**







## Potential EJ Areas within the Project Area

### Legend

- Binghamton Gateway Homes Project Properties
- Potential EJ Area

Binghamton Gateway Homes Project  
Broome County, New York



Tetra Tech, Inc

**APPENDIX G**  
**ZONING COMPLIANCE**

Project: Binghamton Gateway Homes  
Applicant: First Ward Action Council, Inc.  
NYS HCR and GOSR – Early Award Round  
SHARS # 20146004  
October 7, 2014

#### Attachment A2 – Zoning Compliance

- Zoning Compliance letters are attached for each site
- 254 Front Street and 164-168 Clinton Street reached zoning compliance through pro-active measures from the City Council and Zoning Board per the attached letters.



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David  
Director, Jennie Skeadas-Sherry, AICP

RECEIVED

SEP 10 2014

## Zoning Board of Appeals Official Decision

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

TO: Jeremy Pelletier, City Clerk  
DATE: September 3<sup>rd</sup>, 2014  
RE: 254 Front Street; Area Variance  
TAX ID: 144.73-1-13  
CASE: 2014-23

*Area variance for the conversion of a single-family house to a two-family house on a 40' wide lot where 60' is the minimum width in the R-2, Residential One- and Two- Unit Dwelling District.*

A public hearing was held on 3 September 2014 at 5:22 p.m., at a regularly scheduled meeting of the Zoning Board of Appeals, as required by Section 410-94(A) of the Zoning Ordinance. PHCD staff executed legal notice by U.S. mail and publication as required by Section 410-94(B) of the Zoning Ordinance. The petitioner paid the required filing fee and posted public notice signs as required.

At this meeting, Eric Vantassel presented information on the proposed project. No one spoke in favor of, or against, the proposed project. No letters were received. The public hearing was then closed.

After due deliberation, Susan Appe made a motion, seconded by J. Kelly Donovan, for the Zoning Board of Appeals to consider the action a Type II action under SEQR. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, J. Kelly Donovan, Susan Appe and Jerry Penna. No one voted against the motion. Robert Warholc was absent.

After due deliberation, JoAnn Mastronardi made a motion, seconded by J. Kelly Donovan, to approve the requested area variance to allow the conversion of a single-family house to a two-family house on a 40' wide lot where 60' is the minimum width in the R-2 District. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, J. Kelly Donovan, Susan Appe and Jerry Penna. No one voted against the motion. Robert Warholc was absent.

**PETITION: The requested area variances and use variance were APPROVED**

*A transcript of this meeting will be filed with the City of Binghamton Planning Department.*

Petition Number: ZBA 2014-23

Reviewed and Approved:

Date: 8/5/14

Brian Seachrist, First Assistant Corporation Counsel

Date: 9/8/14

JoAnn Mastronardi, Chairperson Zoning Board of Appeals



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David  
Director, Jennie Skeadas-Sherry, AICP

RECEIVED  
OCT 6 2014  
OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

## Planning Commission Official Decision

TO: Jeremy Pelletier, City Clerk  
FROM: Tito Martinez, Planner  
DATE: October 6, 2014  
RE: 164-168 Clinton Street: Special Use Permit & Series A Site Plan Review  
PETITIONER: First Ward Action Council, Inc.  
CASE #: PC 2013-54  
TAX ID: 144.78-2-48, 144.78-2-49

*Special Use Permit and Series A Site Plan Review three story mixed use building, consisting of 969 square feet of ground floor commercial space and ten dwelling units reserved for seniors in the C-4, Neighborhood Commercial District. (Note that although not required by the Zoning Code ground floor commercial space was included in the project to be consistent with the character of Clinton Street, for proper urban design and to further the objectives of the Comprehensive Plan.)*

On October 7, 2013, the Planning Commission, acting as Lead Agency under SEQR, determined that the proposed action is Unlisted and set a public hearing for November 4, 2013 at 5:24p.m.

At a duly convened, regularly scheduled Planning Commission meeting, a public hearing was held on November 4, 2013 at 5:24 p.m. The Planning Commission, acting as Lead Agency under SEQR, made a Negative Declaration that there are no adverse environmental impacts created by the proposed project and approved the Series A Site Plan / Special Use Permit with the following conditions:

1. *Urban Runoff Reduction Plan. Prior to the issuance of a grading, building, and/or demolition permit for the proposed project a Final Urban Runoff Reduction Plan incorporating green infrastructure techniques shall be submitted to the Building Department for review and approval by the Stormwater Management Officer, or his or her designee. Upon submittal, the Building Department shall refer the Plan immediately to the Stormwater Management Officer, or his or her designee. Within 30 business days of receiving the Plan, the Stormwater Management Officer shall approve, require revisions to, or disapprove the Plan. Prior to approval or denial of a Plan, the Stormwater Management Officer may require that the applicant make revisions to the Plan as may be necessary to comply with the provisions of Chapter 227. Approved Plans shall be referred back to the Building Department, who shall issue the Plan to the applicant concurrent with other necessary permits pertinent to site alteration and construction. Any Plan disapproved by the Stormwater Management Officer must be revised by the applicant and resubmitted for approval in order for the project to proceed. No building, grading, and/or demolition permit shall be issued until a Final Urban Runoff Reduction Plan has been approved by the Stormwater Management Officer.*
2. *Undergrounding of Utilities. The project applicant shall submit plans for review and approval by the Department of Building Construction Building Construction, Zoning and Code Enforcement, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground from the project applicant's structure to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.*

3. *Assurance of Landscaping Completion. Prior to Issuance of a Certificate of Occupancy the trees, shrubs and landscape materials illustrated on the proposed site plan shall be planted or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal to the estimated cost of the required landscaping materials and installation, based on a licensed contractor's bid.*
4. *Landscape Maintenance. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.*
5. *Improvements in the Public Right-of-Way. Along with the Building Permit application for the proposed project, the applicant shall submit a Public Improvement Plan for the adjacent public right-of-way (ROW) showing all proposed improvements necessary to bring the property into compliance with City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, street lighting, on-street parking and accessibility improvements.*
6. *Prior to the issuance of a building permit the applicant shall submit a revised site plan for review and approval by the Planning Department that orients the required parking spaces perpendicularly to the rear property line or locates the parking in such a manner as to provide for safe and efficient parking and maneuverability that complies with Article X of the Zoning Code.*

On August 11, 2014, at a duly convened, regularly scheduled Planning Commission meeting, Jerry Willard appeared to ask for the temporary waiver of the deadline (§410-39.L) for the previously approved proposal to construct a three story mixed use building, consisting of 969 square feet of ground floor commercial space and ten dwelling units reserved for seniors.

After due deliberation, a motion was made by Mark Bowers and seconded by Robert Pompei, to grant a waiver of the November, 2014 approval deadline (§410-39.L) for one year. The Planning Commission voted 7-0 on the motion. The following Planning Commission members voted to approve the motion: Robert Pompei, Mark Grogan, Mark Bowers, Domenic Emilio, Jack Chanecka, Nicholas Corcoran, and Juliet Berling. No one voted against the motion. Michelle O'Loughlin and Zach Staff were absent.

**PETITION:** A waiver of the November, 2014 Special Use Permit and Series A Site Plan approval deadline was **GRANTED** for a period of 1 year

*An audio recording of this meeting will be filed with the City of Binghamton Planning Department.*

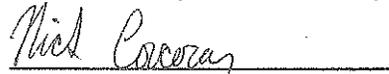
Petition Number: PC 2013-54

Dated: 10/6/14

Dated: \_\_\_\_\_

Reviewed and Approved:

  
 Brian Seachrist, 1<sup>st</sup> Assistant Corporation Counsel

  
 Nicholas Corcoran, Planning Commission Chairman



# Department of Planning, Housing, & Community Development

**Mayor, Matthew T. Ryan**  
Director, Tarik Abdelazim

## Planning Commission Official Decision

TO: Angela Fagerstrom, City Clerk, and Tom Costello, Building and Construction  
FROM: Leigh McCullen, Senior Planner  
DATE: November 6, 2013  
RE: 164-168 Clinton Street: Special Use Permit & Series A Site Plan Review  
PETITIONER: First Ward Action Council, Inc.  
CASE #: PC 2013-54  
TAX ID: 144.78-2-48, 144.78-2-49

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*Special Use Permit and Series A Site Plan Review three story mixed use building, consisting of 969 square feet of ground floor commercial space and ten dwelling units reserved for seniors in the C-4, Neighborhood Commercial District. (Note that although not required by the Zoning Code ground floor commercial space was included in the project to be consistent with the character of Clinton Street, for proper urban design and to further the objectives of the Comprehensive Plan.)*

On October 7, 2013, at a duly convened, regularly scheduled meeting of the Planning Commission, Jeff Smith, Cole Moore and Jerry Willard presented information on the proposed project. After due deliberation, Zack Staff made a motion, seconded by Michelle O'Loughlin, determining that the proposed action is an Unlisted action under SEQR. The Planning Commission voted 8-0 on the motion. The following Planning Commission members voted to approve the motion: Michelle O'Loughlin, Robert Pompei, John Stella, Mark Bowers, Domenic Emilio, Zack Staff, Nicholas Corcoran, and Juliet Berling. No one voted against the motion. David Ayres was absent.

After due deliberation, a motion was made by Zack Staff and seconded by Robert Pompei, declaring the intent of the Planning Commission to act as Lead Agency under SEQR. The Planning Commission voted 8-0 on the motion. The following Planning Commission members voted to approve the motion: Michelle O'Loughlin, Robert Pompei, John Stella, Mark Bowers, Domenic Emilio, Zack Staff, Nicholas Corcoran, and Juliet Berling. No one voted against the motion. David Ayres was absent.

Zack Staff then made a motion, seconded by Domenic Emilio, to set a public hearing for November 4, 2013 at 5:24p.m. The Planning Commission voted 8-0 on the motion. The following Planning Commission members voted to approve the motion: Michelle O'Loughlin, Robert Pompei, John Stella, Mark Bowers, Domenic Emilio, Zack Staff, Nicholas Corcoran, and Juliet Berling. No one voted against the motion. David Ayres was absent.

At a duly convened, regularly scheduled Planning Commission meeting, a public hearing was held on November 4, 2013 at 5:24 p.m. as required by Section 410.39(D)1 of the Zoning Ordinance. Staff provided proof of service by US mail and by publication as required by Section 410.39(D) of the Zoning Ordinance and the applicant paid the required filing fee. The petitioner also posted the public notice sign as required.

After due deliberation, Nicholas Corcoran made a motion, seconded by Michelle O'Loughlin, that the Planning Commission, acting as Lead Agency under SEQR, make a Negative Declaration that there are no adverse environmental impacts created by the proposed project. The Planning Commission voted 5-0 on the motion. The following Planning Commission members voted to approve the motion: John Stella, Nicholas Corcoran, Mark Bowers, Robert Pompei, and Michelle O'Loughlin. No one voted against the motion. Domenic Emilio, Juliet Berling, David Ayres and Zack Staff were absent.

After due deliberation, Nicholas Corcoran made a motion, seconded by Michelle O'Loughlin, to approve the Series A Site Plan / Special Use Permit. The Planning Commission voted 5-0 on the motion. The following Planning Commission members voted to approve the motion: John Stella, Robert Pompei, Michelle O'Loughlin, Nicholas Corcoran and Mark Bowers. No one voted against the motion. Domenic Emilio, Juliet Berling, David Ayres and Zack Staff were absent.

**PETITION:**      **The Special Use Permit and Series A Site Plan were APPROVED with the following conditions:**

1. Urban Runoff Reduction Plan. Prior to the issuance of a grading, building, and/or demolition permit for the proposed project a Final Urban Runoff Reduction Plan incorporating green infrastructure techniques shall be submitted to the Building Department for review and approval by the Stormwater Management Officer, or his or her designee. Upon submittal, the Building Department shall refer the Plan immediately to the Stormwater Management Officer, or his or her designee. Within 30 business days of receiving the Plan, the Stormwater Management Officer shall approve, require revisions to, or disapprove the Plan. Prior to approval or denial of a Plan, the Stormwater Management Officer may require that the applicant make revisions to the Plan as may be necessary to comply with the provisions of Chapter 227. Approved Plans shall be referred back to the Building Department, who shall issue the Plan to the applicant concurrent with other necessary permits pertinent to site alteration and construction. Any Plan disapproved by the Stormwater Management Officer must be revised by the applicant and resubmitted for approval in order for the project to proceed. No building, grading, and/or demolition permit shall be issued until a Final Urban Runoff Reduction Plan has been approved by the Stormwater Management Officer.
2. Undergrounding of Utilities. The project applicant shall submit plans for review and approval by the Department of Building Construction Building Construction, Zoning and Code Enforcement, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground from the project applicant's structure to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.
3. Assurance of Landscaping Completion. Prior to Issuance of a Certificate of Occupancy the trees, shrubs and landscape materials illustrated on the proposed site plan shall be planted or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal to the estimated cost of the required landscaping materials and installation, based on a licensed contractor's bid.
4. Landscape Maintenance. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.
5. Improvements in the Public Right-of-Way. Along with the Building Permit application for the proposed

project, the applicant shall submit a Public Improvement Plan for the adjacent public right-of-way (ROW) showing all proposed improvements necessary to bring the property into compliance with City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, street lighting, on-street parking and accessibility improvements.

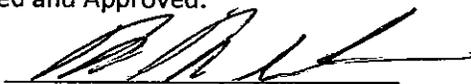
6. Prior to the issuance of a building permit the applicant shall submit a revised site plan for review and approval by the Planning Department that orients the required parking spaces perpendicularly to the rear property line or locates the parking in such a manner as to provide for safe and efficient parking and maneuverability that complies with Article X of the Zoning Code.

*An audio recording of this meeting will be filed with the City of Binghamton Planning Department.*

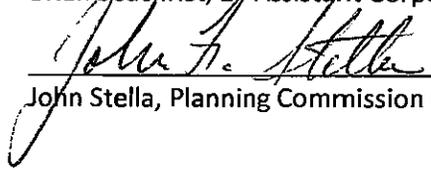
Petition Number: PC 2013-54

Reviewed and Approved:

Dated: 10/6/13

  
\_\_\_\_\_  
Brian Seachrist, 1<sup>st</sup> Assistant Corporation Counsel

Dated: 10/8/13

  
\_\_\_\_\_  
John Stella, Planning Commission Chairman



DEPARTMENT OF PUBLIC WORKS  
OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT

Richard David, Mayor  
Thomas F. Costello, Supervisor

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249 FRONT	R3	2 FAMILY	AZAM
252 FRONT	R3	2 FAMILY	YANSHANG REALTY LLC
255 FRONT	R3	2 FAMILY	MING R YAN
257.5 FRONT	R3	2 FAMILY	YANSHANG REALTY LLC
259 FRONT	R3	MULTI	TNN
267 FRONT	R3	2 FAMILY	SCHAFFER
269 FRONT	C1	MULTI	BSD
273 FRONT	C1	2 FAMILY	FIRST WARD ACTION COMMITTEE
<del>274 FRONT</del>	<del>C1</del>	<del>2 FAMILY</del>	<del>BSD EQUITIES LLC</del>
8 MEADOW	R2	2 FAMILY	CITY
20 SPRING FOREST	R2	2 FAMILY	CITY



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 20 Spring Forest Ave – Property Owner: City of Binghamton**

The structure and property located at 20 Spring Forest Avenue is located in an **R-2 (Residential 1 & 2 Family Dwelling) Zoning District**. The existing structure is currently assessed as a **210 - 1 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 249 Front Street – Property Owner: Ali U Azam & Sheena Azam**

The structure and property located at 249 Front Street is located in an **R-3 (Residential Multi-Unit Dwelling)** Zoning District. The existing structure is currently assessed as a **210 - 1 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificates of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 8 Meadow Street – Property Owner: City of Binghamton**

The structure and property located at 8 Meadow Street is located in an **R-2 (Residential 1 & 2 Family Dwelling) Zoning District**. The existing structure is currently assessed as a **220 - 2 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 273 Front Street – Property Owner: First Ward Action Committee**

The structure and property located at 273 Front Street is located in an **C-1 (Service Commercial) Zoning District**. The existing structure is currently assessed as a **220 - 2 Family Res.**

Under Chapter 410, Section 410-32.A (1), "any (residential) use listed for the R-3 District" is permitted for a Residential occupancy otherwise located within a Commercial District.

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

**Thomas F. Costello, Supervisor of Building Construction**



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 269 Front Street – Property Owner: BSD Equities LLC**

The structure and property located at 269 Front Street is located in an **C-1 (Service Commercial) Zoning District**. The existing structure is currently assessed as a **220 - 2 Family Res.**

Under Chapter 410, Section 410-32.A (1), “any (residential) use listed for the R-3 District” is permitted for a Residential occupancy otherwise located within a Commercial District.

The proposed use of this structure as a **Multi Unit Dwelling** (4 units) is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 267 Front Street – Property Owner: Etta D Schaffer & Jonathan D Schaffer & Kathleen Hanzalik**

The structure and property located at 267 Front Street is located in an **R-3 (Residential Multi-Unit Dwelling)** Zoning District. The existing structure is currently assessed as a **210 - 1 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION**  
**ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 259 Front Street – Property Owner: TNN Properties LLC**

The structure and property located at 259 Front Street is located in an **R-3 (Residential Multi-Unit Dwelling)** Zoning District. The existing structure is currently assessed as a **411 - Apartment**.

The proposed use of this structure as a **Multi-Unit Dwelling** (8 units) is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 257.5 Front Street – Property Owner: Yanshang Realty LLC**

The structure and property located at 257.5 Front Street is located in an **R-3 (Residential Multi-Unit Dwelling)** Zoning District. The existing structure is currently assessed as a **220 - 2 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificates of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 255 Front Street – Property Owner: Ming R Yan**

The structure and property located at 255 Front Street is located in an **R-3 (Residential Multi-Unit Dwelling)** Zoning District. The existing structure is currently assessed as a **230 - 3 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction



DEPARTMENT OF PUBLIC WORKS  
**OFFICE OF BUILDING CONSTRUCTION  
ZONING & CODE ENFORCEMENT**

Richard David, Mayor  
Thomas F. Costello, Supervisor

---

August 19, 2014

First Ward Action Council  
167 Clinton Street  
Binghamton NY 13905

**RE: 252 Front Street – Property Owner: Yanshang Realty LLC**

The structure and property located at 252 Front Street is located in an **R-3 (Residential Multi-Unit Dwelling)** Zoning District. The existing structure is currently assessed as a **220 - 2 Family Res.**

The proposed use of this structure as a **2 Family Dwelling** is considered a legal, conforming use, with non-conforming characteristics, in accordance with the Zoning regulations, under the **City of Binghamton Code of Ordinances, Chapter 410, ZONING**, as adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code).

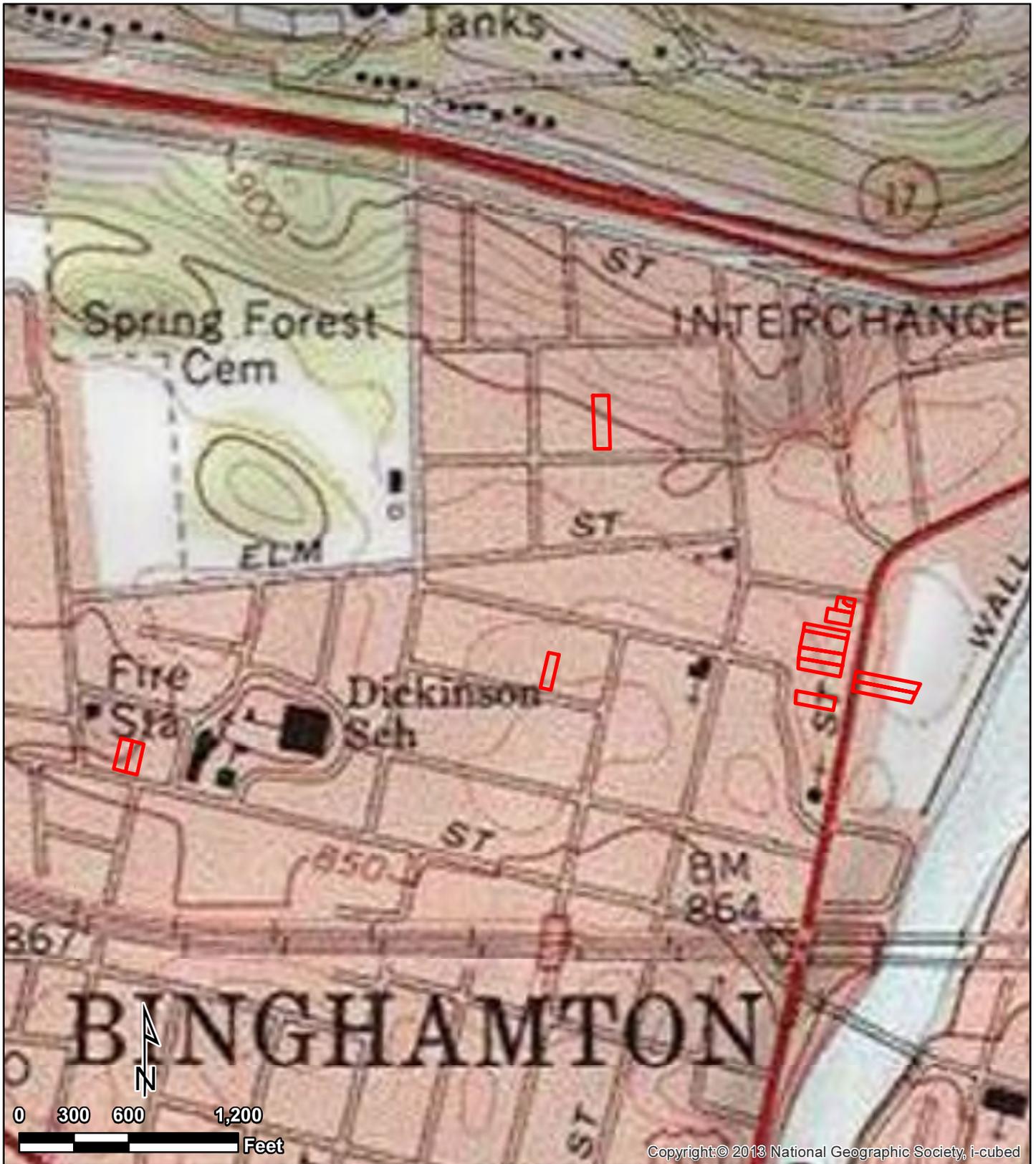
A Certificate of Occupancy is only issued for new construction, renovations and change of occupancy when associated with a Building Permit only.

If you require further information in regard to this notice, please contact me at your earliest convenience.  
Thank you.

Respectfully,

Thomas F. Costello, Supervisor of Building Construction

**APPENDIX H**  
**TOPOGRAPHIC MAP**



Copyright: © 2013 National Geographic Society, i-cubed

## Topographic Map

### Legend

 Binghamton Gateway Homes Project Properties

Binghamton Gateway Homes Project  
Broome County, New York



Tetra Tech, Inc

**APPENDIX I**  
**COMMUNITY SUPPORT DOCUMENTATION**



# Office of the Mayor

*Richard C. David, Mayor*  
*Jared M. Kraham, Executive Assistant*  
*Donna Ferranti, Secretary*

September 18, 2014

Darryl C. Towns, Commissioner  
NYS Homes & Community Renewal  
38-40 State Street  
Albany, NY 12207

Re: Binghamton Gateway Homes Unified Funding Application

Dear Commissioner Towns,

The First Ward Action Council, Inc. (FWAC) has been working with the City of Binghamton and its staff for several years to improve the gateway into the City along Front Street. We are now into the third phase of this substantial redevelopment effort with a project named Binghamton Gateway Homes, and FWAC needs your strong support of its funding application to the New York State Homes & Community Renewal (HCR). FWAC is applying to HCR in the Early Award Round for which applications are due October 7, 2014. The Binghamton Gateway Homes project qualifies for application in the Early Award Round due to its location in an area impacted by Tropical Storm Lee as well as its strong linkage and consistency with the goals and priorities of the Southern Tier Regional Economic Development Council Strategic Plan.

- Binghamton Gateway Homes will add 37 quality, affordable rental housing units for low and moderate-income residents in an area devastated by the impacts of Tropical Storm Lee in September 2011. The storm, which far eclipsed the flood levels Binghamton experienced in June 2006, exposed a shortage of quality, safe affordable housing. The rental market in the First Ward neighborhood was one of the most severely damaged across the City. Over 1,500 rental units in Broome County were lost or damaged in the Storm, many of which were within one mile of the First Ward project site. While the majority of damaged City rental units are back online, the City continues its discussion with community partners such as First Ward Action Council regarding the need to improve access to quality affordable rental housing that is also durable and resilient. Binghamton Gateway Homes is a great project with a trusted partner that achieves this long term, flood recovery goal as indicated in Broome County's Disaster Recovery Plan/Community Rebuilding Plan.
- Binghamton Gateway Homes is a bold proposal that aims to fulfill a multi-year development goal in the Front Street/First Ward neighborhood with a focus on preserving and restoring the historic nature of the street. This is a community driven goal that has been identified in two of the most recent planning initiatives in the First Ward neighborhood.
  - The First Ward Brownfield Opportunity Area (Stage I) Plan identified consensus among resident to maintain and improve the residential character of Front Street, expanding on the Victorian style that FWAC used so effectively with first round Restore NY funding.
  - The City is nearing final design for a \$5 million Gateway Project along Front Street that will improve infrastructure along this corridor, and early community meetings emphasized the desire to replicate the historic rehabilitation accomplished by earlier FWAC projects to other homes along with gateway. Rehabbing 9 more properties on Front Street as FWAC proposes in this current project will have a profoundly positive impact on this key gateway and advance a top priority of the residents and neighborhood stakeholders.

- The City of Binghamton is committing \$300,000 of Restore NY grant funds to the Binghamton Gateway Homes project (\$100,000 each for the properties at 8 Meadow Street, 20 Spring Forest Avenue, and 164 Clinton Street) per the City's Restore NY Grant Award Agreement with NYS ESDC.
- The City Planning Commission pro-actively approved a Special Use Permit for the planned new construction on the 164-168 Clinton Street site. This action occurred on November 4, 2013.
- The City Zoning Board of Appeals is pro-actively approving an Area Variance for the site at 254 Front Street to allow the continued use of the building on a 40-foot wide lot versus current requirements for a 60-foot wide lot. This action occurred on September 2, 2014.
- In further support of the project, the City Council approved the sale of the following properties at a reduced cost to First Ward Action Council in order to carry out the redevelopment goals of the City:

Permanent Ordinance 011-22, Approved June 9, 2011

Property Address	Tax Parcel	Sales Price
8 Meadow Street	144.79-4-24	\$ 9,100.00
20 Spring Forest Avenue	144.72-1-33	\$ 1.00
164 Clinton Street	144.78-2-48	\$ 35,000.00

Permanent Ordinance 013-2, Approved January 9, 2013

Property Address	Tax Parcel	Sales Price
275 Front Street	144.80-2-22	\$ 200.00

The City is enthusiastic about this project and I encourage your agency to look favorably upon the First Ward Action Council's application. Please contact me if there is anything else you need during the evaluation process.

Sincerely,



Richard C. David, Mayor

September 26, 2014

Darryl C. Towns  
NYS Homes & Community Renewal  
38 – 40 State Street  
Albany, NY 12207

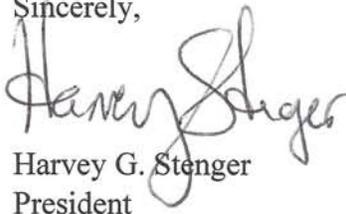
Dear Commissioner Towns:

Binghamton University supports the First Ward Action Council's project to improve the Front Street gateway into downtown Binghamton by renovating severely deteriorated properties that have created a negative first impression for visitors exiting the nearby interstate highways.

Binghamton Gateway Housing will add 37 quality, affordable rental housing units for low to moderate income residents. With increasing numbers of students living in Binghamton, low to moderate housing is in short supply as students compete with low to moderate income residents for these rental units. Furthermore, the area targeted by the Binghamton Gateway project was severely impacted by Tropical Storm Lee and has great historical significance for the area as the location of many Victorian style homes.

Binghamton University is committed to working in partnership with the City of Binghamton and organizations such as the First Ward Action Council to restore the economic vitality and overall well-being of the local community. We understand that our ability to recruit and retain the highest quality faculty, staff and students is directly impacted by the quality of our neighborhoods. Additionally, our efforts to attract entrepreneurs to the area and to encourage graduates to stay in the area to start businesses is dependent on having quality housing stock for all income levels. Therefore, I strongly urge you to fund this project.

Sincerely,



Harvey G. Stenger  
President

December 3, 2013

Darryl C. Towns,  
Commissioner/CEO  
NYS Homes and Community  
Renewal  
38-40 State Street  
Albany, NY 12207

Dear Commissioner Towns:

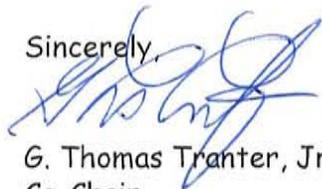
The Southern Tier Regional Economic Development Council supports the First Ward Action Council's project to improve the Front Street gateway into downtown Binghamton by renovating severely deteriorated properties that have created a negative first impression for visitors exiting the nearby interstate highways.

Aside from restoring nine homes on Front Street, this latest project will renovate two additional houses on neighboring streets, as well as erect a building on the site of a local landmark, the Lincoln Hotel that burned down earlier this year. That site will be a new building with senior-citizen apartments and two commercial storefronts, maintaining the mixed-use nature of Clinton Street.

According to Mayor Mathew Ryan of Binghamton, this project has been identified in two recent planning initiatives including the First Ward Brownfield Opportunity Area plan. The project, according to Ryan, "will have a profoundly positive impact to this key gateway, and advance a top priority of residents and neighborhood stakeholders."

The Southern Tier Regional Development Council, finds that a project of this type is consistent with the Strategic Plan as it relates to neighborhood development and will have significant community impact that is consistent with our overall plan. We also strongly encourage you to fund this project. By replacing blight with attractive housing and affordable storefronts, we feel this project will help to create a better environment for business, a goal we can thoroughly endorse.

Sincerely,



G. Thomas Tranter, Jr.  
Co-Chair

Southern Tier Regional Economic Development Council

December 2, 2013

Darryl C. Towns, Commissioner/CEO  
NYS Homes and Community Renewal  
38-40 State Street  
Albany, NY 12207

Dear Commissioner Towns:

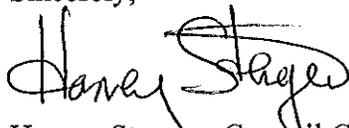
The Southern Tier Regional Economic Development Council supports the First Ward Action Council's project to improve the Front Street gateway into downtown Binghamton by renovating severely deteriorated properties that have created a negative first impression for visitors exiting the nearby interstate highways.

Aside from restoring nine homes on Front Street, this latest project will renovate two additional houses on neighboring streets, as well as erect a building on the site of a local landmark, the Lincoln Hotel that burned down earlier this year. That site will be a new building with senior-citizen apartments and two commercial storefronts, maintaining the mixed-use nature of Clinton Street.

According to Mayor Mathew Ryan of Binghamton, this project has been identified in two recent planning initiatives including the First Ward Brownfield Opportunity Area plan. The project, according to Ryan, "will have a profoundly positive impact to this key gateway, and advance a top priority of residents and neighborhood stakeholders."

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Sincerely,



Harvey Stenger, Council Co-Chair  
President, Binghamton University

THE SENATE  
STATE OF NEW YORK

BROOME COUNTY: (607) 773-8771  
TIOGA COUNTY: (607) 687-3399  
CHENANGO COUNTY (607) 336-3401  
SENATOR@SENATORLIBOUS.COM  
WWW.TOMLIBOUS.COM



1607 STATE OFFICE BUILDING  
44 HAWLEY STREET  
BINGHAMTON, NEW YORK 13901

**THOMAS W. LIBOUS**  
DEPUTY MAJORITY LEADER

October 3, 2014

Darryl Towns, Commissioner  
NYS Homes & Community Renewal  
38-40 State Street  
Albany, NY 12207-2837

Dear Darryl,

I'm writing in strong support of the First Ward Action Council's application for Community Development Block Grant Disaster Recovery Assistance funding from NYS Homes & Community Renewal.

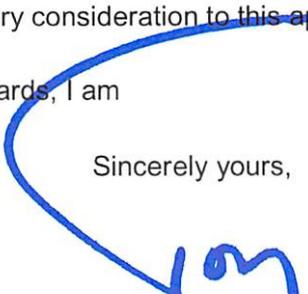
Binghamton Gateway Housing will add 37 quality, affordable rental housing units for low to moderate income residents. Due to an increasing student population in downtown Binghamton local residents are forced to compete for low to moderate income rental units. Furthermore, Tropical Storm Lee devastated many homes in our community which resulted in the displacement of many Binghamton Residents from their personal homes limiting the amount of rental housing even more.

Quality housing is vital to my district. Over the past few years we've seen too many young people leave the area. Binghamton Gateway Housing has had great success in the past. The addition of affordable housing to the area will encourage young families to stay local.

I'd ask that you give every consideration to this application.

With warm personal regards, I am

Sincerely yours,



THOMAS W. LIBOUS  
Deputy Majority Leader

TWL/jaf





THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on  
Children and Families

COMMITTEES  
Economic Development, Job Creation,  
Commerce and Industry  
Environmental Conservation  
Higher Education  
Transportation  
Veterans' Affairs

DONNA A. LUPARDO  
Member of Assembly  
123<sup>rd</sup> District

October 1, 2014

Mr. Darryl C. Towns  
Commissioner/CEO of NYS Homes  
and Community Renewal  
Hampton Plaza  
38-40 State Street  
Albany, NY 12207

Dear Mr. Towns:

I am writing to express my support for First Ward Action Council's (FWAC) application for low-income housing tax credits and CDBG disaster relief funds. FWAC is currently in the process of revitalizing a major entrance to the City of Binghamton known as the Front Street Gateway. This funding will allow the group to continue this important redevelopment plan.

The next phase of this project for which these funds will be used includes 12 separate structures that will contain 37 apartments and two storefronts. Nine buildings on Front Street, between Gaines Street and Winding Way; along with existing multi-family dwellings at 20 Spring Forest Avenue and 8 Meadow Street will be rehabilitated to provide quality, affordable housing for low- to moderate-income families. The project also includes new construction at 164-168 Clinton Street which will feature ten fully-accessible apartments and commercial space.

Due to flooding in 2011 caused by Tropical Storm Lee, many residents in this area of Binghamton were displaced and are still in need of the type of housing the Front Street Gateway Project is creating. As you know, access to housing is an important component of economic development and this project fits well with our continued efforts to grow our local economy.

FWAC has been highly involved in the continued revitalization of Binghamton and has proven its capability to remove blight and redevelop the area on and around Front Street. I fully support this plan and urge strong consideration of this application.

Sincerely,

Donna A. Lupardo  
Member of Assembly



# Broome County Department of Planning & Economic Development

Debra A. Preston, County Executive . Elaine M. Miller, Commissioner

September 26, 2014

Mr. Darryl C. Towns  
Commissioner/CEO  
NYS Homes and Community Renewal  
38-40 State Street  
Albany, NY 12207

Dear Commissioner Towns:

The Broome County Department of Planning and Economic Development is pleased to offer our enthusiastic support for the First Ward Action Council's Front Street Gateway project.

Broome County recently adopted our first countywide comprehensive plan in over 50 years, and *Binghamton Gateway Homes* is a featured project of the plan. The plan was the result of extensive public participation, in-depth analysis of local issues, and finally adoption by the County Legislature. Among the many issues we identify in the plan are the need to renovate substandard housing and address blighting properties within key corridors. Specifically, the Broome County Comprehensive Plan contains the following action item:

"Support and submit grant applications for streetscape, bike and pedestrian amenities, housing development, commercial investment, and façade improvements in our rural villages and urban centers. Example project: *Binghamton Gateway Homes* development on Front Street."

In addition, The *Binghamton Gateway Homes* project will complement the NYSDOT Front Street Gateway project which is entering the final design phase. By approving the *Binghamton Gateway Homes* application, NYS Homes and Community Renewal will leverage its funds with the \$5 million infrastructure investment NYSDOT is making in the Front Street corridor.

Finally, the *Binghamton Gateway Homes* project promises to pay even more dividends for the community. In 2006 and 2011, this community was subject to record shattering floods. These major disasters exacerbated an already desperate need for more affordable housing in the region. The *Binghamton Gateway Homes* initiative will address this issue by adding 37 units of safe and affordable housing for low and moderate income residents.

Sincerely,

Frank Evangelisti  
Chief Planner



## OFFICE OF THE CITY CLERK ■ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

Darryl C. Towns, Commissioner/CEO  
NYS and Homes and Community Renewal  
38-40 State Street  
Albany, NY 12207

Thursday April 10, 2014

**RE: Council of the City of Binghamton Support for First Ward Action Council Project**

Dear Commissioner Towns,

We support the First Ward Action Council project to improve the Front Street gateway into downtown Binghamton by renovating severely deteriorated properties that create a very negative first impression for visitors entering our City.

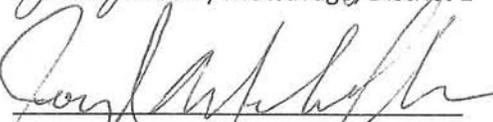
In addition, to restoring these nine homes on Front Street, the First Ward Action Council will renovate two additional homes on neighboring streets, as well as, erect a new building on the site of a local landmark, the Lincoln Hotel that burned down earlier this year. The new building will contain senior citizen apartments and two commercial storefronts, maintaining the mix-use nature of Clinton Street.

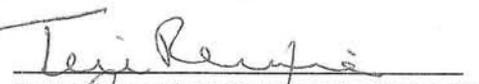
This project has been identified in two recent planning initiatives including the First Ward Brownfield Opportunity Area plan. This project will have a profound impact on this gateway and will make a top priority of residents and neighborhood stakeholders come true.

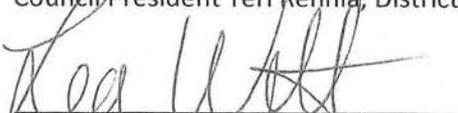
This project is consistent with the Strategic Plan for our City as it relates to neighborhood development and will have significant impact. We strongly encourage you to fund this project. By replacing light with attractive housing and affordable storefronts, we feel that this project will help create a better environment for business, a goal we truly support.

Sincerely,

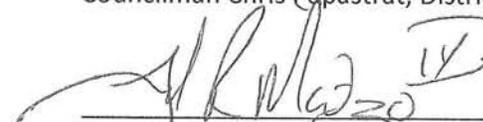
  
Councilman Jerry Motsavage, District 1

  
Councilman Joseph Mihalko, District 2

  
Council President Teri Rennia, District 3

  
Councilwoman Lea Webb, District 4

  
Councilman Chris Papastrat, District 5

  
Councilman John Matzo, District 6

  
Councilman Bill Berg, District 7

# LOCAL 277

**Scott Colton**  
President

**George Baldwin**  
Vice President

**Francis Hardy**  
Recording Secretary



23 Market Street  
Binghamton, NY 13905  
P: (607) 729-0224  
F: (607) 729-2087  
[www.carpenters277.com](http://www.carpenters277.com)

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

NORTHEAST REGIONAL COUNCIL OF CARPENTERS

October 3, 2014

Darryl C. Towns  
NYS Homes & Community Renewal  
30-40 State St.  
Albany, NY 12207

Dear Commissioner Towns,

Carpenters Local 277 Support the First Ward Action Council Front Street Gateway Housing Project. Front Street is a major gateway into the City of Binghamton; the renovation these deteriorated homes will give first time visitors a positive view of the city.

The Gateway Housing Project will not only add 37 rental Units to the area it will also create construction jobs that are in needed in down town. With the current growth of Binghamton University in the city, affordable housing is in high demand.

Carpenters Local 277 is strongly committed to revitalizing the city of Binghamton and supports the efforts of organizations like the First Ward Action Council. We ask for you to support funding this project.

Sincerely,

Scott Colton  
President Carpenters Local 277



## Southern Tier Independence Center

*Access your world.*

November 26,, 2013

Jerry Willard, Executive Director

First Ward Action Council

167 Clinton St.

Binghamton, NY 13905

Dear Jerry:

I am writing to express my strong and enthusiastic support for your grant to establish accessible affordable housing at the Binghamton Gateway Homes on Front St.

Southern Tier Independence Center (STIC) is an Independent Living Center located in Binghamton and serving the Southern Tier of NY. We provide services to children and adults with all types of disabilities, with the main goal of helping them to live independently in the community. Toward this end, we provide a variety of programs and services including but not limited to: assistance transitioning out of nursing homes and other institutions into the community; employment assistance, job coaching/job placement; Day Habilitation without Walls; Community Habilitation; consumer-directed personal assistance program; technology services; peer and professional counseling; Money Follows the Person program; Medicaid Service Coordination; independent living skills training; accessibility/ADA consultation, In-Person Assistance/Navigator Program; and more. Details can be found on our website at [www.stic-cil.org](http://www.stic-cil.org).

STIC and FWAC have had a long and fruitful relationship over the last 30 years, and the need to work together has never been more critical.

Approximately five years ago, the New York Association on Independent Living (of which STIC is an active member) identified the need for affordable accessible housing as one of the top three priorities in a comprehensive needs assessment of Independent Living Centers they conducted statewide.

We anticipate that over the next two to five years, the need for affordable, accessible housing in our community will grow significantly, due to NY's commitment to move people out of costly segregated institutions (such as nursing homes, developmental centers and group homes) into their own apartments in the community. It will therefore pose no difficulty to maintain full occupancy at the five

apartments on an ongoing basis. We will maintain a waiting list of people seeking such housing and will make referrals to FWAC as soon as we are notified of the availability.

We have enjoyed a very strong partnership with FWAC over the last three decades, and I look forward to working more closely than ever to make referrals and provide the support services necessary to ensure success for our consumers and for the project as a whole.

If I can be of further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Dibble". The signature is fluid and cursive, with the first name "Maria" and last name "Dibble" clearly distinguishable.

Maria Dibble

Executive director.



*Information* you can count on.  
*Assistance* you can trust.

32 West State Street, Binghamton, New York 13901-2332  
Phone: 607.722.1251 ♦ Fax: 607.722.1293 ♦ Website: [www.actionforolderpersons.org](http://www.actionforolderpersons.org)

November 27, 2013

Mr. Jerry Willard, Executive Director  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Dear Jerry:

I am writing to express strong support for your efforts to establish affordable senior housing at the Heritage Apartments in Binghamton's First Ward. I am excited to have Action for Older Persons, Inc. serve as a referral source for Binghamton Gateway Homes.

There is an extensive need for senior housing in the City of Binghamton that is designed to accommodate individuals with disabilities. There are waiting lists that stretch from six months to two years for existing housing that serves disabled seniors. Such long waiting lists mean that seniors who have a sudden and pressing need for senior housing are unlikely to have this need met immediately. Therefore, these seniors have to continue to live in multistory housing where the bathroom and bedrooms are on the second floor.

The Broome County Office for Aging *Plan for Service 2012-2016* indicates that calls about housing are the fifth highest number of inquiries they receive about senior issues. The plan also indicates that calls about housing have been rising over the past several years. The rise of these calls can be explained by the condition of the housing stock in Binghamton and its surrounding communities.

Much of Binghamton's supply of apartments are larger homes that have been divided into apartments. Accessing these apartments means climbing stairs and navigating narrow hallways that are impossible for seniors in scooters or wheelchairs to traverse. Many of these apartment buildings are perilous for those utilizing walkers or canes especially given the statistic that in a given year, one in three people over the age of 65 will experience a fall.

The effect of the dearth of senior housing in this community can be seen by statistics presented on the Broome County Department of Health website. The health department reports the rate of hospitalizations for falls among the 65 and older population in Broome County to be 293.4/10,000. New York State Department of health recommendations suggests reducing that rate to 155 per 10,000 by 2013. More first floor senior housing is needed to make that reduction a reality for our community.

The demand for first floor disabled friendly senior housing will only increase with the Greater Binghamton Health Center's imminent closing. Large numbers of seniors and disabled people will be deinstitutionalized and need apartments to live in the community. Deinstitutionalization will significantly increase the demand for apartment complexes like Binghamton Gateway Homes.

In my own life I see the outcomes of the shortage of first floor disabled friendly senior housing. I am a caregiver for my father who has a mobility impairment that requires him to use a walker. The apartment building he lives in requires the navigation of stairs at all three of the entrances. I'm constantly in fear that he will fall down these stairs. This is the case for many mobility impaired seniors in our community.

Therefore I express deep support for Binghamton Gateway Homes. The First Ward Action Council is taking on a project in which there is great need for within the City of Binghamton. It is my hope that many more projects of this type will be built in the future so that our community can meet the housing needs of its growing senior population.

Thank you for your consideration of this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Eldred". The signature is fluid and cursive, with the first name "Neil" being more prominent than the last name "Eldred".

Neil Eldred  
Executive Director



## Broome County Office for Aging

Debra A. Preston, County Executive . Kathleen Bunnell, Director

December 2, 2013

Jerry Willard  
Executive Director  
167 Clinton St.  
Binghamton, NY 13905

Dear Jerry:

The Broome County Office for Aging enthusiastically supports the application of the First Ward Action Council (FWAC) for a housing project at the site of the Lincoln Hotel on Clinton St. in Binghamton. The need for accessible housing is overwhelming. The Office for Aging gets frequent requests for help with finding affordable units for disabled individuals and there simply are not enough such units in our area. I believe we can assist with filling 10 units quickly. Further, we work closely with CASA and the Southern Tier Independence Center to identify and address the needs of individuals who need accessible housing. Both of those organizations confirm what we have found in our needs assessment and planning process: your proposed housing is in high demand.

At the state and federal level, there is certainly movement to assist disabled individuals to find accessible housing in the community rather than in institutions. We have seen the demand grow as a result of this action and I strongly believe that the need will continue to expand. As such, maintaining occupancy of these units will be no problem.

Our agency has had a highly cooperative relationship with the First Ward Action Council for many years. We have referred some of our most vulnerable clients for services including housing and home repair. We do this with the utmost confidence that clients will receive the attention they need to have their needs met by First Ward Action Council.

This is an exciting project that is needed in the community and the Broome County Office for Aging would be pleased to partner with you to bring this to fruition.

Sincerely,

Kathleen Bunnell  
Director

Safe Streets  
PO Box 43  
Binghamton, New York 13905  
September 29, 2014

Darryl C. Towns, Commissioner/CEO  
NYS Homes and Community Renewal  
38-40 State Street  
Albany, New York 12207

Dear Commissioner Towns:

I am writing on behalf of the members of Safe Streets to express our strong support for the First Ward Action Council's "Binghamton Gateway Homes" project.

Safe Streets is a volunteer community organization. Our mission is to address neighborhood quality of life by sharing information, building community capacity, engaging external partners, and encouraging investment. First Ward Action Council is one of those partners that are so vital to our efforts. Coincidentally, it also owns a rental property in the neighborhood we serve on the West Side of Binghamton. We couldn't ask for better neighbors.

The "Binghamton Gateway Homes" project will renovate nine houses in the historic Dwightville section of Binghamton, along with two houses on neighboring streets. It will also erect a new building on the site of the historic Lincoln Hotel. We are confident that FWAC will preserve the historic character of the community and have a positive impact on this important gateway to the City of Binghamton. It will also be providing much needed affordable housing to Binghamton residents.

Speaking on a personal level, every time I drive down Front Street I take pleasure in looking at the historic houses that have been preserved, thanks to the dedicated efforts of the First Ward Action Council. I tell the guests that stay at my bed and breakfast to be sure to note the Victorian houses on Front Street as they drive out of town. Historic preservation is very good for tourism.

Safe Streets strongly urges you to support this project.

Sincerely,

A handwritten signature in cursive script that reads "Mary Webster".

Mary Webster, Co-Chair



September 14, 2014

Darryl C Towns, Commissioner/CEO  
NYS Homes and Community Renewal  
38-40 State Street  
Albany, NY 12207

Dear Commissioner Towns:

The Preservation Association of the Southern Tier (PAST) strongly supports the First Ward Action Council's "Binghamton Gateway Homes" project to improve the Front Street Gateway into downtown Binghamton by renovating severely deteriorating properties. Our mission is to "to preserve our local heritage by promoting and protecting places of historic, architectural and cultural significance". The First Ward Action Council has a history of preserving structures in the City of Binghamton with sensitivity to the historical and architectural character of the buildings.

This project will renovate nine homes on Front Street, which is in the historic "Dwightsville" section of Binghamton. Additionally, two additional homes on neighboring streets will also be renovated. A new building will be erected on the site of a local landmark, The Lincoln Hotel, which was destroyed by fire. We are confident, based on the First Ward Action Council's past performance, that the new building will be in keeping with the character of the community.

In addition to preserving the historic character of the area, this project will add much needed affordable housing, stimulate economic development, and have a positive impact on a key gateway to the City of Binghamton.

The First Ward Action Council has a long history of preserving and maintaining properties, and we strongly endorse this project.

Sincerely yours,

David Hawley  
President

**SECURITY MUTUAL LIFE**  
INSURANCE COMPANY OF NEW YORK  
SECURITY MUTUAL BUILDING • 100 COURT STREET  
P. O. BOX 1625  
BINGHAMTON, NEW YORK 13902-1625  
607-723-3551

BRUCE W. BOYEA  
CHAIRMAN, PRESIDENT AND  
CHIEF EXECUTIVE OFFICER

October 6, 2014

Mr. Darryl C. Towns  
NYS Homes & Community Renewal  
38-40 State Street  
Albany, NY 12207

Dear Commissioner Towns:

Recently I had an opportunity to discuss with Jerry Willard their application in reference to Binghamton Gateway Homes. I am reaching out to you to personally let you know that we support the First Ward Action Council's project to improve the Front Street Gateway into downtown Binghamton. Renovations such as the one being recommended will help to create a more positive impression for those entering or exiting the nearby interstate highways.

Binghamton Gateway Housing will add quality, affordable rental housing for low to moderate income residents. With the expansion of Binghamton University and SUNY Broome an increasing number of students are now living in downtown, which has placed moderate housing in a short supply.

Security Mutual remains committed to working in partnership with the City of Binghamton and organizations such as the First Ward Action Council to restore and promote the well-being of our local economy and community. We, therefore, do strongly urge you to fund this project as it will make a difference.

Sincerely,



Bruce W. Boyea

BWB/tml

October 6, 2014

Darryl C. Towns, Commissioner /CEO  
New York State Homes & Community Renewal  
38-40 State Street  
Albany, New York 12207

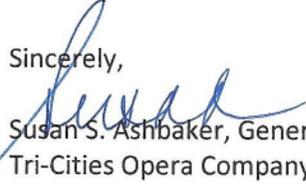
Dear Commissioner Towns:

Tri-Cities Opera Company, Inc., located in the city of Binghamton's First Ward strongly supports the First Ward Action Council's "Binghamton Gateway Homes" project. Renovation of nine severely deteriorated historic properties along this corridor into downtown Binghamton is important to providing affordable housing. The project will add 37 quality rental units for low to moderate income residents and improve the character of the neighborhood.

In addition, a new building will be placed on the site of a local landmark, The Lincoln Hotel, which was destroyed by fire. Replacement on the landmark site, located fairly close to the Tri-Cities Opera Center, will help the neighborhood to retain its historic character, and will have a positive impact on the surrounding areas of the First Ward.

Based on the past performance of The First Ward Action Council, we are confident that this project will be a great success in the restoration and maintenance of historic properties in the First Ward and Tri-Cities Opera offers its strong endorsement of the project.

Sincerely,

  
Susan S. Ashbaker, General Director  
Tri-Cities Opera Company, Inc.

**APPENDIX J**  
**SHPO CORRESPONDENCE**



## 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  
www.nysparks.com

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

October 2, 2012

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**8 Meadow Street (ext/int rehab)**  
**Binghamton, Broome County**  
**12PR04152**

Dear Ms. Koulikas:

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 our review, it is the SHPO's opinion that the proposed project will have No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



## New York State Office of Parks, Recreation and Historic Preservation

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**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

October 30, 2012

H. Peter L'Orange  
38 Hawley Street, 4<sup>th</sup> fl.  
Binghamton, NY 13901

Re: **ESDC/RESTORE**  
**20 Spring Forest Ave. (rehab)**  
**Binghamton, Broome County**  
**09PR02301**

Dear Mr. L'Orange:

The Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) has received additional requested information regarding this project. We are continuing the review of the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation 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 State Environmental Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon our review of the project information, the submitted material meets the provision contained in our letter of May 19, 2010 and it complies with the 'No Adverse Impact' determination that was given in that letter. Unless project plans change, this letter completes our communication on the project.

If you have any questions regarding this letter or your project, please feel free to contact me. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator

Cc: First Ward Action Council



## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

November 04, 2013

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

Melody Clements  
First Ward Action Council, Inc  
167 Clinton Street  
Binghamton, New York 13905

Re: HCR  
164 & 168 Clinton St; 252, 255, 257, 274 Front  
St, 164 & 168 Clinton St; 252,  
255, 257, 274 Front Street  
BINGHAMTON, Broome County  
13PR04958

Dear Ms. Clements:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation 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 State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

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



## 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

www.nysparks.com

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

November 8, 2012

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**249 Front Street (exterior,**  
**Interior, mechanical rehab)**  
**Binghamton, Broome County**  
**12PR04741**

Dear Ms. Koulikas:

Thank you for requesting the comment of the State Historic Preservation Office (SHPO). We have reviewed the new project information 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 our review, it is the SHPO's opinion the project will have No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



## 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

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**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

October 3, 2012

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**259 Front Street (ext/int rehab)**  
**Binghamton, Broome County**  
**12PR04155**

Dear Ms. Koulikas:

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 our review, it is the SHPO's opinion that the proposed project will have No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



## 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

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**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

October 3, 2012

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**267 Front Street (ext/int rehab)**  
**Binghamton, Broome County**  
**12PR04157**

Dear Ms. Koulikas:

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 our review, it is the SHPO's opinion that the proposed project will have No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places. This 'No Adverse Effect' is based upon the provision that all stained glass windows in the house be retained in place.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



## 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

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**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

December 7, 20122

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**267.5 Front Street**  
**Binghamton, Broome County**  
**12PR04406**

Dear Ms. Koulikas:

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).

The subject property is located within an area recognized as being eligible for inclusion in the National Register of Historic Places as a historic district. The acquisition or transfer of the identified parcel will result in No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



## 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

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**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

October 17, 2012

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**269 Front Street (ext/int rehab)**  
**Binghamton, Broome County**  
**12PR04404**

Dear Ms. Koulikas:

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 our review, it is the SHPO's opinion that the proposed project will have No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places. However, we note it appears some features (gutters, windows, doors) have already been installed. Our office requires that projects be reviewed PRIOR to the initiation of construction activity. We will be requesting justification for replacement on future projects that appear to have undertaken work prior to our review.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



## 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

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**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

November 7, 2012

Mary Koulikas  
Program Coordinator  
First Ward Action Council  
167 Clinton Street  
Binghamton, NY 13905

Re: **NYSHCR**  
**273 Front Street (ext/int rehab)**  
**Binghamton, Broome County**  
**12PR04161**

Dear Ms. Koulikas:

Thank you for continuing consultation with the State Historic Preservation Office (SHPO). We have reviewed the new project information 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 our review, it is the SHPO's opinion the project will have **No Adverse Effect** upon properties in or eligible for inclusion in the National Register of Historic Places.

If you have any questions, please contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas  
Historic Sites  
Restoration Coordinator



**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

August 20, 2014

Jerry Willard  
First Ward Action Council  
167 Clinton Street  
Binghamton, New York 13905

Re: HCR  
Binghamton Gateway Homes  
254 Front St  
BINGHAMTON, Broome County  
14PR03385

Dear Mr. Willard:

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, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

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



## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
Peebles Island, PO Box 189, Waterford, New York 12188-0189  
518-237-8643  
www.nysparks.com

December 16, 2014

Mr. Peter L'Orange  
Historic Preservation Planner  
City of Binghamton  
28 Hawley Street  
4th Floor City Hall  
Binghamton, NY 13901

Re: CDBG  
20 Spring Forest Ave  
Binghamton  
09PR02301

Dear Mr. L'Orange:

We understand you are now receiving federal funding for the proposed work at 20 Spring Forest Avenue. The New York State Historic Preservation Office (SHPO) has reviewed the submitted materials 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.

It is our opinion the proposed work will have No Adverse Effect on the historic home.

If you have any questions, feel free to contact me at 518-237-8643, extension 3287, or via e-mail at [elizabeth.martin@parks.ny.gov](mailto:elizabeth.martin@parks.ny.gov). Please refer to the OPRHP Project Review (PR) number in any future correspondences regarding this project.

Sincerely,

Elizabeth Martin  
Historic Site Restoration Coordinator

Cc: Melody Spring, First Ward Action Council

via e-mail only

Andrew M. Cuomo  
Governor

Rose Harvey  
Commissioner



## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
Peebles Island, PO Box 189, Waterford, New York 12188-0189  
518-237-8643  
www.nysparks.com

Andrew M. Cuomo  
Governor

Rose Harvey  
Commissioner

Melody Spring  
First Ward Action Council, Inc.  
167 Clinton Street  
Binghamton, New York 13905

Re: HCR  
164 & 168 Clinton St; 252, 255, 257, 274 Front St;  
Binghamton, Broome County  
13PR04958

Dear Ms. Spring:

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

**APPENDIX K**  
**USFWS CORRESPONDENCE**



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: Kristina Rogers

Date: Oct 20, 2014

USFWS File No: 141185

Regarding your:  Letter  Fax  Email

Dated: Sept 19, 2014

For project: Binghamton Gateway Homes

Located: Front and Meadow Streets and Spring Forest Avenue

In Town/County: City of Binghamton / Broome 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:

Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

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): Sandra L. Doran 10-20-2014

Supervisor: Patricia Cole Date: 10/20/14

## Kristina Rogers

---

**From:** Kristina Rogers [klrconsulting@rochester.rr.com]  
**Sent:** Friday, September 19, 2014 4:32 PM  
**To:** FW5ES\_NYFO@fws.gov  
**Cc:** 'Jerry Willard'; 'Kristina Rogers'  
**Subject:** Online Project Review Request - Binghamton Gateway Homes  
**Attachments:** 1. Online Project Review Request-Binghamton Gateway Homes.pdf; 2. Project Review Package-Binghamton Gateway Homes.pdf; 3. Species Conclusion Table-Gateway.pdf; 4. Topo Map with Project Area and Sites-Gateway.pdf; 5. List of Properties-Binghamton Gateway Homes project.pdf; 6. Map of Project Area & Sites-Gateway.pdf

To the US Fish and Wildlife Service,

Please see the attached Letter and Project Review Package. We are submitting the project for review in order to meet the requirements of our anticipated financing source through the NYS Homes & Community Renewal, which requires a statement from USFWS that there will be "no effect" of the project on species under their jurisdiction.

Please let me know if you have any questions upon review.

Thank you,  
Kris Rogers

Kristina Rogers  
KLR Consulting LLC  
106 Chesapeake Landing  
West Henrietta, NY 14586  
Mobile 585-746-6157  
Office/Fax 585-292-0624  
Email Address: [klrconsulting@rochester.rr.com](mailto:klrconsulting@rochester.rr.com)

***NYS Certified WBE***

September 19, 2014

From: Jerry Willard

First Ward Action Council, Inc.  
167 Clinton Street  
Binghamton, NY 13905  
(607) 772-2850  
[fwac@stny.rr.com](mailto:fwac@stny.rr.com)

To: U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Re: Online Project Review Request  
Binghamton Gateway Homes, Broome County, New York 13905  
Project Type: Development/Rehabilitation

We have reviewed the referenced project using the New York Field Office's online project review process and have followed all guidance and instructions in completing the review. We completed our review on September 19, 2014 and are submitting our project review package in accordance with the instructions for further review.

Our proposed action consists of: the acquisitions and substantial rehabilitation of 27 apartments in 11 existing houses on Front Street, Meadow Street, and Spring Forest Avenue, and the new construction of 10 apartments in 1 new building on Clinton Street. The Clinton Street site formerly housed an old hotel that was recently destroyed by fire. All sites are in an urban residential and mixed-use commercial neighborhood called the First Ward in the City of Binghamton. All apartments will be affordable to households with very low incomes.

The location of the project and the action area are identified on the enclosed maps. Please refer to the US Topo map along with an area map that shows the project sites in relation to other neighborhood uses and amenities. A list of the 12 sites is also attached for your reference.

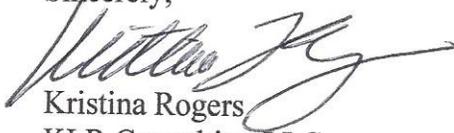
The project is expected to be started in the spring of 2015 and completed in the summer of 2016.

This project review is needed for funding applications to the NYS Homes & Community Renewal (HCR) and Governor's Office for Storm Recovery (GOSR). Federal funds are anticipated for the project through the Community Development Block Grant – Disaster Recovery Affordable Housing Fund program, which are being made available by HCR and GOSR.

The enclosed project review package provides the information about the species, critical habitat, and bald eagles considered in our review, and the species conclusions table included in the package identifies our determinations for the resources that may be affected by the project.

For additional information, please contact Jerry Willard at the address listed above, or me as the development consultant, at (585) 292-0624 or [klrconsulting@rochester.rr.com](mailto:klrconsulting@rochester.rr.com) .

Sincerely,



Kristina Rogers  
KLR Consulting LLC  
106 Chesapeake Landing  
W. Henrietta, NY 14586  
(585) 292-0624

Enclosures:

- 1) ENTIRE PROJECT REVIEW PACKAGE
- 2) List of properties involved in the project
- 3) Area map of properties and neighborhood

Cc: Jerry Willard, FWAC



U.S. Fish and Wildlife Service

## Trust Resources List

**This resource list is to be used for planning purposes only — it is not an official species list.**

**Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:**

New York Ecological Services Field Office  
3817 LUKER ROAD  
CORTLAND, NY 13045  
(607) 753-9334  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

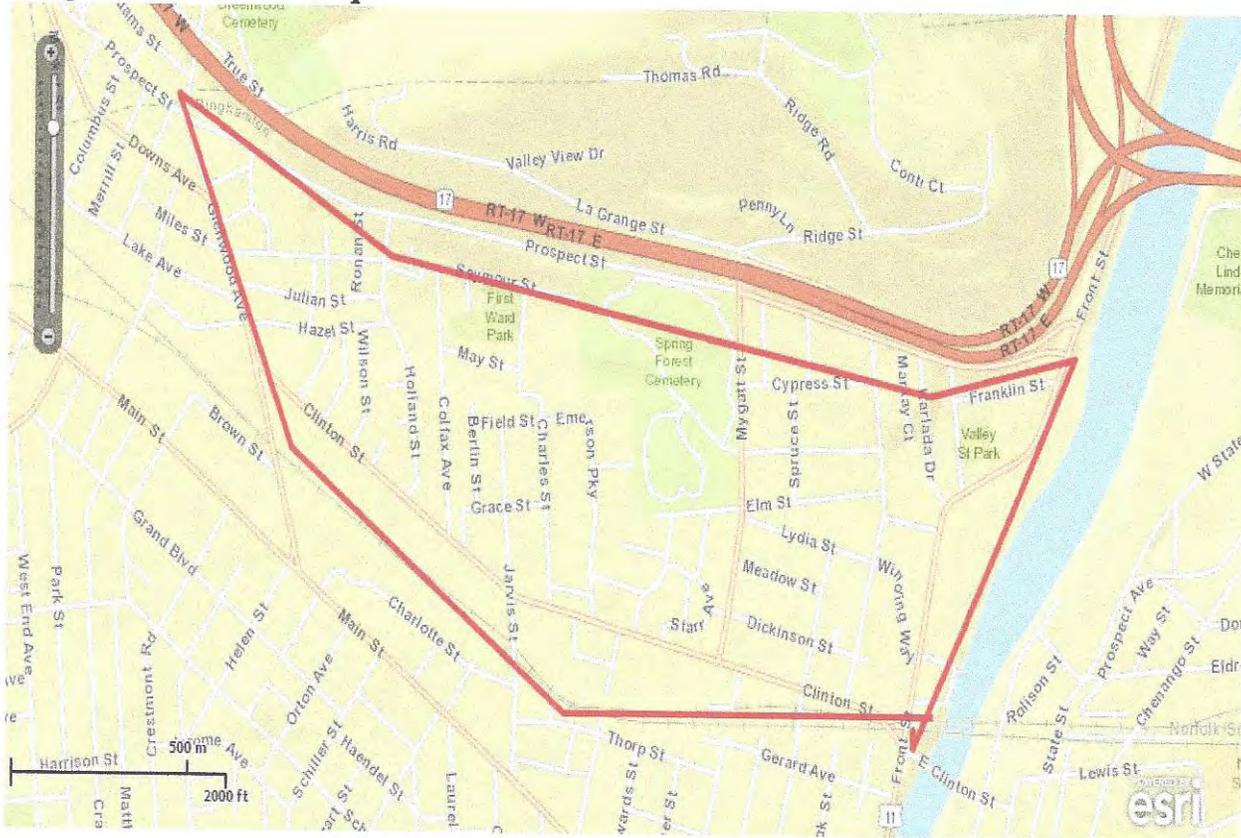
***Project Name:***

Binghamton Gateway



# Trust Resources List

## Project Location Map:



## Project Counties:

Broome, NY



## Trust Resources List

### *Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):*

MULTIPOLYGON (((-75.9277117 42.1041555, -75.9277214 42.104158, -75.9371628 42.1093795, -75.9371705 42.1093872, -75.9411187 42.1163911, -75.9411212 42.1163989, -75.9411203 42.1164071, -75.9411162 42.1164143, -75.9411095 42.1164191, -75.9411015 42.1164209, -75.9410934 42.1164193, -75.933723 42.1132368, -75.9151805 42.1105633, -75.9102139 42.111327, -75.9102062 42.1113266, -75.9101992 42.1113234, -75.9101939 42.1113178, -75.9101912 42.1113105, -75.9101914 42.1113028, -75.9101945 42.1112958, -75.9124175 42.1081121, -75.9124176 42.1081119, -75.9152036 42.1041955, -75.9150088 42.1041955, -75.9150011 42.104194, -75.9149947 42.1041896, -75.9149903 42.1041832, -75.9149888 42.1041755, -75.9149903 42.1041678, -75.9149947 42.1041614, -75.9150011 42.104157, -75.9150088 42.1041555, -75.9152321 42.1041555, -75.9156791 42.1035271, -75.9156852 42.1035215, -75.915693 42.1035188, -75.9157 42.1035195, -75.915704 42.1035187, -75.9157117 42.1035202, -75.9157181 42.1035246, -75.9157225 42.103531, -75.915724 42.1035387, -75.915724 42.1039202, -75.915724 42.1039207, -75.9157225 42.1039283, -75.9157182 42.1039348, -75.9157118 42.1039391, -75.9157042 42.1039407, -75.9156966 42.1039393, -75.9156901 42.1039351, -75.9156857 42.1039287, -75.915684 42.1039212, -75.9156768 42.1035994, -75.9152812 42.1041555, -75.9277117 42.1041555), (-75.9152527 42.1041955, -75.9124502 42.108135, -75.9102541 42.1112803, -75.9151774 42.1105233, -75.9151833 42.1105233, -75.9337314 42.1131976, -75.9337364 42.113199, -75.9410547 42.116359, -75.9371385 42.1094118, -75.9277065 42.1041955, -75.9152527 42.1041955)))

### *Project Type:*

Development

### *Endangered Species Act Species List (USFWS Endangered Species Program).*

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

### **Species that should be considered in an effects analysis for your project:**

Mammals	Status		Has Critical Habitat	Contact
northern long-eared Bat ( <i>Myotis septentrionalis</i> ) Population:	Proposed Endangered	<a href="#">species</a> <a href="#">info</a>		New York Ecological Services Field Office



## Trust Resources List

### Critical habitats within your project area:

*There are no critical habitats within your project area.*

### ***FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).***

*There are no refuges found within the vicinity of your project.*

### ***FWS Migratory Birds ([USFWS Migratory Bird Program](#)).***

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. For more information regarding these Acts see <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>.

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html>.

### **Migratory birds of concern that may be affected by your project:**

There are 11 birds on your Migratory birds of concern list. The Division of Migratory Bird Management is in the process of populating migratory bird data with an estimated completion time of Fall 2014; therefore, the list below may not include all the migratory birds of concern in your project area at this time. While this information is being populated, please contact the Field Office for information about migratory birds in your project area.

Species Name	Bird of Conservation Concern (BCC)	Species Profile	Seasonal Occurrence in Project Area
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## Trust Resources List

American bittern ( <i>Botaurus lentiginosus</i> )	Yes	<a href="#">species info</a>	Breeding
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Yes	<a href="#">species info</a>	Year-round
Black-billed Cuckoo ( <i>Coccyzus erythrophthalmus</i> )	Yes	<a href="#">species info</a>	Breeding
Blue-winged Warbler ( <i>Vermivora pinus</i> )	Yes	<a href="#">species info</a>	Breeding
Canada Warbler ( <i>Wilsonia canadensis</i> )	Yes	<a href="#">species info</a>	Breeding
Golden-Winged Warbler ( <i>Vermivora chrysoptera</i> )	Yes	<a href="#">species info</a>	Breeding
Least Bittern ( <i>Ixobrychus exilis</i> )	Yes	<a href="#">species info</a>	Breeding
Louisiana Waterthrush ( <i>Parkesia motacilla</i> )	Yes	<a href="#">species info</a>	Breeding
Pied-billed Grebe ( <i>Podilymbus podiceps</i> )	Yes	<a href="#">species info</a>	Breeding
Wood Thrush ( <i>Hylocichla mustelina</i> )	Yes	<a href="#">species info</a>	Breeding
Worm eating Warbler ( <i>Helmitheros vermivorum</i> )	Yes	<a href="#">species info</a>	Breeding

### ***NWI Wetlands (USFWS National Wetlands Inventory).***

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these



U.S. Fish and Wildlife Service

## Trust Resources List

requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

### **Data Limitations, Exclusions and Precautions**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery and/or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

**Exclusions** - Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

**Precautions** - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

*IPaC is unable to display wetland information at this time.*



# IPaC - Information, Planning, and Conservation System

Environmental Conservation Online System

<http://www.fws.gov>

IPaC Home Page (/ipac/)

Initial Project Scoping (/ipac/wizard/chooseLocation!prepare.action)

Project Builder ()

FAQs (/ipac/faqs.jsp)

## Step 1

## Conservation Measures (CM) Report

[\(/ipac/wizard/chooseLocation!prepare.action\)](/ipac/wizard/chooseLocation!prepare.action)

Location

### Caution!

This portion of the IPaC system is still under development and testing by the U.S. Fish & Wildlife Service. Conservation Measures obtained at this time should not be used as authoritative recommendations for your project.

## Step 2

[\(/ipac/wizard/chooseActivities!prepare.action\)](/ipac/wizard/chooseActivities!prepare.action)

Activities

## Step 3

### Project Location Map:

[\(/ipac/wizard/trustResourceList!prepare.action\)](/ipac/wizard/trustResourceList!prepare.action)

Trust resources list

## Step 4

Conservation measures



**Note:**  
The map reflects the map layers selected on the Step 1 Location page. To change what appears on this map, return

to the  
Location  
page  
and  
adjust  
the map  
layers.

**Project Counties:**

Broome, NY

**Project type:** Development**Conservation Measures (Grouped by Category)**

FWS Endangered Species conservation measures are not available for your project online.

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Last updated: September 16, 2014

[ECOS Home \(/ecos/indexPublic.do\)](#) | [Contact Us \(/ecos/helpdesk.do\)](#)

# New York Field Office

## Northeast Region

Friday,  
September 19, 2014

[Home](#)

[Endangered Species](#)

[Conservation Planning  
Assistance](#)

[Environmental Quality](#)

[Partners for Fish &  
Wildlife](#)

[Congressional  
Briefings](#)

[Newsroom](#)

[Contact Information &  
Directions](#)

## Project Review Step 5 - Critical Habitat

Currently the only designated critical habitat in New York State is for the Great Lakes breeding population of the piping plover and occurs along 17 miles of Lake Ontario shoreline in Oswego County and Jefferson County. More information on designated critical habitat for the Great Lakes breeding population of the piping plover can be found here. If the proposed project occurs within this area, add "piping plover critical habitat" to the species conclusion table. If the action area does not occur in this area, continue to **Step 6**. NOTE: Designated critical habitat is only applicable for projects with Federal agency involvement. No comments/analyses on critical habitat are needed for projects without Federal agency involvement.

(A). If the action area does not intersect with the critical habitat, write "no" in the *critical habitat present column* in the species conclusions table, and continue to **Step 6**.

(B). If the action area intersects with the critical habitat, write "yes" in the *critical habitat present column* in the species conclusion table and continue to **Step 6**.

[FWS Endangered Species Home Page](#) • [FWS Endangered Species Northeast Region](#)

### Endangered Species

[Overview](#)

[Listing & Classification](#)

[Recovery](#)

[Long Island Recovery  
Efforts](#)

[Project Reviews](#)

- [Step 1](#)
- [Step 2](#)
- [Step 3](#)
- [Step 4](#)
- [Step 5](#)
- [Step 6](#)
- [Step 7](#)

[Species in New York  
State](#)

**Last updated:** September 10, 2013  
All images by FWS unless otherwise noted.



# Ecological Services

## Northeast Region

[Ecological Services](#)
[Endangered Species](#)
[Habitat Conservation](#)
[Contaminants](#)
[Wetlands Inventory](#)
[Bald Eagle Management Guidelines](#)
[More Resources](#)

## Determining Whether Construction or Development Activities May Disturb Nesting Bald Eagles: Step 4

### Step 4. Documentation

You may document that you are following the U.S. Fish and Wildlife Service's recommendations for avoiding disturbance of nesting bald eagles by printing this page, then signing and dating it for your records.

Your activity is a construction project or development activity.

The bald eagle nest (active or alternate) can be seen from the project site.

You will adopt the following recommendations to avoid disturbing nesting eagles and their young.

1. Maintain a buffer of at least 660 feet (200 meters) between all your activities and the nest (including active and alternate nests) unless a similar activity is closer than 660 feet, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
2. Restrict all clearing, external construction, and landscaping activities within 660 feet of the nest to outside the nesting season (i.e., outside the nesting season is from August through January. The nesting season in the Northeast is generally from mid-December to June for the States in the Chesapeake Bay (DE, MD, and VA) and the remaining states, as late as January through July).
3. Maintain any established landscape buffers.

Therefore, disturbance of nesting bald eagles is unlikely to occur.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

These recommendations are valid only for the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

[Back](#)

[Bald and Golden Eagle Protection Act](#)
[National Bald Eagle Management Guidelines](#)
[Permit regulations to authorize limited "take" of bald eagles or their nests \(pdf\)](#)
[Bald eagle natural history and sensitivity \(pdf\)](#)
[Management at a Glance](#)

**Two factors most influence an eagle's response to human activity:**

1. The activity's visibility from the eagle nest and;
2. The regular occurrence of similar activities near the nest.

**General recommendations to avoid disturbing nesting bald eagles:**

1. Keep distance between the activity and the nest (distance buffers).
2. Maintain forested or natural areas between the activity and the nest tree (landscape buffers).
3. Avoid certain activities during the nesting season (timing buffers).

Last updated: May 22, 2013

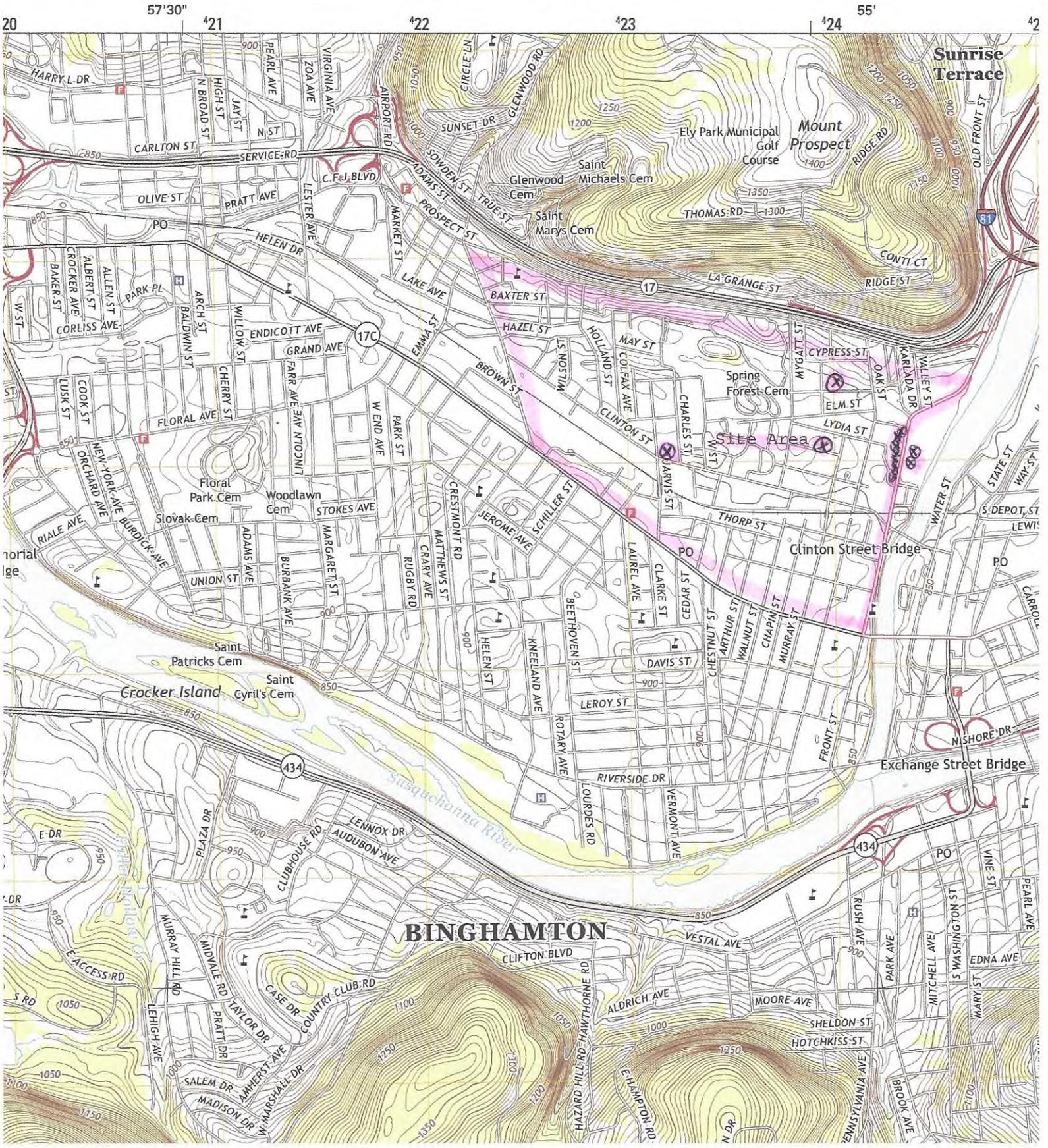
[Site Map \(Find what you're looking for\)](#)

[Ecological Services Home Page](#)

[Northeast Home Page](#)



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Y



September 19, 2014

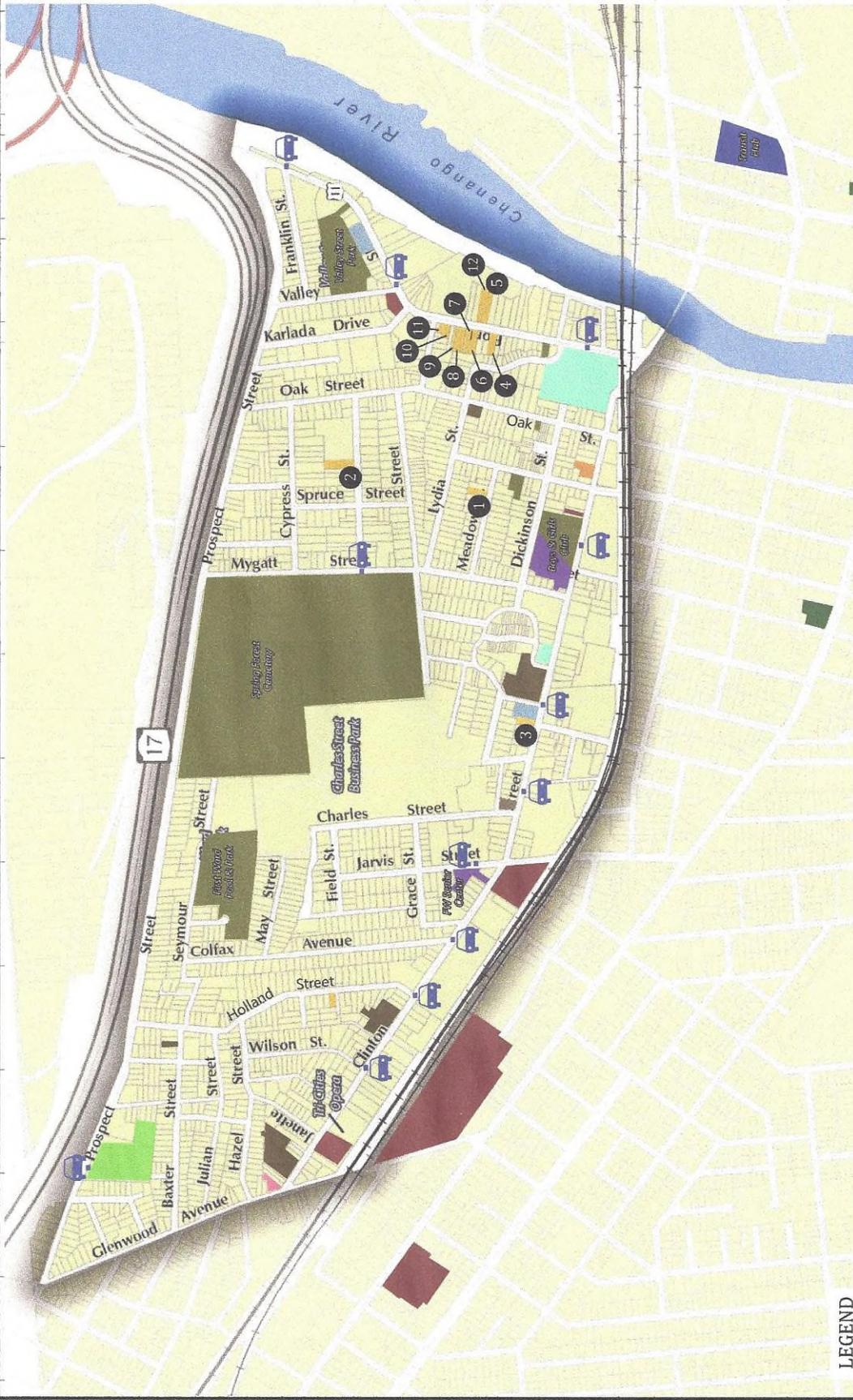
From: First Ward Action Council, Inc.  
167 Clinton St.  
Binghamton, NY 13905

To: U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

The following is the list of properties that will be included in the Binghamton Gateway Homes Project:

249 Front St.  
252 Front St.  
254 Front St.  
255 Front St.  
257.5 Front St.  
259 Front St.  
267.5 Front St.  
269 Front St.  
273 Front St.  
275 Front St.  
164 Clinton St.  
168 Clinton St.  
20 Spring Forest Ave  
8 Meadow St.

All of the properties are located in the First Ward neighborhood of the City of Binghamton as indicated on the US Topo Map.



- PROJECT SITES:**
- 1 8 Meadow Street
  - 2 20 Spring Forest
  - 3 164-168 Clinton Street
  - 4 249 Front Street
  - 5 252 Front Street
  - 6 255 Front Street
  - 7 257.5 Front Street
  - 8 259 Front Street
  - 9 267 Front Street
  - 10 269 Front Street
  - 11 273 Front Street
  - 12 254 Front Street

- LEGEND**
- Project Site
  - Community Center
  - Bus Stop/Transportation Center
  - Grocery/Convenience Store
  - Green Space/Park/Playground
  - Medical/Dental Facility
  - Pharmacy
  - Farmer's Market (walking distance)
  - School
  - Library
  - Child Care Center
  - Laundry/Dry Cleaning
  - Bank
  - Post Office
  - Place of Worship
  - Restaurant/Food

WARNING: This is a technical drawing. It is not to be used for construction purposes without the approval of the architect. Any reproduction or use of this drawing without the written permission of the architect is strictly prohibited.

**APPENDIX L**  
**TRIBAL CORRESPONDENCE**



# KLR Consulting LLC

September 22, 2014

Mr. Ray Halbritter, Nation Representative  
Oneida Nation of New York  
5218 Patrick Road  
Verona, NY 13478

Dear Sir:

The Oneida Nation of New York has been identified as a possible consulting party under 36 CFR Part 800 2c. On behalf of my client and project sponsor, First Ward Action Council, Inc. (FWAC), we are providing you with the attached information regarding FWAC's proposed project and respectfully request a reply regarding your interest in this specific project. The project is called Binghamton Gateway Homes and involves the substantial rehabilitation of 27 apartments in 11 buildings and the new construction of 10 apartments in one building in the First Ward neighborhood of the City of Binghamton. The streets include Front Street, Meadow Street, Clinton Street, and Spring Forest Avenue.

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 undertaking on any historic property we have thus far identified,
- (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,
- (5) Any Additional parties we should consider consulting,
- (6) Any other comments or 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 party for future projects in New York.

Yes, we are interested in being a consulting party on this project.

No, we are not interested in participating in the above-mentioned undertaking.

Consulting Party (please print) \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Please fax this reply to my office at (585) 292-0624 or by email to [krisrogers@klrllc.com](mailto:krisrogers@klrllc.com) or by return mail at the address below. Thank you for your consideration.

Sincerely,

  
Kristina Rogers  
Development Consultant

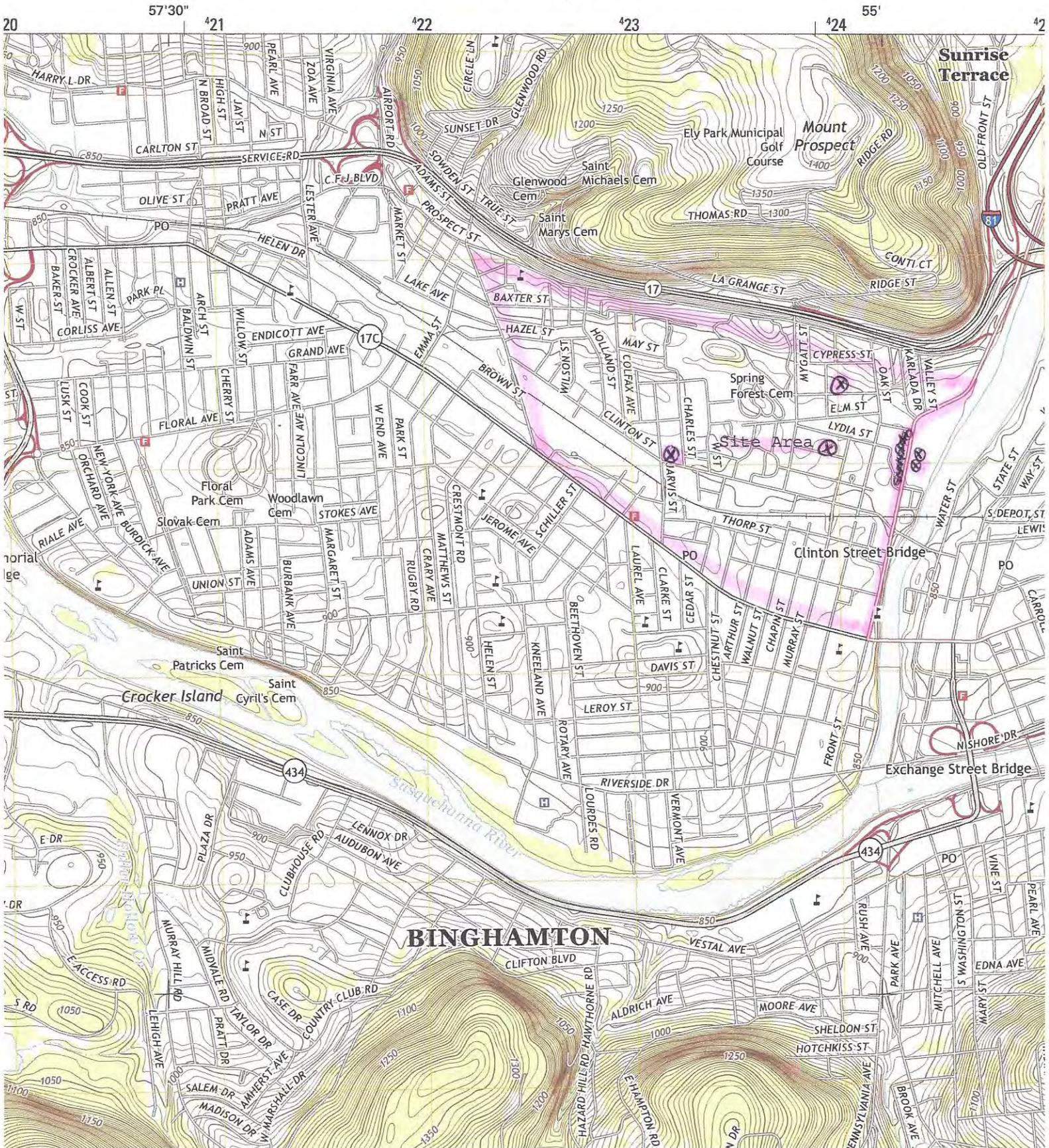
Cc: HTFC Environmental Analysis Unit via scan  
Project Management and Development Services  
106 Chesapeake Landing, W Henrietta, NY 14586  
(585) 746-6157 [krisrogers@klrllc.com](mailto:krisrogers@klrllc.com)

September 22, 2014

The following is the list of properties that will be included in the Binghamton Gateway Homes Project:

249 Front St.  
252 Front St.  
254 Front St.  
255 Front St.  
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259 Front St.  
267.5 Front St.  
269 Front St.  
273 Front St.  
275 Front St.  
164 Clinton St.  
168 Clinton St.  
20 Spring Forest Ave  
8 Meadow St.

All of the properties are located in the First Ward neighborhood of the City of Binghamton as indicated on the US Topo Map.



# **Binghamton Gateway Homes**

First Ward Action Council, Inc. (FWAC) proposes Binghamton Gateway Homes as a scattered site, mixed-used project located in Binghamton's First Ward. The First Ward, and Front Street, in particular, is what people see when they enter the city. Therefore, the appearance of the street is paramount in creating a good climate for additional investment in the community. This proposed project to eliminate the remaining blight on Front Street has received strong support from the City of Binghamton, the Southern Tier Regional Economic Development Council, and the community at large. It is an initiative bringing together FWAC, a non-profit housing group, with local government and the private sector including a local bank, NBT Bancorp, and the National Equity Fund.

## **Planning**

The City of Binghamton has spent significant time and effort and to plan its revitalization. All of the local plans focus heavily on community participation and involvement, so that the revitalization is consistent with community goals. The focus is on:

- Revitalization of the Gateway into the city.
- Redeveloping Brownfields
- Preserving walkable neighborhoods
- Maintaining existing housing stock
- Retaining neighborhood residents
- Retaining historic neighborhood character

This project is the culmination of all of these plans. It works in a Brownfield neighborhood to improve the existing housing stock, eliminating blight on the main gateway leading into the City.

## **Project Information**

This is a multi-use, scattered site project with emphasis on renovating deteriorating housing stock. In addition a new building providing 1BR apartments and two attractive storefronts will be constructed on the site of a local landmark that was known as the Lincoln Hotel until it was destroyed by fire last year. The project includes these 12 sites:

8 Meadow Street  
20 Spring Forest Avenue  
164-168 Clinton Street  
249 Front Street  
252 Front Street  
254 Front Street  
255 Front Street  
257 Front Street  
259 Front Street

267 Front Street  
269 Front Street  
273-275 Front Street

There will be a total of 12 buildings with a total of 37 residential units and 2 commercial units when the project is completed. Below is a list of the units and the income groups they are targeted for.

- 2 0-bedroom units at 50% of AMI
- 10 1-bedroom units at 50% of AMI
- 16 1-bedroom units at 60% of AMI
- 3 2-bedroom units at 60% of AMI
- 6 3-bedroom units at 60% of AMI

The project is multifamily, low-income and mixed use. It is targeting single people and small and medium families. Six of the units are being set aside for the physically disabled. The Southern Tier Independence Center has signed an agreement to provide services to the special needs tenants. Action for Older Persons will provide services for any seniors who choose to reside in one of the units. The tenant mix reflects the need FWAC has seen in its waiting lists and is substantiated by the market study.

This project includes the restoration of 11 existing buildings. Each building and each unit is unique. They fit the character and history of the neighborhood. The buildings are small-scale homes with two to six apartments per building. All of the structures are two-floor, wood frame homes. In addition, a mixed-use three-story structure will be newly constructed at 164-168 Clinton Street. It will provide 10 one-bedroom apartments and 2 storefronts. The City of Binghamton requested the inclusion of the storefronts to maintain the mixed-use nature of Clinton Street. This site will have an elevator. None of the apartments are reserved for a superintendent. The total residential square footage is 27,554 gross s.f. and the two commercial storefronts' square footage is 912 gross s.f.

All of the sites meet the city's off-street parking requirements. In addition, there is on-street parking throughout the neighborhood. The off-street parking, which is strictly for the tenants, is important because it is an amenity that increases the marketability of the units.

Electric and natural gas is from NYSEG and all units will be heated by gas. Each apartment will have its own heating unit and separate utilities metered to and paid by the tenants. Water and sewer is provided by the city and the cost will be part of the rent.

The two commercial storefronts at 164-168 Clinton Street are 466 and 446 square feet in size. FWAC is providing a Master Lease for the space; meanwhile, FWAC also has letters of interest from appropriate neighborhood commercial uses to rent the spaces. The commercial units will be funded by NYS HCR - CIF & City of Binghamton RESTORE funds. The spaces will have separate utility services from the residential units, which are payable directly by the commercial tenants.

### **Re-Use of Buildings**

This project is reusing smaller, neighborhood-scale buildings that are in poor condition and mostly vacant; some are vacant due to condemnation to address former residents having elevated blood lead levels (EBLL). The project will revitalize these buildings that are blighting the neighborhood, converting them into homes that are safe, healthy places to live reflecting a healthy neighborhood.

The re-use of buildings maintains the character and history of the neighborhood, but by nature is more expensive than a single building type project with multiple units. There are fewer economies of scale when every building, every room, and every wall is unique. There are no savings when the first step in construction is selective demolition and abatement of asbestos or lead paint. In addition, the project will be paying Davis Bacon Wage Rates under the requirements of the HUD-CDBG-DR program. Therefore, the cost per unit of this project is on the higher end of the normal range. However, this isn't just constructing a house; it is rebuilding an urban neighborhood.

### **Project Design and Use Information**

This is a neighborhood-scale project with the purchase of 11 buildings and one vacant parcel. The buildings range in size from single-family homes to a newly constructed building with 10 one-bedroom apartments and 2 storefronts.

All of the buildings to be rehabilitated are wood-frame buildings dating from the late 1800s to the early 1900s. This type of construction was common for the buildings of the era – single family homes and small commercial buildings.

A major goal of the project is increasing the energy efficiency of the buildings, adhering to the Enterprise Green Communities criteria to maximize cost savings for the future tenants. As part of the Energy Efficiency requirements of the RFP, a contract has been signed with an energy consultant and HERS rater who will guide the project through the appropriate NYSERDA program for substantial rehab projects and will certify compliance at the conclusion of the project. Energy Star appliances, lighting fixtures, and efficient boilers are among the many energy efficient design elements that will be incorporated.

Recognizing that the highly visible sites are located on major thoroughfares, award winning landscape architect Michael Haas has been engaged by project architects Chianis & Anderson. Haas will ensure a livable outdoor environment for the tenants, while designing attractive space that will be seen by visitors driving into town.

Likewise, the appearance of the two storefronts will be consistent with the four other historic mixed-use buildings FWAC has renovated on Clinton Street. Those previous projects received awards from the local preservation organization.

### **Building Information**

None of the properties are listed on the National Register, but the historic nature of the buildings and neighborhoods will be respected and retained during renovations. None are

within the flood plain – an important resiliency factor in the creation of replacement housing units in the wake of the damage caused by Tropical Storm Lee.

All parcels are properly zoned and have sufficient off-street parking to comply with the city's code. All local approvals are in place, including pro-active approvals from the Planning Commission (Special Use Permit for 164-166 Clinton Street) and Zoning Board of Appeals (area variance for 254 Front Street). Phase One Environmental studies have been completed and there are no known environmental issues, other than asbestos and lead paint, that would impede the ability to proceed with the project in a timely fashion. The asbestos and lead paint abatement has been included in the scope of work and budget.

Two of the buildings are occupied. All residents and owners have been given proper notice under the Uniform Relocation Act. A relocation plan is included in this application.

Five of the buildings are located in Binghamton's Local Waterfront Revitalization Plan area. Plans have been submitted to the LWRP and they concur that the buildings meet their guiding principles however they have no authority over the project because no zoning changes or other approvals are needed.

#### **Project Location and Market Information**

This is a scattered-site development consisting of 12 sites. These sites are all located in Binghamton's First Ward. This is an area that is south of Interstate 86/17 and northeast of downtown Binghamton. This is a strong, enduring residential neighborhood that contains the Front Street gateway leading into the city.

Homeownership, which provides stability in neighborhoods, has decreased as people choose to purchase newer homes in more suburban settings. With the loss of homeowners, and the introduction of absentee landlords, the condition of the neighborhood deteriorated. This project is part of a comprehensive redevelopment approach bringing together the State, the City, a not-for-profit housing organization and the private sector in response to urban blight. The goal is to create attractive living and commercial space from deteriorated and condemned buildings, stabilizing the neighborhood and ensuring through hands-on management that the buildings remain in good condition. The First Ward Action Council has already renovated 15 homes in the Front Street gateway area, including three homes that are now owner-occupied.

All of the units are close to public transportation and within walking distance of schools and services including clinics and the Broome County Health Department.

#### **Project Financing Information (Permanent Financing)**

FWAC is requesting \$695,000 in annual federal Low Income Housing Tax Credits, \$115,000 in Community Investment Funds for the commercial space, and \$4,800,000 from the CDBG-DR AHF program, as this project addresses the Early Award Priority of Disaster Relief Projects overseen by GOSR.



# KLR Consulting LLC

September 22, 2014

Chief Irving Powless  
Onondaga Nation of New York  
RR#1, Box 319-B  
Nedrow, NY 13120

Dear Chief Powless:

The Onondaga Nation of New York has been identified as a possible consulting party under 36 CFR Part 800 2c. On behalf of my client and project sponsor, First Ward Action Council, Inc. (FWAC), we are providing you with the attached information regarding FWAC's proposed project and respectfully request a reply regarding your interest in this specific project. The project is called Binghamton Gateway Homes and involves the substantial rehabilitation of 27 apartments in 11 buildings and the new construction of 10 apartments in one building in the First Ward neighborhood of the City of Binghamton per the attached map.

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 undertaking on any historic property we have thus far identified,
- (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,
- (5) Any Additional parties we should consider consulting,
- (6) Any other comments or 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 party for future projects in New York.

Yes, we are interested in being a consulting party on this project.

No, we are not interested in participating in the above-mentioned undertaking.

Consulting Party (please print) \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Please fax this reply to my office at (585) 292-0624 or by email to [krisrogers@klrllc.com](mailto:krisrogers@klrllc.com) or by return mail at the address below. Thank you for your consideration.

Sincerely,

  
Kristina Rogers  
Development Consultant

Cc: HTFC Environmental Analysis Unit via scan

**Project Management and Development Services**  
106 Chesapeake Landing, W Henrietta, NY 14586  
(585) 746-6157 [krisrogers@klrllc.com](mailto:krisrogers@klrllc.com)

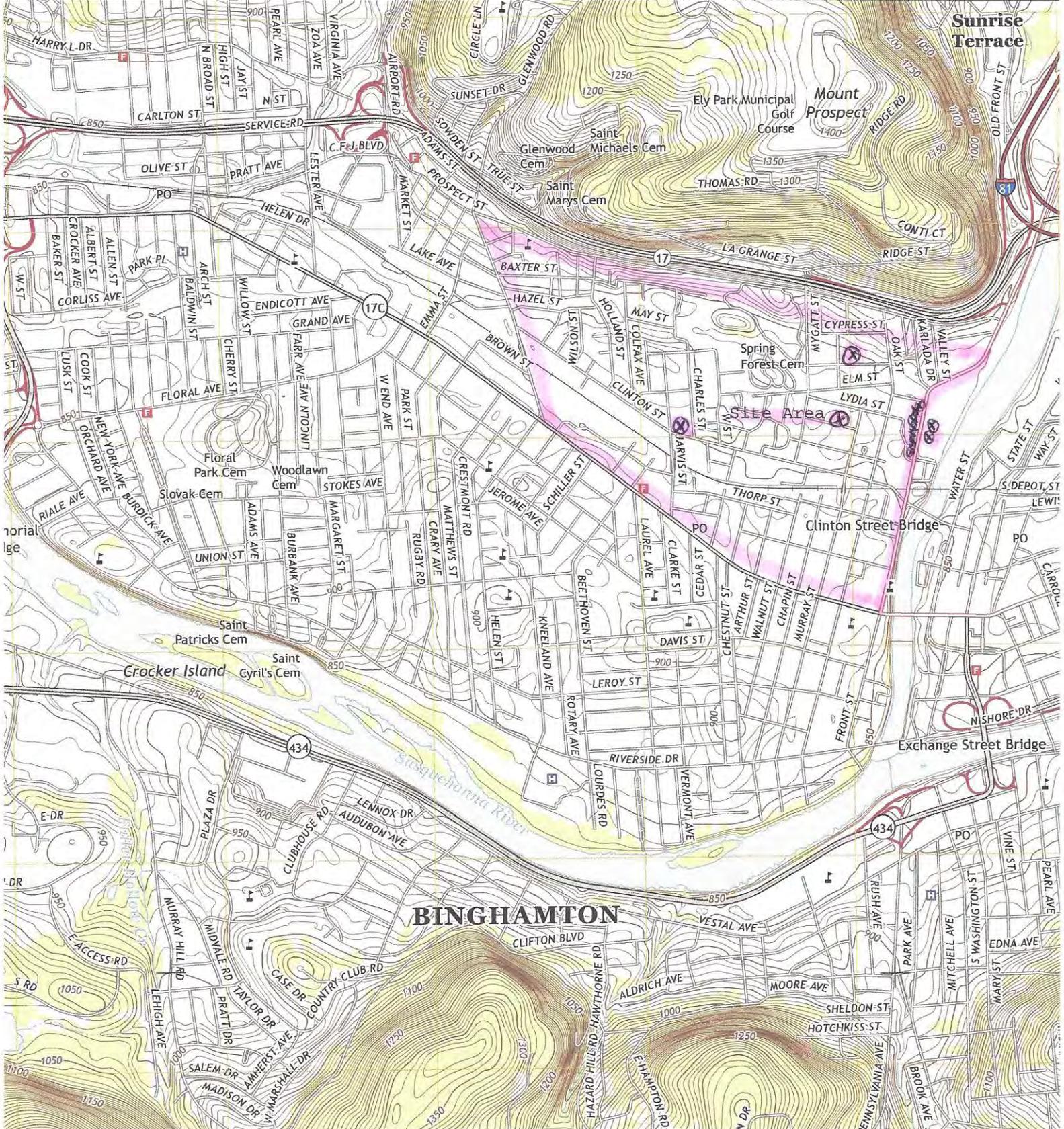
September 22, 2014

The following is the list of properties that will be included in the Binghamton Gateway Homes Project:

249 Front St.  
252 Front St.  
254 Front St.  
255 Front St.  
257.5 Front St.  
259 Front St.  
267.5 Front St.  
269 Front St.  
273 Front St.  
275 Front St.  
164 Clinton St.  
168 Clinton St.  
20 Spring Forest Ave  
8 Meadow St.

All of the properties are located in the First Ward neighborhood of the City of Binghamton as indicated on the US Topo Map.

20 57'30" 421 422 423 424 55' 42



# **Binghamton Gateway Homes**

First Ward Action Council, Inc. (FWAC) proposes Binghamton Gateway Homes as a scattered site, mixed-used project located in Binghamton's First Ward. The First Ward, and Front Street, in particular, is what people see when they enter the city. Therefore, the appearance of the street is paramount in creating a good climate for additional investment in the community. This proposed project to eliminate the remaining blight on Front Street has received strong support from the City of Binghamton, the Southern Tier Regional Economic Development Council, and the community at large. It is an initiative bringing together FWAC, a non-profit housing group, with local government and the private sector including a local bank, NBT Bancorp, and the National Equity Fund.

## **Planning**

The City of Binghamton has spent significant time and effort and to plan its revitalization. All of the local plans focus heavily on community participation and involvement, so that the revitalization is consistent with community goals. The focus is on:

- Revitalization of the Gateway into the city.
- Redeveloping Brownfields
- Preserving walkable neighborhoods
- Maintaining existing housing stock
- Retaining neighborhood residents
- Retaining historic neighborhood character

This project is the culmination of all of these plans. It works in a Brownfield neighborhood to improve the existing housing stock, eliminating blight on the main gateway leading into the City.

## **Project Information**

This is a multi-use, scattered site project with emphasis on renovating deteriorating housing stock. In addition a new building providing 1BR apartments and two attractive storefronts will be constructed on the site of a local landmark that was known as the Lincoln Hotel until it was destroyed by fire last year. The project includes these 12 sites:

8 Meadow Street  
20 Spring Forest Avenue  
164-168 Clinton Street  
249 Front Street  
252 Front Street  
254 Front Street  
255 Front Street  
257 Front Street  
259 Front Street

267 Front Street  
269 Front Street  
273-275 Front Street

There will be a total of 12 buildings with a total of 37 residential units and 2 commercial units when the project is completed. Below is a list of the units and the income groups they are targeted for.

- 2 0-bedroom units at 50% of AMI
- 10 1-bedroom units at 50% of AMI
- 16 1-bedroom units at 60% of AMI
- 3 2-bedroom units at 60% of AMI
- 6 3-bedroom units at 60% of AMI

The project is multifamily, low-income and mixed use. It is targeting single people and small and medium families. Six of the units are being set aside for the physically disabled. The Southern Tier Independence Center has signed an agreement to provide services to the special needs tenants. Action for Older Persons will provide services for any seniors who choose to reside in one of the units. The tenant mix reflects the need FWAC has seen in its waiting lists and is substantiated by the market study.

This project includes the restoration of 11 existing buildings. Each building and each unit is unique. They fit the character and history of the neighborhood. The buildings are small-scale homes with two to six apartments per building. All of the structures are two-floor, wood frame homes. In addition, a mixed-use three-story structure will be newly constructed at 164-168 Clinton Street. It will provide 10 one-bedroom apartments and 2 storefronts. The City of Binghamton requested the inclusion of the storefronts to maintain the mixed-use nature of Clinton Street. This site will have an elevator. None of the apartments are reserved for a superintendent. The total residential square footage is 27,554 gross s.f. and the two commercial storefronts' square footage is 912 gross s.f.

All of the sites meet the city's off-street parking requirements. In addition, there is on-street parking throughout the neighborhood. The off-street parking, which is strictly for the tenants, is important because it is an amenity that increases the marketability of the units.

Electric and natural gas is from NYSEG and all units will be heated by gas. Each apartment will have its own heating unit and separate utilities metered to and paid by the tenants. Water and sewer is provided by the city and the cost will be part of the rent.

The two commercial storefronts at 164-168 Clinton Street are 466 and 446 square feet in size. FWAC is providing a Master Lease for the space; meanwhile, FWAC also has letters of interest from appropriate neighborhood commercial uses to rent the spaces. The commercial units will be funded by NYS HCR - CIF & City of Binghamton RESTORE funds. The spaces will have separate utility services from the residential units, which are payable directly by the commercial tenants.

### **Re-Use of Buildings**

This project is reusing smaller, neighborhood-scale buildings that are in poor condition and mostly vacant; some are vacant due to condemnation to address former residents having elevated blood lead levels (EBLL). The project will revitalize these buildings that are blighting the neighborhood, converting them into homes that are safe, healthy places to live reflecting a healthy neighborhood.

The re-use of buildings maintains the character and history of the neighborhood, but by nature is more expensive than a single building type project with multiple units. There are fewer economies of scale when every building, every room, and every wall is unique. There are no savings when the first step in construction is selective demolition and abatement of asbestos or lead paint. In addition, the project will be paying Davis Bacon Wage Rates under the requirements of the HUD-CDBG-DR program. Therefore, the cost per unit of this project is on the higher end of the normal range. However, this isn't just constructing a house; it is rebuilding an urban neighborhood.

### **Project Design and Use Information**

This is a neighborhood-scale project with the purchase of 11 buildings and one vacant parcel. The buildings range in size from single-family homes to a newly constructed building with 10 one-bedroom apartments and 2 storefronts.

All of the buildings to be rehabilitated are wood-frame buildings dating from the late 1800s to the early 1900s. This type of construction was common for the buildings of the era – single family homes and small commercial buildings.

A major goal of the project is increasing the energy efficiency of the buildings, adhering to the Enterprise Green Communities criteria to maximize cost savings for the future tenants. As part of the Energy Efficiency requirements of the RFP, a contract has been signed with an energy consultant and HERS rater who will guide the project through the appropriate NYSERDA program for substantial rehab projects and will certify compliance at the conclusion of the project. Energy Star appliances, lighting fixtures, and efficient boilers are among the many energy efficient design elements that will be incorporated.

Recognizing that the highly visible sites are located on major thoroughfares, award winning landscape architect Michael Haas has been engaged by project architects Chianis & Anderson. Haas will ensure a livable outdoor environment for the tenants, while designing attractive space that will be seen by visitors driving into town.

Likewise, the appearance of the two storefronts will be consistent with the four other historic mixed-use buildings FWAC has renovated on Clinton Street. Those previous projects received awards from the local preservation organization.

### **Building Information**

None of the properties are listed on the National Register, but the historic nature of the buildings and neighborhoods will be respected and retained during renovations. None are

within the flood plain – an important resiliency factor in the creation of replacement housing units in the wake of the damage caused by Tropical Storm Lee.

All parcels are properly zoned and have sufficient off-street parking to comply with the city's code. All local approvals are in place, including pro-active approvals from the Planning Commission (Special Use Permit for 164-166 Clinton Street) and Zoning Board of Appeals (area variance for 254 Front Street). Phase One Environmental studies have been completed and there are no known environmental issues, other than asbestos and lead paint, that would impede the ability to proceed with the project in a timely fashion. The asbestos and lead paint abatement has been included in the scope of work and budget.

Two of the buildings are occupied. All residents and owners have been given proper notice under the Uniform Relocation Act. A relocation plan is included in this application.

Five of the buildings are located in Binghamton's Local Waterfront Revitalization Plan area. Plans have been submitted to the LWRP and they concur that the buildings meet their guiding principles however they have no authority over the project because no zoning changes or other approvals are needed.

#### **Project Location and Market Information**

This is a scattered-site development consisting of 12 sites. These sites are all located in Binghamton's First Ward. This is an area that is south of Interstate 86/17 and northeast of downtown Binghamton. This is a strong, enduring residential neighborhood that contains the Front Street gateway leading into the city.

Homeownership, which provides stability in neighborhoods, has decreased as people choose to purchase newer homes in more suburban settings. With the loss of homeowners, and the introduction of absentee landlords, the condition of the neighborhood deteriorated. This project is part of a comprehensive redevelopment approach bringing together the State, the City, a not-for-profit housing organization and the private sector in response to urban blight. The goal is to create attractive living and commercial space from deteriorated and condemned buildings, stabilizing the neighborhood and ensuring through hands-on management that the buildings remain in good condition. The First Ward Action Council has already renovated 15 homes in the Front Street gateway area, including three homes that are now owner-occupied.

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#### **Project Financing Information (Permanent Financing)**

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# KLR Consulting LLC

September 22, 2014

Mr. Neil Patterson, Director  
Environmental Program  
Tuscarora Nation of New York  
2045 Upper Mountain Road  
Sanborn, NY 14132

Dear Director Patterson:

The Tuscarora Nation of New York has been identified as a possible consulting party under 36 CFR Part 800 2c. On behalf of my client and project sponsor, First Ward Action Council, Inc. (FWAC), we are providing you with the attached information regarding FWAC's proposed project and respectfully request a reply regarding your interest in this specific project. The project is called Binghamton Gateway Homes and involves the substantial rehabilitation of 27 apartments in 11 buildings and the new construction of 10 apartments in one building in the First Ward neighborhood of the City of Binghamton per the attached map.

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

- (1) The described project,
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- (5) Any Additional parties we should consider consulting,
- (6) Any other comments or 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 party for future projects in New York.

Yes, we are interested in being a consulting party on this project.

No, we are not interested in participating in the above-mentioned undertaking.

Consulting Party (please print) \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Please fax this reply to my office at (585) 292-0624 or by email to [krisrogers@klrllc.com](mailto:krisrogers@klrllc.com) or by return mail at the address below. Thank you for your consideration.

Sincerely,

  
Kristina Rogers  
Development Consultant

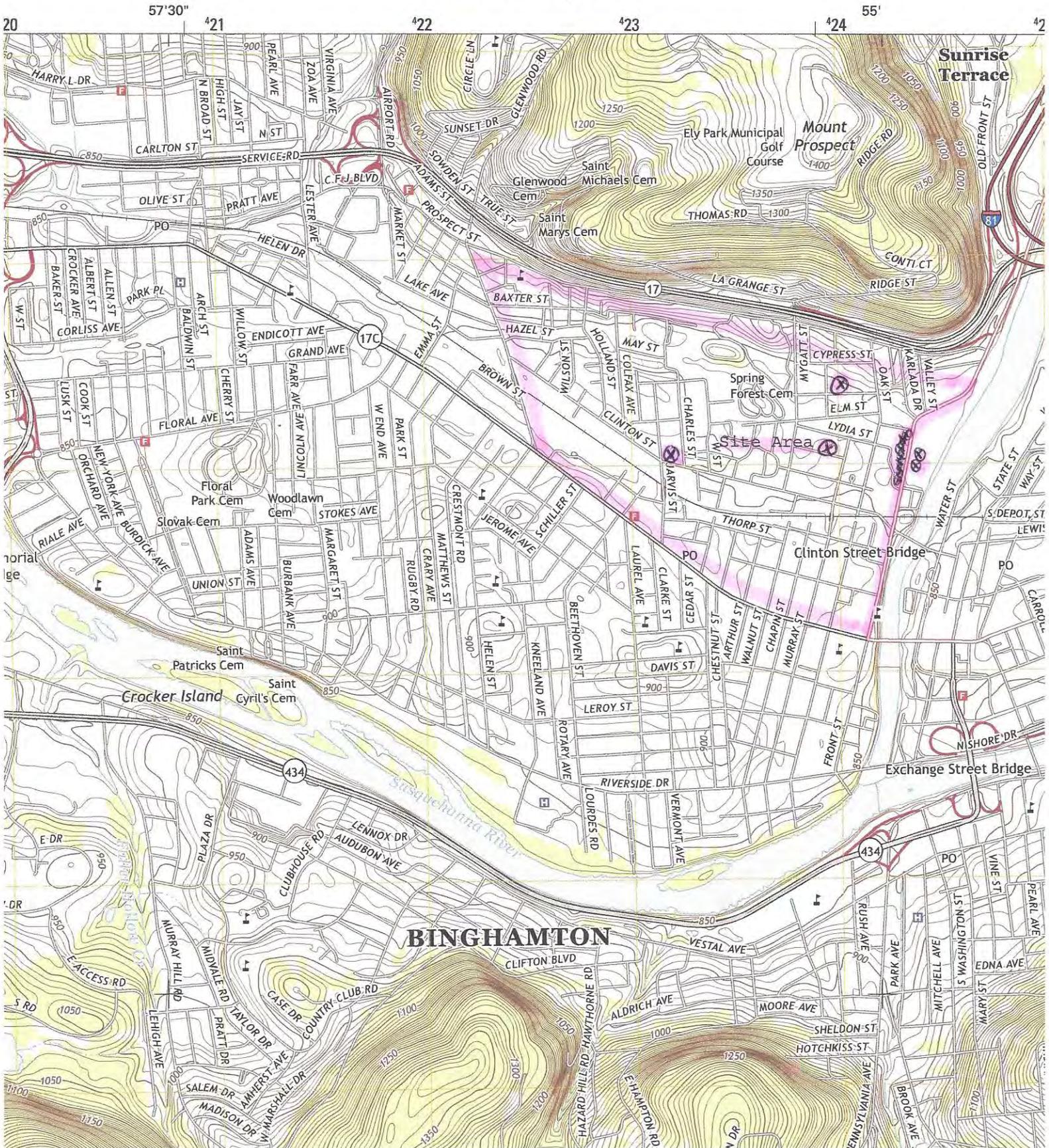
Cc: HTFC Environmental Analysis Unit via scan  
Project Management and Development Services  
106 Chesapeake Landing, W Henrietta, NY 14586  
(585) 746-6157 [krisrogers@klrllc.com](mailto:krisrogers@klrllc.com)

September 22, 2014

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# **Binghamton Gateway Homes**

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## **Planning**

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- Revitalization of the Gateway into the city.
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This project is the culmination of all of these plans. It works in a Brownfield neighborhood to improve the existing housing stock, eliminating blight on the main gateway leading into the City.

## **Project Information**

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All of the units are close to public transportation and within walking distance of schools and services including clinics and the Broome County Health Department.

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