

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT, INTENT TO REQUEST RELEASE OF FUNDS, AND SECTION 106 NATIONAL HISTORIC PRESERVATION ACT DETERMINATION

July 22, 2024

New York State Homes & Community Renewal
New York State Housing Trust Fund Corporation
38-40 State Street
Albany, New York 12207
(518) 473-6843

This Notice shall satisfy the above-cited separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about **August 7, 2024** the New York State Homes & Community Renewal (HCR), through the New York State Housing Trust Fund Corporation (HTFC), will submit a request to the U. S. Department of Housing and Urban Development (HUD) for the release of **\$1,511,377** HOME funds under Section 3205 of the American Rescue Plan Act of 2021 (P.L. 117-2) (“ARP”) and the release of 10 Project-Based Vouchers under section 8(o)(13) of the U.S. Housing Act of 1937 (42 U.S.C.1437f(o)(13)), in accordance with section 288 (42 U.S.C. 12838), to authorize Greater Opportunities for Broome and Chenango, Inc to undertake a project known as New Berlin, for purposes of gut rehabilitation of 15 residential units and new construction of 6 residential units **at 26, 28, 30, 34 Genesee Street and 8 Green Street in the Town of New Berlin, Chenango County** with an estimated total project cost of **\$5,835,446**.

FINDING OF NO SIGNIFICANT IMPACT

HCR has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) which can be obtained by emailing environmental.comments@hcr.ny.gov or at: <https://hcr.ny.gov/hcr-environmental-review>.

SECTION 106 NATIONAL HISTORIC PRESERVATION ACT DETERMINATION

As a part of its responsibilities under 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966 (Section 106), as amended, HCR, in consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), acting as the State Historic Preservation Office (SHPO), and other consulting parties that indicated an interest in consultation, including Tribal Historic Preservation Offices (THPO), has determined the proposed project will have No

Adverse Effect on historic or archeological resources. This information is available for public review in the ERR, as described above.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Carlos Barbosa, either by mail to Environmental Analysis Unit, NYS Housing Trust Fund Corporation, 38-40 State Street, Albany, New York, 12207 or by email to environmental.comments@hcr.ny.gov. All comments received by **August 6, 2024**, will be considered by HCR prior to authorizing submission of a request for release of funds. Comments should specify which part of this Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

HCR certifies to HUD that Carlos Barbosa in their capacity as Certifying Officer consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows Greater Opportunities for Brome and Chenango, Inc to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and HCR's certification received by **August 22, 2024** or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of HCR; (b) HCR has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds, incurred costs, or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed or sent via email to:

CPDRROFNYC@hud.gov

And

NY_PH_Director@hud.gov

Potential objectors should contact HUD to verify the actual last day of the objection period.

Carlos Barbosa
Certifying Officer

July 22, 2024

DISTRIBUTION LIST

VIA ELECTRONIC MAIL

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CHRISTOPHER.J.INGRAM@HUD.GOV

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

Project Information

Project Name: Fall-2023-PBV-New-Berlin

HEROS Number: 900000010401772

Responsible Entity (RE): NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY
RENEWAL, HAMPTON PLAZA ALBANY NY, 12207

RE Preparer: Carlos Barbosa

State / Local Identifier: Fall 2023 PBV New Berlin

Certifying Officer: Carlos Barbosa

Grant Recipient (if different than Responsible Entity): Greater Opportunities for Brome and
Chenango, Inc

Point of Contact: Kelly Robertson

Consultant (if applicable):

Point of Contact:

Project Location: 26 Genesee St, New Berlin, NY 13411

Additional Location Information:

26, 28, 30, 34 Genesee Street and 8 Green Street in the Town of New Berlin, Chenango County

Direct Comments to:

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

Greater Opportunities for Brome and Chenango, Inc. proposes gut rehabilitation of five (5) 2-story building for families with a combined total of 21 residential units, on a combined 0.9-acres at 26, 28, 30, 34 Genesee Street and 8 Green Street in the Town of New Berlin, Chenango County. Currently the buildings are composed of 15 units. Six (6) additional units will be created as part of the scope of work. As these are existing, occupied buildings, public water and sewer are available and additional lines/modifications are not expected. The buildings are currently occupied and will be unoccupied during project work. Site work will include new sidewalks and landscaping.

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

The rehabilitation and creation of new units resulting in a total of 21 residential units in the Town of New Berlin is need as stated in a letter from the Mayor of New Berlin, Peter S. Lennon, dated June 5, 2023. The mayor states the New Berlin and Chenango County as a whole are in need of safe and affordable for targeting homeless populations. The current 15 units are in poor shape and disrepair. Without the project the existing units are likely to be lost due to their current condition and continued deterioration..

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

Current conditions in the area consists of older single family housing units. The project is rehab of existing building with an increase in the number of units. The area is lacking in safe and affordable units. The area of the project and the county wide area are likely to continue to address the lack of affordable housing with rehab of existing housing stock and the creation of new units. The project is located adjacent to the municipal center of New Berlin, where food and services are readily available.

Maps, photographs, and other documentation of project location and description:

[New Berlin Properties.png](#)

[Greater Ops New Berlin Survey.pdf](#)

[New Berlin 30 Genesee St Phase I ESA\(1\).pdf](#)

[New Berlin 26 28 34 Genesee St 8 Green St Phase I ESA no EDR.pdf](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
HOME-ARP	Community Planning and Development (CPD)	HOME American Rescue Plan (HOME-ARP)	\$1,511,377.00
Project based Vouchers	Public Housing	Project-Based Voucher Program	10 PBVs

Estimated Total HUD Funded, Assisted or Insured Amount: \$1,511,377.00 and 10 PBVs

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$5,835,446.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated

<p>1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>		<p>Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5</p>		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.</p>
<p>Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Vapor Encroachment Screening. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.</p>
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks][24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in</p>

		compliance with explosive and flammable hazard requirements.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: Other. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A Noise Assessment was conducted. The noise level was acceptable: 64.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is in proximity of a NWSRS river, but it will not have an adverse effect on it. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used 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	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The project is rehab with the addition of 6 new units within existing buildings. The project is appropriate zoned and will remain so. the project will not alter current zoning.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The project is rehab with the addition of 6 new units within existing buildings. The project will not alter current site conditions.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The project is rehab with the addition of 6 new units within existing buildings. The project will not alter current site conditions or introduce new nuisance or hazard conditions. Noise will be generated during construction activities. The project being rehab will have minimal heavy equipment usage. Local ordinances will control noise generation during allowable hours.	
SOCIOECONOMIC			
Employment and Income Patterns	1	The project is rehab with the addition of 6 new units within existing buildings. The project will not alter current site conditions. Employment and income may temporarily be boosted during rehab activities. Long term the project is not likely to affect employment or income.	
Demographic Character Changes / Displacement	2	The project is rehab with the addition of 6 new units within existing buildings. The project will not alter current site conditions. Residents who occupy the units will likely	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		come from the immediate and surrounding area.	
Environmental Justice EA Factor	2	The project does not disproportionately affect vulnerable populations. Potential adverse impacts were identified regarding a potential vapor intrusion concern (VIC), radon, and historic preservation. Pre-occupancy testing is required to document a VIC or radon hazard are NOT present. testing will be done pre-occupancy. If testing reveals a hazard, mitigation must take place with additional testing to document the mitigation is working as designed. Radon mitigation systems are scheduled to be installed in each building. NYS OPRHP/SHPO has determined the projects as [proposed will have no adverse effect on historic or archeological resources if conditions are met.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at educational and cultural facilities.	
Commercial Facilities (Access and Proximity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at commercial facilities.	
Health Care / Social Services (Access and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at healthcare and social service facilities.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at waste, disposal and recycling facilities.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at waste water and sanitary sewer facilities.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Water Supply (Feasibility and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at water supply facilities.	
Public Safety - Police, Fire and Emergency Medical	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at public safety services.	
Parks, Open Space and Recreation (Access and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity at parks, open space and recreational facilities.	
Transportation and Accessibility (Access and Capacity)	2	The facilities have adequately served existing residents. The addition of 6 units is not likely to negatively affect access and capacity of transportation facilities.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The project sites are not near and do not host any unique natural features or water resources.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	The project will not introduce any vegetation or wildlife. A habitat survey was conducted to for potentially present species identified by USFWS IPAC. No USFWS species or habitat were identified.	
Other Factors 1			
Other Factors 2			
CLIMATE AND ENERGY			
Climate Change	2	The project will be converting from fuel oil to all electric. the conversion will help to mitigate the projects impact on the environment.	
Energy Efficiency	2	The project will be converting from fuel oil to all electric. The conversion will help to greatly increase the energy efficiency of the buildings. The project will also be installing updated insulation and envelope tightening methods to further increase energy efficiency.	

Supporting documentation

Additional Studies Performed:

Phase I Environmental Site Assessment, Section 106 review, Thermal Explosion Hazard Assessment, HUD Noise Assessment.

Field Inspection [Optional]: Date and completed by:

Robert M. Cherevko

5/24/2024 12:00:00 AM

[New Berlin 30 Genesee St Phase I ESA\(1\).pdf](#)

[New Berlin 26 28 34 Genesee St 8 Green St Phase I ESA no EDR.pdf](#)

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

NYSDEC EAF Mapping Tool, NYSDEC Environmental Resource Mapper, NYSPRHP Cultural Resource Mapper, FEMA FIRM, NYSDOS Coastal Boundary Mapper, USFWS Information for Planning and Consultation Tool, USFWS National Wetland Mapper, USEPA Sole Source Aquifer Mapper, NYSDOT Traffic Data Viewer, USDOT FRA Safety Map

List of Permits Obtained:

NA

Public Outreach [24 CFR 58.43]:

Publishing of combined FONSI and NOIRROF

Cumulative Impact Analysis [24 CFR 58.32]:

The proposed project is the rehab of 15 residential with the new construction of 6 additional residential units in the Town of New Berlin. The Mayor of New Berlin has expressed the need for new, quality, affordable housing. The project is designed to be all electric to lessen the demand on fossil fuels. The project being existing units with the addition of 6 new units is not likely to negatively impact the local area or the surrounding areas. The original 15 units have been supported by area services and the addition of 6 new units is not likely to burden the existing services. The rehab of existing housing stock has the potential to spur additional rehab projects in the area which are needed to update units to quality residences and to lower environmental impacts via electrification and improved insulation.

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

The only alternative would be the no action alternative, in which the Town of New Berlin would lose out on the chance to produce much needed, safe, quality, affordable housing.

No Action Alternative [24 CFR 58.40(e)]

The no action alternative would result in the Town of New Berlin losing out on the chance to produce much needed, safe, quality, affordable housing. Without the proposed project it is likely the building will continue to deteriorate eventually resulting in the loss of residential units.

Summary of Findings and Conclusions:

The project consists of existing units in various stages of disrepair in an area that is in need of quality affordable housing. The project will update the existing units and create 6 new units that will provide quality, affordable housing. The scope of work will render the units more efficient via increased insulation, envelope tightening, and conversion from fuel oil to all electric.

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

Summarized below are 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 or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Historic Preservation	26: Genesee: 1. All existing historic wood interior components, including but not limited to, window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing. 1. If the existing interior wood stair requires updating for code, updates need to be compatible with the existing stair. If the stair will be replaced, the new stair needs to	N/A	The project must meet the SHPO conditions which will be overseen by SHPO. A final letter from SHPO stating conditions have been met will be required prior to permanent loan closing.	

	<p>match existing.</p> <p>2. While most of the existing windows have been replaced with contemporary window sashes, those remaining historic wood windows need to remain. They can be repaired to help them be more weather-tight and storm windows can help to further their energy efficiency.</p> <p>3. Exterior components to be replaced need to match existing.</p> <p>28 Genesee:</p> <p>1. All existing historic wood interior components, including but not limited to: window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing.</p> <p>2. Historic exterior components to be replaced need to match the existing ones.</p> <p>30 Genesee:</p> <p>1. Please, submit drawings for SHPO review and comment.</p> <p>2. Please, submit detailed existing and proposed comparative window drawings showing that the replacement windows will be a close match to the original 6/6 windows seen on the 2nd floor of the front facade.</p> <p>34 Genesee:</p> <p>1. All existing historic wood interior components, including but not limited to, window sills and trim, door trim, paneled doors, floors, wall cladding,</p>			
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	<p>etc. to remain or be replicated to match existing.</p> <p>2. Historic exterior components to be replaced need to match existing, including the siding, trim, and foundation finishes.</p> <p>8 Green:</p> <p>1. All existing historic wood interior components, including but not limited to: window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing.</p> <p>2. Historic exterior components to be repaired or replaced need to match existing.</p> <p>3. We understand the elevated addition is failing structurally and will be demolished and replaced with a new one-story addition. Prior to demolition, submit exterior and interior photographic documentation of the historic addition to our office. Salvage historic components, such as exterior and interior doors and any intact windows, to be reinstalled in the new addition or stored on-site.</p>			
<p>Contamination and Toxic Substances</p>	<p>Passive radon mitigation systems are required to be installed in each building based on 10-year average data for the county.</p> <p>Preoccupancy radon sampling is required to demonstrated levels are below EPA thresholds. If sampling is</p>	<p>N/A</p>	<p>Radon mitigation system installation and pre-occupancy radon testing. ACM abatement with removal,</p>	

	<p>above thresholds, radon systems must be activated with additional sampling to demonstrate mitigation preoccupancy.</p> <p>Preoccupancy sampling will be required to demonstrate a vapor intrusion condition does not exist. If a condition exists, active mitigation will be required preoccupancy.</p> <p>ACM was identified in each building. ACM is required to be removed, abated, or encapsulated in accordance with NYS Code Rule 56 regulation.</p> <p>Prior to occupancy the project must submit documentation detailing the removal methods, disposal records and clearance sampling data.</p>		<p>disposal and clearance sampling documentation required prior to occupancy.</p>	
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Project Mitigation Plan

NYS HCR will issue a Site Alteration Letter which bullet points the requirements for mitigation and appropriate documentation to demonstrate mitigation at prescribed time (i.e. pre-occupancy, pre-permanent loan closing).

[Fall 2023 PBV New Berlin SAL.pdf](#)

Supporting documentation on completed measures



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

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

Project Information

Project Name: Fall-2023-PBV-New-Berlin

HEROS Number: 900000010401772

Project Location: 26 Genesee St, New Berlin, NY 13411

Additional Location Information:

26, 28, 30, 34 Genesee Street and 8 Green Street in the Town of New Berlin, Chenango County

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

Greater Opportunities for Brome and Chenango, Inc. proposes gut rehabilitation of five (5) 2-story building for families with a combined total of 21 residential units, on a combined 0.9-acres at 26, 28, 30, 34 Genesee Street and 8 Green Street in the Town of New Berlin, Chenango County. Currently the buildings are composed of 15 units. Six (6) additional units will be created as part of the scope of work. As these are existing, occupied buildings, public water and sewer are available and additional lines/modifications are not expected. The buildings are currently occupied and will be unoccupied during project work. Site work will include new sidewalks and landscaping.

Funding Information

Grant Number	HUD Program	Program Name	
HOME-ARP	Community Planning and Development (CPD)	HOME American Rescue Plan (HOME-ARP)	\$1,511,377.00
Project based Vouchers	Public Housing	Project-Based Voucher Program	\$10 PBVs

Estimated Total HUD Funded Amount: \$1,511,377.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$5,835,446.00

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

Summarized below are 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 or Condition
<p>Historic Preservation</p>	<p>26: Genesee:</p> <ol style="list-style-type: none"> 1. All existing historic wood interior components, including but not limited to, window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing. 1. If the existing interior wood stair requires updating for code, updates need to be compatible with the existing stair. If the stair will be replaced, the new stair needs to match existing. 2. While most of the existing windows have been replaced with contemporary window sashes, those remaining historic wood windows need to remain. They can be repaired to help them be more weather-tight and storm windows can help to further their energy efficiency. 3. Exterior components to be replaced need to match existing. <p>28 Genesee:</p> <ol style="list-style-type: none"> 1. All existing historic wood interior components, including but not limited to: window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing. 2. Historic exterior components to be replaced need to match the existing ones. <p>30 Genesee:</p> <ol style="list-style-type: none"> 1. Please, submit drawings for SHPO review and comment. 2. Please, submit detailed existing and proposed comparative window drawings showing that the replacement windows will be a close match to the original 6/6 windows seen on the 2nd floor of the front facade. <p>34 Genesee:</p> <ol style="list-style-type: none"> 1. All existing historic wood interior components, including but not limited to, window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing. 2. Historic exterior components to be replaced need to match existing, including the siding,

	<p>trim, and foundation finishes.</p> <p>8 Green:</p> <ol style="list-style-type: none"> 1. All existing historic wood interior components, including but not limited to: window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing. 2. Historic exterior components to be repaired or replaced need to match existing. 3. We understand the elevated addition is failing structurally and will be demolished and replaced with a new one-story addition. Prior to demolition, submit exterior and interior photographic documentation of the historic addition to our office. Salvage historic components, such as exterior and interior doors and any intact windows, to be reinstalled in the new addition or stored on-site.
<p>Contamination and Toxic Substances</p>	<p>Passive radon mitigation systems are required to be installed in each building based on 10-year average data for the county.</p> <p>Preoccupancy radon sampling is required to demonstrated levels are below EPA thresholds. If sampling is above thresholds, radon systems must be activated with additional sampling to demonstrate mitigation preoccupancy.</p> <p>Preoccupancy sampling will be required to demonstrate a vapor intrusion condition does not exist. If a condition exists, active mitigation will be required preoccupancy.</p> <p>ACM was identified in each building. ACM is required to be removed, abated, or encapsulated in accordance with NYS Code Rule 56 regulation.</p> <p>Prior to occupancy the project must submit documentation detailing the removal methods, disposal records and clearance sampling data.</p>
<p>Permits, reviews, and approvals</p>	<p>NA</p>

Project Mitigation Plan

NYS HCR will issue a Site Alteration Letter which bullet points the requirements for mitigation and appropriate documentation to demonstrate mitigation at prescribed time (i.e. pre-occupancy, pre-permanent loan closing).

[Fall 2023 PBV New Berlin SAL.pdf](#)

Determination:

<input checked="" type="checkbox"/>	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
<input type="checkbox"/>	Finding of Significant Impact

Preparer Signature:  **Date:** July 19, 2024

Name / Title/ Organization: Carlos Barbosa / Environmental Analyst / NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL

Certifying Officer Signature:  **Date:** July 19, 2024

Name/ Title: Carlos Barbosa / Environmental Analyst

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

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site’s proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[Fall 2023 PBV New Berlin Airport Hazards Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

1. Is the project located in a CBRS Unit?

No

Document and upload map and documentation below.

Yes

Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

[Genesee - New Berlin HHAP CBRS Clear.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

2. Upload a FEMA/FIRM map showing the site here:

[Genesee - New Berlin HHAP FIRMETTE 36017C0277E November 26 2010.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

Supporting documentation

[New Berlin Flood elevation 1113ft Site 1109ft Zone A to North.PNG](#)

[New Berlin Flood elevation 1113ft Site 1100ft 500yr to East.PNG](#)

[Genesee - New Berlin HHAP FIRMETTE 36017C0277E November 26 2010\(1\).pdf](#)

[FFRMS EPQS Elevations.PNG](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project’s County or Air Quality Management District

2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project’s county or air quality management district is in attainment status for all criteria pollutants.

Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

Supporting documentation

[Fall 2023 PBV New Berlin Greenbook.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[Genesee - New Berlin Coastal Atlas CLEAR.PNG](#)

Are formal compliance steps or mitigation required?

Yes

No

Contamination and Toxic Substances

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

1. How was site contamination evaluated?* Select all that apply.

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening.
- None of the above

* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

2. Were any on-site or nearby toxic, hazardous, or radioactive substances* (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

Provide a map or other documentation of absence or presence of contamination** and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

No

Explain:

✓ Yes

* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

** Utilize EPA's Enviromapper, NEPAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?

Yes

Explain:

✓ No

* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?

✓ Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

No

8. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental impacts cannot be mitigated, then HUD assistance may not be used for the project at this site.

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan*.

Can all adverse environmental impacts be mitigated?

No, all adverse environmental impacts cannot feasibly be mitigated.
Project cannot proceed at this location.

- ✓ Yes, all adverse environmental impacts can be eliminated through mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.
Provide all mitigation requirements** and documents in the Screen Summary at the bottom of this screen.

* Refer to CPD Notice [CPD-23-103](#) for additional information on radon mitigation plans.

** Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

9. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls*, or use of institutional controls**.

Passive radon mitigation systems are required to be installed in each building based on 10-year average data for the county. Preoccupancy radon sampling

is required to demonstrated levels are below EPA thresholds. If sampling is above thresholds, radon systems must be activated with additional sampling to demonstrate mitigation preoccupancy. Preoccupancy sampling will be required to demonstrate a vapor intrusion condition does not exist. If a condition exists, active mitigation will be required preoccupancy. ACM was identified in each building. ACM is required to be removed, abated, or encapsulated in accordance with NYS Code Rule 56 regulation. Prior to occupancy the project must submit documentation detailing the removal methods, disposal records and clearance sampling data.

If a remediation plan or clean-up program was necessary, which standard does it follow?

- ✓ Complete removal
- ✓ Risk-based corrective action (RBCA)

Other

* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

** Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Vapor Encroachment Screening. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.

Supporting documentation

[Pre Demolition Asbestos Survey 34 Genesee Street.pdf](#)

[Pre Demolition Asbestos Survey 30 Genesee Street.pdf](#)

[Pre Demolition Asbestos Survey 28 Genesee Street.pdf](#)

[Pre Demolition Asbestos Survey 26 Genesee Street.pdf](#)

[Pre Demolition Asbestos Survey 8 Greene Street.pdf](#)

[New Berlin Radon Letter.pdf](#)

[Greater Opportunities - Radon quote.pdf](#)

[New Berlin 30 Genesee St Phase I ESA.pdf](#)

[New Berlin 26 28 34 Genesee St 8 Green St Phase I ESA.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

- ✓ No, the project will have No Effect due to the nature of the activities involved in the project.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Based on the response, the review is in compliance with this section.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.

Supporting documentation

[New Berlin Phase 1 Bat Survey.pdf](#)
[New Berlin Habitat Assessment.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer “No.” For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer “Yes.”

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary**Compliance Determination**

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

[Thermal Hazards Survey New Berlin Properties.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) 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 any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

the project is rehab of existing buildings.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

Supporting documentation

[New Berlin ALL PRIME FARMLAND but all scopes rehab.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

Screen Summary

Compliance Determination

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

Supporting documentation

[New Berlin Flood elevation 1113ft Site 1109ft Zone A to North\(1\).PNG](#)

[New Berlin Flood elevation 1113ft Site 1100ft 500yr to East\(1\).PNG](#)

[Genesee - New Berlin HHAP FIRMETTE 36017C0277E November 26 2010\(2\).pdf](#)

[FFRMS EPQS Elevations\(1\).PNG](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
 - ✓ Oneida Indian Nation Not Required
 - ✓ Seneca-Cayuga Nation Not Required

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

SHPO is always required. Tribes were identified via HUD TDAT

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

- Yes
- No

Step 2 – Identify and Evaluate Historic Properties

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

26, 28 30, and 34 Genesee Street and 8 Green Street

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

Additional Notes:

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

- Yes
- ✓ No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

No Adverse Effect

Based on the response, the review is in compliance with this section.

Document reason for finding:

Determinations is by SHPO

Does the No Adverse Effect finding contain conditions?

Yes (check all that apply)

Avoidance

Modification of project

Other

Describe conditions here:

26: Genesee:

1. All existing historic wood interior components, including but not limited to, window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing.

1. If the existing interior wood stair requires updating for code, updates need

to be

compatible with the existing stair. If the stair will be replaced, the new stair needs to match existing.

2. While most of the existing windows have been replaced with contemporary window sashes, those remaining historic wood windows need to remain. They can be repaired to help them be more weather-tight and storm windows can help to further their energy efficiency.

3. Exterior components to be replaced need to match existing.

28 Genesee:

1. All existing historic wood interior components, including but not limited to: window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing.

2. Historic exterior components to be replaced need to match the existing ones.

30 Genesee:

1. Please, submit drawings for SHPO review and comment.

2. Please, submit detailed existing and proposed comparative window drawings showing that the replacement windows will be a close match to the original 6/6 windows seen on the 2nd floor of the front facade.

34 Genesee:

1. All existing historic wood interior components, including but not limited to, window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing.

2. Historic exterior components to be replaced need to match existing, including the siding, trim, and foundation finishes.

8 Green:

1. All existing historic wood interior components, including but not limited to: window sills and trim, door trim, paneled doors, floors, wall cladding, etc. to remain or be replicated to match existing.

2. Historic exterior components to be repaired or replaced need to match existing.
3. We understand the elevated addition is failing structurally and will be demolished and replaced with a new one-story addition. Prior to demolition, submit exterior and interior photographic documentation of the historic addition to our office. Salvage historic components, such as exterior and interior doors and any intact windows, to be reinstalled in the new addition or stored on-site.

No

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: Other. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.

Supporting documentation

[FINAL Executed New York Statewide PA Part 50 and 58 2022.pdf](#)

[SHPO HUD 8 Green.pdf](#)

[SHPO Finding HUD 34G.pdf](#)

[SHPO Finding HUD 30G.pdf](#)

[SHPO Finding HUD 28G.pdf](#)

[SHPO Finding HUD 26G.pdf](#)

[NYSHCR Historic Preservation For HUD-Funded Projects.pdf](#)

[New Berlin TDAT.PNG](#)

Are formal compliance steps or mitigation required?

Yes

No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster
None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 64

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 64

Document and upload noise analysis, including noise level and data used to complete the analysis below.

Screen Summary

Compliance Determination

A Noise Assessment was conducted. The noise level was acceptable: 64.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation.

Supporting documentation

[Genesee - New Berlin TDV S Main St.PNG](#)

- [Genesee - New Berlin TDV Moss St.PNG](#)
- [Genesee - New Berlin TDV Genesee St.PNG](#)
- [Genesee - New Berlin TDV Cushman St.PNG](#)
- [Genesee - New Berlin TDV 1000ft W.PNG](#)
- [Genesee - New Berlin TDV 100ft N S E.PNG](#)
- [Genesee - New Berlin Rail Clear.PNG](#)
- [Genesee - New Berlin HUD DNL 64.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sole Source Aquifers

General requirements	Legislation	Regulation
<p>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</p>	<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</p>	<p>40 CFR Part 149</p>

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

Based on the response, the review is in compliance with this section.

No

Screen Summary

Compliance Determination

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[Genesee - New Berlin SSA CLEAR.PNG](#)

Are formal compliance steps or mitigation required?

Yes

No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.

Supporting documentation

[Genesee - New Berlin NWI CLEAR.PNG](#)

[Genesee - New Berlin ERM CLEAR All Layers.PNG](#)

Are formal compliance steps or mitigation required?

Yes

No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

✓ Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

3. Could the project do any of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries?
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries?
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment?

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

✓ No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

Based on the response, the review is in compliance with this section. Document and upload documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination below.

Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

Screen Summary**Compliance Determination**

This project is in proximity of a NWSRS river, but it will not have an adverse effect on it. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[WSR.PNG](#)

[Fall 2023 PBV New Berlin WSR.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

Yes

No

Explain:

Chenango county was identified as having potential high radon levels based on 10-year average sample data. Radon is a naturally occurring compound which affect all populations without discretion. Radon mitigation systems are required to be installed with pre-occupancy testing required. ACM was identified in the buildings. ACM is found in many older buildings as it was a common building material in the past. ACM is scheduled to be abated. Radon and ACM are not items that disproportionately affect any given population.

Based on the response, the review is in compliance with this section. Document and upload any supporting documentation below.

Screen Summary

Compliance Determination

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

New Berlin

**26, 28, 30, 34 Genesee Street and 8 Green Street
Village of New Berlin, Chenango County**

NEPA Environmental Review Record

**Appendices and Supporting Documents are available
by emailing environmental.comment@hcr.ny.gov**