

## Early Notice and Public Review of a Proposed Activity in a Wetland

To: All interested Agencies Groups and Individuals

This is to give notice that the New York State Homes & Community Renewal (HCR), through the New York State Housing Trust Fund Corporation (HTFC), has determined that the following proposed action under Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA) of 1990, in accordance with section 288 (42 U.S.C. 12838) is located in a wetland, and HCR will be identifying and evaluating practicable alternatives to locating the action within the wetland and the potential impacts on the wetland from the proposed action, as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C: Procedures for Making Determinations on Floodplain Management and Protection of Wetlands.

Rebuilding Together Saratoga County, Inc. proposes replacement of a dilapidated mobile home unit with a new mobile home at 121 Ballard Road, Lot 15 in the Town of Wilton, Saratoga County. This project does not involve installation of any new outdoor above ground storage tanks (ASTs) on the project site or new construction, rehab to increase the number of units, conversion of non-residential buildings to residential, placement in a new footprint, or increase in the size of a mobile home by 122%. This project includes mobile home replacement in the same footprint only. Site work will include the replacement of the existing mobile home with a new manufactured home to include site prep grading and/or excavation as needed to install home, including trenches for utilities, installation of frost protected permanent foundation, connection of utilities, installation of skirting, installation of front and rear entry steps and landings, pumping and evaluation of septic system, two water test to ensure drinkability, radon test completed post construction, and rough grade of grounds for area disturbed by removal and installation. Grass seed and hay will be utilized for erosion control.

The New York State Department of Environmental Conservation Environmental Resource Mapper and Environmental Assessment Form Mapper were consulted and identified one (1) state designated wetland located on the project site. The U.S. Fish and Wildlife National Wetlands Inventory was consulted and indicated one (1) freshwater forested/ shrub wetland (PFO1E) located on the project site. Due to the proximity of the wetland and the project activities, a wetland delineation was requested by the HCR Environmental Unit. According to a Wetland Delineation Report dated August 22, 2024, conducted by Gilbert VanGuilder Land Surveyor, PLLC, one (1) state and one (1) federal wetland that share the same borders were identified on the project site. The wetlands were identified as freshwater forested/shrub wetlands that consist of Jewel Weed (*Impatiens capensis*), Sensitive Fern (*Onoclea sensibilis*), Tussock Sedge (*Carex stricta*), and Red Maple (*Acer rubrum*). Several test pits were conducted to determine soil characteristics. The test pits indicated that the upland soils primarily consist of Oakville loamy fine sand, undulating (OaB) with no mottling in the upper 12 inches, indicating that hydric soils are not present. The test pits also indicated Oakville loamy sand, rolling (OaC) and Scarboro mucky fine sandy loam (Sa) in the lowland

areas with mottling in the upper 5 inches, indicating hydric soils are present. The wetland delineation indicated that the existing mobile home unit, new mobile home unit, and area of work are and will not be located within the boundary of the wetlands. The NYSDEC was contacted and concurred with the wetland delineation prepared by Gilbert VanGuilder on November 14, 2024. The NYSDEC also indicated that no state permits are required for the state regulated wetland.

There are three primary purposes for this notice. First, people who may be affected by activities in a wetland and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigate project impacts on the wetland. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about a wetland can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in the wetland, it must inform those who may be put at greater or continued risk.

Written comments must be received by HCR at the following address on or before December 11, 2024: Environmental Analysis Unit, NYSHCR, 38-40 State Street, Albany, New York, 12207, (518) 473-2131, Attention Cody Sargood, Supervisory Environmental Analyst. Comments may also be submitted via email at [environmental.comments@nys.hcr.gov](mailto:environmental.comments@nys.hcr.gov). The Record of Compliance including full description of the project may also be reviewed at <https://hcr.ny.gov/hcr-environmental-review>.

Date: December 11, 2024

New York State Homes and Community Renewal (HCR)

Record of Compliance

**EXECUTIVE ORDERS:**  
**11990 - PROTECTION OF WETLANDS & 11988 FLOODPLAIN MANAGEMENT**

**24 CFR Part 55**

RESPONSIBLE ENTITY: New York State Homes and Community Renewal (HCR)

CERTIFYING OFFICER: Cody Sargood

CONTACT PERSON: Kevin Bardak

ADDRESS: NYSHCR  
Environmental Analysis Unit  
Hampton Plaza – 3<sup>rd</sup> Floor  
38-40 State Street  
Albany, New York 12207  
(518) 486-7564  
[Environmental.comments@hcr.ny.gov](mailto:Environmental.comments@hcr.ny.gov)

PROJECT NAME: 121 Ballard Road Gansevoort

ADDRESS: 121 Ballard Road,  
Gansevoort, NY 12831  
Saratoga County

Step 1. The action is located in (24 CFR §55.20 (a))

100 year floodplain – Special Flood Hazard Area (SFHA)

500 year floodplain

Wetland

SFHA meeting 55.12 (a) standard

SFHA or Wetland meeting 55.12 (b) standard

Adjacent to a floodplain or wetland with covenant to preserve floodplain or wetland area

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utilities, installation of skirting, installation of front and rear entry steps and landings, pumping and evaluation of septic system, two water test to ensure drinkability, radon test completed post construction, and rough grade of grounds for area disturbed by removal and installation. Grass seed and hay will be utilized for erosion control.

Source documentation:

- NYS Coastal Atlas
- NYS- Environmental Assessment Form (EAF)
- NYS Environmental Resource Mapper (ERM)
- U.S. Fish and Wildlife Service, National Wetlands Inventory (NWI)
- Google Earth
- FEMA Flood Insurance Rate Map (FIRM) Pannel No. 36091C0340E, dated August 16, 1995
- Gilbert VanGuilder Land Surveyor, PLLC

Step 2. Notice for Early Public Review (24 CFR §55.20 (b))

A public notice describing the project was published at <https://hcr.ny.gov/hcr-environmental-review> on December 11, 2024, and remains posted there. The notice was also sent to entities and people expected to have an interest in the action. The notice also included the name, proposed location and description of the activity, and the total number of wetland acres involved. The required 15 calendar days were allowed for public comment. A copy of this Record of Compliance and all supporting documentation were available on the above-mentioned website and by contacting the HCR Environmental Unit via phone, email, or mail.

The project site is not located in an area requiring bilingual or multilingual publication per 24 CFR 55.20(b)(1).

Date published: December 11, 2024

End of comment period: December 26, 2024

Comments received? \_\_\_\_\_ Yes \_\_\_\_\_ No

Step 3. Alternatives (24 CFR §55.20 (c))

A. Are there any practical alternative sites?

\_\_\_\_\_ Yes, list:

\_\_\_\_\_ No, explain:

B. Are there any practical alternative actions?

\_\_\_\_\_ Yes, list:

\_\_\_\_\_ No, explain:

C. Is the no action alternative practical?

\_\_\_\_\_ Yes, list:

\_\_\_\_\_ No, explain:

Step 4. Impacts of the proposed action (24 CFR §55.20 (d))

A. For projects at sites adjacent to a SFHA or wetland, will the action adversely affect the floodplain or wetland?

\_\_\_\_\_ No, based on the following determination:

See Section B, below.

\_\_\_\_\_ Yes, based on the following determination:

B. For actions within a wetland (55.20(d)(2)) or SFHA (55.20(d)(1)), assessment of impacts. Include reference to 55.20(d)(1) & (2) factors, as relevant:

In accordance with Section 5 of Executive Order 11990, HCR has reviewed the proposed project by considering factors relevant to the wetlands impacted.

Step 5. Minimization of adverse impacts and mitigation measures (24 CFR §55.20 (e))

Step 6. Re-evaluation of the alternatives (24 CFR §55.20 (f))

A. Is the proposed action still appropriate and feasible at this site?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

If no, can the action be altered to make non-floodplain or non-wetland sites practical?

\_\_\_\_\_ Yes, explain.

\_\_\_\_\_ No

Step 7. Findings and public explanation (24 CFR §55.20 (g))

Date published:

End of comment period:

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Comments received? \_\_\_\_\_ Yes \_\_\_\_\_ No

8. Implement action (24 CFR §55.20 (h))

\_\_\_\_\_ Approval recommended.

\_\_\_\_\_ Approval recommended with mitigation, describe:

\_\_\_\_\_ Action rejected.

Prepared by:

Signature:

Date: