

ENVIRONMENTAL REVIEW RECORD

VILLAGE OF WESTFIELD NY

CDBG #1238HR374-19

Westfield Village Rehab Program 2019

DESIGNATION OF CERTIFYING OFFICER AND ENVIRONMENTAL RESPONSIBILITY CERTIFICATION

04/17/2020

(Date)

Nina Krupsky

(Name of OCR Community/Economic Developer)

Office of Community Renewal

Hampton Plaza

38-40 State Street, 4th Floor

Albany, New York 12207

RE: CDBG Project Number: 1238HR374-19

Dear Ms. Krupsky:

I, Michael VandeVelde, the authorized signatory for Village of Westfield do attest that:

- I understand that any projects that include CDBG funds must be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58.
I understand that, except for actions involving activities determined to be Exempt (per 24 CFR 58.34 and NYS Office of Community Renewal procedures), no physical alteration to individual sites can occur nor can funds for those activities be committed or expended until receipt of an environmental clearance letter from the Housing Trust Fund Corporation and, for any subsequently identified specific sites, site-specific reviews are completed for which the Certifying Officer determines that there are no unanticipated impacts nor impacts not adequately addressed in the program review related to the environmental clearance letter and said Officer certifies such determination.
I understand that should any part of a project site be physically altered, funds be committed, or funds be expended prior to receiving the appropriate environmental clearances, that the site will not be eligible for CDBG funding and the Village of Westfield may be responsible for any costs incurred except under the following circumstance: in the case of Exempt activities, concurrence from the NYS Office of Community Renewal that the particular action is Exempt prior to any physical alterations unless that action is taken to address an emergency situation in which case concurrence must be obtained no later than the first regular business day following such an event,
I also notify you that Michael VandeVelde, Mayor, is designated as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG project number 1238HR374-19 awarded to Village of Westfield

Sincerely,

Michael VandeVelde

Signature of Chief Elected Official

Michael VandeVelde, Mayor

Typed Name and Title

Westfield Village Rehab Program

CDBG #1238HR374-19

Program Description and Activities

Nature and Purpose of Program. The Westfield Village Rehab Program, will carry out rehabilitation of pre-existing, owner-occupied homes in the Village of Westfield, NY. The Westfield Village Rehab Program is intended to assist the lowest income owner-occupied households in the Village of Westfield with the greatest housing rehab needs that can be effectively addressed with the funds available. At the same time, the Westfield Village Rehab Program hopes to energize the process of community revitalization by improving some of the most distressed housing in the Village.

Location. Since neither the locations of substandard housing nor low-moderate income residents are concentrated in any one area, the Westfield Village Rehab Program is a non-targeted housing rehab program, which will be available to low-income owner-occupied homes throughout the Village of Westfield.

Number of grants/units. The program will award 9 grants for rehab of 9 owner-occupied homes. All grants will be awarded to households with incomes below 80% AMI. If more than 9 complete applications for assistance are received households with the greatest financial need (based on total income and assets) and greatest housing needs that can be addressed with the funds available will be given priority.

Activities. At least 9 owner-occupied homes throughout the Village will be rehabbed, with an emphasis on addressing health and safety issues and repairs that will make the unit more affordable to the residents, such as weatherization and heating/electrical updates. In all cases, CHRIC's rehab staff, all of whom are EPA-certified Risk Assessors, will do full Lead-based Paint Risk Assessments and all Lead-based Paint hazards will be addressed using lead-safe work practices or abatement, depending on the level of investment.

Coordination of Related Activities. The Westfield Village Rehab Program is a housing rehabilitation project. The Village of Westfield has designated Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) as its sub-recipient in this grant due to CHRIC's extensive experience in Chautauqua County and successful collaborations on prior OCR awards with other Towns and Villages in Chautauqua County. The Westfield Village Rehab Program is a single-purpose grant, so there are no other activities besides housing rehab to be coordinated under this grant.

FORM 2-3

CERTIFICATION OF NEPA CLASSIFICATION

CDBG Project Number: 1238HR374-19 Date 04/17/2020

Name and Title of Certifying Officer: Michael VandeVelde Title Mayor

Name of Responsible Entity: Village of Westfield

Address (e.g., Street No. or P.O. Box): Eason Hall, 23 Elm Street

Co/C/T/V, State, Zip Code+4: Westfield NY 14787-1463

Telephone Number of Responsible Entity: (716) 326-4961

It is the finding of the Village of Westfield that the activity(ies) proposed in its 2019 NYS CDBG
Name of CDBG Grant Recipient Ending Year
project, Westfield Village Rehab Program are:
Project Name

Check the applicable classification:

- Exempt as defined in 24 CFR 58.34 (a).
- Categorically Excluded as defined in 24 CFR 58.35(b).
- Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(12)].
- Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.

If neither exempt (24 CFR 58.34(a) nor categorically excluded (24 CFR 58.35(a) and (b) can be checked, Form 2-6 Environmental Assessment will be required.

- Part or all of the project is located in an area identified as a floodplain or wetland.
For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.
 - Affidavit of publication for Early Notice and Public Review of Proposed Activity Located in the 100 Year Floodplain attached
 - Affidavit of publication for Final Notice and Public Explanation of Proposed Activity Located in the 100 Year Floodplain attached

Michael VandeVelde
Signature of Certifying Officer

FORM 2-3A
CERTIFICATION OF SEQRA CLASSIFICATION

CDBG Project Number: 1238HR374-19 Date 04/17/2020

Name and Title of Certifying Officer: Michael VandeVelde Title Mayor

Name of Responsible Entity: Village of Westfield

Address (e.g., Street No. or P.O. Box): Eason Hall, 23 Elm Street

Co/CT/V, State, Zip Code+4: Westfield NY 14787-1463

Telephone Number of Responsible Entity: (716) 326-4961

It is the finding of the Village of Westfield that the activity(ies) proposed in its 2019 NYS CDBG
Name of CDBG Grant Recipient Funding Year
project, Westfield Village Rehab Program are:
Project Name

Check the applicable classification:

- Type I Action (6NYCRR Section 617.4)
 - Identify the Lead Agency _____
 - Evidence of Lead Agency Declaration and Consent attached
 - Copy of Environmental Notices Bulletin attached
- Type II Action (6NYCRR Section 617.5)
- Unlisted Action (not Type I or Type II Action)
 - Identify the Lead Agency _____
 - Evidence of Lead Agency Declaration and Consent attached

Check if applicable:

- Environmental Impact Statement (EIS) Prepared
 - Draft EIS
 - Final EIS

Michael VandeVelde
Signature of Certifying Officer

§ 617.5 TYPE II ACTIONS .

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

(1) in no case, have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c) of this Part; and

(2) not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;

(3) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;

(4) repaving of existing highways not involving the addition of new travel lanes;

(5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(6) maintenance of existing landscaping or natural growth;

(7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

(8) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;

- (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
- (10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- (12) granting of individual setback and lot line variances;
- (13) granting of an area variance(s) for a single-family, two-family or three-family residence;
- (14) public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
- (15) minor temporary uses of land having negligible or no permanent impact on the environment;
- (16) installation of traffic control devices on existing streets, roads and highways;
- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- (19) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (22) collective bargaining activities;

- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (30) adoption of a moratorium on land development or construction;
- (31) interpreting an existing code, rule or regulation;
- (32) designation of local landmarks or their inclusion within historic districts;
- (33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (34) actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a

modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

(35) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;

(36) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and

(37) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

Form 2-4
NEPA Classification Checklist

CDBG Project Number: 1238HR374-19 Date 04/17/2020

Name and Title of Certifying Officer: Michael VandeVelde Title Mayor

Name of Responsible Entity: Village of Westfield

Address (e.g., Street No. or P.O. Box): Eason Hall, 23 Elm Street

Co/C/T/V, State, Zip Code+4: Westfield NY 14787-1463

Telephone Number of Responsible Entity: (716) 326-4961

Exempt Activities (24CFR58.34)
Select only one or more of the following that apply:

- Environmental and other studies, resource identification and development of plans and strategies [58.34(a)(1)].
- Information and financial services [58.34(a)(2)].
- Administration and management activities [58.34(a)(3)].
- Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- Purchase of insurance [58.34(a)(6)].
- Purchase of tools [58.34(a)(7)].
- Engineering or design costs [58.34(a)(8)].
- Technical assistance and training [58.34(a)(9)].
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats or physical deterioration [58.34(a)(10)].
- Payment of principal and interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- Any of the categorical exclusions listed in 58.35(a), provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 58.5 [58.34(a)(12)].

Michael VandeVelde
Signature of Certifying Officer

Form 2-4
NEPA Classification Checklist

CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(a)]

Activities in this section require compliance with related laws and authorities at 24 CFR 58.5 and 58.6

Select only one of the following:

- Acquisition, repair, construction, reconstruction, rehabilitation or installation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent. Examples of this type of activity include replacement of water and sewer lines, reconstruction of curbs and sidewalks, street repaving [58.35(a)(1)].
- Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons [58.35(a)(2)].
- Rehabilitation of buildings and improvements for residential use (with one to four units), where the density is not increased beyond four units, the land use is not changed, and the footprint of the building isn't increased in a floodplain or in a wetland [58.35(a)(3)(i)].
- Rehabilitation of multifamily residential buildings (with five or more units), when the following conditions are met: a) unit density is not changed more than 20 percent, b) the project does not involve changes in land use from residential to non-residential; and c) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation [58.35(a)(3)(ii)].
- Rehabilitation of non-residential structures, including commercial, industrial, and public buildings when the following conditions are met: a) the facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and b) the activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial or from one industrial use to another [58.35(a)(3)(iii)].
- An individual action on up to four dwelling units [not including rehabilitation (see 58.35(a)(3)(i) above)] where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between [58.35(a)(4)(i)].
- Acquisition (including leasing) or disposition of an existing structure, equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed or disposed of will be retained for the same use [58.35(a)(5)].
- Any combination of the above activities [58.35(a)(6)].



Signature of Certifying Officer

Form 2-4
NEPA Classification Checklist

CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(b)]

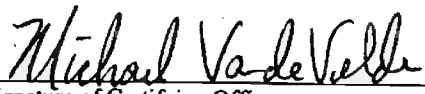
*Activities in this section require compliance with related laws and authorities at 24 CFR 58.6 only**

Select only one of the following:

- Tenant-based rental assistance [58.35(b)(1)].
- Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and federal government benefits and services [58.35(b)(2)].
- Operating costs including maintenance, equipment, supplies, staff training, staff recruitment, security, operation, utilities, furnishings and other incidental costs [58.35(b)(3)].
- Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations [58.35(b)(4)].
- Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction**, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title [58.35(b)(5)].
- Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact [58.35(b)(6)].
- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental finding is not required under 58.47 [58.35(b)(7)].

*If a responsible entity determines that an activity or project identified above, because of extraordinary circumstances or conditions at or affecting the location of the activity or project may have a significant environmental effect, an environmental assessment must be prepared and a determination of significance made.

**This exclusion applies only to financial assistance for purchase of existing for-sale homes or homes under construction. Homebuyer assistance for units not under construction is classified as Categorically Excluded. In all cases, for this exclusion to apply, the prospective buyer must have discretion regarding selection of properties within the target area.



Signature of Certifying Officer

**Form 2-5 Statutory Checklist
Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name & CDBG No.: 1238HR374-19 Westfield Village Rehab Program

Responsible Entity: Village of Westfield

Grant Recipient: Village of Westfield

State/Local Identifier: 1238HR374-19 Westfield Village Rehab Program

Preparer: Eileen M. Powers

Certifying Officer Name and Title: Michael VandeVelde, Mayor

Consultant (if applicable):

Direct Comments to: Village of Westfield

Project Location:

scattered sites - owner occupied homes in the Village of Westfield. Specific sites to be determined

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

The Westfield Village Rehab Program will assist 9 low-moderate income homeowners in the Village of Westfield with housing rehabilitation at an average cost of \$45,000 per home. The goal is to preserve the community's housing stock and energize the process of community revitalization by improving some of the most distressed housing in the Village. This is a non-targeted rehab program available to income eligible owner-occupied homes throughout the Village of Westfield.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

(a); (b); (e); (i); (j)

Funding Information

Grant Number	Federal/State/Other Program	Funding Amount
1238HR374-19	Federal	\$493,000.00
AHC 1Q74	State	\$25,000.00
20183128/20183137	State	\$10,000.00
20183103	State	\$5,000.00

Estimated Total HUD Funded Amount: \$493,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$533,000.00

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	none in project area
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	none in project area
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	see attached
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	see attached
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Westfield Village corporate boundary lies to the interior of the Coastal zone bou
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	see attached
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See programmatic review, attached. Site specific review not required
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Rehabilitation will not increase density, convert units to habitation or make vaca
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	no farmland will be converted to non-agricultural use
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	see attached
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	see attached

Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	see attached
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	none in project area
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	None in project area - see programmatic review, attached. Site specific review not required
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	none in project area
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	The program will comply with the objectives of Executive Order 12898.

STATE OR LOCAL STATUTES (to be added by Responsible Entity)		
State Historic Preservation Office (SHPO) Section 14.09 of the New York State Historic Preservation Act	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	see attached
State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Type II Action
Coastal Zone Management Act (CZMA) 19NYCRR Part 600	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	none in project area
	Yes No <input type="checkbox"/> <input type="checkbox"/>	

Field Inspection (Date and completed by): _____

Summary of Findings and Conclusions:

Site-specific reviews will be conducted as individual projects are identified to determine the steps necessary to comply with the Statutes, Executive Orders, and Regulations marked above as requiring formal compliance steps or mitigation required. Compliance/mitigation will be carried out as described in the attached Compliance Documentation description as needed. Documentation will be maintained in the individual project files.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize 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
24 CFR 58.5(a) Historic Properties	site-specific assessment will determine measure - see attached
24 CFR 58.5(b) Floodplain Management	site-specific assessment will determine measure - see attached
24 CFR 58.5(i) environmental standards	site-specific assessment will determine measure - see attached

Determination:

This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project;**

OR

This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds,

OR

This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(e)).

Preparer Signature: Eileen M. Powers Date: 4/16/2020

Name/Title/Organization: Eileen M. Powers, Director of Housing Rehab Services

Chautauqua Home Rehabilitation & Improvement Corp., 2 Academy St, Mayville NY 14757

Responsible Entity Agency Official Signature:

Michael VandeVelde Date: 04/17/2020

Name/Title: Michael VandeVelde, Mayor

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).

FORM 2-5
STATUTORY CHECKLIST (58.5)

Project Name and Identification Number: Westfield Village Rehab Program #1238HR374-19

Compliance Documentation:

Flood Insurance - The Village will conduct site-specific reviews in accordance with 24 CFR Part 55 and Executive Order 11988 to determine if proposed activities will occur in a 100-year floodplain. Where avoidance of activities in the floodplain is not possible and the level of rehab is moderate, flood insurance will be required. Where avoidance of activities in the floodplain is not possible and the level of rehab is substantial, OCR will be contacted before proceeding.

Clean Air – When necessary, a licensed asbestos contractor will perform any work related to RACM in accordance with the asbestos NESHAP and NYSDOL regulations at 12 NYCRR Part 56.

Contamination and Toxic Substances – The Village will conduct site-specific reviews using the EPA mapping tool available at <http://nepassisttool.epa.gov/nepassist/entry.aspx> to determine if any dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes are near the property. If any are found to exist, OCR will be contacted before proceeding.

Endangered Species – Initial FWS iPaC review indicates that an endangered species may be affected. From online IPaC Review: “This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service’s January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Exempted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.” USFWS Verification of finding was requested. Verification letter states: “Based upon your IPaC submission, the Action is consistent with activities analyzed in the Programmatic Biological Opinion (PBO). The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.”

NYS DEC Regional Permit Administrator David S. Denk (270 Michigan Ave., Buffalo NY) was consulted and has provided a no significant impact determination with no further review necessary before funding projects under the program (see attached).

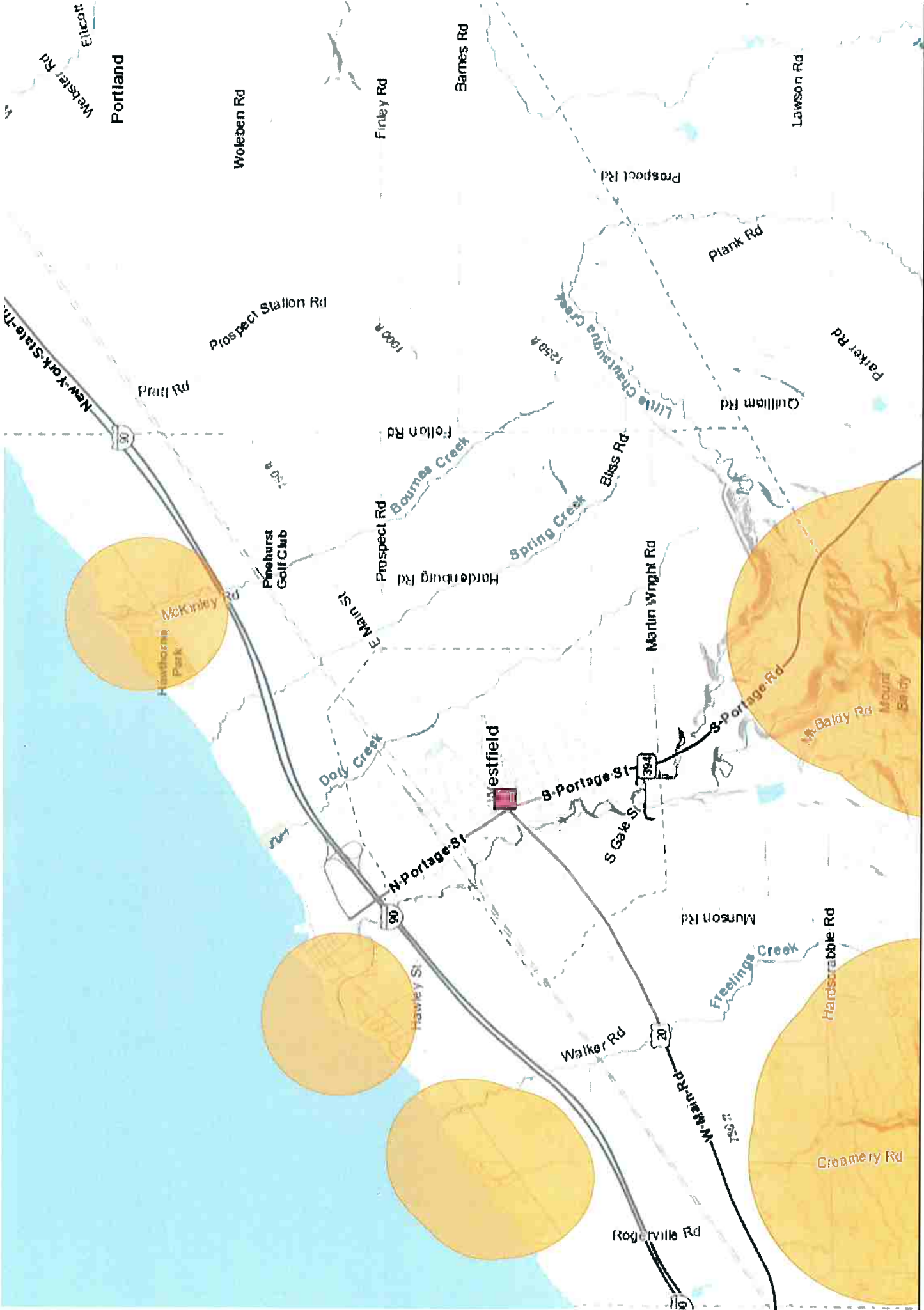
Floodplain Management - The Village will conduct site-specific reviews in accordance with 24 CFR Part 55 and Executive Order 11988 to determine if proposed activities will occur in a 100-year floodplain. Where avoidance of activities in the floodplain is not possible and the level of rehab is moderate, flood insurance will be required. Where avoidance of activities in the floodplain is not possible and the level of rehab is substantial, OCR will be contacted before proceeding.

Historic Preservation – SHPO has been notified of this activity and provided a response (attached). As properties are selected for participation in the program, the proposed scope of work, including any proposed ground disturbance, will be submitted to SHPO using the online submission system, CRIS. When necessary, the scope of work will be adjusted to meet SHPO recommendations or further negotiation among the responsible entity, SHPO, and other involved parties, to identify potential mitigation measures, which may allow the project to proceed. If a project, once identified, will involve ground disturbance, THPO will be notified after before proceeding.

Noise Abatement and Control – If a project exceeds \$25,000, the project will be classified as Substantial Rehab. For substantial rehab projects, the HUD site DNL calculator located at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/dnlcalculatortool will be used to determine the average ambient day-night noise level for major highways within 1,000 feet, active railroad lines within 3,000 feet, and/or designated airports within 15 miles. HUD guidelines will be followed for the resulting DNL.

Wetlands Protection – There are no identified Wetlands or check zones within the Village limits. No further review is necessary before funding individual projects.

HUD Environmental Standards – The program will be consistent, as far as practicable, with the principles of the executive order, and HUD initiatives such as including the President’s Empowerment Zone program, the prevention of childhood lead poisoning, the “greening” of urban brownfields, and the revitalization of distressed rural communities along the U.S. - Mexico border.



Portland
Wester Rd
Elcott

Woleben Rd

Finley Rd

Barnes Rd

Lawson Rd

New York State Thruway

Pratt Rd

Prospect Stallion Rd

1000 ft

Prospect Rd

Plank Rd

Parker Rd

90

McKinley Rd

Peabody Golf Club

750 ft

Follen Rd

Bourne Creek

Spring Creek

Bliss Rd

Quilliam Rd

Little Chautauque Creek

1250 ft

Hawkshaw Park

E Main St

Prospect Rd

Dory Creek

N Portage St

Westfield

S Portage St

S Gate St

Martin Wright Rd

Munson Rd

S Portage Rd

W Baldy Rd

Mount Baldy

Hawley St

Walker Rd

Freelings Creek

Hardscrabble Rd

Croamery Rd

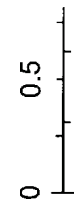
Rogersville Rd

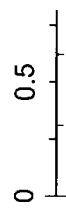
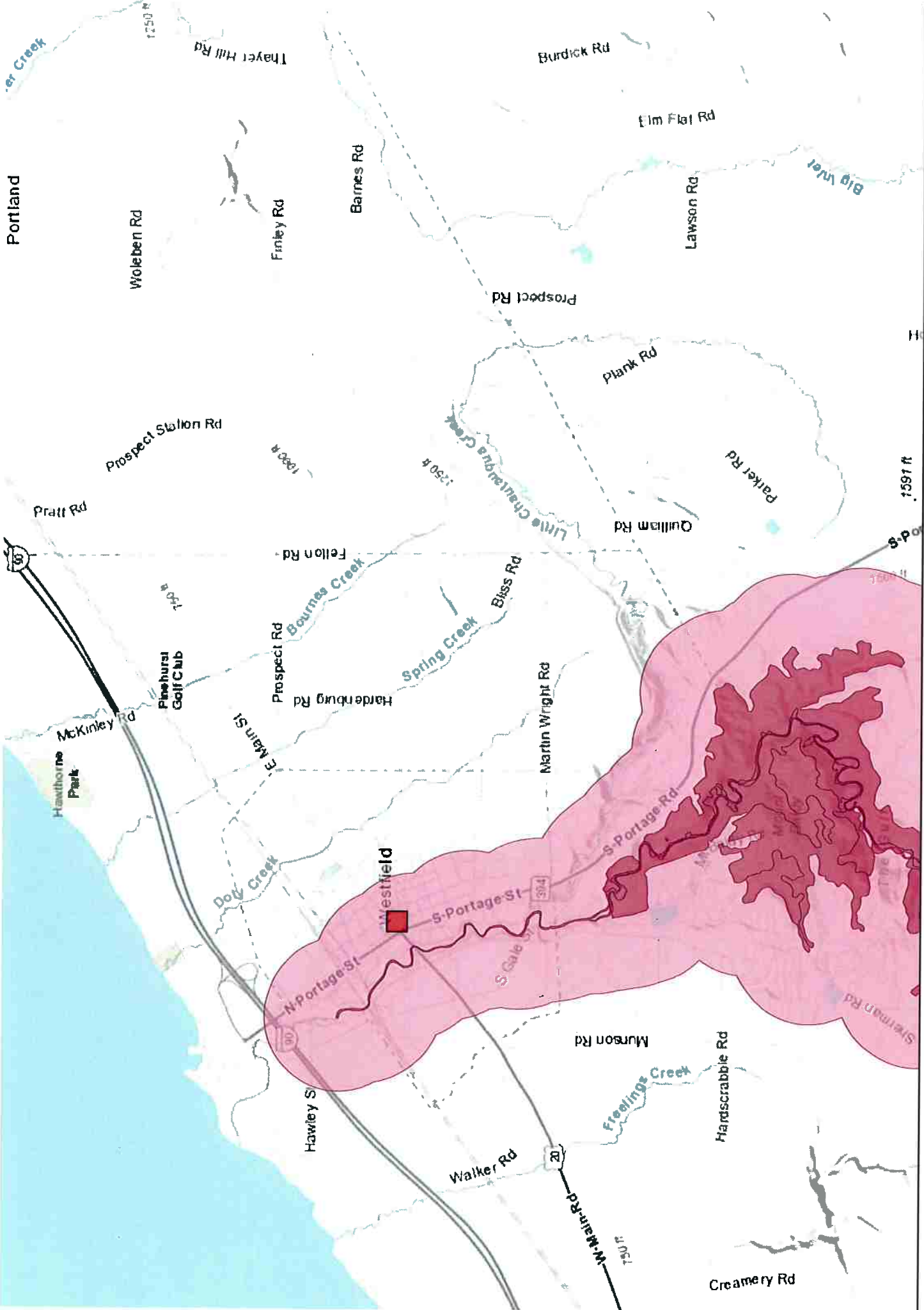
2

W Main Rd

750 ft

90





From: Denk, David (DEC) [david.denk@dec.ny.gov]
Sent: Monday, March 30, 2020 12:32 PM
To: Eileen Powers
Subject: RE: Village of Westfield CDBG #1238HR374-19 - Endangered Species

Good morning Eileen - -

Sorry it's taken a bit to get back to you. This past week has been extraordinary in many ways!

Village of Westfield CDBG #1238HR374-19

- I agree that wetlands should not be an issued for these 9 home repair projects.
- No significant impacts are expected to rare, threatened or endangered species of animal or plant or significant natural community.

I don't expect that any of these home repair projects would have an impact on the natural community of the Westfield Gorge.

Thanks and stay safe!

Dave

David S. Denk

Regional Permit Administrator, Division of Environmental Permits

New York State Department of Environmental Conservation

270 Michigan Avenue, Buffalo, NY 14203-2915

P: (716) 851-7165 | F: (716) 851-7168 | david.denk@dec.ny.gov

www.dec.ny.gov |  |  | 



From: Eileen Powers <eileen_powers@chric.org>
Sent: Monday, March 23, 2020 1:25 PM
To: Denk, David (DEC) <david.denk@dec.ny.gov>
Subject: Village of Westfield CDBG #1238HR374-19 - Endangered Species

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Dave,

I am preparing an Environmental Review Record for a CDBG awarded to the Village of Westfield (Project # 1238HR374-19). The project will undertake home repairs for 9 pre-existing, owner-occupied homes within the Village with the specific 9 sites yet to be determined.

The NYS Office of Community Renewal (OCR) is requesting that we consult with you during this phase, before the sites are identified, for the programmatic ERR.

According to the Environmental Resource Mapper, there are no Wetlands/check zones or rare plants/animals within the corporate limits of the Village (see attached). There is a "Significant Natural Community" that seems to surround the Westfield Gorge. I'm not sure if I need to check for that or not – unsure of what it means ☺

Can you please let me know how you would like me to proceed if a site is selected that falls within the area designated as containing a "Significant Natural Community"? Thank you!

Eileen

Eileen M. Powers
Director of Housing Rehab Services
CHRIC
2 Academy Street
Mayville, NY 14757
716-753-4653



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United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:

March 23, 2020

Consultation Code: 05E1NY00-2020-TA-2142

Event Code: 05E1NY00-2020-E-06485

Project Name: Westfield Village Rehab Program

Subject: Verification letter for the 'Westfield Village Rehab Program' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Eileen Powers:

The U.S. Fish and Wildlife Service (Service) received on March 23, 2020 your effects determination for the 'Westfield Village Rehab Program' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

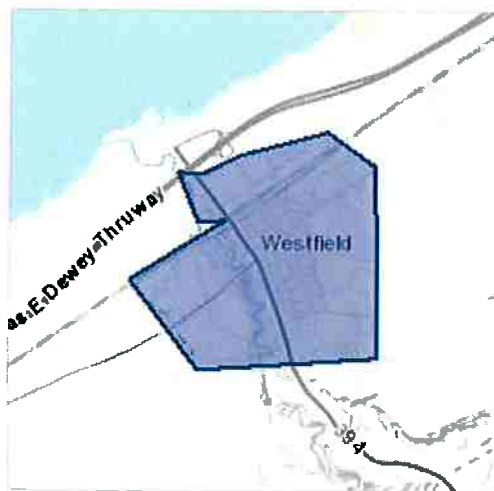
Westfield Village Rehab Program

2. Description

The following description was provided for the project 'Westfield Village Rehab Program':

The Westfield Village Rehab Program will assist 9 low-moderate income homeowners in the Village of Westfield with housing rehabilitation at an average cost of \$45,000 per home. The goal is to preserve the community's housing stock and energize the process of community revitalization by improving some of the most distressed housing in the Village. This is a non-targeted rehab program available to income eligible owner-occupied homes throughout the Village of Westfield.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.323014282704314N79.57442168142072W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

7. Will the action involve Tree Removal?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

From: Walkowski, Jennifer (PARKS) [Jennifer.Walkowski@parks.ny.gov]
Sent: Monday, March 23, 2020 1:36 PM
To: Eileen Powers
Subject: Re: Village of Westfield CDBG #1238HR374-19

Hi Eileen -

Again, thanks for the heads up. If you have any questions, just let me know.

Best,
Jennifer

From: Eileen Powers <eileen_powers@chric.org>
Sent: Monday, March 23, 2020 1:34 PM
To: Walkowski, Jennifer (PARKS) <Jennifer.Walkowski@parks.ny.gov>
Subject: Village of Westfield CDBG #1238HR374-19

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Jennifer,

I am writing to inform you that our agency will be the contracted sub-recipient to the Village of Westfield for the administration and delivery of their newly awarded Community Development Block Grant program #1238HR374-19. As the contracted sub-recipient, we are responsible for completing the programmatic as well as site-specific environmental reviews.

The Village of Westfield will be assisting 9 low-mod income homeowners with necessary home repairs. These will all be single-family homes located at scattered sites yet to be determined throughout the Village of Westfield. Our agency undertakes a great deal of federal and state funded housing rehab throughout the County and is very familiar with the SHPO review process. We will be submitting the required information to you for review for each of the 9 homes to be assisted as they are identified, using CRIS.

If you have any questions with regards to this program, please contact me at 716-753-4653 or at eileen_powers@chric.org.

Thank you.

Eileen

*Eileen M. Powers
Director of Housing Rehab Services
CHRIC
2 Academy Street
Mayville, NY 14757
716-753-4653*



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Environmental Resource Mapper

Base Map: Topographical

[Using this map](#)

Search

Tools

Layers and Legend

State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts



From: Denk, David (DEC) [david.denk@dec.ny.gov]
Sent: Monday, March 30, 2020 12:32 PM
To: Eileen Powers
Subject: RE: Village of Westfield CDBG #1238HR374-19 - Endangered Species

Good morning Eileen - -

Sorry it's taken a bit to get back to you. This past week has been extraordinary in many ways!

Village of Westfield CDBG #1238HR374-19

- I agree that wetlands should not be an issued for these 9 home repair projects.
- No significant impacts are expected to rare, threatened or endangered species of animal or plant or significant natural community.

I don't expect that any of these home repair projects would have an impact on the natural community of the Westfield Gorge.

Thanks and stay safe!

Dave

David S. Denk

Regional Permit Administrator, Division of Environmental Permits

New York State Department of Environmental Conservation

270 Michigan Avenue, Buffalo, NY 14203-2915

P: (716) 851-7165 | F: (716) 851-7168 | david.denk@dec.ny.gov

www.dec.ny.gov |  |  | 



From: Eileen Powers <eileen_powers@chric.org>
Sent: Monday, March 23, 2020 1:25 PM
To: Denk, David (DEC) <david.denk@dec.ny.gov>
Subject: Village of Westfield CDBG #1238HR374-19 - Endangered Species

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Hi Dave,

I am preparing an Environmental Review Record for a CDBG awarded to the Village of Westfield (Project # 1238HR374-19). The project will undertake home repairs for 9 pre-existing, owner-occupied homes within the Village with the specific 9 sites yet to be determined.

The NYS Office of Community Renewal (OCR) is requesting that we consult with you during this phase, before the sites are identified, for the programmatic ERR.

According to the Environmental Resource Mapper, there are no Wetlands/check zones or rare plants/animals within the corporate limits of the Village (see attached). There is a "Significant Natural Community" that seems to surround the Westfield Gorge. I'm not sure if I need to check for that or not – unsure of what it means 😊

Can you please let me know how you would like me to proceed if a site is selected that falls within the area designated as containing a "Significant Natural Community"? Thank you!

Eileen

Eileen M. Powers
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CHRIC
2 Academy Street
Mayville, NY 14757
716-753-4653



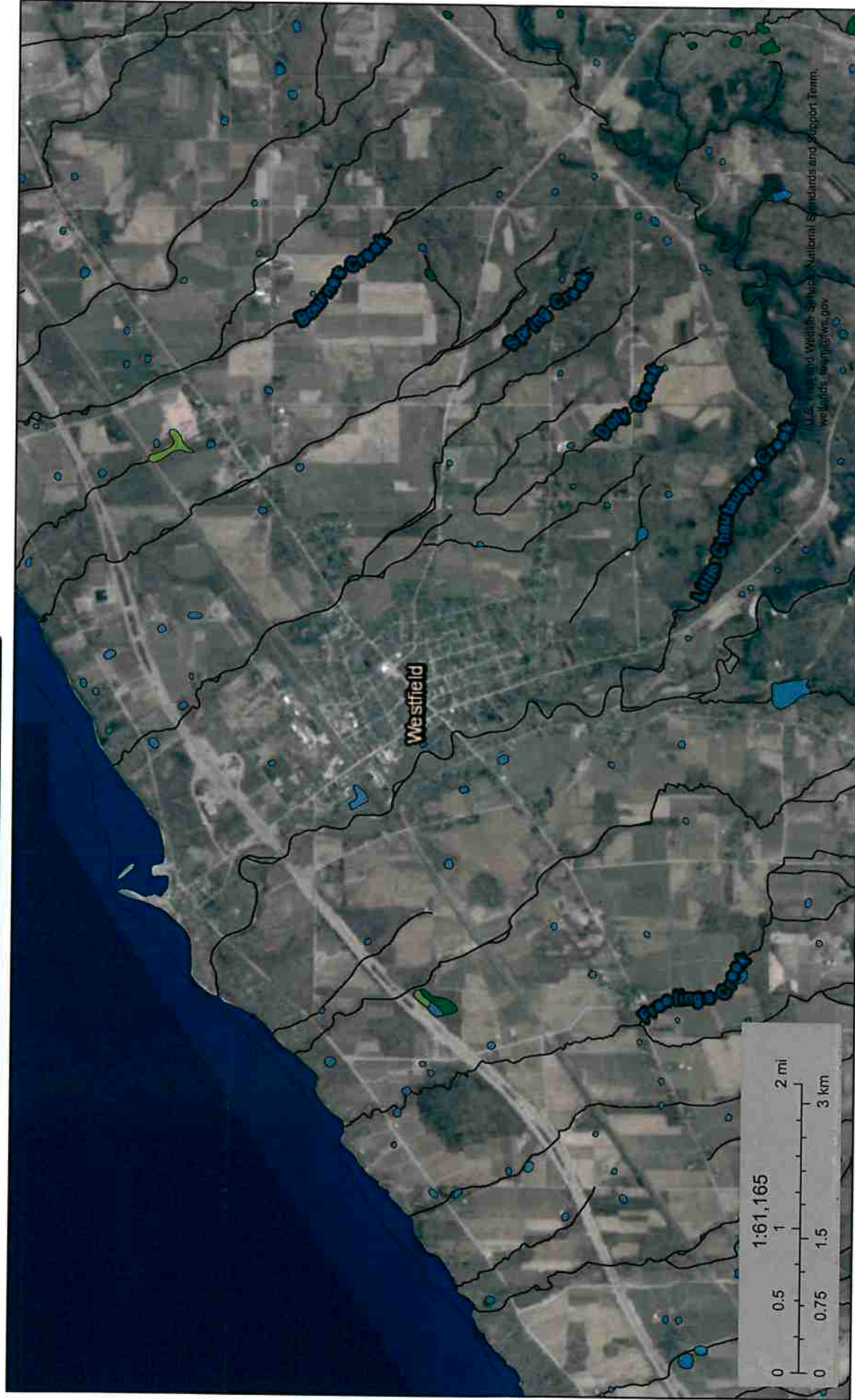
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U.S. Fish and Wildlife Service

National Wetlands Inventory

FWS Wetlands Westfield 2019



March 23, 2020

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



CHRIC, 2 Academy St, Mayville, NY 14757

(716)753-4650

fax – (716)753-4508

www.chric.org

chric@fairpoint.net

Improving Chautauqua County's Housing Since 1978

April 16, 2020

NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12207

To whom it may concern,

Enclosed please find a Notice of Intent to Request a Release of Funds for the Village of Westfield, NY under the NYS Office of Community Renewal's Community Development Block Grant Program. The legal notice will be published on Monday, April 20, 2020.

This is a scattered site housing rehabilitation program designed to assist at least 9 low-income homeowners in the Village of Westfield with necessary home repairs.

Information regarding accessing the Environmental Review Record and commenting on said record is available in the notice. Written comments will be accepted at the Village of Westfield, Eason Hall, 23 Elm St, Westfield, NY 14787 or at info@villageofwestfield.org through May 4, 2020. After that, comments will be accepted by the New York State Office of Community Renewal at crystal.loffler@nyshcr.org through approximately May 21, 2020. Potential objectors should contact OCRINFO@nyshcr.org via email to verify the actual last day of the objection period.

If you have any questions, please feel free to contact Michael VandeVelde, Mayor at info@villageofwestfield.org or myself at eileen_powers@chric.org. As the Village's sub-recipient for this project, CHRIC was responsible for preparing the Environmental Review Record.

Thank you.

Sincerely,

Eileen M. Powers
Director of Housing Rehab Services





CHRIC, 2 Academy St, Mayville, NY 14757

(716)753-4650

fax – (716)753-4508 www.chric.org chric@fairpoint.net

Improving Chautauqua County's Housing Since 1978

April 16, 2020

US EPA
Region II
290 Broadway, 25th Floor
New York, NY 10007-1866

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Director of Housing Rehab Services





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April 16, 2020

US EPA
Office of Federal Activities
Ariel Rios Building
1200 Pennsylvania Ave NW
Mail Code: 2251A
Washington, DC 20460

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Director of Housing Rehab Services





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fax – (716)753-4508 www.chric.org chric@fairpoint.net

Improving Chautauqua County's Housing Since 1978

April 16, 2020

NYS HTFC
Office of Community Renewal
Hampton Plaza
38-40 State St, 4th Floor
Albany, NY 12207
Attn: OCR Community/Economic Developer

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April 16, 2020

NYS DEC
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Director of Housing Rehab Services

