



City of Ithaca

FULL ENVIRONMENTAL ASSESSMENT FORM – Part III

Project Name: Breeze Apartments, 121-125 Lake Street

Date Created: 05/02/22 Updated: 05/06/22, 05/20/22, 06/03/22, 06/07/22,  
06/09/22, 06/21/22, 07/18/22, 07/29/22, 08/04/22, 08/15/22

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**PROJECT DESCRIPTION**

The applicant proposes to build an 83,160 GSF, four story apartment building and associated site improvements on the former Gun Hill Factory site. The 77-unit with approximately 109 beds, market-rate apartment building will be a mix of studios, one- and two-bedroom units and includes 77 parking spaces (47 surface spaces and +/- 30 covered spaces under the building). Site improvements include stone dust walkways, bike racks, benches, a bioretention filter to treat the parking areas and rooftop stormwater, native and adaptive plant species, and meadow areas to restore edges of the site. The building will be constructed on the east parcel of the Former Ithaca Gun Factory Site which is currently in the New York State Brownfield Cleanup Program (BCP). Before site development can occur, the applicant is required to remediate the site based on a soil cleanup objective for restricted residential use. A remedial investigation (RI) was recently completed at the site and was submitted to NYSDEC in April 2021. The project is in the R-3a Zoning District and requires multiple variances.

The Developer and the City are amending a 2007 Development Agreement to reflect the change in ownership and other conditions of the project site and the adjacent city parcel. The Development Agreement must be approved by the City of Ithaca Common Council.

This is determined to be a Type I Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”) §176-4 B(1) (h)[2], (k) and (n) and the State Environmental Quality Review Act (“SEQRA”) §617-4 (b) (11).

**IMPACT ON LAND**

The 1.63 acre currently vacated project site is located in a developed urban setting and has been previously disturbed due to historic land use associated with the former Ithaca Gun Factory. The average depth to water on-site is greater than 15-feet, and both soil and water have known contamination due to prior use of the site. Soil and groundwater remediation will be completed as part of project requirements for redevelopment as well as the site’s active participation in New York State’s Brownfield Cleanup Program (site no. C755019). The project proposes to return the site to habitable use through remediation and redevelopment. The site will be required to be remediated to the New York State Department of Environmental Conservation’s (“NYSDEC”) restricted residential use Soil Cleanup Objectives (“SCO”) due to the proposed use of the site for residential purposes.

The property is adjacent to the Ithaca Falls Natural Area which contains Fall Creek, a Class B stream by NYDEC. This portion of Fall Creek is designated by New York State as a Recreational River, pursuant to Title 27 of the Environmental Conservation Law (ECL), where a 150 ft buffer from the river’s banks is required. The applicants must apply for a recreational river permit for the regulated activities, including the public trail, raceway bridge, and the public park with an overlook, within the boundaries of the Recreational River.

**Depth to Bedrock**

According to a geotechnical report provided by the applicant dated August 24, 2018, bedrock depths are between the site’s surface and 8.5-feet from the surface, however no blasting is proposed to occur as part of development. The geotechnical report proposes conventional shallow foundations to be constructed to bear on stable natural rock or lean concrete to be placed during site preparation work.



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Approximately 4,050 tons of rock and unconsolidated materials will be removed from the site (15,000 cubic yards). Assuming an average of 15 CY per truck, approximately 100 trucks are anticipated for combined rock and unconsolidated materials removal. According to the applicant, an estimated 3,675 cubic yards of material is proposed to be removed as part of remediation efforts. The number of trucks required for soil removal will depend on the moisture content of the soil. Assuming the average per truck, approximately 245 trucks are anticipated for brownfield soil removals.

The proposed route for the construction traffic is to travel along Lake Street from Route 13. The City of Ithaca Engineering Department in a March 15, 2022 correspondence requests, “the construction vehicles travel 20 mph between Cayuga St. and the bridge over Fall Creek. Since most of the construction will occur during daytime hours that overlap with the school zone speed limit times, they should just go 20mph or less during all hours of their operation.”

“Ground disturbance will not require blasting and primarily impacts areas that have previously been developed (i.e. concrete foundations, gravel, and some bedrock). A 1.2-acre net increase of roads, buildings and other paved or impervious surfaces is proposed. The project will disturb more than one acre of land, requiring a Storm Water Pollution Prevention Plan (“SWPPP”) to be developed and implemented.

According to the site plan submitted on September 14, 2018 in reference to the above referenced geotechnical report:

*“The report recommends conventional shallow foundations bearing on rock for 85% of the building. The allowable bearing pressure provided is 15ksf..... A small area at the northeast portion of the building will require deep foundations due to the rock profile that is steeply sloping and will be much below the standard footing elevations. The footings in those areas will be supported by micropiles or other deep foundation options which have yet to be determined.”*

Portions of the building are required to be constructed on steep slopes, as referenced above. These areas will be supported by micropiles which can be installed in soil, rock, cobbles, and boulders, through manmade obstructions or in areas of high-water table.

Soil Contamination

According to the NYDEC Brownfield Cleanup Program Fact Sheet November 2020, for this site, site no C755019:

*“The primary contaminant of concern in surface and subsurface soil is lead, found at concentrations exceeding restricted residential soil cleanup objectives. A few other metals, some semi-volatile organic compounds (SVOCs) and PCBs have also been detected in isolated areas of subsurface soil and will be addressed by the site-wide remedy.”*

Soil Remediation & Site Restoration

The private parcel/brownfield site consists of two areas: the upper area or Eastern Parcel where the primary location of the manufacturing facility of the Ithaca Gun Company was located and where the proposed



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apartment complex will be located and the lower terrace or Western Parcel which contained the boiler house and other support facilities.

The Remedial Work Plan (RWP) for the site created by the Ramboll Group April 26, 2021 describes in detail the remedial action for contaminated soils for both areas of the site.

Remedial action for the Eastern parcel includes: removal of soils to bedrock or to an elevation of 518 ft amsl in the northwest corner using excavation equipment; using bedrock hand tools or other means such as vacuum to remove remnant soil from the bedrock surface after excavation; covering the northwest corner with a minimum 2-foot thick cover consisting of a demarcation layer and at least two feet of stone fill; stockpiling soils on prepared stockpile areas for stabilization or loading into trucks for off-site disposal at an approved facility; wetting the soil to prevent dust migration; covering the loads of soil on trucks; and stabilization treatment and soil sampling from stockpiles that exceed TCLP lead threshold of 5 mg/L to meet off-site disposal requirements. Site restoration for the Eastern parcel includes covering the exposed soils on western edge with a demarcation layer followed by a minimum 2-foot vegetated soil cover and the no restoration of surface as it is to be removed to bedrock.

Remedial action for the Western parcel includes excavating soils containing PCBs greater than 50 mg/kg to limits identified and disposing off site as regulated TSCA material; backfilling excavation with imported common fill meeting NYDEC DER-10 requirements; removing soil along northern sloped areas to bedrock; unloading soil into a roll-off container or stockpiling it at the Eastern Parcel; and grading surface as necessary and fill with minimum of 2-foot-thick vegetated soil cover. The estimated volume of material contaminated with PCBs is 27 cubic yards. Site restoration for the Western parcel includes covering the surface with geotextile as demarcation layer; filling with eighteen inches of common fill and six inches of topsoil; seeding the topsoil; and completing a topographic survey to verify cover thickness.

Also see sections *“Impact to Human Health,” “Impacts to Transportation,”* and *“Impact to Groundwater.”*

Based on the mitigation measures proposed by the applicant, the Lead Agency has determined there will be no significant impact to land.

**IMPACT ON GEOLOGIC FEATURES**

The site is located contiguous to the gorge, which accommodates the Fall Creek (“the Creek”) waterbody to the north, a designated recreational river. Construction and site activities are not proposed to impact this geological feature. Silt logs are proposed to be used for perimeter protection along topographic contours, as identified in the Erosion and Sediment Control Plan (C1.02) dated September 14, 2018. The applicant further proposes to periodically inspect and maintain all control measures during construction, and to clean out sediment when accumulated to 25% of the height of the silt logs. See also section on Impacts to Surface Water.

The Lead Agency has determined that based on the mitigation measures identified above, no significant impact on geologic features is anticipated.

**IMPACT ON SURFACE WATER**



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As stated in the prior section, the project site is located contiguous to Fall Creek. The property is adjacent to the Ithaca Falls Natural Area which contains Fall Creek, a Class B stream by NYDEC. This portion of Fall Creek is designated by New York State as a Recreational River, pursuant to Title 27 of the Environmental Conservation Law (ECL), where a 150 ft buffer from the river's banks is required. The applicants must apply for a recreational river permit for the regulated activities, including the public trail, raceway bridge, and the public park with an overlook, within the boundaries of the Recreational River.

The applicant proposes to use best practices, identified in the Erosion and Sediment Control Plan (C1.02) dated September 14, 2018, to minimize erosion and sedimentation that may otherwise adversely impact the Creek. Such techniques include installation of silt logs around the project perimeter and placement of filter fabric over stormwater drains until site stabilization occurs. Introduction of turbidity is anticipated to minimal and limited to the period of construction.

Because the site is a previously developed site, it meets the City's definition of a "Redevelopment Project." In a letter dated January 8, 2019, the City of Ithaca Stormwater Management Officer ("SMO") noted the following:

*"A redevelopment project that results in no increase in impervious area or hydrology is exempt from installing water quantity controls as well as the requirements for runoff reduction. The two parcels included 1.52 acres of impervious cover prior to the demolition of the factory and associated site improvements. After redevelopment, the impervious cover will be 1.28 acres; a reduction of 16 percent. Therefore, the project meets this threshold and qualifies for these exemptions."*

Projects that result in a net 25 percent reduction of impervious surface are further exempt from installing water quality controls. The project does not meet this threshold and therefore is not exempt from water quality controls.

A full Stormwater Pollution Prevention Plan ("SWPPP") will be submitted in accordance with NYSDEC GP-0-15-002, Chapter 9 of the New York State Stormwater Management Design Manual, and the City of Ithaca Stormwater Regulations. After review and approval of the SWPPP by the SMO, a Notice of Intent will be filed with the NYSDEC to obtain coverage under the State's SPDES General Permit for Stormwater Activities. Weekly and/or monthly inspections will be required during construction to assess permanent controls.

The Lead Agency has determined that based on the mitigation measures identified above and with strict compliance to the SWPPP, no significant impact to surface water is anticipated.

**IMPACT ON GROUNDWATER**

The potable water source to support the residential development is not site groundwater, which is known to have pre-existing contamination. The City of Ithaca will supply potable water to the development. According to the applicant's preliminary site plan (dated September 2018):



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*“Groundwater occurs at depths of approximately 30-feet below grade and within fractures of the underlying bedrock.”*

As part of remediation activities on the adjacent city-owned property, three 2-inch bedrock monitoring wells (MW-5, MW-6, and MW-7) were installed to investigate the site. Historic monitoring wells MW-3 and MW-4 were also sampled as part of this effort. Findings from groundwater monitoring activities indicated that site groundwater within the fractured bedrock has been impacted by volatile organic compounds (“VOCs”), particularly trichloroethene (“TCE”), and cis-1,2-dichloroethene. As summarized in the SMP for this portion of the site:

*“The results appear to indicate the source is to the east emanating from the Former Ithaca Gun Factory site. Impacted groundwater migrates beneath the Western Accessway portion of the site and off-site to the west and northwest. The metals detected are likely attributed to dissolved metals in the groundwater. Future groundwater monitoring will be conducted by the NYSDEC.”*

Groundwater contours taken from measurements obtained in October 2012 and December 2012 are mapped on Figure 3A and Figure 3B, included in the SMP. These contours illustrate groundwater flow, and contaminant migration, off-site to the west and northwest, as described above.

#### Groundwater Contamination

According to the NYDEC Brownfield Cleanup Program Fact Sheet November 2020, for this site, site no C755019:

*“The primary contaminants of concern in groundwater are volatile organic compounds (VOCs), specifically cis-1,2-dichloroethene, tetrachloroethene (PCE), trichloroethene (TCE) and vinyl chloride. The highest concentrations of contaminants occur on-site within the fractured bedrock. Although the movement of groundwater is reduced vertically by a decrease in fractures with increased depth, contaminated groundwater does migrate off-site.”*

#### Groundwater Remediation

The Remedial Work Plan (RWP) for the site created by the Ramboll Group April 26, 2021 describes groundwater remediation as, *“Conduct in situ groundwater treatment by injection of amendments for biostimulation of native microbial populations.”* The injection of amendments will promote biodegradation of the chlorinated VOCs present in the bedrock unit. The amendments include emulsified vegetable oil and fluids with nutrients that will feed the native microbes which will naturally accelerate breaking down hazardous materials into just carbon dioxide and water.

Groundwater is planned to be monitored and treated as part of site remediation, resulting in a net positive impact on groundwater quality for the site.

Due to the depth of the groundwater, it is unlikely construction and site use will impact groundwater or that exposure to VOC contamination will occur following site remediation.



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Also see section “**Impacts to Human Health.**” The Lead Agency has determined that based on the information above and proposed remediation and mitigation measures, no significant impact to groundwater is anticipated.

**IMPACT ON FLOODING**

The project is not located in the 100- or 500-year floodplain and will not impact any waterbody that may contribute to flooding. Rainwater from roof areas will be conveyed via rain leaders to ground level. A below grade piping system will collect stormwater at the groundwater and convey water out of the building.

The Lead Agency has determined that based on the information above, no significant impact to flooding is anticipated.

**IMPACTS ON AIR**

According to information provided by the applicant, construction is projected to last approximately 12 months. Excavation and preparation of foundations create the potential for increased airborne dust and dirt particles. As part of the Environmental Restoration Program (“ERP”) site investigation on the city-owned parcel, a soil vapor survey was conducted which included sampling of four soil vapor points (SV-01 through SV-4) along the Western Accessway. The results of this survey indicated elevated levels of TCE at SV-01 and SV-02, and other low-level VOCs. NYSDEC conducted additional off-site vapor intrusion investigations and based on the results, recommended institutional and engineering controls be enforced to address vapor mitigation in the event of future site redevelopment. The project proposes soil vapor mitigation measures as part of long-term site use.

During remediation and construction activities, air monitoring will be conducted in accordance with the NYSDOH Community Air Monitoring Plan (“CAMP”). In addition, a Health and Safety Plan (“HASP”) was developed as part of the Remedial Work Plan and will be implemented during site remediation activities.

During construction, the applicant will employ the following applicable dust control measures, as appropriate:

- Misting or fog spraying the site to minimize dust;
- Maintaining crushed stone tracking pads at all entrances to the construction site;
- Re-seeding disturbed areas to minimize bare exposed soils;
- Keeping roads clear of dust and debris;
- Requiring trucks to be covered;
- Prohibiting burning of debris on site.

See also “**Impacts On Human Health**” Section.

The Lead Agency has determined that with the mitigation measures during and after construction identified above, no significant impact to air is anticipated.

**IMPACTS ON PLANTS AND ANIMALS**



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According to the NYSDEC Environmental Resource Mapper, there are no rare or significant plant or animal communities located on or around the project site. In addition, the Environmental Resource Mapper does not identify any rare plant or animal species on or around the project site.

The existing vegetation consists of volunteer shrubs and trees since the land was cleared around 2008 as part of the Restore NY program. All vegetation will be removed during the remediation process.

The applicants in their submitted narrative propose “using primarily native and adaptive tree, shrub, and perennial plant species that do not require permanent irrigation. Lawn and meadow areas will be used to restore the edges of the site. Deciduous canopy trees will be used to shade the parking area and reduce surface heating.” The Landscape Plan L401 dated 03/16/22 submitted by the project team includes six larger trees and several smaller ornamental deciduous and evergreen trees and a diversity of shrubs and perennials throughout the project site.

The Lead Agency has determined that based on the information above, no significant impact to plants and animals is anticipated.

**IMPACT ON AGRICULTURAL RESOURCES**

The project site is located in an urbanized area, and there are no agricultural resources located in proximity to the project site.

The Lead Agency has determined that based on the information above, no significant impact on agricultural resources is anticipated.

**IMPACT ON AESTHETIC RESOURCES**

According to the Tompkins County Scenic Resource Views, there are no scenic resources located adjacent to or in vicinity of the Project Site, although there are several views located within Fall Creek Gorge. The project cannot be seen from within Fall Creek Gorge. Additionally, there are no locally identified scenic resources located near the project site.

The project site is visible from the public right-of-way, Lake Street, used for routine, multi-modal travel by area residents. The project aims to enhance viewing of scenic resources (e.g., Fall Creek) through construction of a publicly accessible overlook (Site Plan (L-101) dated 3/16/22 submitted by the applicants).

The Lead Agency has determined that based on the information above, no significant impact on aesthetic resources is anticipated.

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

The project site is located on an area that has experienced significant prior disturbance. Furthermore, there are no sites, districts or buildings listed or on the State and National Register of Historic Places substantially contiguous to the project site. The site is located in proximity to the Cornell Heights Historic District; however photo visualizations indicate the project will not be visible for locations within the historic district.



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Demolition of the Ithaca Gun Factory Smokestack is contingent on the determination of contamination beneath the smokestack. In addition, safety and liability concerns are a consideration of its preservation. According to correspondence from the City of Ithaca Historic Preservation and Neighborhood Planner, Bryan McCracken dated 7/25/22, the Smokestack deserves special consideration because,

*The former Ithaca Gun smokestack is not a designated historic resource; however, it has long been recognized as having historic and aesthetic value and is eligible local designation based on the criteria outlined in the Ithaca Landmarks Ordinance. ... The Ithaca Gun smokestack meets at least two of the five eligibility criteria(Criterion 1 & 5) for local landmark designation outlined in Section 228-3 of the Ithaca Landmarks Ordinance. ... When most of the factory complex was demolished due to significant environmental issues in 2008, the iconic smokestack was retained as a representative of the historic use of the site, a treatment that was supported by the New York State Historic Preservation Office. The smokestack was again identified as resource worthy of local designation when the City, in partnership with Historic Ithaca, solicited recommendations for future landmark nominations from the community in March 2019. Around the same time, the Ithaca Landmarks Preservation Commission discussed the smokestack as it related to an earlier proposal to redevelop the factory site. The Commission received numerous comments from members of the public encouraging local designation and expressing surprise that the structure was not already a protected resource.*

The Lead Agency has determined that based on the information above, no significant to historic and archaeological resources is anticipated.

**IMPACT ON OPEN SPACE AND RECREATION**

The site is an existing brownfield site with limited public access. Fall Creek and the Ithaca Falls Natural Area are adjacent to the parcel on the north. The applicants propose to enhance public access to Fall Creek by constructing a pathway and bridge across the raceway onto the adjacent city-owned land to an overlook of the Ithaca Falls Natural Area. The proposed public access will begin off of Lake Street to the east of the proposed building demarcated with a 'Public Park Access' Gateway Sign as depicted on the Site Plan (L-101) dated 3/16/22 submitted by the applicants. The public concrete path follows the proposed building and then leads northeast through a plaza and meadowed landscape and north over a bridge across the raceway. Here the stone dust path leads to the public overlook of the Ithaca Falls Natural Area to the north. An interpretive marker and bench are proposed in the overlook area. The applicants must apply for a recreational river permit for the regulated activities, including the public trail, raceway bridge, and the public park with an overlook, within the boundaries of the Recreational River.

The development team and the City are meeting to finalize the public access plans.

More information on design

Bridge over raceway

Safety precautions for overlook area



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Based on visualizations prepared and submitted by SWBR, the proposed project site will not block views for houses to the east/uphill of the project nor will it be very visible from many vantage points in the Fall Creek neighborhood.

The Lead Agency has determined that based on the information above, no significant impact to open space and recreational resources is anticipated.

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

There are no Critical Environmental Areas located within the City of Ithaca. The property is adjacent to the Ithaca Falls Natural Area which contains Fall Creek, a Class B stream by NYDEC. This portion of Fall Creek is designated by New York State as a Recreational River, pursuant to Title 27 of the Environmental Conservation Law (ECL), where a 150 ft buffer is required.

The Lead Agency has determined that based on the information above, no significant impact to critical environmental areas is anticipated.

**IMPACT ON TRANSPORTATION**

According to the Site Plan Review Application Project Narrative submitted February 15, 2022, the project proposes 77 parking spaces, approximately 30 spaces in an uncovered surface parking lot and the rest in the garage underneath the building, to accommodate residents.

A Technical Letter dated June 16, 2022 and prepared by SRF Associates confirm the 2018 studies which are detailed below remain accurate for the project site. This 2022 letter concludes,

*“Given the projected site generated traffic; the thresholds for completing a TIS; and the roadway characteristics previously described, a full TIS report is not warranted, and this letter supports our professional opinion that the proposed residential project will not result in any potentially significant adverse traffic impacts. The parking demand assessment showed that there is a projected deficit of five parking spaces. TDM strategies are recommended to reduce peak demands.”*

A Transportation Impact Study (“TIS”), dated June 13, 2018 and prepared by SRF Associates, was submitted by the applicant. The study includes a sight distance evaluation to identify the required Stopping Sight Distance (“SSD”) and Intersection Sight Distance (“ISD”) for the proposed access drive location. Findings indicate that the available sight distances at the proposed access drive location exceed the required SSD in both directions. The ISD is met to the west of the project site but is deficient to the east of the project site. Community members have expressed some concern regarding how sight distance will be impacted by construction of the retaining wall proposed for the site.

According to the study, the Average Daily Traffic along Lake Street in front of the project site is approximately 3,075 vehicles per day. Estimated site generated traffic during morning peak hours is anticipated to be additional five (5) entering cars and 10 exiting cars. During the evening peak, it is estimated that 11 cars will enter and nine (9) will exit the site.



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There will be temporary transportation impacts during the construction period. The project is intended to be constructed in a single phase. According to information provided by the applicant in the September 14, 2018 submission:

*“All access to the east parcel will be from Lake Street. Access to the City-owned parcel for construction of the elevated public walkway located within the dedicated open space is anticipated to occur primarily from the east parcel and Lake Street.”*

*Work located within the City right-of-way that will require street permits from the Engineering Division of the Department of Public Works include: new curbs, asphalt patch, two curb cuts, asphalt driveways, concrete public sidewalk and stairs, handrails, and a small quarry block retaining wall.*

*Construction vehicles with regional northern and southern points of origin and destination will follow Lake Street west from the redevelopment site, connecting via East Shore Drive to State Route 13 and proceeding northeast towards I-81 (connecting to the interstate at Cortland).”*

According to the applicant, an estimated 3,675 cubic yards of material is proposed to be removed as part of remediation efforts whereas a total . The number of trucks required for soil removal will depend on the moisture content of the soil. Assuming an average of 12 CY per truck, approximately 300 trucks are anticipated for brownfield soil removals. The proposed route for the construction traffic is to travel along Lake Street from Route 13. The City of Ithaca Engineering Department in a March 15, 2022 correspondence requests, “the construction vehicles travel 20 mph between Cayuga St. and the bridge over Fall Creek. Since most of the construction will occur during daytime hours that overlap with the school zone speed limit times, they should just go 20mph or less during all hours of their operation.”

The applicants had discussions with the City of Ithaca Engineering Department and propose to extend the existing sidewalk on the north side of Lake Street down to run adjacent to the project site. After the discussions, it was affirmed the applicants could bump the sidewalk out into the right of way around the existing retaining wall southeast of the project site on the northern side of Lake Street (Site Plan L101 dated 08/15/22). This provides a safe pedestrian walkway along Lake to uphill destinations.

As a result, from the information provided above, the Lead Agency has determined that no significant impact to transportation is anticipated.

**IMPACT ON ENERGY**

On August 4, 2021, the Ithaca Energy Code Supplement (IECS) went into effect for all new buildings constructed in Ithaca. The IECS prioritizes electrification, renewable energy, and affordability with the following objectives:

*“deliver measurable and immediate reductions in greenhouse gas (GHG) emissions from new buildings, major renovations, and new additions; promote best practices in the design of affordable buildings to deliver reduced GHG emissions; and provide a rapid but orderly transition to buildings that do not use*



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*fossil fuels for major building energy needs such as space heating and hot water heating, by 2026. For construction subject to the Ithaca Energy Code Supplement, requirements for reductions in GHGs go into effect in three steps: 2021, 2023, and 2026.”*

From August 4, 2021, until 2023 all new buildings must produce 40% fewer greenhouse gas emissions than the Energy Conservation Construction Code of New York State requires. Beginning in 2023, the IECS will increase the requirements of new construction to produce 80% fewer greenhouse gas emissions than the Energy Conservation Construction Code of New York State requires, and by 2026 all newly constructed buildings in Ithaca will be required to be net-zero buildings that do not use fossil fuels. The IECS supports Ithaca’s Green New Deal which aims to “achieve an equitable transition to carbon-neutrality” community-wide by 2030.

The Building Division will oversee implementation and enforcement of the IECS.

As a result, from the information provided above, the Lead Agency has determined that no significant impact to energy is anticipated.

**IMPACT ON NOISE, ODOR & LIGHT**

According to the site plan review application provided by the applicant, construction will last approximately 12 months. The project is located in an urban, residential area. Noise producing construction activities will temporarily impact residents in the immediate area. Noise producing construction activity will be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday. There will be no work on the weekends unless approved by the Director of Planning.

A final lighting plan will be submitted for site plan review. **Expand discussion of light impact particularly in relation to the gorge.**

As a result, from the information provided above, the Lead Agency has determined that no significant impact to noise, odor and light is anticipated.

**IMPACT ON HUMAN HEALTH**

The site is currently undergoing remediation for lead contamination, PAHs, and select VOCs in both the soil and groundwater. Proposed future use is a higher density residential apartment complex. Institutional (e.g., deed restriction) and engineering controls (e.g., soil vapor intrusion mitigation measures) will be required for residential occupancy of the site. Remediation completed as part of site redevelopment is anticipated to have a net positive impact on human health and minimize exposure to any residual contamination.

**Brownfield Site Contamination**

The project site includes a 1.63 acre site consisting of two separate parcels: the eastern parcel being the site of the main operations of Ithaca Gun Company, and the smaller, western parcel that contains the smokestack and had contained the former boiler. Immediate adjacent to the project site is a parcel that was conveyed to the City of Ithaca (0.95 acre).



## City of Ithaca

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Project Name: Breeze Apartments, 121-125 Lake Street

Date Created: 05/02/22 Updated: 05/06/22, 05/20/22, 06/03/22, 06/07/22,  
06/09/22, 06/21/22, 07/18/22, 07/29/22, 08/04/22, 08/15/22

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#### City-Owned Property

The City of Ithaca's adjacent property was remediated through the Environmental Restoration Program (ERP). Remediation was completed by the City with NYSDEC and NYSDOH oversight in 2017. At the conclusion of the program, the City was required to establish a NYSDEC approved *Site Management Plan* ("SMP"), outlining required institutional controls as well as required inspections, monitoring, maintenance and reporting activities as part of plan implementation. In May 2017, the DEC recommended No Further Action on cleanup, noting that several institutional and engineering controls would continue to keep the site safe. An Environmental Easement was granted for the property on December 8, 2016, in accordance to Article 71 Title 36 of the Environmental Conservation Law, and states:

*"The controlled property may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)."*

On October 4, 2018, the DEC issued a Certificate of Completion for the ERP on the public parcel.

#### Project Site

DEC documents for this site are available through DECinfo Locator:

<https://www.dec.ny.gov/data/DecDocs/C755019/>

#### Brownfield Clean-up Timeline

On April 19, 2013, DEC signed a Brownfield Cleanup Agreement (BCA) with previous applicants to place the project site (consisting of two areas in the Brownfield Cleanup Program (BCP). The project site has gone through several phases of extensive investigation and evaluation of remedial alternatives.

In November 2018, a Remedial Investigation Report ("RIR") was completed by IFR Development, LLC and was reviewed and approved by the New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH). This report provides the results of the remedial investigation that was conducted. Based on findings of the investigation, it has been identified that the primary contaminant of concern in surface and subsurface soils is lead, however polycyclic aromatic hydrocarbons ("PAHs") and polychlorinated biphenyls ("PCBs") have also been detected in isolated areas and will require cleanup.

On February 14, 2020, the Remedial Alternatives Analysis Report (RAAR) dated January 24, 2020 and created by Ramboll was modified and approved by the NYSDEC. According to the Brownfield cleanup summary for the Breeze Apartments Project report submitted May 24, 2022 by C&S Engineers, Inc., *"This report [RAAR] analyzed four remedial alternatives: two benchmark options (do nothing or clean the site to "Unrestricted" level, explained below), and two intermediate options. The selected Remedial Action, which the project team is now implementing, has been approved by the DEC in a decision document."*

On April 26, 2021, the Remedial Work Plan (RWP) for the site created by the Ramboll Group which had a 45-day public comment period, and was approved by the NYSDEC and the New York State Department of Health (NYSDOH). According to the August 2018 BCP Fact Sheet prepared by the NYSDEC, "This plan describes how



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contamination will be addressed, with NYSDEC and NYSDOH overseeing the work... NYSDEC will keep the public informed throughout the investigation and cleanup of the site.”

Remediation Process for Human Health Safety

A Health & Safety Plan (HASP) was developed by Ramboll Americas Engineering Solutions, Inc. (Ramboll) as part of the Remedial Work Plan (RWP) 2021 beginning on page 70 Of the RWP. The Hasp covers topics ranging from site safety and control procedures, chemical parameters of concern, hazard evaluation, employee air monitoring, medical monitoring, and emergency response time.

Dust Control

According to the Remedial Work Plan, 2021, “Soils being excavated will be wetted as needed to prevent dust migration. Trucks will have their load covered prior to leaving the Site.” Nevin Bradford, Senior Principal at C & S Engineers, Inc., stated at the May 24, 2022 Planning Board Meeting the mitigation method in terms of controlling dust is keeping the soil damp.

The project Community Air Monitoring Plan (CAMP) and Fugitive Dust and Particulate Monitoring Plan (**Appendix A of the HASP**) outlines perimeter air monitoring that will be conducted during field construction activities. The air monitoring program was based on air quality limits specified by NYSDOH and NYSDEC “Community air monitoring will evaluate potential air quality impacts at the site from VOCs and dust (as particulate matter less than 10 micrometers [PM10]) from remedial activities to maintain air quality within levels protective of residents in the surrounding community.”

The air monitoring plan is continuous real-time monitoring of air quality on-site and at the perimeter by air monitoring equipment which are electronic meters capable of detecting respirable dust at heights about 3-5’ that will be placed downwind to monitor dust and VOCs activity by air. The meters sound alarms when dust and/or VOCs above the agreed upon action level are detected and work must stop. The applicants submitted photographs and specification sheets of the air monitors on July 15, 2022. In their correspondence on this date, they ensured the locations of the air monitors will be determined “based on site work location, wind direction, and other weather conditions. ...monitors’ locations will be logged. ...The current plan is for all site work to have one air monitor upwind of work (which establishes a baseline level of dust), and two monitors downwind. This is in excess of state requirements (only one downwind monitor).”

Air monitoring, restricted site access, maintenance of erosion and sedimentation barriers, wetting of excavations, wetting of roadways where construction trucks travel, and covering of stockpiled soils will be conducted throughout Remedial Phase Activities. Soil will also be stabilized prior to transportation and disposal with treatment additives that chemically fix and bind metals to minimize leaching.

Future Monitoring/Institutional Controls/Limited Actions

As contaminated groundwater does migrate off-site, NYSDEC has investigated off-site groundwater and continues to as part of an off-site remedial program (Site No. C755019A). According to the NYDEC Brownfield Cleanup Program Fact Sheet of November 2020, “Based on sampling results, only one site-related compound, TCE, has been detected in off-site groundwater, but at concentrations that meet the groundwater standard. Due to the presence of TCE, the NYSDEC has conducted a soil vapor intrusion evaluation as part of the off-site



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*remedial program.*” Once the groundwater remediation has started, “collection and analysis of end-point soil samples and post-remedial groundwater samples to evaluate the effectiveness of the remedy” (NYDEC Fact Sheet November 2020).

The Remedial Work Plan details periodic site reviews and implementation of an environmental easement which would cover restricting land use to restrictive residential, restricting use of groundwater at the site, restricting excavation below demarcation level, and ensures institutional and engineering controls are still in place and remain effective by requiring the property owner to complete and submit periodic certifications to NYSDEC (Brownfield cleanup summary for the Breeze Apartments project, May 24, 2022).

A Site Management Plan (SMP) is submitted to the NYSDEC once the remedial action is complete. The plan would include *“provisions for soil/cap management and groundwater monitoring, requirements to limit exposure to soil and groundwater during Site redevelopment and future construction activities, and requirements to limit exposure to groundwater until such a time as groundwater meets groundwater SCGs. The SMP would also provide for evaluation of potential vapor intrusion into the planned buildings associated with the Eastern Parcel”* (NYDEC Fact Sheet November 2020).

Remediation Oversight

NYSDEC & NYSDOH

According to a memo by Gary W Priscott, Project Manager with NYSDEC submitted on May 17, 2022:

*“DEC’s Division of Environmental Remediation and DOH’s Bureau of Environmental Exposure Investigation are active in review and oversight of the remedial program at this site, including on-site presence during field work (e.g., cleanup) activities. When cleanup activities are complete, the applicant will prepare a Final Engineering Report (FER) and submit it to DEC and DOH. The FER will describe the cleanup activities completed and certify that cleanup requirements have been achieved. When DEC and DOH are satisfied that all cleanup requirements have been achieved for the site, it will approve the FER. DEC will then issue a Certificate of Completion (COC) to the applicant. Controls at the site will remain after issuance of the COC...”*

*C & S Engineers, Inc*

Nevin Bradford, Senior Principal with C & S Engineers, Inc. submitted a report, Brownfield cleanup summary for the Breeze Apartments Project on May 24, 2022 and also gave a summary of the brownfield remediation at the site at the Planning Board meeting on May 24, 2022. According to Bradford C & S Engineers conducts the monitoring during work and they are obligated to report any exceedances to NYSDEC and NYSDOH immediately, and report what is being done to resolve issue.

See also sections on **“Impacts to Land,” “Impacts to Groundwater,”** and **“Impacts to Air.”**

The Lead Agency recognizes that any determination regarding the site remediation, the standard to which clean-up is required for the intended end-use, and how remediation will be carried out, is under the jurisdiction of NYSDEC and the NYS Department of Health. This project cannot be implemented until NYSDEC and NYSDOH determine that the site has been remediated to the required standard for the proposed residential use.



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Based on the information provided above, proposed mitigation measures, and oversight by NYSDEC and NYSDOH, the lead agency has determined that no significant impact to human health is anticipated.

**CONSISTENCY WITH COMMUNITY PLANS**

The project is located in an urbanized area on an empty brownfield. The project is consistent with Plan Ithaca’s Housing Goal, “The city will be home to a range of housing options, including different levels of affordability and housing types, in each neighborhood,” by adding a range of 77-unit market-rate multifamily rental apartments in the Fall Creek neighborhood in proximity to other higher density residential uses. The projects is also in line with Plan Ithaca’s Economic Goal to remediate and redevelop brownfields. The project intends to enhance and protect environmental quality through site remediation.

The project is located in the R-3a zoning district and will require several variances. Based on the Zoning Analysis dated 08-11-22, the proposed project now requires the following areas variances:

1. *Off-Street Loading*: The R-3a district requires one off-street loading space for the first 10,000 SF of floor area and an additional off-street loading space for each 15,000 SF of building floor area, with a maximum of 4 off-street loading spaces. This project will require the maximum 4 off-street loading spaces. One off-street loading space is proposed.
2. *Maximum Building Height in Feet*: The R-3a district allows buildings up to 40’ in height. The applicant is proposing a building that is 55’ above grade plane, resulting in a deficiency of 15. This exceeds the district maximum by 38%.
3. *Maximum Building Height in Stories*: The R-3a district allows buildings up to 4 stories in height. The basement of the proposed building must be considered a story, as its ceiling is more than 6’ above finished grade at several locations.<sup>1</sup> The proposed 5-story building exceeds the district maximum by 1story or 25%.
4. *Rear Yard*: The minimum rear yard requirement for the R-3a district is either 50’ or 25% of the lot depth (but not less than 20’). Based on the depth of this lot, the property is subject to a 50’ minimum rear yard. The proposed building is located within the required rear yard, reducing the rear yard to 29’.This results in a deficiency of 42% of the required yard.

Off Street Loading

Applicant reasoning:

Lead Agency:

Maximum Building Height in Feet

Applicant reasoning:

Lead Agency:

Maximum Building Height in Stories

Applicant reasoning:

Lead Agency:



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Rear Yard

Applicant reasoning:

Lead Agency:

The Developer and the City are amending a 2007 Development Agreement to reflect the change in ownership and other conditions of the project site and the adjacent city parcel. The Development Agreement must be approved by the City of Ithaca Common Council.

The Lead Agency has determined that based on the information above, no significant impact to community plans is anticipated.

**CONSISTENCY WITH COMMUNITY CHARACTER**

The site at 121-125 Lake Street is currently vacant, and the project proposes to construct a 83,160 GSF, four story apartment building on-site. Although this is in contrast to existing conditions, historically the site was used for industrial purposes and supported structures comparable to that proposed. The proposed residential development is in an area of the City that has historic and emerging residential uses. The project does not propose to replace any facilities or areas of historic importance to the community.

The architectural scale and character of the proposed development is anticipated to have a small impact and will be addressed and mitigated throughout the site plan review process.

The Lead Agency has determined that based on the information provided, the project will have no significant impact to community character.

**Prepared by: Nikki Cerra, Environmental & Landscape Planner, and revised by the Planning Board**