

COMBINED PUBLIC NOTICE

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

OCEAN COUNTY

May 8, 2015

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI, NOI-RROF, and 100-Year Floodplain have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about May 25, 2015, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Stronger New Jersey Business Loans (SBL) program. DCA expects to fund the project using approximately \$1,995,903 of SBL funds.

PROJECT DESCRIPTION

Application ID number: SBL39568

Project Title: Ohana Enterprises, LLC

Location: 3006 Route 37 West, Toms River Township, Ocean County, New Jersey

The total estimated project cost is \$1,995,903.

The existing convenience store, car wash and fueling dispensers will be demolished and replaced with a new two-story building including a convenience store, second-story office area, a three-bay oil change/service garage and a 100-foot long car wash tunnel. A basement will be constructed beneath the oil change/service garage bays to facilitate a more efficient and economical automotive service business. The fueling area will be downsized from six fueling dispensers oriented in two rows to a single row of four dispensers. This will decrease the number of fueling positions from twelve to eight. The equipment will be modernized and the existing piping, fill ports, and containments related to the underground storage tank (UST) system replaced and brought to current code. The three existing USTs will be retained and will continue to be used. The project will use renewable energy (solar panels) on the canopy structure over the fuel dispenser islands, and the car wash will utilize an advanced water recycling system.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at 3006 Route 37 West in Toms River Township, Ocean County, New Jersey. The property is approximately 1.16 acres; the entire property is located within the A (100-year flood zone, Base Flood Elevations (BFE) Determined) Flood Zone, as indicated on Flood Insurance Rate Map (FIRM) Panels 309 of 611 no. 34029C0309F, revised September 29, 2006 and 328 of 611 no. 34029C0328F, revised September 29, 2006. According to Preliminary FIRM mapping, the BFE at the project site is 7 feet. The existing gas station will be demolished and replaced with a new two-story building including a convenience store, second-story office area, a three-bay oil change/service garage and a 100-foot long car wash tunnel. A basement will be constructed beneath the oil change/service garage bays to facilitate more efficient and economical automotive service business. The fueling area will be downsized from twelve to eight dispensers. The equipment will be modernized and the existing piping, fill ports, and containments related to the UST system replaced and brought to current code. The three existing USTs, however, will be retained and will continue to be used.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Among the alternatives considered were: (i) undertaking the project as initially provided in the NJDEP/NJEDA Grant Application (demolition of the existing gas station and reconstruction with a larger convenience store, car wash, and three-bay oil change/service garage); (ii) undertaking the project as revised by the applicant (the Preferred Alternative; similar to Option (i), with the exception of slight increases in the size of the car wash and storage room, addition of a second floor, and incorporation of a basement beneath the oil change/service bays); and (iii) not undertaking the action (No Action Alternative). The project is mapped as entirely within the 100-year floodplain; therefore, there was no alternative available to locating within the 100-year floodplain.

The No Action Alternative was considered but rejected because taking no action would not address the needs of the applicant and would not meet the program goals of assisting in the recovery of and providing for a more resilient shore community.

DCA has determined that the Preferred Alternative (construction of the improvements with a basement) would not have any adverse impacts to floodplains, wetlands or other environmental resources. Option (i), construction without the basement, was ultimately rejected because the oil change/service portion of the project would be less economically viable under this option.

DCA has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

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

FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by May 25, 2015, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Acting Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Acting Commissioner Charles A. Richman
New Jersey Department of Community Affairs