

## **NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

### **CAPE MAY 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 the procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, the Notice of Intent to Request Release of Funds (NOI-RROF) will be published simultaneously with the submission of the Request of Release of Funds (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 NOI-RROF and RROF 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 18, 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 Loan program (SBL). DCA expects to fund the project using approximately \$ 696,202.00 of SBL funds.

### **PROJECT DESCRIPTION**

Application ID number: SBL618138  
Project Title: Malusa & Sons, Inc. (dba Nino's Family Restaurant)  
Location: 423 East Magnolia Avenue, Wildwood, Cape May County, NJ  
The total estimated project cost is \$696,202.00.

The objective of this grant application is to provide funding to assist in the relocation of the existing Nino's Family Restaurant to a new location at 423 East Magnolia Avenue in the City of Wildwood, Cape May County. The existing Nino's Family Restaurant in North Wildwood suffered severe storm damages during Superstorm Sandy and the structure was deemed unsuitable for restoration. The proposed relocation of the restaurant would utilize an existing, vacant restaurant in Wildwood. CDBG funding of this action is critical in re-establishing local businesses and employment opportunities that were impacted by Superstorm Sandy.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). As such, a Statutory Checklist has been completed in order to determine whether the project is in compliance with the authorities cited at 24 CFR§58.5.

Additional project information is contained in the Environmental Review Record 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 the 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 18, 2015, or seven (7) 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 seven (7) 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