

## **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**

#### **MONMOUTH COUNTY**

June 19, 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 July 6, 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 Landlord Rental Repair (LRRP) Program. DCA expects to fund the project using up to \$300,000 of RREM funds (up to \$50,000 per unit).

#### **PROJECT DESCRIPTION**

Application ID number: SRP0042552R

Project Title: Joann Kalaka-Adams – reconstruction and elevation of a multi-unit residential structure

Location: 1 Peninsula Avenue, Borough of Sea Bright, Monmouth County, New Jersey

The total estimated project cost is approximately \$862,619.00.

The proposed project will include the reconstruction and elevation of a multi-unit residential structure containing six rental units. The previously damaged six-unit structure was demolished post-storm and has not yet been reconstructed. The subject property is approximately 0.326 acres in size and is located at 1 Peninsula Avenue, Sea Bright, New Jersey. The current county tax record for the property lists a date of construction of 2000 and a building value of \$234,200 for the previous structure. The structure was damaged as a result of Superstorm Sandy. It was determined to be a total loss and demolished; therefore, the proposed project is considered a “Substantial Improvement” as defined in 24 CFR 55.2(b)(10). The current Work-In-Place includes demolition costs of \$3,769.83 per unit for an estimated total demolition and removal cost of \$22,619. The proposed project will assist through reimbursement of demolition costs and funding for reconstruction activities including elevation up to the LRRP maximum allowable funding of \$300,000.

## 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 1 Peninsula Avenue, Borough of Sea Bright, New Jersey, on a parcel approximately 0.326 acres in size. The subject property is currently a vacant lot. The original structure on the lot was demolished post-storm due to extensive damages. The subject property is bordered on one side by the Shrewsbury River. The surrounding areas include a mixture of both retail businesses and residential areas with single family and multi-unit residences. Currently, the reconstruction of the structure has not started and the parcel is vacant and predominantly covered with soil and sand mixture. The previous structure on the parcel was a six-unit building and this development will be reconstructed within the footprint of the pre-existing structure and will not result in an increased number of units or parking spaces. This proposed project will provide the future tenants with safe, adequate, and affordable housing as the project will require the building to meet current minimum property standards.

As indicated on the Federal Emergency Management Agency (FEMA) FIRM Panel 201 of 457, Map Number 34025C0201F, effective September 25, 2009, the 0.326-acre proposed project parcel is entirely within the Special Flood Hazard Area (SFHA) Zone AE, which is part of the 100-year Floodplain. The FEMA DFIRM Flood Zone and Preliminary FIRM data provided by the NJDEP HUD Review Tool indicates that the entire 0.326 acre parcel is within the SFHA Flood Zone A. The preliminary flood map Zone “A” incorporates all “A” categories, including, in this case “AE”.

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. 1) Reconstruction and elevation of the six-unit residential structure in accordance with all applicable local, state and federal floodplain requirements; all of these regulations are intended to minimize threats to life

and property. This proposed project will greatly assist the future tenants who meet low-moderate income status and will further protect them from future storm surges as the proposed action will require elevation and the construction of the structure to meet current minimum property standards with the use of better and higher quality building materials. Thus, funding this project would provide safe and affordable housing for the tenants, prevent future loss of life, and enhance housing opportunities for low and moderate income residents of the Borough of Sea Bright. 2) Relocating future residents by acquiring an existing six-unit or similarly sized residential structure outside the 100-Year Floodplain would eliminate any potential adverse impacts associated with continued floodplain occupancy and would minimize threats to life and property. However, small areas not located within the SFHA zones in this area are fully developed consisting of single family homes, larger apartment complexes and commercial businesses. Acquiring an existing six-unit structure outside the 100-year Floodplain would be extremely difficult and cost prohibitive due to limited land in the area that is not in the SFHA. Thus, undeveloped properties in residential areas are severely limited and costly to acquire. Relocating the tenants and, subsequently, not reconstructing the six-unit residential structure, would contribute to a continued shortage of safe and affordable housing in the areas most impacted by the storm. This would ultimately not meet the purpose of the LRRP. Portions of Sea Bright Borough across the waterway and accessed by a bridge approximately 600 feet north of the proposed project are seen to be outside the 100-year floodplain. However, relocating across the waterway would place the tenants far from their community where they presumably work and have established neighborhood ties and social networks. Furthermore, relocating would be a financial burden, as the residents are also targeted to be low-to-moderate income and likely do not have the means to relocate farther away from their place of employment. Therefore, relocation would be contrary to the purpose and function of the proposed project and would not further efforts to restore safe housing in the current community or enhance housing opportunities for low and moderate income tenants of Sea Bright Borough. 3) A No Action alternative was considered and rejected because taking no action would result in a decline in safe and affordable housing, contribute to blighted conditions, create a public safety hazard and contribute to the permanent displacement of residents. The No Action Alternative would not address the vital housing needs of the area for low-moderate income residents, would not aid in community and neighborhood recovery, and would not reduce future flood risk and associated human health, safety and welfare impacts. Implementation of the proposed action will require local and state permits, which may place additional mitigation requirements on the project.

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.

DCA has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. The project would reduce flood level, flood risk, and the flow of floodwaters onto the project area. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and EO 11988 on Floodplain Management (42 FR 26951).

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 July 6, 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