

COMBINED PUBLIC NOTICE

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

OCEAN COUNTY

April 24, 2015

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800
609-292-3647

This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by the 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 and Notice of Intent to Request Release of Funds (FONSI/NOI-RROF), and the 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, 100-Year Floodplain, and RROF have been combined.

REQUEST FOR RELEASE OF FUNDS

On or about May 12, 2015, the DCA will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief (DR) Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Landlord Rental Repair Program (LRRP). DCA expects to fund the project using up to \$250,000 of LRRP funds (up to \$50,000 per unit).

The following information pertains to this project:

Applicant Name: Grace Firetto (SRP0043851)

Location: 20 Sampson Avenue, Seaside Heights Borough, Ocean County, New Jersey

Estimated Total Project Cost: \$326,847.94

Project Description: The 0.125 acre property site is located at 20 Sampson Avenue, Seaside Heights Borough, Ocean County, New Jersey. The proposed project includes rehabilitation of a six-unit apartment building. The building consists of five rental units and one owner-occupied unit. Project activities funded by the program will be limited to rehabilitation of the five rental

units; funding for the rehabilitation of the owner-occupied unit will be obtained from other sources.

The LRRP will restore or create a variety of rentals from “1 to 4 unit” buildings to large multi-family housing developments. More than 70% of rental properties in the most impacted areas have less than 20 units. Often, this rental type is provided by a homeowner that has an extra unit that contributes rental income to the owner, or by landlords with fewer than 25 properties. The rental repair program will provide zero interest forgivable loans to existing and new owners of rental properties with 1 to 25 units requiring significant rehabilitation.

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 under LRRP (B-13-DS-34-0001). The proposed project involves the rehabilitation of a single story, six-unit, residential structure which sustained heavy damage during Superstorm Sandy. The damaged structure has been partially gutted and stabilized, and the sediment deposited by storm surge has been removed from the building and the property. The property is almost entirely impervious, consisting of asphalt for parking, the six-unit residential structure, and a small gravel area. Proposed project activities include rehabilitation of five rental units under the LRRP. The sixth unit is owner-occupied, and therefore, is not eligible for funding under the program as it is not a rental unit.

The subject property (approximately 0.125 acres) is located entirely within the Special Flood Hazard Area, Zone AE, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 329 of 611, Map Number 34029C0329F, effective September 29, 2006.

DCA has considered alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. Rehabilitation of the existing damaged 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. Additionally, this alternative would return the building to pre-storm condition, address all storm-related damage, and bring the structure up to current minimum property standards thereby increasing safe and affordable housing opportunities for low and moderate income residents of Seaside Heights Borough and preventing further displacement of residents. Relocation of future tenants through acquisition of an existing five-unit residential structure outside the 100-Year Floodplain would eliminate any potential adverse impacts associated with rehabilitation of the damaged structure, or continued floodplain occupancy and would minimize threats to life and property. However, if left in place and unrepaired, the damaged structure would likely continue to deteriorate, permanently displacing the owner and creating debris which may pose a threat to lives and property in future storms or flooding events. Additionally, relocating would be a financial burden, as the residents are also generally low-to-moderate income and likely do not have the means to relocate away from their place of employment. Demolition of the damaged structure,

converting the property to green space, and acquiring undeveloped property outside the 100-year Floodplain to construct a new five-unit residential structure would eliminate any potentially adverse impacts that may result from the rehabilitation of the building and would also eliminate the potential for the building to continue to deteriorate. Seaside Heights Borough is densely developed and heavily populated, with the majority of the land area being within the SFHA. Thus, opportunities to acquire properties suitable for relocation are severely limited and costly to acquire. Although the potential effects of demolition on the human and natural environment have been determined to be minimal, demolition of the structure would result in permanent displacement of the owner and a continued shortage of safe and affordable rental housing in the areas most impacted by the storm which would not meet the purpose of the LRRP. Furthermore, due to size constraints of the property and being surrounded by dense development, converting the parcel to green space with no intended purpose would create the appearance of a blighted area, and would not have the desired effect of enhancing the appearance of the neighborhood. 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, 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 delineated in the last paragraph of this notice for receipt of comments.

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).

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment has been prepared and DCA has determined that this project will have no significant impact on the human environment; therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. The reason for the decision not to prepare an EIS is that no significant impacts or hazards were identified in the course of the environmental review. 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, PO Box 800, 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 11, 2015, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice (Notice of Finding of No Significant Impact [FONSI], Notice of Public Review of a Proposed Activity in a 100-year Floodplain, or Notice of Intent to Request Release of Funds [NOI-RROF]) they are addressing.

RELEASE OF FUNDS

DCA certifies (on or about May 12, 2015) 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 Program 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 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) 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