

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

October 16, 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 November 2, 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 Fund for Restoration of Multifamily Housing (FRM) program. DCA expects to fund the project using approximately \$18,844,550.00 of Community Block Grant Disaster Recovery (CDBG-DR) Program funds.

PROJECT DESCRIPTION

Application ID number: HMFA application #03099

Project Title: Bayshore Village

Location: 100 Shoal Harbour Court, Middletown, Monmouth County, NJ

The total estimated project cost is \$31,614,325.00

The proposed project, Bayshore Village, entails the demolition of 13 existing multi-family buildings and the construction of a new 100,000 square foot building which will consist of one 3-story building, with 14 two-bedroom units, 95 one-bedroom units, and an additional one-bedroom apartment for the project superintendent. The 110-unit senior citizen housing project will be located at 100 Shoal Harbour Court in the Port Monmouth section of Middletown Township, Monmouth County; Lot 2, Block 122 .

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. 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, Bayshore Village, will be a 110 unit senior citizen housing project located at 100 Shoal Harbour Court in the Port Monmouth section of Middletown Township, Monmouth County; Lot 2, Block 122. The project is planned as one 3 story building, with 14 two bedroom units, 95 one bedroom units, and an additional one bedroom apartment for the project superintendent. The proposed 100,000 square foot building sits on 12.38 acre site with 114 parking spaces. The existing structures will be demolished since they sustained major damage during Superstorm Sandy. The new construction will result in a net .83 acre decrease in impervious surfaces at the subject site.

A portion of the project is located within the Special Flood Hazard Area Zone AE, as shown on the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM), panel 34025C0061G, effective date January 31, 2014. There are 10.61 acres of floodplain (Zone AE) on the proposed project site.

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:

- a) Locating the Proposed Project Outside the Floodplain - This alternative was deemed impractical as a majority of the developable area in Port Monmouth is located within the 100 Year Floodplain. Therefore the alternative to relocate the proposed project outside of the 100 Year Floodplain is impractical as it does not address Port Monmouth's critical need for affordable housing within the limits of Port Monmouth.
- b) No Action Alternative - This option is not considered feasible as there is a critical need for The Township of Middletown to provide new and replacement units to its Port Monmouth residents that are safe, energy efficient, and ADA compliant. As New Jersey is the most densely populated State in the country, any policy to prohibit any development in the flood plain is not

considered practicable due the great number of parcels located within the floodplain in the areas most affected by Superstorm Sandy. In addition the proposed project is replacement housing for units that are either currently occupied or were severely damaged as a result of Superstorm Sandy, and the No Action alternative would not allow for the displaced residents to rejoin the community where they lived prior to the storm.

DCA has reviewed proposed mitigation measures and has determined that they should minimize adverse impacts to the environment and restore and preserve natural and beneficial values of the 100 year floodplain, where possible. The following mitigation measures will be taken:

Each of the units constructed for the proposed project will be constructed in accordance with the Flood Hazard Control Act Rules (N.J.A.C. 7:13), using the FEMA Advisory Base Flood Elevation (ABFE) from the “Best Available Flood Hazard Data for Sandy Affected Counties in NJ and NY (last modified August 2013)”. The finished floors of the new buildings will be constructed so that they are a minimum of 1 foot above the ABFE.

The units will be constructed in accordance with erosion and sediment control plans, consistent with State, Federal and local requirements for construction activities in flood plains. Impervious surfaces will be reduced by .83 acres to allow for stormwater infiltration. The proposed project will include the installation of new storm drains and inlets that will enhance and improve the drainage and storm water runoff from the existing pavement.

All building and site design activities will be undertaken in accordance with sound engineering practices to ensure resistance to a 100 year flood.

The property owner will acquire and maintain the maximum available flood insurance under the National Flood Insurance Program (NFIP) for the economic life of the proposed 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.

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 November 2, 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 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.

Commissioner Charles A. Richman
New Jersey Department of Community Affairs