

## 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 AND WETLAND

#### MIDDLESEX AND MONMOUTH COUNTIES

**January 2, 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 and Wetland 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 Wetland, and RROF have been combined.

#### REQUEST FOR RELEASE OF FUNDS

On or about January 2, 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 reconstruction project using a maximum of approximately \$2,500,000 of LRRP funds.

The following information pertains to this project:

Project Title: LRRP Middlesex-Monmouth Counties

Location: Multiple Locations, Middlesex and Monmouth Counties, NJ

Estimated Total Cost: \$2,500,000 (up to \$50,000 per damaged unit)

Project Description: The proposed project would reconstruct one multi-family rental property in Middlesex County, New Jersey and four multi-family rental properties in Monmouth County, New Jersey. Reconstruction would include demolishing the existing buildings on the properties and constructing new buildings consisting of the same number of units. The properties are identified as the lots encompassing the following addresses: SRP0037809, 123-139 Rosewell

Avenue, South Amboy, Middlesex County; SRP0039829, 114 11th Avenue, Belmar, Monmouth County; SRP0042661, 211 Ocean Avenue, Bradley Beach, Monmouth County; SRP0044260, 1198 Ocean Avenue, Sea Bright, Monmouth County; SRP0044410, 19 Pineview Avenue, Keansburg, Monmouth County.

The LRRP will restore or create multi-family housing developments of up to 25 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 grants 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 AND WETLAND

This is to give notice that the New Jersey Department of Environmental Protection (NJDEP), on behalf of the Responsible Entity, DCA, has conducted an evaluation as required by Executive Order (EO) 11988 and EO 11990, 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 the LRRP under (B-13-DS-34-001). The proposed project would reconstruct one multi-family rental property in Middlesex County, New Jersey and four multi-family rental properties in Monmouth County, New Jersey. Reconstruction would include demolishing the existing buildings on the properties and constructing new buildings consisting of the same number of units. The properties are identified as the lots encompassing the following addresses: SRP0037809, 123-139 Rosewell Avenue, South Amboy, Middlesex County; SRP0039829, 114 11th Avenue, Belmar, Monmouth County; SRP0042661, 211 Ocean Avenue, Bradley Beach, Monmouth County; SRP0044260, 1198 Ocean Avenue, Sea Bright, Monmouth County; SRP0044410, 19 Pineview Avenue, Keansburg, Monmouth County.

The reconstruction of SRP0037809, SRP0044260, and SRP0044410 would be located within the 100-year floodplain (an A floodplain zone), as shown on the NJDEP HUD Environmental Review Tool, which incorporates the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. The reconstruction of SRP0037809 would also impact adjacent wetlands.

NJDEP has considered the following alternatives: No other alternatives, besides the no action, were considered, as they would not serve to meet the dual purpose of helping the property owner rebuild, and to rebuild in such a way as to better withstand the next major storm event. The no action alternative was considered and rejected because leaving the multi-family rental buildings in a damaged state would leave the buildings vulnerable to further damage and would not help in the restoration of New Jersey's storm-impacted communities. The no action alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require buildings within the floodplain to be elevated to the highest standard for flood protection.

NJDEP has identified the following mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values: All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). All structures funded by the LRRP, if in, or partially in, the 100-year floodplain shown on

the effective FEMA FIRM, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in offsite wetlands and waters and to prevent erosion in offsite wetlands and waters. Minimize soil compaction by minimizing the project activity in vegetated areas, including lawns. If practicable, the structures should be relocated further away from the wetland, using best management practices. Coordinate with the New Jersey Division of Land Use Regulation (DLUR) to obtain required permits, including, but not limited to, a Transition Area Waiver. Replace and revegetate any disturbed area as soon as possible after work has been completed. Do not introduce invasive species to the site

NJDEP has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of EO 11988 and EO 11990 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.

NJDEP has determined that construction and operation of the proposed project would not result in significant adverse impacts to wetlands, 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), EO 11988 on Floodplain Management (42 FR 26951), and EO 11990 on Protection of Wetlands.

#### 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 January 17, 2015 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 and Wetland, or Notice of Intent to Request Release of Funds [NOI-RROF]) they are addressing.

## RELEASE OF FUNDS

DCA certifies (on or about January 21, 2015) to HUD that Richard E. Constable, III, 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 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.

Commissioner Richard E. Constable, III  
New Jersey Department of Community Affairs