

## **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**

#### **HUDSON COUNTY**

January 29, 2016

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 February 15, 2016, 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 Hurricane Sandy Recovery. DCA expects to fund the project using approximately \$13,920,000 of Community Development Block Grant funds for the Restoration of Multifamily Housing.

#### **PROJECT DESCRIPTION**

Application ID number: HMFA03046

Project Title: Montgomery Family Phase I

Location: 565, 569, & 571 Montgomery Street, Jersey City, Hudson County, New Jersey

The total estimated project cost is \$39,274,457.

The project consists of the replacement of Buildings 3, 5, and 6 of the existing Montgomery Garden housing development with 126 units of new residential housing. Four (4) low rise buildings ranging from three (3) to four (4) stories in height will be constructed on the project. The buildings will contain 31 one bedroom units, 60 two bedroom units, 23 three bedroom units, and two (2) four bedroom units. The ground surface grade will be raised through the importation of fill material to raise the minimum elevation 1 foot above the 100-year flood plain. Portions of the property grade will be raised to a higher elevation, particularly the northern side to meet the surface grade of Montgomery Street (approximately 20 feet amsl). Although the importation of fill will be an additional cost to the project, the raised elevation will limit the risk of flooding on the property.

#### 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 565, 569, & 571 Montgomery Street, Jersey City, Hudson County, New Jersey. The project is being conducted to replace the existing Buildings 3, 5, and 6 of the Montgomery Gardens Housing Development. The proposed development is consistent with the previous development of public housing. As per FEMA Flood Insurance Rate Map, Preliminary Map Number 34017C0106E, January 30, 2015, a majority of the property is classified as Zone AE which have a 1% chance of annual flooding and have base flood elevations determined. Portions of the building footprints are also located within Zone X which is classified as an Other Flood Area (0.2 % annual chance of flooding; 1% chance of annual flooding with average depths less than 1 foot). Specifically, 1.96 acres are located within the AE zone (1% annual flood risk), 1.5 acres are within shaded Zone X (0.2% annual flood risk), and 0.12 acres are within Zone X (outside of floodplain).

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: Among the alternatives were: (i) undertaking the project as proposed, (ii) relocating the project outside of the floodplain, and (iii) not undertaking the project at all (No Action).

The project, as proposed, includes the elevation of the land through the importation of fill material to a minimum of 1 foot above the 100-year flood plain. Portions of the property grade will be raised to a higher elevation, particularly the northern side to meet the surface grade of Montgomery Street (approximately 20 feet amsl). Although the importation of fill will be an additional cost to the project, the raised elevation will limit the risk of flooding on the property. Additionally, flood insurance will be maintained for the subject property.

A no action alternative was considered and rejected because of a recent city study that found the area in dire need of affordable housing. The property was previously developed with Buildings 3, 5, and 6 of the Montgomery Gardens Housing Project; all of which are now vacant in preparation for demolition to allow for the redevelopment of the land into four low-rise residential buildings. Not developing the property would not allow for displaced residences to rejoin the community.

Not completing this project would leave three vacant high-rise residential buildings in an area that is surrounded by ongoing redevelopment (Catherine Todd Senior Living in the former Building 1 of Montgomery Gardens to the east and the redevelopment of the former Jersey City Medical complex to the west). The vacant buildings, which are owned by the Housing Authority, would likely become neglected and attractive to short dumping and other illegal activity. The progress for the neighborhood, engendered by the redevelopment of the Montgomery Gardens public housing would come to a halt.

4.

Obtaining a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) would provide for lower flood insurance rates for the property. In order to obtain a LOMR for the property, the entirety of all lots and structures, both the lowest point on the lots and the lowest floor of the structures, must be at or above the 1% annual chance flood elevation. Based on the current project plans the property would not be eligible for a LOMR. The current FEMA FIRM Panel which covers the subject property was released in Draft form on January 30, 2015. This map is still in preliminary form and would need to be finalized before a LOMA or LOMR could be issued. Obtaining these changes would place an undue delay on the project; therefore this option is not practicable.

Locating the project elsewhere in Jersey City but outside of the floodplain as determined to be not practicable. Attempting to find similar site in Jersey City for the development would entail acquiring 3.58 acres of vacant property or 126 units of vacant housing for rehabilitation. Unfortunately, sites of this magnitude rarely exist in Jersey City, and their acquisition is prohibitively expensive for mixed income and affordable housing. Acquiring individual units for rehab would also be expensive and would also require extensive relocation, also too expensive for affordable housing.

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 Laura Shea, Assistant Commissioner, 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 February 15, 2016 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