

## **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**

May 8, 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 May 25, 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 Stronger New Jersey Business Loan (SBL) program. DCA expects to fund the project using approximately \$4,500,000 of SBL funds.

#### **PROJECT DESCRIPTION**

Application ID number: SBL619239

Project Title: Mad Hatter

Location: 10 East Ocean Avenue, Sea Bright, Monmouth County, New Jersey

The total estimated project cost is \$5,000,000.

The proposed action involves the demolition of the three-story, storm-damaged building that currently houses the Mad Hatter restaurant, sports bar and nightclub, as well as two residential apartments on the approximately 0.1435-acre lot located at 10 East Ocean Avenue, in Sea Bright, Monmouth County, New Jersey. The project structure was constructed in phases over a period of years ranging from 1891 through 1907 (based on review of historic aerial photographs and fire insurance maps). Following demolition of the current structure, the Mad Hatter will be rebuilt as a four-story sustainable structure containing an elevator, restaurant, sports bar, a stage for local bands, an office, a kitchen, and a large outdoor area with a banquet/party room. The new structure will be elevated by piles/columns allowing for the parking of seven automobiles beneath the business floors. Based on the application materials, all work will be done within the existing footprint of the project site. It is anticipated that the new facility will be open 7 days a week from 11:00 am to 2:00 am.

#### 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 10 East Ocean Avenue in Sea Bright, Monmouth County, New Jersey. The proposed project would assist the community in the recovery from Superstorm Sandy and involves rebuilding the Mad Hatter, a restaurant, sports bar and nightclub, located on an approximately 0.1435-acre lot in Sea Bright, New Jersey. The Mad Hatter, a three-story structure containing a restaurant, a sports bar, a nightclub, an office, storage rooms, and two apartments, sustained substantial wind, flood and ocean surge damage from Superstorm Sandy. There is approximately \$1,200,000 in covered building damage, and the structure needs to be raised to adhere to the new Federal Emergency Management Agency (FEMA) V-Zone requirements, Advisory Base Flood Elevations (ABFE) and current hurricane codes. The Mad Hatter rebuild will involve the demolition of the current structure and construction of a new four-story sustainable structure elevated by piles/columns. The rebuild will include an elevator, restaurant, sports bar, a stage for local bands, an office, a kitchen, and a large outdoor area with a banquet/party room. In addition, the pile/column construction during rebuild will elevate the business floors of the Mad Hatter allowing for the parking of seven automobiles beneath the business floors. The purpose of the proposed project is to restore the Mad Hatter commercial establishment to full operation.

Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Monmouth County, New Jersey (All Jurisdictions), Panel 201 of 457, Map Number 34025C0201F, dated September 25, 2009, the entire proposed project area, approximately 0.1435 acres, is located within the 100-year floodplain (AE zone).

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) relocating the project outside of the floodplain, and (ii) not undertaking the project at all (No Action). No additional alternatives were considered as the entire town of Sea Bright is located within the 100-year floodplain.

The proposed project involves the demolition and rebuild of the Mad Hatter restaurant, sports bar and nightclub on a pile/column construction, significantly reducing the vulnerability of the structure and the commercial business to future flooding conditions. Because the town in which the project is located, Sea Bright, as well as its neighboring communities, are entirely within the floodplain, it is not practicable to relocate the proposed project out of the floodplain.

A no action alternative was considered and rejected because no action on this item would result in the Applicant not being provided with financial assistance to demolish their current storm-damaged commercial structure or rebuild a new, elevated commercial structure. As a result of the no action alternative, the Applicant's business would continue to operate on a limited basis or operations could potentially cease altogether, the structure and business would continue to be vulnerable to future flooding conditions and the applicant and business may not be able to recover. In addition, the no action alternative would not satisfy the need for post-Hurricane Sandy economic revitalization within this substantially impacted community.

While the proposed construction would occur within the 100-year floodplain, the proposed action represents no substantive change from the pre-Superstorm Sandy condition of the floodplain with the exception that the new structure would now be elevated by piles/columns, thereby reducing future damages from flooding. Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or 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.

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 May 25, 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