

Summary of 8-Step Floodplain Analysis

Application ID: SBL619239

Owner: S. Kelly Corporation / Kelly Management Group Inc.

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

Activities: Reconstruction of the Mad Hatter restaurant, sports bar and nightclub

Step 1: Determine if the proposed action is in a 100-year floodplain.

This action is located in a 100-year floodplain. The entire proposed project site, approximately 0.1435 acres, is located within Special Flood Hazard Area Zone AE (area of special flood hazard with water surface elevations determined) as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 201 of 457 Number 34025C0201F, dated September 25, 2009. However, only the western half of the 0.1435 acre proposed project site is located within Special Flood Hazard Area Zone AE while the remainder is not within a Special Flood Hazard Area Zone, as indicated on the FEMA Post-Sandy Preliminary Work Map. Both maps are attachments to this document (see SBL619239_FIRM34025C0201F and SBL619239_FloodplainManagementMap). Areas designated as a Special Flood Hazard Area are those subject to inundation by the 1 percent annual chance flood (e.g., a 100-year flood), also known as the base flood.

Step 2: Notify the public of the intent to locate the proposed action in a floodplain.

An early public notice of proposed activity within the 100-year floodplain was published by NJDEP on March 27, 2015, in English and Spanish (see SBL619239_EnglishFloodplainEarlyNotice and SBL619239_SpanishFloodplainEarlyNotice, respectively and SBL619239_FloodplainEarlyNoticeAffidavit_AsburyParkPress and SBL619239_FloodplainEarlyNoticeAffidavit_ElDiario). The notice also was e-mailed to interested parties (see SBL619239_FloodplainEarlyNotice_AgencyEmail). The notice requested comments from the public concerning floodplain and natural resource impacts of the proposed economic revitalization and storm mitigation. The notice also indicated that the NJDEP would evaluate proposed actions under the program for potential direct and indirect impacts associated with floodplain development and, where practicable, would design or modify proposed actions to minimize potential adverse impacts to lives, property, and natural values within the floodplain. The notice was published in the Asbury Park Press and El Diario and posted at <http://www.state.nj.us/dca/divisions/sandyrecovery/review/>. The required 15-day period was conducted to allow for public comments, and comments were accepted either electronically or via written correspondence. No comments were received from the early notice concerning the proposed action (see SBL619239_FloodplainEarlyNoticeComments).

Step 3: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain.

Two alternatives to the proposed action within the 100-year floodplain were considered. No additional alternatives were considered as the entire town of Sea Bright is located within the 100-year floodplain.

Alternative 1: Relocate the Proposed Action Outside of 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.

Alternative 2: No Action Alternative

A no action alternative was considered and rejected because no action on this item would result in the Applicant not be 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.

Step 4: Identify and describe the proposed action's direct and indirect effects associated with occupying or modifying the floodplain.

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.

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. 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.

Step 5: Identify methods to minimize the potential adverse impacts within a floodplain and to restore and preserve its natural and beneficial values.

New Jersey Department of Environmental Protection (NJDEP) requires elevation or flood proofing of all "substantially damaged" structures in the floodplain. When followed, these regulations will reduce the threat of flooding damage to properties located in the floodplain and reduce the impact of development on the floodplain. Applicants are required to adhere to the most recent floodplain elevation levels when considering reconstruction of their "substantially damaged" property. In summary, applicants participating in this program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:

In summary, applicants participating in this program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:

- A. All proposed reconstruction and repair of "substantially damaged" structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with the Emergency Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Flood elevations are now determined either using the higher of the ABFE, the effective BFE, or the design flood elevation shown on the NJDEP flood maps;
- B. All participants in the SBL Program must carry flood insurance on the subject structure, when mandated, in perpetuity; and
- C. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest [most recent] FEMA-issued Maps), that the applicant adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the

associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR Part 60.3 (e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

Therefore, the requirements of the SBL Program will help ensure a minimal adverse impact to the floodplain.

Step 6: Reevaluate the proposed action to determine if it is still practicable given its floodplain effects.

The proposed action is viewed as practicable because it avoids significant adverse impacts to the floodplain in the local vicinity while helping the Applicant's business to recover, reducing damages to this business from future flood events and contributing to the post-Hurricane Sandy economic revitalization within this impacted community, specifically the Borough of Sea Bright's Commercial Business District. The project, as proposed, would minimize potential hazards to human safety, health, and welfare.

The no action alternative also remains impracticable because it will not satisfy the need for post-Hurricane Sandy economic revitalization within this substantially impacted community.

Step 7: If the only practicable alternative is locating in a floodplain, publish a final public notice.

It has been determined that there is no practicable alternative to locating the project in the floodplain. This is due to: 1) the need for post-Hurricane Sandy economic revitalization within the Borough of Sea Bright; 2) the lack of alternative locations outside of the 100-year floodplain related to the physical geography of this coastal community; and 3) the limited scope and impact of the proposed project related to impacts on human health, public property, and floodplain values.

A final public notice will be published in accordance with 24 CFR Part 55 for a minimum 7-day comment period. The final notice will detail the reasons why the project must be located in the floodplain, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55.

Step 8: The proposed action can be implemented after steps 1 through 7 have been completed.

Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.