



**PUBLIC NOTICE**

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI),  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF),  
AND FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED  
ACTION IN A 100-YEAR FLOODPLAIN**

**NEW MOXEY RIGBY APARTMENT COMPLEX**

**October 21, 2016**

**Name of Responsible Entity and Recipient:** New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Lori A. Shirley (518) 474-0755.

Per 24 CFR Section 58.33, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) and Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain satisfies three separate procedural requirements for program activities proposed to be undertaken. The comment periods for the FONSI/NOIRROF and Final Notice of Public Review of activity in a 100-year floodplain and wetland have been combined.

**Project Description:** The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to carry out the replacement of the existing Moxey Rigby Apartments Project complex at 33 Buffalo Avenue in the Village of Freeport, Town of Hempstead, Nassau County, New York, with a new apartment complex located across the street at 195 East Merrick Avenue (i.e., the Project).

Hurricane Irene and Superstorm Sandy brought significant damage to public infrastructure, homes, businesses, and the area around Freeport. Hurricane Irene brought 13 inches of torrential rain, a storm surge that exceeded seven feet, and wind gusts up to 90 miles per hour, which caused flooding and downed trees that resulted in impassable roads and power

outages. The majority of Superstorm Sandy's damage came from the high winds and the powerful storm surge, which flooded roads, compromised power lines, and caused boats and other debris to damage structures.

The Moxey Rigby Apartments complex is located in the high flood risk zone. It experienced significant damage in Superstorm Sandy and Hurricane Irene. During Superstorm Sandy, the storm surge coming in from the bay and the water from stormwater outfalls converged near Moxey Rigby Apartments and added to an already severe flood.

The Freeport New York Rising Community Reconstruction Program (NYRCR) Plan includes senior and affordable housing as critical assets and the goal of improving their ability to withstand and rebound quickly from similar challenges in the future. The relocation of the Moxey Rigby Apartments satisfies the Plan's goal to mitigate existing housing in flood risk areas with an emphasis on multifamily and affordable developments. The socially vulnerable populations living at the Moxey Rigby Apartments will benefit from reduced occurrence and severity of flooding impacts.

The Freeport Housing Authority and GG Acquisitions, LLC, (a joint venture) proposes to replace the existing Moxey Rigby Apartment complex at 33 Buffalo Avenue in the Village of Freeport, Town of Hempstead, Nassau County, New York with a new apartment building. The location of the new apartment building, across Buffalo Avenue from the existing Moxey Rigby Apartment complex, is intended to be the least disruptive in relocating the existing tenants. The Project would proceed in the following three phases:

- Phase A: Demolition of the structures currently occupying the new site
- Phase B: Construction of a new 5-story multifamily apartment building on the new site
- Phase C: Demolition of the old Moxey Rigby Apartment complex. The eventual use of the old apartment complex site is unknown and would undergo environmental review when appropriate.

Under Phase B, approximately four feet of fill will be added to the Project site at 195 East Merrick Avenue to bring it to an appropriate grade above the base flood elevation (BFE). The first floor would be a parking structure. The new apartment building would consist of 101 rental dwelling units, with the same bedroom mix as the old Moxey Rigby Apartment complex, except for one additional two-bedroom unit to be used as a Superintendent's apartment. The new apartments would be larger in size, and the site would include on-site recreational uses, including a basketball court and playground; on-site parking; and a community room. The residents of the old Moxey Rigby Apartments would be moved to the new apartment building.

The estimated total cost for the Project is \$52,000,000, funded with up to \$5,500,000 from the CDBG-DR program and \$9,000,000 from the CDBG-NDR program.

#### **FINAL NOTIFICATION OF ACTIVITIES IN A FLOODPLAIN AND WETLAND:**

This is to give notice that the GOSR has conducted an evaluation as required by Executive Order 11988 and executive Order 11990 in accordance with U.S. Department of Housing and

Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management, to determine the potential effects that its activity in the floodplain would have on the human environment. An early public notice of proposed activity within the 100-year floodplain was published by the Governor's Office of Storm Recovery on June 16, 2016 in *The Freeport Leader* and is posted at <http://www.stormrecovery.ny.gov/environmental-docs>. No comments were received.

The existing Moxey Rigby Apartment site and the proposed Project site are both located within the 100-year floodplain as determined from the most recent FEMA Preliminary Flood Insurance Rate Map (FIRM) Data for the Project site. The proposed action would include demolition of the existing office/warehouse building at 195 East Merrick Avenue and construction of a new 5-story multifamily residential apartment complex at that site, as well as demolition of the existing apartment complex at 33 Buffalo Avenue.

The Project would not impact any wetlands. Under the proposed action, the entire 2.44-acre 195 East Merrick Avenue site would be disturbed, all of which is in the 100-year floodplain. The short-term direct impacts to the 100-year floodplain would consist of demolition of the existing structures, removal of the existing asphalt parking lots, remediation of several areas with contaminated soils, and regrading of the site. Fill would be added to the project site to bring it to an appropriate grade of approximately four (4) feet above the BFE. This elevation would allow space necessary to install drainage facilities. The new building is designed with the ground floor as a parking structure to limit exposure of residents to flood hazards. Residential units would begin on the second floor above the BFE.

Currently, the property has virtually no on-site stormwater storage, so most runoff is into the Village's stormwater system. Retaining and recharging project runoff on-site, would allow for handling of a large storm event with no overflow to the Village's stormwater drainage network, represents a long-term beneficial change to the condition of the 100-year floodplain. Long-term direct impacts would include replacement of impervious surface with new impervious surface, with integral drainage systems. As a result, the proposed action represents short-term impacts to previously disturbed areas. The design for the proposed redevelopment of the 195 East Merrick Avenue has been approved by the Village of Freeport Floodplain Manager/Mitigation Coordinator. There would be no relative change in the level of development within the 100-year floodplain at the 195 East Merrick Avenue site.

The existing 2.2-acre Moxey Rigby Apartment complex at 33 Buffalo Avenue would be decommissioned and demolished. The former administrative area on the north end of the existing Moxey Rigby site may be retained and utilized for storage. The level of development at the 33 Buffalo Avenue site would be reduced through demolition of the existing structures. Direct impacts include demolition of most of the existing impervious surface. The proposed action represents short-term impacts to previously disturbed areas and may result in a beneficial change to the condition of the 100-year floodplain. As the final use of the existing site is unknown at this time, the long-term impacts to the 33 Buffalo Avenue site are unknown at this time. Additional environmental review may be required when final use is determined.

Floodplain maps based on the most recent FEMA Preliminary FIRM Data for the Project Areas, wetlands maps based on the National Wetland Inventory, and a Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 can be viewed online at: <http://www.stormrecovery.ny.gov/environmental-docs>

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/wetlands and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains/ wetlands can facilitate and enhance federal efforts to reduce the risks 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/ wetlands, it must inform those who may be put at greater or continued risk.

### **FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Assessment (EA) for the Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Project would have no significant impact on the natural or human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

**Public Review:** Public viewing of the EA and Floodplain Management Plan is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: NYS Homes & Community Renewal, Governor’s Office of Storm Recovery, 38-40 State Street, Albany, New York 12207. Contact: Lori A. Shirley (518) 474-0755.

Further information may be requested by writing to the above address, emailing NYSCDBG\_DR\_ER@nyshcr.org or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office and is being published in “*The Freeport Leader*,” a newspaper of general circulation in the affected community.

**Public Comments on FONSI, NOIRROF, and/or Actions in a Floodplain:** Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify their comments with “notice” and their address. Comments should be submitted via email, in the proper format, on or before Monday, November 7, 2016 at NYSCDBG\_DR\_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before Monday, November 7,

2016: Governor's Office of Storm Recovery, 38-40 State, Albany, New York 12207, Attention: Lori A. Shirley. Comments may be received by telephone by contacting Lori A. Shirley at (518) 474-0755. All comments must be received on or before 5pm on Monday, November 7, 2016 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

### **REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**

On or about Tuesday, November 8, 2016, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Lori A. Shirley, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. 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 NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

**Objection to Release of Funds:** HUD will accept objections to its release of funds and GOSR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; 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, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley

Certifying Officer

October 21, 2016