



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date October 26, 2022
		Expiration Date October 25, 2027
Permit Number(s): 1505-22-0039.1 LUP220001	Type of Approval(s): FWW GP17 Trails/Boardwalks TAW - Special Activity Redevelopment CZM GP4 Development 1 or 2 SFH/Duplexes Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:7A-1.1(a)
Permittee: William Waldy 2 Brakenbury Drive Toms River, NJ 08757		Site Location: Block(s) & Lot(s): [1395, 15] [1395, 16] Municipality: Berkeley Twp County: Ocean
Description of Authorized Activities: <p>This document authorizes the removal of the existing shed; the construction of a new single-family home with associated garage, driveway, deck, and porch; and the construction of a 4' x 115.5' boardwalk with a 4' x 22.4' "L" terminus, in association with a residential development on the parcel(s) referenced above. All work is shown on the approved plans cited within this permit.</p> <p>This authorization to conduct activities in wetlands and/or waters includes the issuance of a Water Quality Certificate.</p> <p>This permit is authorized under, and in compliance with, the Coastal Zone Management Rules (N.J.A.C. 7:7-1.1, et seq.) as amended through October 5, 2021, the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1.1 et seq.) as amended through October 5, 2021, and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13-1.1 et seq.) as amended through October 5, 2021.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
Prepared by: Kathleen Preston		Received and/or Recorded by County Clerk:
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-29; N.J.A.C. 7:7A-22.

FWW GP17 Trails/Boardwalks	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.010	0.038
Transition areas	0.076	0.027
State open waters	0	0

TAW - Special Activity Redevelopment	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0	0
Transition areas	0.076	0.027
State open waters	0	0

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.007
Temporary Disturbed	0.015

PRE-CONSTRUCTION CONDITIONS:

1. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.
2. To protect sensitive habitat for the State-listed Osprey, the permittee shall adhere to a seasonal restriction on all work within 300 meters of any active osprey nest along the project limit of disturbance from April 1 through August 31 of each calendar year. The initiation and implementation of work which generates disturbance (e.g., sound levels, visual interruption) that is out of character with what currently exists at or surrounding the anticipated work area during the restricted time period recommended above may result in the permittee being in violation of the "take" clause within State of New Jersey Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A-1). Please note that adherence to this seasonal restriction shall also be applied if nest building and nest occupancy is observed at any given osprey nest location during the months of March and April of the given calendar year of work.

3. The deed for the lot on which an enclosure below the building and/or garage is constructed must be modified to:
 - a. Explain that the enclosure is likely to be inundated by floodwaters, which may result in damage and/or inconvenience;
 - b. Disclose the depth of flooding that the enclosure would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood;
 - c. Prohibit habitation of the enclosures; and
 - d. Explain that converting the enclosure into a habitable area may subject the property owner to enforcement under this chapter; and
 - e. The modified deeds are recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the building is located, and proof that the modified deed has been recorded is provided to the Department prior to the sooner of either:
 - i. The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
 - ii. The date that is 90 calendar days after the issuance of the permit.
4. In accordance with N.J.A.C. 7:13-12.6(f), The deed for the lot(s) on which the driveway is constructed must be modified to:
 - a. Explain that the driveway and any associated parking areas are likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
 - b. Disclose the depth of flooding that the driveways and any associated parking areas would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood; and
 - c. The modified deeds are recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the single-family home or duplex is located, and proof that the modified deed has been recorded is provided to the Department prior to the sooner of either:
 - i. The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
 - ii. The date that is 90 calendar days after the issuance of the permit.

FRESHWATER WETLANDS CONDITIONS:

1. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7.17, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.). Any additional un-permitted disturbance of freshwater wetlands, State open waters, or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the disturbance.
2. The Department has determined that the freshwater wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to these

wetlands is 50 feet. This general permit includes a transition area waiver, which allows encroachment only in the permanent disturbance of 0.076 acres (3,329 square feet) portion of the transition area, which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area onsite shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing Rules (N.J.A.C. 7:7A) for additional information.

3. This authorization for a General Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

COASTAL ZONE MANAGEMENT CONDITIONS:

1. The authorized work is subject to compliance with the applicable standards of Flood Hazard Area Permit-by-rule 16: - "Construction of a deck" (NJAC 7:13-7.16).
2. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
3. The use of plastic under landscaped or gravel areas are prohibited. All sub-gravel liners must be made of filter cloth or other permeable material.
4. Vegetation within 50 feet of the top of the bank, or edge of water shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank, or edge of water, onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
5. Upon completion of the project, all temporarily disturbed areas within 50 feet of the top of any stream bank, or edge of water, onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 11.2.
6. The Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed project for compliance with these rules.
7. The Department has approved this permit because the project satisfies the requirements of the Flood Hazard Area Control Act Rules and Coastal Rules. The Department has not reviewed the proposed structure/s to determine compliance with the International Building Code or any other local construction codes or flood ordinances. The proposed building/s may therefore not fully comply with any such requirements. Please contact your municipal construction official for further information.
8. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation 9.0 feet NAVD as shown on the approved plan. Furthermore, all structural components shall be designed to resist the same forces.

9. The lowest horizontal member of the proposed habitable building/s shall be a minimum elevation of 9.0' NAVD. The construction of any habitable area below this elevation, such as a basement is prohibited.
10. Any area below the design flood elevation and the lowest floor of all proposed building/s shall remain open and accessible to the passage of floodwaters at all times and should comply with the Technical Bulletin 5 of FEMA's National Flood Insurance Program entitled "Free-of-Obstruction Requirements".
11. It should be noted that the fill associated with the building (structural fill) does not meet NFIP requirements. Any proposed fill on the site should meet the requirements of the Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletin 5.
12. Any proposed deck must not obstruct floodwaters above or below its floor and be constructed structurally independent of the proposed dwelling in accordance with N.J.A.C. 7:13-7.16, FEMA Technical Fact Sheet #8.2, Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletin #5.
13. In accordance with NJAC 7:13-12.5(p)3, the proper number of flood vents shall be installed in conformance with the Uniform Construction Code at N.J.A.C. 5:23.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee

becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:

- i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
 9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
 10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
 11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
 12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
 13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action; and
 - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
 14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and

dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.

15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be

recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management at the address listed on page one of this permit.

28. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 – “Conditions that apply to all coastal permits”.

APPROVED PLAN(S):

The drawing(s) hereby approved consist of one (1) sheet prepared by Jason M. Marciano of East Coast Engineering, dated September 16, 2022, last revised October 25, 2022, and entitled:

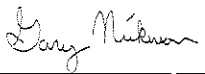
“NJDEP APPLICATION PLAN PREPARED FOR WILLIAM & JUDITH WALDY, BLOCK 1395, LOTS 15 & 16, BERKELEY TOWNSHIP, OCEAN COUNTY, NEW JERSEY”.

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management’s Technical Support Call Center at (609) 777-0454.

Approved By: Digitally signed
by Gary Nickerson
Date: 2022.10.26


Gary Nickerson, Environmental Specialist 3
Watershed & Land Management
Bureau of Coastal Permitting

c: Municipal Clerk, Berkeley Twp
Municipal Construction Official, Berkeley Twp
Agent (original) – Brian Budney