



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

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.		Approval Date September 27, 2022
		Expiration Date September 26, 2027
Permit Number(s): 1507-21-0046.1 LUP210001	Type of Approval(s): CAFRA Individual Permit- Commercial/Industry/Public	Governing Rule(s): N.J.A.C. 7:7-1.1(a)
Permittee: Ocean Beach Pearl LLC 3305 Heron Lane Toms River Twp, NJ 08753		Site Location: Block(s) & Lot(s): [931.04, 30] [931.04, 31] [931.04, 32] [931.04, 33] [931.04, 34] [931.04, 35] [931.04, 36] Municipality: Toms River Twp County: Ocean
Description of Authorized Activities: This document authorizes the reconstruction and expansion of the existing one-story clubhouse, construction of 10 parking spaces, including one handicapped space, reconstruction of the asphalt storage yard, construction a 24' by 30' storage garage, a 12' by 15' concrete pad with two dumpsters and associated development, in association with a commercial development on the parcel(s) referenced above. The site will contain a 10' wide open public access area along the southern and western property boundaries. This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.), as amended on October 5, 2021, provided that all conditions to follow are met. 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. Prior to or concurrently with the construction of the project, the public access way and public access parking spaces shall be constructed, as depicted on the approved plan. WITHIN 90 DAYS OF RECEIPT OF THIS PERMIT, and prior to site preparation, a conservation restriction for the public access portion of the site, including the two public access parking spots, as shown on the approved plan, shall be RECORDED with the Office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES) in the county wherein the lands included in this permit are located.		
Prepared by: Joanne B. Davis, Supervisor		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 herein. 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.

PRE-CONSTRUCTION CONDITIONS:

1. WITHIN 90 DAYS OF RECEIPT OF THIS PERMIT, and prior to site preparation, a conservation restriction for the public access portion of the site, as shown on the approved plan, shall be RECORDED with the Office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES) in the county wherein the lands included in this permit are located. Proof of recording shall be forward to joanne.davis@dep.nj.gov within 30 days of recording.
2. In accordance with N.J.A.C. 7:13-12.5(p)6, the deed for the lot on which the enclosure is constructed must be modified to:
 - i. Explain that the enclosure is likely to be inundated by floodwaters, which may result in damage and/or inconvenience;
 - ii. 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;
 - iii. Prohibit habitation of the enclosure; and
 - iv. Explain that converting the enclosure into a habitable area may subject the property owner to enforcement under this chapter; and

The modified deed shall be 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:

- (1) The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
 - (2) The date that is 90 calendar days after the issuance of the individual permit.
3. In accordance with N.J.A.C. 7:13-12.6(f), the deed for each lot on which the private roadway or parking area is constructed, as well as any lot served by the private roadway or parking area, and each lease or rental agreement for a unit within a multi-residence building served by a private roadway or parking area that lies below the flood hazard area design flood elevation, shall be modified to:
 - i. Explain that the private roadway or parking area is likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
 - ii. Disclose the depth of flooding that the private roadway or parking area would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood;

The modified deed shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which each lot served by the private roadway or parking area is located, and proof that the modified deed has been recorded shall be 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 individual permit.
4. Prior to or concurrently with the construction of the project, the public access way and two public access parking spaces, shall be clearly marked, as depicted on the approved plan.
5. Within in 60 days of completion of the project, public access signs shall be installed at the site, as shown on the approved plans, and shall be maintained in perpetuity.
6. Prior to commencement of construction, a silt fence shall be erected along the limits of disturbance of the development with a 10-foot return on each end. This fence must be maintained and remain in place until all construction and landscaping activities are completed.

HISTORIC PRESERVATION CONDITIONS:

1. Prior to construction or any alteration to the project site, the applicant, using the services of an Architectural Historian who meets the Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-9] in Architectural History, shall document the existing conditions of the Ocean Beach Unit 3 Clubhouse, as well as its setting within the Ocean Beach Historic District (Units 1, 2, and 3), to Level III equivalent standards of the Historic American Buildings Survey (HABS). In lieu of large format photography, the permittee shall include high-resolution digital photos that meet the National Park Service National Register Digital Photo Submission Standards. The standards can be found at the following web address:
<https://www.nps.gov/hdp/standards/PhotoGuidelines.pdf> The recordation shall include both archivally stable, 4-inch by 6-inch black and white prints and high-resolution digital RAW and/or TIFF files on an archival CD-R. A minimum of twenty (20) views of the building and its setting shall be produced as part of the recordation. Photography shall include, but not be limited to, documentation of the interior and exterior of the building and the building's relationship to the surrounding historic district. The permittee shall ensure that all documentation is completed and accepted by the Historic Preservation Office prior to any removal, demolition, or alteration of any components of the building or new construction. The permittee shall provide one original archival copy of the recordation to the HPO and duplicate copies, with original photographs, shall be provided to the appropriate repositories as identified in consultation with the Historic Preservation Office. The HABS documentation shall be submitted to the Historic Preservation Office within 6 months of permit issuance. A monthly status report shall be submitted to the Division of Land Use Regulation and the Historic Preservation Office.
2. The permittee shall ensure that the design of the new clubhouse is sympathetic to the character of the historic district and shall be in keeping with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the greatest extent possible including but not limited to the proposed building and playground. The permittee shall submit final plans and specifications for the new clubhouse and playground to the Historic Preservation Office for review and approval prior to the commencement of construction.
3. The permittee, using the services of a qualified consultant meeting the Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-9] in History and/or Architectural History, shall develop, fabricate and install an interpretive exhibit within the new clubhouse regarding the Ocean Beach Historic District (Units 1, 2, and 3) and the historic clubhouse. The content, graphic design, fabrication and installation locations shall be reviewed and approved by the HPO prior to installation.

SPECIAL CONDITIONS:

1. If a geodetic control reference marker is found on site and the position of the survey marker or monument cannot be protected, the applicant shall coordinate with the New Jersey Geodetic Control Survey (NJGCS) at least 60 days prior to disturbance to relocate the geodetic control marker to an appropriate location prior to construction. The impacted areas shall be restored to original grade and condition. The applicant shall contact NJGCS with any questions at (609) 530-5654.
2. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
3. For the purposes of this permit, 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.
4. In accordance with N.J.A.C.7:13-12.6(e)4, the permittee must provide signs in the parking lot indicating that the lot will be subject to inundation during flood events.
5. The floor elevation labeled "FIN. FLR.= 15.17" on the approved drawing is the elevation of the lowest finished floor of the proposed building. The construction of any habitable area below this elevation, such as a basement, is prohibited.
6. The decision to grant this permit did not include a structural review of the proposed activities with regard to the International Building Code; nor did it include a comparative review of any local flood ordinances which may apply. As such, the proposed structure may not fully comply with the provisions of the International Building Code or meet the requirements of the appropriate local flood ordinances. Consequently, the construction official for the municipality in which this project is located may reserve the right to modify the design of, or deny the erection of those structures which do not meet the appropriate flood ordinances or construction codes which are within local jurisdiction. Please contact your municipal construction official for further information.
7. All foundations, slabs, footings and walls of the proposed structure shall be designed to resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation of 9.0' NAVD'88. Furthermore, all structural components shall be designed to resist the same forces.
8. The minimum elevation of the lowest finished floor of the proposed building shall be 9.0' NAVD'88. The construction of any habitable area below this elevation, such as a basement is prohibited.
9. The area below the lowest finished floor of all proposed buildings shall remain open and accessible to the passage of floodwaters at all times. In accordance with N.J.A.C. 5:23, permanent flood vents shall be constructed beneath the lowest finished floor as well as within the walls of garage to allow water to freely enter and exit during a flood in order to relieve hydrostatic pressure on the proposed buildings during flooding. These vents shall be maintained in good working order at all times and shall not be blocked under any circumstances.
10. 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 may therefore not fully comply with any such requirements. Please contact your municipal construction official for further information.

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; and
 - 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.
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 to the Bureau of Coastal & Land Use Compliance & Enforcement email notification at CLU_tomsriver@dep.nj.gov or mail notification to 501 E. State St, PO Box 420, Mail Code 501-01A, Trenton, NJ 08625 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.

Additionally, the permittee shall notify the Department in writing (at the address listed on page one of this permit) within five working days prior to commencement of operation of a CAFRA individual permit. At this time, the permittee shall certify that all conditions of the permit that must be met prior to operation of the development have been met.

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 drawings hereby approved consist of four (4) sheets prepared by Gravatt Consulting Group, dated April 2, 2021, last revised September 20, 2022, unless otherwise noted, and entitled:

“CAFRA PLAN TAX LOTS 30, 31, 32, 33, 34, 35, & 36 BLOCK 931.04 TOMS RIVER TOWNSHIP OCEAN COUNTY, NEW JERSEY”

“COVER SHEET”, sheet no. 1 of 10, last revised September 2, 2022,

“CAFRA PLAN”, sheet no. 3 of 10,

“CONSTRUCTION DETAILS”, sheet no. 6 of 10, last revised September 26, 2022, and

“CONSTRUCTION DETAILS”, sheet no. 7 of 10, last revised September 2, 2022.

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:

Suzanne Biggins, Environmental Specialist 4
Watershed & Land Management

c: Municipal Clerk, Toms River Twp
Municipal Construction Official, Toms River Twp
Agent (original) – Kim Dixon