



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

August 21, 2024

Via Electronic (dnellis@keyportonline.com) & 1st Class Mail

Borough of Keyport
Unified Planning Board
PO Box 60
Keyport, NJ 07735

Attn: Denise Nellis, Board Secretary

**Re: Special Flood Hazard Area Development Permit Review
Oyster Bay Apartments - 50 Beers Street
Keyport Borough, Monmouth County, NJ
Block 22, Lot 32
KUPB-22-04
Our File No. HKPE0022.03**

Dear Ms. Nellis:

Our office is in receipt of the following submittals from the Applicant, Oyster Bay Urban Renewal, Inc., for review with respect to the Borough's Flood Damage Prevention Ordinance ("the Ordinance") in the course of obtaining a Special Flood Hazard Area (SFHA) Development Permit:

- Borough of Keyport, Floodplain Development Permit application, dated May 6, 2024.
- Preliminary and Final Major Site Plan prepared for Oyster Bay Apartments, Lot 32 of Block 22, Borough of Keyport, Monmouth County, New Jersey, Tax Map Sheet 8, Drawings 1 – 4 of 4, prepared by Kennedy Consulting Engineers, LLC, dated 06/04/2022, last revised; 10/25/2023.
- Architectural Plan: Work Shop at Oyster Bay Apartments, 50 Beers Street, Keyport, N.J. Plan SK-1A, dated 04-01-2022, Revised 03-04-2023, prepared by Jack A. Purvis.
- Architectural Plan: New Gazebo at Oyster Bay Apartments, 50 Beers Street, Keyport, N.J. Plan SK-3, dated 10-28-2022, unrevised, prepared by Jack A. Purvis.
- PERMIT, State of New Jersey Department of Environmental Protection, Watershed & Land Management, CAFRA Individual Permit-Commercial/Industry/Public, dated January 11, 2024.

This project was previously reviewed in accordance with the current Flood Damage Prevention Ordinance (Ordinance) adopted May 21, 2013 with latest revisions made on June 21, 2022 through Ordinance #2022-12 and summarized in our October 25, 2022 review letter. The 2022 application proposed to construction of a 900 square foot single story detached maintenance/ garage building; a 230 square foot kitchen addition to the main residential building; a gazebo; replacement of the existing monument sign; relocating an existing trash enclosure area; sidewalk expansion and removing a chain link fence and concrete pad. The Applicant stated that NJDEP would not allow the proposed kitchen

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CONSULTING AND MUNICIPAL ENGINEERS

1460 ROUTE 9 SOUTH • HOWELL, NEW JERSEY 07731 • (732) 462-7400 • FAX: (732) 409-0756



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addition to the main building due to the fact that the addition would have been below the Flood elevation (below both the state's and local flood elevation). As a result, the kitchen addition has been removed from the proposed project.

The new application includes the following: construction of a 900 square foot single story detached work shop/ garage building (designed to meet the V-Zone construction standards); a gazebo; replacement of the existing monument sign; relocating an existing trash enclosure area; sidewalk expansion; removing a chain link fence and concrete pad and establishing a 10 foot wide gravel path along the northern boundary of the site as a public access from Beers Street to Luppataong Creek . The revised plan appears to locate the proposed workshop/garage building and trash enclosure approximately three feet landward of the locations originally proposed.

The Applicant has submitted the CAFRA Individual Permit approving the proposed plan.

In Accordance with our review, the Applicant shall provide the following prior to final approval:

- Deed Restriction;
- Breakaway Wall Certificate;
- Certification by a registered professional engineer or architect that the floodproofing methods for the nonresidential structure meet the floodproofing criteria in Borough Ordinance Section [§ 15-5.2b](#);
- Certification shall be provided by a registered professional engineer or architect that the provisions of Borough Ordinance Subsections 15-5.4b1 and 15-5.4b2a and b are met.
- Certification shall be provided by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the Flood Damage Prevention Ordinance. Such certification shall be provided to the official as set forth in Section [15-4.3c2\(b\)](#).

Ordinance #2022-12

Our office has reviewed the Applicant's submittals with respect to the relevant portions of the Ordinance and offers the following comments:

Section 102.2 Establishment of the Flood Hazard Areas

2) Federal Best Available Information.

The preliminary Flood Insurance Rate Map (FIRM) for the site is Panel No. 34025C0037G, dated January 31, 2014. This preliminary FIRM is more restrictive and recent than the effective FIRM for the site as shown on 34025C0037F, dated September 25, 2009.



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Section 102.3 Establishing the Local Design Flood Elevation (LD FE)

At a minimum the Local Design Flood Elevation shall be as follows:

- 1) *For a delineated watercourse the elevation associated with the Best Available Flood Hazard Data Area determined in section 102.2, above plus three feet or as described by N.J.A.C 7:13 of freeboard.*

Portions of the site are located in the Special Flood Hazard Areas AE13, Coastal A Zone (CAZ) AE14 and VE15 zones. All of the existing and proposed buildings are located in the CAZ AE14 Zone in an Area of Moderate Wave Action. The local design flood elevation is 17' (14'+3').

Section 103.13 Development in riparian areas

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received by an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance.

The applicant is proposing improvements within the 50' riparian zone. The northwest portion of the trash enclosure, the northwest corner of the proposed work shop/garage and a portion of the proposed gravel path access from Beers Street to Luppataong Creek. The revised plan appears to locate the proposed workshop/garage building and trash enclosure approximately three feet landward of the locations originally proposed. The applicant has provided a copy of the individual CAFRA Permit approving the proposed plan.

Section 103.14 Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) *Estimate the market value or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.*
- (2) *Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the*



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costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.*
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repair over a period of 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.*
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.*

There are no longer any improvements proposed to the existing building.

Section 401.2 Development in riparian areas Coastal High Hazard Areas (V Zones) and Coastal A Zones. In Coastal High Hazard Areas and Coastal A Zones:

- a. New buildings shall only be authorized landward of the reach of mean high tide.*
- b. The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.*
- c. Basements or enclosures that are below grade on all sides are prohibited.*
- d. The use of fill for structural support of buildings is prohibited.*

All proposed improvements are landward of the reach of the mean high tide. Manufactured homes are not proposed. Basements or enclosures that are below grade are not proposed. No structural fill is proposed. We defer final review and approval of the building structural support to the Building Department.

Section 801.1 General requirements for other development and building work.

All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;*



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- (3) *Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;*
- (4) *Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;*
- (5) *Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:*
 - a. *Specifically allowed below the Local Design Flood Elevation; and*
 - b. *Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.*

The plan for the proposed Gazebo includes an anchor detail pursuant to Section 801.1(3). Any mechanical, plumbing, and electrical systems proposed in the garage/ workshop shall be elevated above the Local Design Flood Elevation.

Section 801.2 Construction and Elevation in V Zones and Coastal A Zones

2) Construction and Elevation in V Zones and Coastal A Zones.

- a. *All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.*
- b. *All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.*
- c. *All new construction and substantial improvements of non-residential structures shall:*
 - i. *Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or*
 - ii. *Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:*



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1. *Meets the requirements of ASCE 24 Chapters 4 and 7; and*
 2. *Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.*
- d. *All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.*
- e. *All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:*
- i. *Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.*
 - ii. *Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;*
 - iii. *Be constructed to meet the requirements of ASCE 24 Chapter 4;*
 - iv. *Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and*
 - v. *Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:*
 1. *The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.*
 2. *The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;*



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3. *The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;*

f. *For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.*

The garage/workshop is a non-habitable structure with an enclosed area below the local design flood elevation. The garage has been designed to be constructed on piles with flood vents and breakaway walls. The building shall be utilized for parking of vehicles and storage only. The attendant utilities shall be elevated to the local design flood elevation.

The Applicant shall provide the following in accordance with the above:

- **Deed Restriction;**
- **Breakaway Wall Certificate;**
- **Certification by a registered professional engineer or architect that the floodproofing methods for the nonresidential structure meet the floodproofing criteria in Borough Ordinance Section § [15-5.2b](#);**
- **Certification shall be provided by a registered professional engineer or architect that the provisions of Borough Ordinance Subsections 15-5.4b1 and 15-5.4b2a and b are met.**
- **Certification shall be provided by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the Flood Damage Prevention Ordinance. Such certification shall be provided to the official as set forth in Section [15-4.3c2\(b\)](#).**

Section 801.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones.

In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- 2) *Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwater; and*



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The trash enclosure detail proposes a 6' high chain link fence, which is an open fence to avoid trapping debris.

This review is conditioned upon the Applicant's compliance with all outside agency approvals obtained as part of the Site Plan Approval, including, but not limited to, NJDEP CAFRA, Freshwater Wetlands, and Flood Hazard Area permits.

Based on the above, we recommend that a SFHA Development Permit not be issued at this time.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Very truly yours,
CME Associates

Trevor J. Taylor, PE, PP, CME, CFM
Certified Floodplain Manager
Borough Engineer's Office

TJT:TF

cc: George Falco, Borough Construction Official
Oyster Bay Urban Renewal Inc. – Applicant
Jeffrey B. Gale, Esq.
James Kennedy, PE – Applicant's Engineer
Jack Purvis – Applicant's Architect