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 15, 2021

Expiration Date
September 14, 2026

Permit Number(s):	**Type of Approval(s):**	**Governing Rule(s):**
1322-05-0004.1 LUP200001	CAFRA IP- Residential Development-not SFH/Duplex	N.J.A.C. 7:7-1.1(a)

Permittee:

John Kling
Hudson Pointe at Keyport, LLC
234 Boundary Road, Unit 104
Marlboro, NJ 07746

Site Location:

Block(s) & Lot(s): [120, 8] [120, 9] [130, 42] [130, 48] [130, 49] [130, 50] [130, 51] [130, 52]
Municipality: Keyport Borough
County: Monmouth

Description of Authorized Activities:

This document authorizes the demolition of all existing buildings on site and the construction of two (2) 24-unit apartment buildings (48 units total), six (6) duplex buildings (12 units total), one (1) two-family dwelling and two (2) single-family dwellings for a total of 64 residential units, associated parking, stormwater management facilities and associated improvements, in association with a residential development, on the parcels referenced above.

This permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7-1.1 et seq., as amended through July 8, 2021.

Prepared by:

Kara Turner

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. 7:7-2.1.

PRE-CONSTRUCTION CONDITIONS:

1. Prior to commencement of construction, a silt fence shall be erected at the limit of disturbance along 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.

2. Prior to the start of any construction onsite, the applicant/owner shall sign a Department approved conservation restriction to guarantee the preservation of any regulated area utilized for compliance with the Stormwater Management Rules at N.J.A.C. 7:8. Specifically the porous pavement as shown on the approved plan(s). This restriction shall be included in the deed of the property and shall be recorded with the local County Clerk (the registrar of deeds and mortgages). This restriction shall run with the land and be binding upon all successive owners, and all land surveys of the property shall show the protected areas onsite. This restriction shall conform to the format and content of the model Grant of Conservation Restriction/Easement (Stormwater Management Strategies Protection Area), downloadable at www.nj.gov/dep/landuse/forms/. Please submit a copy of the draft restriction to Chingwah Liang of this office for review prior to recording, as well as the final restriction once filed. Regulated activities shall not commence onsite until the permittee has submitted adequate proof that this restriction has been recorded as required above and has received written confirmation of the same from the Department.

SPECIAL CONDITIONS:

1. The Site Remediation Program Interest number associated with the project is No. G0000013215. The Licensed Site Remediation Professional (LSRP) for this project is David Pry, license No. 38465. The remediation shall comply with the Remedial Action Report prepared by DuBois Associates dated March 2021, and any amendments thereto. Any modification or changes to the construction activities authorized by this permit and/or the approved plans shall be approved by the Department in writing.

2. All remediation activities shall conform to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E).

3. Any future development is subject to either modification of this permit or submittal of a new CAFRA application.

4. 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.

5. All fill used during construction activities shall be clean and free of toxins.

6. All excavated material and construction debris shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

7. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

8. The permittee shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed underground detention basins, underground perforated basins, porous pavement with storage beds, and inlets at least four times per year and after every major storm totaling 1 inch of rainfall or more, and the inspection and cleaning of any and all mechanical treatment devices in accordance with the Department's certification letters, as found at www.njstormwater.org/treatment.html, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.

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 written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

    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 of six (6) sheets, prepared by WJH Engineering, dated October 30, 2020, lasted revised September 14, 2021, unless otherwise noted, entitled:

"PRELIMINARY AND FINAL MAJOR SITE PLAN OF LOTS 8 & 9, BLOCK AND 120 AND LOTS 42, 48, 49, 50, 51 & 52. BLOCK 130 BOROUGH OF KEYPORT MONMOUTH COUNTY NEW JERSEY"

"DIMENSION PLAN", sheet 4 of 13,
"GRADING & DRAINAGE PLAN", sheet 5 of 15,
"UTILITY PLAN", sheet 6 of 15,
"CONSTRUCTION DETAILS", sheet 13 to 15 of 15, dated August 13, 2021.

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 Christopher Jones

Christopher Jones, Manager
Watershed & Land Management
Bureau of Coastal Permitting

c: Municipal Clerk, Keyport Boro
Municipal Construction Official, Keyport Boro
Agent (original) – Kristin Wildman