



**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<br><b>March 8, 2024</b>                                    |
|   |  | Expiration Date<br><b>March 7, 2029</b>                                  |
| <b>Permit Number(s):</b><br>0121-02-0010.1 LUP230001  | <b>Type of Approval(s):</b><br>CZM GP4 Development 1 or 2 SFH/Duplexes<br>TAW - Averaging Plan               | <b>Governing Rule(s):</b><br>N.J.A.C. 7:7-1.1(a)<br>N.J.A.C. 7:7A-1.1(a) |
| <b>Permittee:</b><br>James Ginn<br>9 Magnolia Court<br>Ocean View, NJ 08230   | <b>Site Location:</b><br>Block(s) & Lot(s): [1915, 3]<br>Municipality: Somers Point City<br>County: Atlantic |  |
| <b>Description of Authorized Activities:</b><br><br><p>This document authorizes the construction of a new single-family home within a 44 ft by 45 ft area, a driveway, and associated improvements in association with a residential on the parcel referenced above.</p> <p>This document also authorizes a TAW-averaging plan for the reduction of 1,313 square feet of transition areas to allow for the construction of the house, and the compensation of 1,338 square feet of transition area.</p> <p>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, and the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1.1 et seq.), provided that all conditions to follow are met.</p> <p>This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 <u>Conditions that apply to all coastal permits.</u></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> |  |  |
| <b>Prepared by:</b><br><br>Natalie Gunderson  | <b>Received and/or Recorded by<br/>County Clerk:</b>   |  |
| <p>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.</p>  |  |  |
| <b>This permit is not valid unless authorizing signature appears on the last page.</b>  |  |  |

### 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.

| Riparian Zone Vegetation | Area of riparian zone (Acres) |
|--------------------------|-------------------------------|
| Permanent Disturbed      | 0.001                         |
| Temporary Disturbed      | 0                             |

### PRE-CONSTRUCTION CONDITIONS:

- Prior to site preparation or construction**, the permittee shall sign a Department-approved conservation restriction for Transition Area Waiver Averaging Plan on the subject parcel(s) in accordance with N.J.A.C. 7:7A-8.1(e) and N.J.A.C. 7:7A-8.2(f). The conservation restrictions shall apply to remaining transition areas on the site and shall preclude future wetland and transition area disturbances on-site, unless said activity is permissible pursuant to the language of the deed restriction. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetland and transition area boundaries. No site preparation or construction authorized by this permit shall commence until the approved amended conservation restriction is recorded with the property deed in the office of the County Clerk. Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act. The conservation restriction shall conform, verbatim, to the format and content of the model Conservation Restriction/Easement for Freshwater Wetlands Transition Area Waiver on the Division's website at [https://www.nj.gov/dep/landuse/download/lur\\_036.pdf](https://www.nj.gov/dep/landuse/download/lur_036.pdf). A copy of the recorded conservation restriction shall be forwarded to the Division's project manager via email at [Natalie.Gunderson@dep.nj.gov](mailto:Natalie.Gunderson@dep.nj.gov) before beginning regulated activities.
- Once a conservation restriction is recorded, the freshwater wetlands and the transition area boundary lines, as approved in this letter and recorded, must be shown on any future site development plans. The line(s) should be labeled with the above DLRP file number and the following note: "Freshwater Wetlands/Transition Area Boundary Lines as approved by NJDEP on [date of this permit] File No. 0121-02-0010.1 LUP230001, subject to existing NJDEP conservation restriction." 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 respectively. 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.
- Pursuant to N.J.A.C. 7:7A-8.1(b)3, prior to construction of the structure (including site preparation), the permittee shall install a vinyl fence along the limits of the modified transition area to ensure that subsequent activities onsite do not encroach into the conservation restricted transition areas. The modified transition area and wetlands shall remain undisturbed and natural, and not be maintained as

- mowed or landscaped area. These areas shall be allowed to revert to a natural habitat. The permittee shall erect permanent signs on the barrier that denoted the area beyond the fence as deed restricted.
4. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance **modified 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.
  5. The deed for the lot on which the enclosure below the building and/or garage are 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 enclosure; 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 deed is 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.
  6. The deed for the lot on which the driveway is constructed is modified to:
    - a. Explain that the driveway and any associated parking area is likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
    - b. Disclose the depth of flooding that the driveway and any associated parking area would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood; and
    - c. The modified deed is 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.
  7. Prior to construction, the applicant must receive approval of pending Tidelands license File No. 0121-02-0010.1 TDG220001.

**SPECIAL CONDITIONS:**

1. To reduce the risk of harm to nesting migratory bird species, and to reduce the risk of direct impacts to sensitive habitat, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from April 1 through September 30 of each calendar year.

2. Vegetation within **50** feet of the top of the bank, or edge of the 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.
3. 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.
4. The Division of Land Resource Protection has reviewed the referenced application for a Transition Area Waiver authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-8. The activities allowed by this authorization shall comply with applicable conditions noted in this Subchapter. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. seq.).
5. The wetland transition area shall not be maintained as a lawn or landscaped area.
6. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
7. Landscaping of the property shall be done with native plants to the maximum extent practicable. The use of plastic under landscaped or gravel areas is prohibited. All sub-gravel liners must be made of filter cloth or other permeable material.
8. If the final architectural plan includes an attached deck, it shall be constructed to meet the requirements at permit-by-rule N.J.A.C. 7:13-7.16.
9. All debris, wood, trash, and other loose materials shall be discarded and legally disposed of offsite.
10. Any additional development or other related construction will require either a permit modification or a new CAFRA permit, depending on the size and scope of the proposed development as well as the activity status of the existing CAFRA permit.
11. All excavated material shall be disposed of in a lawful manner. For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetland, and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
12. 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.
13. 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/s 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.
14. 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 of one foot above the flood hazard area design flood elevation. Furthermore, all structural components shall be designed to resist the same forces.

15. The floor elevation labeled 15 feet on the approved drawing(s) is the elevation of the lowest finished floor of the proposed building(s). The construction of any habitable area below this elevation, such as a basement, is prohibited.
16. 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 order to relieve hydrostatic pressure on the proposed building(s) during flooding, permanent flood smart vents shall be constructed beneath the lowest finished floor to allow water to freely enter and exit during a flood as shown on the approved plan(s). These vents shall be maintained in good working order at all times and shall not be blocked under any circumstances.

### **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](mailto: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 through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://www.nj.gov/dep/landuse/epermit.html>.

**APPROVED PLAN(S):**

The drawing(s) hereby approved consist of one sheet prepared by Schaeffer, Nassar, Scheidegg, Consulting Engineers, LLC, dated 10/9/23, last revised 3/4/24, and entitled: **“WETLANDS BUFFER**

**AVERAGING & VARIANCE PLAN FOR: JAMES GIN, SOMERS POINT-MAYS LANDING ROAD, BLOCK 1915, LOT 3, CITY OF SOMERS POINT, ATLANTIC COUNTY, NEW JERSEY, ZONE: HC2-HIGHWAY COMMERCIAL, TAX MAP SHEET #22”.**  
**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](http://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](http://www.nj.gov/dep/landuse/forms.html)). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. 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](http://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 Team at (609) 777-0454.

Approved By:

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Becky Mazzei, Environmental Specialist 3  
Bureau of Coastal Permitting  
Watershed & Land Management

c: Municipal Clerk, Somers Point City  
Municipal Construction Official, Somers Point City  
Agent (original) – Junetta Dix