



**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/dcp/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>		<p>Approval Date: February 17, 2022</p>
		<p>Expiration Date: February 16, 2027</p>
<p>Permit Number(s): 1334-01-1002.4 (U)0210001</p>	<p>Type of Approval(s): WFD II-Commercial/Industrial/Public (Waterward)</p>	<p>Governing Rule(s): N.J.A.C. 7:7-1.1(a)</p>
<p>Permittee: Steven Colombo OGCMA 54 Pitman Ave Ocean Grove, NJ 07756</p>	<p>Site Location: Block(s) & Lot(s): [101, 13] [101, 5] Municipality: Neptune Twp County: Monmouth</p>	
<p>Description of Authorized Activities: This document authorizes the construction of an expansion to a legally existing public fishing pier, in association with a public development, on the parcel referenced above, and as depicted on the approved plan referenced on page 6 of this permit.</p> <p>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 October 5, 2021.</p> <p>This permit is not valid until such time as you have obtained a Department of the Army authorization.</p> <p>Prior to commencement of regulated activities authorized under this permit, the applicant shall contact the Army Corps of Engineers to confirm if a Section 408 consult is required. You are advised to contact Thomas Creamer, Section 408 Coordinator at Thomas.Creamer@usacc.army.mil or Stephen A. Ryba, Section 408 Coordinator at Stephan.a.Ryba@usacc.army.mil.</p> <p>The Department has determined that the herein approved activities meet the requirements of the 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 SFHIA in order to participate in the NFIP.</p>		
<p>Prepared by: Kara Turner</p>	<p>Received and/or Recorded by County Clerk:</p>	
<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>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

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. Prior to site preparation, a conservation restriction for public access, 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. This conservation restriction must include the public access easement and its availability to the public and the maintenance of this easement in perpetuity. This conservation restriction shall reflect exactly what is provided on the Division's web site (www.state.nj.us/dep/landuse/forms) and must accompany and reference a site plan, with all restricted areas clearly delineated. Once the conservation restriction has been RECORDED, a copy of the recorded conservation restriction MUST BE submitted to the Division of Land Resource Protection within thirty (30) days of being recorded. Said restriction shall run with the land and be binding upon all successive owners.
2. This permit is not valid until such time as you have obtained a Department of the Army authorization for work waterward of the high tide line. You are advised to contact the NY District.
3. Prior to construction, the NJDEP Office of Engineering and Construction Project Manager should be notified. Please call 732-255-0767 and speak to the project manager of the Ocean Grove Beachfill project.
4. Prior to commencement of regulated activities authorized under this permit, the applicant shall contact the Army Corps of Engineers to confirm if a Section 408 consult is required. You are advised to contact Thomas Creamer, Section 408 Coordinator at Thomas.Creamer@usacc.army.mil or Stephen A. Ryba, Section 408 Coordinator at Stephan.a.Ryba@usacc.army.mil.

SPECIAL CONDITIONS:

1. A timing restriction shall be in-place from June 1 through October 15, in order to protect pine plants.
2. All debris, wood, trash, and other loose materials shall be discarded and legally disposed of off-site. The applicant shall take special care that no debris enters or remains in the water.
3. Photocell lights and reflectors shall be placed along the dock and on mooring piles starting from a point that is 50 feet outshore of the mean high water line to the end of the dock at 10-foot intervals. The lights shall be installed and operational within 72 hours of completion of construction.
4. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development Permit application showing compliance with 7:7-12.7 New Dredging will be required to be submitted to this Division.
5. The height of the pier, as measured from the lower most portion of the structure, over the wetlands ground surface, shall be a minimum of 4-feet, as noted on the approved plan.

6. Manufacturer's recommendations shall be followed for the field patching of all cuts, drilled holes, or any tears in the surface of the structural members used for dock construction.
7. Consistent with Assembly Bill, No. 2804, P.L. 2007, CHAPTER 113, the use of creosole treated material (or other descriptive term from the law) in the construction of the permitted structure(s) is prohibited.
8. The width of the structure(s) shall not exceed twice the clearance between the structure(s) and the surface of the ground below or the water surface at mean high tide (measured from the bottom of the stringers). Floating docks are not subject to the height requirement however, the floating dock shall be constructed such that it does not rest on the bottom of the waterbody during the low tide event.
9. Spacing between horizontal planking of the dock shall be maximized and the width of the horizontal planking shall be minimized. Under normal circumstances, a minimum of 3/8 inch, 1/2 inch, 3/4 inch, or one inch space shall be provided for four inch, six inch, eight to 10 inch, or 12 inch wide planks on the dock, respectively.
10. The pier, as a permanent structure may restrict access and constructability of the Federal Beachfill Project. It is important that the Federal design template be maintained throughout the duration of the project life to reduce storm related damages. Should the area near the pier not meet the design berm height, Ocean Grove may need to take action to return the area to the minimum design template of +9.3 NAVD88.

The pier in the proposed application is within the perpetual beach easement obtained for the right-of-way for the Sandy Hook to Barnegat Inlet Section II – Asbury to Manasquan, Coastal Storm Risk Management and Erosion Control Project. The proposal is acceptable however, the applicant's proposed structures are subservient to the construction, operation, maintenance, repair, rehabilitation and replacement of the Project pursuant to the easement, the structures may be subject to removal by the contractors during future Project-related construction. The applicant may wish to remove the proposed structures prior to future construction work to preserve the structure. Neither the State, nor the Army Corp of Engineers have any responsibility to protect, reconstruct, or repair the proposed structures. DCE will coordinate with the municipality and the pier owner (Ocean Grove) regarding future nourishments to ensure the engineered beach template is maintained. Please provide an as-built so it can be noted for future federal nourishment project plans.

11. The applicant must provide public access to the waterfront at this site in perpetuity. If, at some future date, the applicant vacates any or some portion of the property, they must include in the vacation documents, provisions for the maintenance of public access. Copies of the vacation documents must be provided to the Division for review and approval prior to enactment.
12. Upon completion of the project, all temporary disturbed areas shall be restored to pre-disturbance conditions.
13. If activity of rare beach-nesting shorebird species (i.e. State- or federally listed threatened or endangered species, or migratory shorebird species of special concern), or a State-/Federally listed endangered beach plant population, is discovered at or near the permitted limit of disturbance, work and recreational use of the area shall cease until the Permittee has coordinated with, and guidance on habitat management practices can be issued by, the NJ Department of Environmental Protection and, potentially, the US Fish & Wildlife Service. Please note that this coordination may result in the need for the Permittee's adherence to provisions as necessary to protect this sensitive habitat (e.g., seasonal restriction on regulated activities). The Department reserves the right to

suspend all regulated activities onsite should it be determined that the Permittee has not taken proper precautions to ensure continuous compliance with these conditions.

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) 777-4454 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.
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 consists of one sheet, sheet 2 of 4, prepared by Leon S. Avakain, Inc., dated September 3, 2021, unrevised, and entitled: "PLAN AND PROFILE OCEAN GROVE CAMP MEETING ASSOCIATION OCEAN GROVE PIER IMPROVEMENTS IN THE TOWNSHIP OF NEPTUNE MONMOUTH COUNTY, NEW JERSEY".

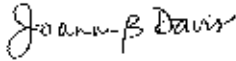
APPEAL OF DECISION:

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
Joanne B. Davis
Date: 2022.02.17 07:37:07
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Joanne B. Davis, Supervisor
Watershed & Land Management

- o: Municipal Clerk, Neptune Twp
Municipal Construction Official, Neptune Twp
Agent (original)
ACOE, NY District