

*for file*

11.06/10

2019

November 7, 2019

**Via Certified Mail Electronic Return Receipt****TO: LONG BEACH TOWNSHIP CLERK; CONSTRUCTION OFFICIAL; PLANNING BOARD; ENVIRONMENTAL COMMISSION; OCEAN CO. PLANNING BOARD ADJACENT PROPERTY OWNERS WITHIN 200-FEET****RE: COASTAL AREA FACILITY REVIEW ACT (CAFRA) GENERAL PERMIT #5  
BLOCK 11.06, LOT 10 (124 E. LOUISIANA AVENUE)  
LONG BEACH TOWNSHIP; OCEAN COUNTY  
APPLICANT / OWNERS: RALPH & JENNIFER DESIMONE**

Dear Sir/Madam:

This letter is to provide you with legal notification that ACT Engineers, Inc., on behalf of the applicant, Mr. and Mr. DeSimone, is submitting a permit application to the NJDEP, for a Coastal Area Facility Review Act (CAFRA) General Permit #5.

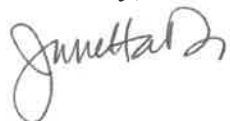
The applicant seeks a CAFRA permit to demolish the existing single family home and reconstruct with a larger footprint. Enclosed please find a reduced sized copy of the applicant's site plan. The plan depicts the maximum area where development is proposed; however, the maximum coverage, height, setbacks, etc. will comply with Township zoning requirements.

A complete copy of the permit application, including full sized plans, can be reviewed at the Long Beach Township Clerk's Office or by calling the NJDEP for an appointment in their Trenton office (address below). The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter. Your comments should be sent along with a copy of this letter to:

New Jersey Department of Environmental Protection, Division of Land Use Regulation  
Mail Code 501-02A,  
PO Box 420  
501 East State Street  
Trenton, New Jersey 08625-0420  
Attn: Long Beach Township, Ocean County Supervisor

If you have any questions regarding this letter, please do not hesitate to contact this office.

Sincerely,



Junetta N. Dix  
Director, Environmental Services  
Agent for the Applicant



IAN 06 2020

**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  <b>January 2, 2020</b></p>
		<p>Expiration Date  <b>January 1, 2025</b></p>
<p><b>Permit Number(s):</b>          1517-17-0013.1 LUP190001</p>	<p><b>Type of Approval(s):</b>          CZM GP5 Expansion or Reconstruction          SFH/Duplex</p>	<p><b>Enabling Statute(s):</b>          NJSA 13:19 et seq. CAFRA</p>
<p><b>Permittee:</b>          Ralph &amp; Jennifer DeSimone          45 Blackburn Road          Summit, NJ 07901</p>	<p><b>Site Location:</b>          Block(s) &amp; Lot(s): [11.06, 10]          Municipality: Long Beach Township          County: Ocean</p>	
<p><b>Description of Authorized Activities:</b></p> <p>This permit authorizes the construction of a replacement single family dwelling and the installation of a swimming pool within the footprint as shown on the plans referenced at the end 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 July 15, 2019.</p>		
<p><b>Prepared by:</b>          Eric Virostek </p>	<p><b>Received and/or Recorded by County Clerk:</b></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><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**STATEMENT OF AUTHORIZED IMPACTS:**

This document authorizes the construction of a replacement single family dwelling and the installation of a swimming pool (within the shown footprint of disturbance). 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.

**SPECIAL CONDITIONS:**

1. Pursuant to N.J.A.C. 7:7-6.5(d)3vi, prior to site preparation or construction and/or within **ninety (90) calendar days** of permit issuance, whichever is sooner, the permittee shall record a Dune Area conservation restriction for the area waterward of the eastern limit of the proposed development (as shown on the approved plan), 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. The conservation restriction shall reflect exactly what is provided on the Division's website ([www.state.nj.us/dep/landuse/forms](http://www.state.nj.us/dep/landuse/forms)) and must accompany and reference the site plan identified at the end of this permit, with all restricted areas clearly delineated. **Please add the following statement to the conservation restriction: Construction and maintenance of certain non-regulated structures, including decks, shall be authorized in the restricted area.** Within **thirty (30) calendar days** of recordation, a copy of the recorded conservation restriction must be forwarded to the Division's project manager, Eric Virostek, via email at [Eric.Virostek@dep.nj.gov](mailto:Eric.Virostek@dep.nj.gov). Said restriction shall run with the land and be binding upon all successive owners.
2. The proposed swimming pool shall not be located further waterward of the proposed 1,706.5 SF footprint of development shown on the approved site plan. The proposed deck waterward of the footprint of development shall remain open and not contain any regulated structures.
3. Prior to site preparation or construction and/or within **thirty (30) calendar days** of permit issuance, whichever is sooner, the permittee shall record the permit, with the Office of the County Clerk (the Registrar of Deeds and Mortgages) within the county in which the site is located. If the permit authorizes activities within two or more counties, the permit shall be recorded within **ninety (90) calendar days** of permit issuance. Within **thirty (30) calendar days** of recordation, a copy of the recorded permit must be forwarded to the Division's project manager, at [Eric.Virostek@dep.nj.gov](mailto:Eric.Virostek@dep.nj.gov).
4. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
5. 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.
6. The construction of a swimming pool backwash system out-letting to the adjacent waterbody is prohibited.
7. No disturbance to the adjacent dune is authorized by this permit.
8. The minimum elevation of the bottom of the lowest horizontal structural member for the proposed building/s shall be 14.0' 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 building/s shall remain open and accessible to the passage of floodwaters at all times. In addition, the area below the lowest finished floor including garage should be constructed on piles in accordance with the requirements for the construction within V-zone set forth under the Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletins.
10. 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 14.0' NAVD'88. Furthermore, all structural components shall be designed to resist the same forces.
11. Proposed deck/s and/or porch/es should be constructed in accordance with the requirements for the construction within V-zone set forth under the Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletins.
12. 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/s may therefore not fully comply with any such requirements. Please contact your municipal construction official for further information.
13. It should be noted that structural fill beneath the building in V-zone does not meet the NFIP requirements. Any proposed fill on the site should meet the requirements of the Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletin 5.
14. For any enclosure below the building and/or garage (even if constructed using breakaway walls), the deed for the lot/s on which the enclosure and/or garage are constructed must be modified to:
  - a. Explain that the enclosure and/or garage are likely to be inundated by floodwaters, which may result in damage and/or inconvenience;
  - b. Disclose the depth of flooding that the enclosure and/or garage would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood;
  - c. Prohibit habitation of the enclosure and/or garage; and
  - d. Explain that converting the enclosure and/or garage 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.
15. 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.

**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 Division of Land Use Regulation 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.
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 the Division of Land Use Regulation at the address listed on page one of this permit.

**APPROVED PLAN(S):**

The drawing(s) hereby approved consist of one (1) sheet prepared by Horn, Tyson & Yoder, Inc., dated 1/17/2016, last revised on 12/18/2019, and entitled:

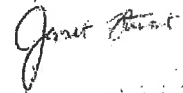
“MAP TO ACCOMPANY A CAFRA APPLICATION, LOT 10, BLOCK 11.06, TAX MAP SHEET # 13, LONG BEACH TOWNSHIP, OCEAN COUNTY, NEW JERSEY”

**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](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 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 the Division of Land Use Regulation 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 the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:



Date: 2020.01.02

11:04:05 -05'00'

Janet L. Stewart, Section Chief  
Division of Land Use Regulation

c: Municipal Clerk, Long Beach Township  
Municipal Construction Official, Long Beach Township  
Agent (original) – James D. Brzozowski



11.06/10 2/2/2020

CAFRA

TOTAL FOOTPRINT  
SF

