

NICHOLAS F. TALVACCHIA
Also Admitted to PA Bar
EMAIL: ntalvacchia@cooperlevenson.com

Direct Phone (609) 572-7544
Direct Fax (609) 572-7545

FILE NO. 63604/00001

November 15, 2021

Via UPS Overnight Mail

Jackie Fife, Land Use Board Clerk
Long Beach Township
6805 Long Beach Boulevard
Brant Beach, New Jersey 08008

Re: Applicant: 120 88th St LLC
Property: 120 E. Mermaid Lane
Block 12.24, Lot 9

Dear Ms. Fife:

As you are aware, we are the attorneys for the Applicant, 120 88th St LLC, with respect to a variance application to construct a new single-family home at the above-captioned property. The application was filed with your office on November 3, 2021. Per your request, we are supplementing our November 3, 2021 application with updated forms and additional documents. Enclosed please find the following:

1. Original and fourteen (14) copies of the Application to the Long Beach Township Land Use Board along with the Ownership Disclosure Statement and Project Narrative;
2. Fifteen (15) copies of Resolution with Docket number of LUB-17-21;
3. Fifteen (15) copies of CAFRA permit 1517-20-0005.1 APL200001, dated August 6, 2021;
4. Fifteen (15) copies of the Tax Map with block and lot highlighted;
5. Fifteen (15) color copies of property photographs;
6. Original Affidavit of Ownership, Consent, Authorization and Non-Collusion;

COOPER LEVENSON, P.A.

Jackie Fife, Land Use Board Clerk
November 15, 2021
Page 2

7. Original Checklist for Original Submission; and
8. Original Technical Checklist.

Please be advised that per your direction, additional copies of the variance plan and architectural plans are not required to be submitted. Additionally, the W-9 form and checks for application and escrow fees were submitted with the original application on November 3, 2021.

If you have any questions or require any additional information, please do not hesitate to contact me.

Thank you for your attention.

Very truly yours,

Cooper Levenson, P.A.



Nicholas F. Talvacchia

NFT/rcf
Enclosures

cc: Kevin Quinlan, Esq. *(via UPS Overnight, w/enclosures)*
Frank Little, PE, PP *(via UPS Overnight, w/enclosures)*
120 88th St. LLC *(via Email, w/enclosures)*
James Brzozowski, PE, PP *(via Email, w/enclosures)*
Michael Pagnotta, PP, AIA *(via Email, w/enclosures)*

CLAC 6655755.1

LONG BEACH TOWNSHIP LAND USE BOARD CHECKLIST FOR INITIAL SUBMISSION

PLEASE NOTE: A signed, completed checklist must be received by the Land Use Board Clerk and attorney prior to deeming your application complete.

All applications and all required documents shall be submitted at least thirty (30) days prior to the regularly scheduled meeting of the Land Use Board at which consideration is sought.
NUMBER OF COPIES REQUIRED -All documents must be submitted at the same time.
INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED!!!!

DISTRIBUTION

Please note it is the Applicant's responsibility to distribute completed applications.

Kevin S. Quinlan, Esq., 207 W Main Street, Tuckerton NJ 08087

- 1 Copy of complete Application
- 1 Copy of Variance Map, Site Plan or Sub-division Map
- 1 Copy of Architectural Plan
- 1 Copy of color photos
- 1 Copy of Tax Map with property Lot and Block highlighted.
- 1 Copy of Affidavit of Ownership, Consent, Authorization and Non-Collusion.
- TBP 1 Copy of Proposed Notice to Property Owners and for Publication
- 1 Copy of Checklist


Frank Little, P.E., P.P. , Owen Little and Assoc., Inc. 443 Atlantic City Blvd. Beachwood, NJ 08722

- 1 Copy of Completed Application
- 1 Copy of Variance Map, Site Plan or Sub-division Map
- 1 Copy of Architectural Plans
- 1 Copy of color photos
- 1 Copy of Tax Map with property Lot and Block highlighted
- 1 Copy of Technical Check List

Board Clerk

- 1 Original of each - Application Variance Plat, Site Plan or Sub-division Plat, Architectural Plan(s) Tax Map Zoning Denial, Color Photos and items marked with **. (Check all that apply)
- 14 Copies of Application
- 14 Copies of Variance Plat, Site Plan or Subdivision
- 14 Copies of Architectural Plan(s)
- 14 Copies of Tax Map with property Lot and Block highlighted
- N/A 14 Copies of Zoning Denial Letter
- 14 Color copies of Property Photos
- 1 W-9 Form
- 1 copy of Affidavit of Ownership, Consent, Authorization and Non-Collusion.
- 1 copy of Signed Checklist (must be submitted with initial documentation. Application will not be accepted without signed Checklist.
- 1 Copy of Technical Check List
- Electronic copy of all of the above in PDF format.**
- Check for Application Fee \$ 500
- Check for Initial Escrow \$ 1000

Board secretary will distribute copies to fire company after deemed complete, as necessary.

Signed: 
 Nicholas F. Talvacchia, Attorney for Applicant
 (Print name under signature)

Date: 11/3/21

**APPLICATION TO THE LONG BEACH
TOWNSHIP LAND USE BOARD**

Do not write below - for official use only

Project Name: 120 E. Mermaid Lane
Block: 12.24 Lot(s): 9
Property Address: 120 E. Mermaid Lane

Date Received: _____
Application Fee: \$ _____
Escrow Fee: \$ _____
Docket Number: _____

CHECK ALL THAT APPLY:

- | | |
|---------------------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> Bulk Variance | <input type="checkbox"/> Minor Subdivision (Exempt) |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Major Subdivision/Preliminary |
| <input type="checkbox"/> Interpretation | <input type="checkbox"/> Major Subdivision Final Major |
| <input type="checkbox"/> Informal | <input type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Site Plan/Final |

**ANSWER ALL QUESTIONS. IF NOT APPLICABLE INDICATE WITH 'N/A' OR 'None'
DO NOT LEAVE BLANKS. INCOMPLETE APPLICATIONS WILL NOT BE
ACCEPTED OR WILL BE DEEMED INCOMPLETE**

1. Applicant Name: 120 88th St LLC
Address: Street: 788 Schirra Drive City: Oradell Zip: 07649
Phone: 917-650-3324 e-mail: mmcgovern0@gmail.com

Applicant is : Owner Agent Corporation Partnership LLC

If applicant and/or owner is a corporation, LLC or partnership set forth the names addresses of all stockholders, partners or members having 10% or more interest on a separate paper. Corporations must be represented by a New Jersey licensed attorney and include a Resolution authorizing the Application.

2. Owner's Name: Same as Applicant
Address: Street: _____ City: _____ Zip: _____
Phone: _____ e-mail: _____

All owners must be identified and sign application. (Use additional pages if necessary)

3. Attorney: Nicholas F. Talvacchia, Esq./Cooper Levenson, PA
Address: Street: 1125 Atlantic Ave., 3rd Floor City: Atlantic City Zip: 08401
Phone: 609-572-7544 e-mail: ntalvacchia@cooperlevenson.com

4. Planner/Surveyor: Horn Tyson & Yoder
Address: Street: 8510 Long Beach Blvd City: N. Beach Haven Zip: 08008
Phone: 609-492-5050 e-mail: jimb@htyoder.com

5. Architect: Michael Pagnotta Architecture and Construction
 Address: Street: 342 W. Ninth St. City: Ship Bottom Zip: 08008
 Phone: 609-361-0011 e-mail: mpagnotta@comcast.net

Attache additional sheets if necessary.

6. Location of property:
 Zone: R-50 Lot Area: 24,300 ft Lot Dimensions: 50 x 485 ft

7. Is the property located on a county road? No

8. Current Use: Single Family Dwelling
 No. of Dwelling Units: 1 No. of Commercial Units:

9. Proposed Use: Single Family Dwelling

10. When was the property purchased? 10/16/2019

11. Date of Last Certificate of Occupancy: Oct. 9, 2019 Attach Copy

12. Date of last construction, alteration or addition: Prior to Applicant purchasing the property (Feb. 12, 2013) Attach copies of permits

13. Existing conditions	Pre-Existing non-conformity		Proposed conditions		Variance Needed
Building Height:	<u>28.7 ft.</u>	<input type="checkbox"/>	Building Height:	<u>36 ft.</u>	<input type="checkbox"/>
Front Yard Set Back	<u>408 ft.</u>	<input type="checkbox"/>	Front Yard Set Back	<u>408 ft.</u>	<input type="checkbox"/>
Side Yard Set Back (Mermaid)	<u>7.8 ft.</u>	<input checked="" type="checkbox"/>	Side Yard Set Back	<u>11 ft.</u>	<input checked="" type="checkbox"/>
Side Yard Set Back (South side)	<u>3 ft.</u>	<input checked="" type="checkbox"/>	Side Yard Set Back	<u>6 ft.</u>	<input type="checkbox"/>
Rear Yard Set Back	<u>20 ft.</u>	<input type="checkbox"/>	Rear Yard Set Back	<u>15.1 ft.</u>	<input checked="" type="checkbox"/>
Dist. to Adj. Struct.	<u>11.9 ft./15.3 ft.</u>	<input checked="" type="checkbox"/> *	Dist. to Adj. Struct.	<u>15 ft./15.5 ft.</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.)	<u>2,235.6 sf</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.)	<u>2,089.8 sf</u>	<input type="checkbox"/>
% Lot Coverage	<u>9.2%</u>	<input type="checkbox"/>	% Lot Coverage	<u>8.6%</u>	<input type="checkbox"/>
% Impervious Coverage	<u>78.7%</u>	<input checked="" type="checkbox"/>	% Impervious Coverage	<u>52.9%</u>	<input type="checkbox"/>
No. Principal Structures	<u>1</u>	<input type="checkbox"/>	No. Principal Structures	<u>1</u>	<input type="checkbox"/>
No. Accessory Structures	<u>1</u>	<input type="checkbox"/>	No. Accessory Structures	<u>1</u>	<input type="checkbox"/>
Lot Width	<u>50 ft</u>	<input type="checkbox"/>			

14. Existing Restrictions:
 (A) Deed Restrictions: _____ (Attach Copies) None
 (B) Easements: _____ (Attach Copies) None
 (C) Condominium: _____ (Attach Copies) None
 15. Proposed Restriction: None

*Pre-existing, non-conformity as to 11.9 ft., only.

16. Variances and Waivers:

(A) List Required Variances: (Include Ordinance Number)

None

Section 205-54(c)(5)(c) and Section 205-11

See attached Project Narrative for additional detail.

On a separate paper provide legal theory supporting variance relief.

(B) List of Requested Waivers:

None

17. Briefly describe any prior or currently pending proceedings before the Land Use Board or any other Federal, State, County or local Board or Agency involving this property which is the subject of this application and attach copies of any application, supporting documentation, pleadings, decisions and/or orders from the relevant entity including any denials. None

Applicant previously applied for variance relief (Docket No. LUB-17-21) which was denied.
See attached Resolution.

Applicant has received CAFRA approval. See attached.

18. List all material submitted with this application i.e. plans, surveys, drawings, photos, reports etc.

Architectural Plans prepared by Michael Pagnotta Architecture and Construction consisting of three (3) sheets each dated November 2, 2021.

Variance Plan prepared by Horn, Tyson & Yoder consisting of one (1) sheet dated July 15, 2021, revised to November 2, 2021.

ALL OWNERS OF RECORD AND APPLICANT MUST SIGN APPLICATION. (ATTACH ADDITIONAL PAGES IF NECESSARY.)

Dates: 11/12/2021

Michael McGovern
Michael McGovern, Manager _____, Owner
(Print name under signature)

Dates: _____

_____, Owner
(Print name under signature)

Applicant Signature (if different from owner):

Dates: _____

_____, Applicant
(Print name under signature)

Dates: _____

_____, Applicant
(Print name under signature)

MUST BE SIGNED BY OWNER(S) AND/OR APPLICANT NOT ATTORNEY

RESALE CERTIFICATE OF OCCUPANCY

No. 19-205

Fee \$2000 Re-inspection \$25.00

Date Submitted 9-9-19 Check # 1134 Cash

Owner of Record (Applicant) Ann Marie Pecillo Block 1224 Lot 9

Property Address 120 E Mermaid Lane, Peshigo Park

Listing Address 11 " " "

Sale Price \$ 1,925,000

One Family Two Family Condo Commercial/Other

All structures in the right-of-way must be removed prior to the issuance of this certificate.

Subject properties and all structures will be visually inspected for compliance of General Township Ordinance.

A plot plan certified to be accurate or a current plot plan (within one year) must accompany all applications.

Five (5) business days notice must be given to allow scheduling of this inspection.

Access must be arranged prior to inspection date.

Filed deed restriction or fees paid.

House is currently Vacant Occupied

Realtor agent Craig Stegano Telephone # 609-432-1104

We certify that the applicant owns no land adjacent to this property unless otherwise indicated.

Applicant's Signature Ann Marie Pecillo

Ord #83-7C

12-24

9

DO NOT WRITE BELOW THIS LINE

Single Detached (Y/N) Attached (Y/N) CO Detached (Y/N)

INTERNAL ACCESSORIES

Type hot gas hot water board

Central air yes

Fireplace no Wood stove no

Washer/Dryer yes

Utility sink no

Fine Exhauster yes

Elevator no

Second Floor room count

Living Room no

Dining room no

Bath 2 1 ft 3 1/2 ft 2 1/4 ft

Bedrooms 3

Kitchen no Dishwasher

Garbage disposal no

Sinks 1 single 1 double

Family room/Dens yes

EXTERIOR ACCESSORIES

Staging no

Pool no

Blind Sidewalk no

Vision Clearance no Route # yes

First Floor room count

Living Room yes

Dining room yes

Bath 2 1 ft 3 ft 1 1/4 ft

Bedrooms 2

Kitchen yes Dishwasher yes

Garbage disposal yes

Sinks 1 single 1 double

Family room/Dens no

Basement no

Garage no Attached no Detached no # Cars no

Enclosed pitings piley crawl

Comments:

Approved Not approved

CORPORATE DISCLOSURE STATEMENT
PURSUANT TO N.J.S.A. 40:55D-48.1 AND 48.2

120 88th ST LLC

The individuals listed below have a 10% or greater interest in the above-referenced limited liability company:

Michael McGovern
788 Schirra Drive
Oradell, NJ 07649

Kristy McGovern
788 Schirra Drive
Oradell, NJ 07649

PROJECT NARRATIVE
120 E. Mermaid Street
Block 12.24, Lot 9
November 3, 2021

Applicant, 120 88th St. LLC, proposes to construct a new single-family home consisting of five (5) bedrooms and four (4) parking spaces on the property located at 120 E. Mermaid Lane also known as block 12.24, lot 9 in Long Beach Township. The current house has several non-conforming conditions that are eliminated or improved by the current application. Specifically those conditions are as follows:

- Side setback to Mermaid Lane is proposed to be 11 feet where 7.8 feet currently exists and 15 feet is required;
- Side setback to the south side is proposed to be 6 feet where 3 feet currently exists and only 4 feet is required;
- Combined side setback is proposed to be 17 feet where 10.8 feet currently exists and only 15 feet is required;
- Distance between buildings is proposed to be 15 feet/15.5 feet where 11.9 feet/15.3 feet currently exists and 15 feet is required;
- Impervious coverage is proposed to be 52.9% where 78.7% currently exists and 75% is the maximum permitted; and
- Front yard impervious coverage is proposed to be 57.7% where 82% currently exists and 60% is the maximum permitted.

Variance relief is requested for the setback on Mermaid Lane (11 feet where 15 feet is required) and the rear yard setback (15.1 feet is proposed where 20 feet is required). The proposed dwelling will meet all other setback and height requirements and will provide twice the number of off-street parking spaces than what is required (4 spaces proposed where only 2 spaces are required). The proposed dwelling will also provide a substantial aesthetic enhancement to the property and therefore to the neighborhood.

The proposed application, because it eliminates or reduces non-conforming conditions, satisfies the criteria for a c-2 variance relief in that it represents a better planning alternative than the current house. The proposed deviations will not have any significant detriment to the zone plan or the public good. As shown by compliance with the lot coverage requirement, Applicant is not seeking to over-build on the lot.

Date ~~October 13, 2021~~

**RESOLUTION OF MEMORIALIZATION OF THE
LAND USE REVIEW BOARD OF THE TOWNSHIP OF LONG BEACH
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. LUB-17-21**

WHEREAS, 120 88th Street, LLC has made application to the Land Use Review Board of the Township of Long Beach for variances to demolish the existing two-story single-family dwelling and construct a three-story single-family dwelling with associated decks on the ocean side of the dwelling.

WHEREAS, the Land Use Review Board considered this application at a public hearing on September 8, 2021. The applicant was represented by Nicholas F. Talvacchia, Esq. of Cooper Levenson, PA.

WHEREAS, the following exhibits were entered into evidence:

- A-1 The application received July 20, 2021.
- A-2 Variance Map prepared by Horn, Tyson and Yoder, Inc. Dated 12/6/19 and last revised 8/26/21.
- A-3 Architectural plans prepared by Michael Pagnotta, AIA dated 7/20/21.
- A-4 3D Artist Rendering prepared by Michael Pagnotta, AIA.
- A-5 3D Color Rendering prepared by Michael Pagnotta, AIA.
- B-1 Review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated 8/31/21.

WHEREAS it was determined that a recent change to Ordinance 21-29C wherein the Permitted expansions of decks toward the oceanfront building line was changed from 10 ft. to 5 ft. is not applicable whereas the Applicant submitted a substantially complete application prior to the adoption of the ordinance change.

WHEREAS testimony was offered by Michael McGovern, owner of the property; Michael Pagnotta, AIA, who was qualified as an expert in architectural design; and James Brzozowski, P.E., P.P. who was qualified as an expert in planning; Two members of the public testified as well. All witnesses were sworn.

WHEREAS Mr. McGovern testified as follows:

1. He is the owner of the subject property.
2. A CAFRA permit was obtained which provide, among other restrictions, that the proposed decks could not be covered by a roof but only another deck.

WHEREAS, Mr. Brzozowski testified as follows:

1. The Applicant was proposing demolishing the existing two-story single-family dwelling and construct a new three-story single-family dwelling.
2. The plans would be revised to reflect the decks toward the oceanfront building line would not extend more than 10 ft. beyond the prevailing alignment of the adjacent properties and a variance was not required. Additionally, the root top deck would be revised to not extend more than 2 ft. beyond the building thereby removing this variance.
3. The side yard setback along Mermaid Drive would be increased to 15 ft. thereby removing the need for variance relief.
4. A rear yard setback of 20 ft. is required where 13.8 ft. is proposed. A variance is needed.

WHEREAS, Mr. Brzozowski further offered his opinion that the relief requested could be granted without substantial detriment to the zone plan and ordinances of the Township of Long Beach.

WHEREAS, Mr. Pagnotta, AIA testified as follows:

1. The proposed dwelling would consist of 6 bedrooms and 5 baths.
2. The new dwelling would comply with all flood elevation requirements and current building codes.
3. The plans would be revised to reflect the decks to comply with the required 10 ft. limitation.

WHEREAS, the hearing was opened to the public and two members of the public offered comment.

WHEREAS, the Land Use Board, after considering the Application; exhibits entered in evidence; testimony of the witnesses; argument of counsel and public comment makes the following factual findings:

1. All jurisdictional requirements have been met as the Application having been deemed complete and proper notice having been published and served.
2. The applicant is authorized to make the Application.
3. The property is in the R-50 General Residential Zone.
4. A variance is required for Rear Yard Setback where 13.8 ft. is proposed where 20

ft. is required.

5. The Applicant has amended the Application to remove the side-yard setback variance along Mermaid Lane and will comply with the 15 ft. setback requirement.
6. The Applicant further amended the Application to provide the decks toward the ocean front building line will comply with the requirement that they not extend beyond the 10 ft. prevailing line of the adjacent structures. Additionally, the roof top deck will not extend more than 2 ft. from the building wall removing the requirement for variance relief for these two conditions.
7. The board finds that the applicant failed to satisfy his burden of proof under N.J.S.A. 40:55D-70(c) in that the applicant failed to offer credible testimony that the purpose of the Land Use Law would be advanced by deviation from the zoning ordinance requirements, that the variances could be granted without substantial detriment to the public good, that the benefits of granting the variances would substantially outweigh the detriment, nor that granting of the variances will not substantially impair the purpose and intent of the zone plan and/or zoning ordinances of the Township of Long Beach.
8. The board finds that the proposed improvement is a 'clean slate' and the Applicant can comply with all zoning requirements without any undo hardship.
9. The board finds that the hardship is self-created in that the dwelling can be constructed without variance relief. The only benefit is to the property owner and not the public at large.
10. The board finds that there are not special reasons presented which would support variance relief. While the board recognizes certain limitations upon the property due to CAFRA regulations and the shape of the property, the proposed dwelling is too large for the subject property and could be scaled back to comply with all zoning requirements.
11. The board has reviewed and adopts the engineering report of Owen Little and Associates dated August 31, 2021 which comments therein shall be incorporated herein as if set forth in length in this resolution.

Moved by: ROTH

Seconded by: HUMMEL

ROLL CALL VOTE:

**Ayes: (7) PINGARO, APPLGATE, HUMMEL, JONES, VANBUREN, ROTH
CAPLICKI and DUCKER**

Nays: (0)

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Township of Long Beach that the relief requested by the applicants, for variance relief is hereby denied.


**JACQUELINE FIFE
SECRETARY**

CERTIFICATION

I, JACQUELINE FIFE, Secretary of the Land Use Review Board of the Township of Long Beach, County of Ocean, and State of New Jersey, do certify that the foregoing is a true copy of a Resolution memorialized by the Land Use Review Board of the Township of Long Beach at a public meeting held on July 14, 2021.


**JACQUELINE FIFE
SECRETARY**

PUBLICATION DATE: October 21, 2021



**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 August 6, 2021
		Expiration Date August 5, 2026
Permit Number(s): 1517-20-0005.1 APL200001	Type of Approval(s): CZGP 5 Reconstruct / Expand SFD	Governing Rule(s): NJAC 7:7-1.1 et seq.
Permittee: Mr. Michael McGovern 788 Schirra Drive Oradel, NJ 07649	Site Location: Block(s) & Lot(s): [12.24, 9] Municipality: Long Beach Twp. County: Ocean	
<p>Description of Authorized Activities:</p> <p>This document authorizes the reconstruction and expansion of a single family dwelling, the installation of a swimming pool and other associated improvements, in association with a residential development on the parcel(s) referenced above.</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 8, 2021.</p> <p>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.</p> <p><i>This permit is issued in accordance with a settlement agreement between the Department and the permittee, dated June 11, 2021.</i></p>		
Prepared by: Eric M. Virostek	Received and/or Recorded by County Clerk:	
<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>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 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. 7:7-1.1 et seq.

PRE-CONSTRUCTION CONDITIONS:

1. 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.
2. 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.

SPECIAL CONDITIONS:

1. The proposed single-family dwelling, swimming pool and accessory development shall be located within the footprint of disturbance as shown on the approved plan. The deck area waterward of the eastern façade of the existing dwelling shall not be enclosed, covered by a roof or contain any portion of the swimming pool and the dune shall not be graded, excavated or filled, other than the placement of pilings.
2. There shall be no disturbance to the remaining dune on site beyond the limits of disturbance as shown on the approved plan.
3. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
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. The construction of a swimming pool backwash system out-letting to the adjacent waterbody is prohibited.
6. The construction of the swimming pool on site shall be in accordance with FHA permit-by-rule set forth at N.J.A.C. 7:13-7.21.
7. The construction of decks on site shall be in accordance with FHA permit-by-rule set forth at N.J.A.C. 7:13-7.16.
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. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.

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.
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.

APPROVED PLAN(S):

The project is shown on one (1) sheet entitled "MAP TO ACCOMPANY A CAFRA PERMIT APPLICATION, LOT 9, BLOCK 12.24, TAX MAP SHEET# 15, LONG BEACH TOWNSHIP, OCEAN COUNTY, NEW JERSEY" dated 12/6/2019, last revised 2/17/2021 and prepared by Horn, Tyson, & Yoder, Inc.

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.

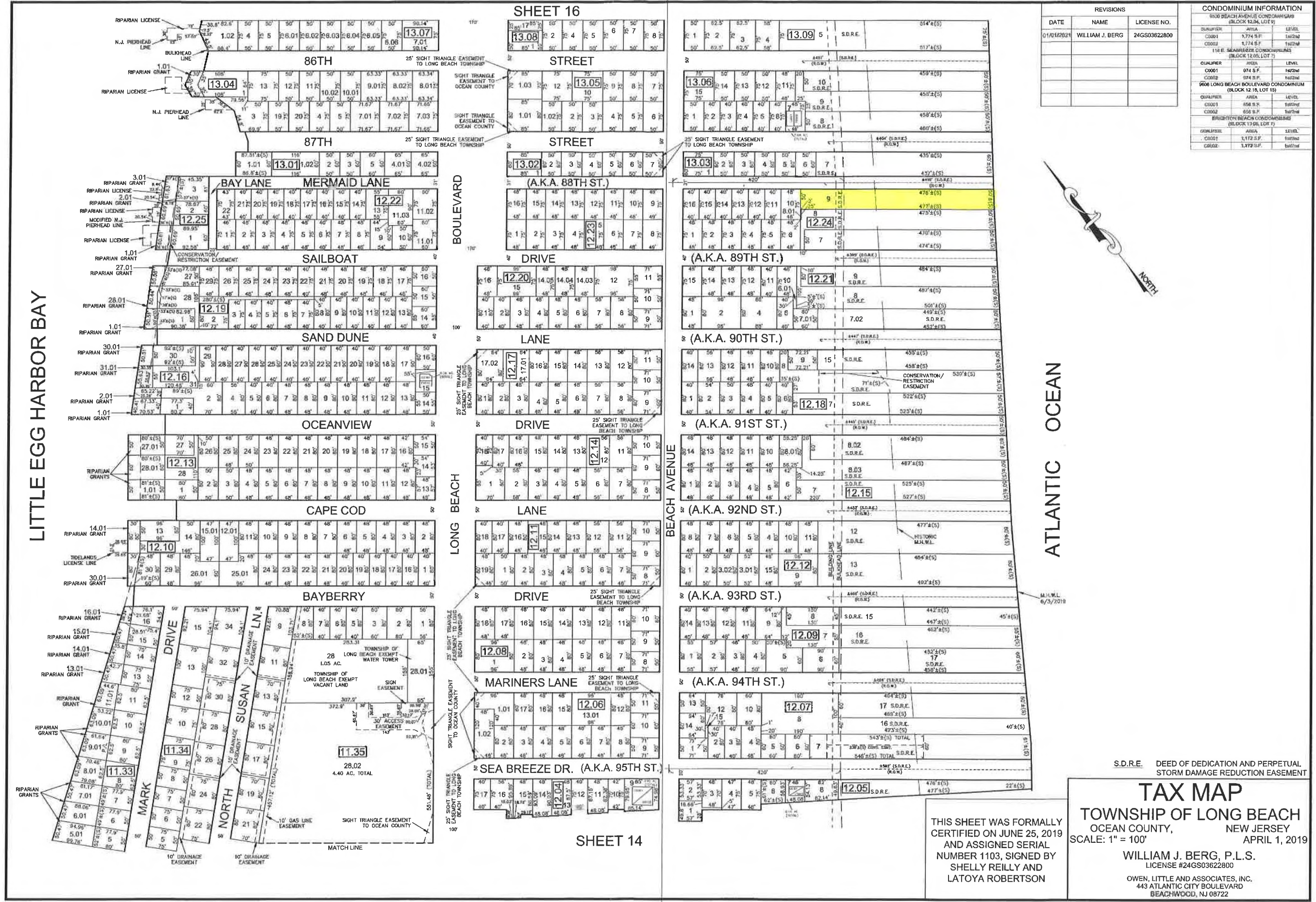
Approved By:



Digitally signed by Ryan
Anderson
Date: 2021.08.06 08:54:25 -04'00'

Ryan J. Anderson, Manager
Watershed & Land Management

c: Municipal Clerk, Long Beach Twp
Municipal Construction Official, Long Beach Twp
Agent (original)



REVISIONS		
DATE	NAME	LICENSE NO.
01/01/2021	WILLIAM J. BERG	24GS03622800

CONDOMINIUM INFORMATION		
6500 BEACH AVENUE CONDOMINIUMS (BLOCK 12.04, LOT 1)		
QUALIFIER	AREA	LEVEL
C0001	1,774 S.F.	1st/2nd
C0002	1,174 S.F.	1st/2nd
118 E. SEABREEZE CONDOMINIUMS (BLOCK 12.05, LOT 7)		
QUALIFIER	AREA	LEVEL
C0001	974 S.F.	1st/2nd
C0002	974 S.F.	1st/2nd
9606 LONG BEACH BOULEVARD CONDOMINIUM (BLOCK 12.15, LOT 15)		
QUALIFIER	AREA	LEVEL
C0001	858 S.F.	1st/2nd
C0002	858 S.F.	1st/2nd
BRIGHTON BEACH CONDOMINIUMS (BLOCK 12.06, LOT 1)		
QUALIFIER	AREA	LEVEL
C0001	1,172 S.F.	1st/2nd
C0002	1,172 S.F.	1st/2nd

SHEET 16

SHEET 14



THIS SHEET WAS FORMALLY CERTIFIED ON JUNE 25, 2019 AND ASSIGNED SERIAL NUMBER 1103, SIGNED BY SHELLY REILLY AND LATOYA ROBERTSON

TAX MAP
 TOWNSHIP OF LONG BEACH
 OCEAN COUNTY, NEW JERSEY
 SCALE: 1" = 100'
 APRIL 1, 2019
 WILLIAM J. BERG, P.L.S.
 LICENSE #24GS03622800
 OWEN, LITTLE AND ASSOCIATES, INC.
 443 ATLANTIC CITY BOULEVARD
 BEACHWOOD, NJ 08722

S.D.R.E. DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT

Property Photographs













Long Beach Township Land Use Board

AFFIDAVIT OF OWNERSHIP, CONSENT, AUTHORIZATION, and NON-COLLUSION

STATE OF NEW JERSEY :

COUNTY OF Bergen :

ss.

I, Michael McGovern, Member of 120 88th St. LLC being duly sworn according to law, (Print owner(s) name(s)) upon my/our oath depose and say:

1. I/we am/are the only owner(s) of property known as 120 E. Mermaid Lane, (Street Address) _____, Ocean County, New Jersey known as :

Block 12.24 Lot 9
Block _____ Lot _____
Block _____ Lot _____

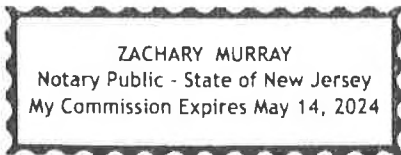
As shown on the Official Tax Maps of the Township of Long Beach.

2. I/we consent to the making of this application and the approval of the plans submitted herewith. I/we further agree to be bound by all representations and commitments made by myself/ourselves or my/our authorized agent. I/we further consent to the inspection of this property in connection with this application as deemed necessary by the members of the Land Use Board and/or other designated officials or representatives.

3. There has been no collusion between me/us and any member of the Township of Long Beach Land Use Board or any officials of the Township of Long Beach with respect to said application.

4. I/we hereby authorize Nicholas F. Talvacchia, Esq. (Agent), to make application on my/our behalf. I further agree to be bound by all representations, promises and commitments made by my agent. (Print agent name)

Dated: 11/12/2021



Sworn and Subscribed to before me this 12 day of November, 2021.

[Signature]
Notary Public

[Signature]
Signature of Owner

Michael McGovern, Manager
Print Name above

Signature of Owner

Print name above

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
MAN-MADE FEATURES									
Show existing structures and setbacks from existing and proposed property lines, indicating those to be modified or removed or to remain. Show setback of structures on adjacent properties.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Location of proposed buildings, finished grade, first floor and basement elevations, setbacks of all buildings from nearest lot lines, building height and other pertinent improvements.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Building coverage and lot coverage calculations.	X	X	X		X	X			(P) (W) (N/R)
Existing and proposed easements, rights-of-way and their purposes.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Existing and proposed manholes, sewer lines, stormwater management facilities, waterlines, fire hydrants and utility poles within 200 FT.			X	X	X	X	X	X	(P) (W) (N/R)
Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems as well as channel section details, pipe sizes, types and inverts, road crowns and slopes.					X	X	X	X	(P) (W) (N/R)
All monumentation as required as per the "Map Filing Law" including all monuments found, set or to be set.				X			X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Offstreet parking and loading spaces required and proposed, and location and dimensions of access drives, aisles and parking stalls		X	X		X	X			(P) (W) (N/R)
STREET									
Location, names and widths of all existing and proposed streets, sidewalks and street widening within 200 FT of the site.			X	X	X	X	X	X	(P) (W) (N/R)
Plans, profiles and cross-sections of paved areas, curbs and sidewalks.			X	X	X	X	X	X	(P) (W) (N/R)
MISCELLANEOUS									
Exterior Lighting Plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures.			X		X	X	X	X	(P) (W) (N/R)
Landscaping and Screening Plan showing the location, type of tree or shrub and the location, type and amount of each type of ground cover.			X	X	X	X	X	X	(P) (W) (N/R)
Storm drainage calculations.					X		X		(P) (W) (N/R)
Stormwater management facilities shown on the grading plan showing all aspects of the stormwater system.			X		X	X	X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Applications for new construction or additions to buildings: See Initial Checklist for number of copies to distribute of building plans showing elevations and floor areas (including dimensions) for all floors. "Multi-family units and commercial uses require sealed Architectural Plans;" Building elevation to be provided for the full height of the building from grade to roof peak. Plan scale shall be a minimum of 1/4" per foot. Building elevations shall be provided for all sides and shall be labeled North, South, East and West.	X	X							(P) (W) (N/R)
Location of all signs and drawn details showing the size, construction type, height and content of all signs.			X		X	X			(P) (W) (N/R)
Drawn details of the type of screening to be used for the refuse storage areas, outdoor equipment and bulk storage.			X		X	X			(P) (W) (N/R)