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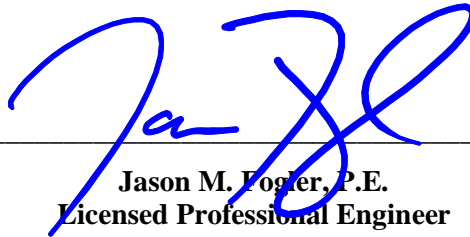
Project # BAR-2301

## ENVIRONMENTAL IMPACT REPORT BEACHWAY AVENUE WATERFRONT REDEVELOPMENT

PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT  
BLOCK 184, LOT 1  
BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

PREPARED FOR:  
**BEACHWAY AVENUE REALTY, LLC**

PREPARED BY:  
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## **EXECUTIVE SUMMARY**

The proposed new development will serve a demonstrated need within the community and region by providing new residential units for market rate users. The proposed site is well suited, being located proximate to main roadways for transportation and complementary commercial and retail development. The new construction has both positive and negative environmental and societal impacts, however the development design has mitigated the potential negatives while enhancing the positive features.

The development meets a known need for residential development.

The site is sufficiently large to allow for development of the housing and necessary parking, roadways, infrastructure, and stormwater management while still preserving setbacks from property lines.

The development meets the Borough's land planning objectives and is compliant with the zoning and design standards as set forth by Borough's ordinance.

Proposed native tree plantings and vegetation will be provided via the landscape plan submitted.

The surface water patterns, recharge to groundwater, and hydrology of the site are maintained by utilizing stormwater features that recharge stormwater through swales and recharge basins.

Significant findings of this EIS include the following:

- There will be no impact to wetlands, due to the non-presences of wetlands onsite;
- There will be no impact to critical habitat for threatened or endangered species of wildlife;
- There are no existing contamination restrictions or concerns upon the property;
- Sufficient infrastructure capacity (sewer, potable water, electric, natural gas) exists to support the proposed development.
- The main roadway arteries adjacent to the property can adequately accept the increased volume of traffic from the development as evidenced within the Traffic Impact Report provided.
- The impacts to the population of the Borough are minimal.
- The proposed project meets the Borough's planning and zoning objectives.

In summary, the proposed development can be built without adverse environmental impacts.

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## 1.0 INTRODUCTION

This Environmental Impact Report has been prepared by the Applicant in compliance with an approved CAFRA Permit # 1321-02-0003.1 dated 9/12/03 (contained in appendix H). This report evaluates the proposed project's compliance with the applicable rules listed under the Coastal Zone Management Rules (7:7), last amended October 17, 2016, and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), last amended June 20, 2016.

## 2.0 EXISTING CONDITIONS

The subject site is located between Beachway Avenue and Raritan Bay and contains approximately 2.71 acres. Lot 1 contains some asphalt pavement and utility infrastructure from a prior development that was issued an NJDEP CAFRA permit in 2003 (# 1321-02-0003.1) and was started but never completed due to a fire within their first building & poor economic conditions. A dune, whose limits were delineated by EcolSciences, Inc in 2016 / 2017, exists between the current improvements and the Raritan Bay and all proposed improvements are also designed to be landward of the dune area.



Google Earth Site Image



### 3.0 PROJECT DESCRIPTION

The Applicant, Beachway Avenue Reality, LLC, is proposing that Lot 1 be redeveloped with three (3) four-story over parking condominium buildings containing a total of 96 units. Keansburg was severely impacted by superstorm sandy, and the project area has been blighted due to the stalled development on Lot 1 following a fire, as well as general economic impacts which have depressed redevelopment within the Borough.

According to the FEMA Preliminary FIRM number 34025C0034G, last revised January 31, 2014, portions of the property are located within the Flood Zone AE (EL 12). Accordingly, all the surface parking spaces will be located at a minimum elevation of 13.0, which is 1' above the base flood elevation. The parking spaces underneath the building will also be located at a minimum of 1' above the base flood elevation.

The proposed development will have no impact on the existing dune locations.

Site location maps and Permitting Plans depicting the location of the property and the proposed construction activities are enclosed within this application.

### 4.0 COMPLIANCE WITH COASTAL ZONE MANAGEMENT RULES

The following subsections have been prepared to address the Coastal Zone Management Rules under N.J.A.C. 7:7 as applicable to the proposed project. The site is a *regulated area* since the development is in the CAFRA area between the landward limit of a dune and a point 150 feet landward, such that the development proposes three (3) (or more) residential dwelling units and proposes more than five parking spaces in the municipal parking lot.

#### 7:7-1.4 STANDARDS FOR EVALUATING PERMIT APPLICATIONS

The proposed project complies with the criteria set forth for the issuance of coastal permits as found at N.J.S.A. 13:19-10 as follows:

1. *“Conforms with all applicable air, water, and radiation emissions and effluent standards and all applicable water quality criteria and air quality standards.”*

The proposed project conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards. There will be no emission of radiation or non-point source air emissions. Air emissions will be limited to exhaust from construction equipment during project, which are strictly regulated by federal and state laws. The project proposes improvements to water quality standards with porous pavement to provide 80% TSS removal rate in accordance with N.J.A.C. 7:8 New Jersey Stormwater Best Management Practices Manual.

2. *“Prevents air emissions and water effluents in excess of the existing dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.”*

As a result of the temporary presence of equipment during construction, there will be a minimal impact to air quality at the site and surrounding region. The proposed project prevents air emission and water effluents more than the existing dilution, assimilative and recovery capacities of the air and water environments at the site and within the surrounding region. As stated above, there will be minimal air emissions to the site and surrounding region resulting from exhaust from construction equipment and these emissions are strictly enforced by federal and state regulations

The project proposes porous pavement to provide 80% TSS removal rate in accordance with N.J.A.C. 7:8 New Jersey Stormwater Best Management Practices Manual.

3. *“Provides for the collection and disposal of litter, recyclable and solid waste in such a manner as to minimize adverse environmental effects and the threat to c health, safety, and welfare.”*

The project provides for the collection and disposal of litter, recyclable material and solid waste in such a manner as to minimize adverse environmental effects and the threat to public health, safety and welfare. Trash is stored internally within the buildings in secure manner and will be brought out for scheduled pickup.

4. *“Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.”*

The proposed project will result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground surface water supplies. The proposed project is in a tidally influenced flood zone – existing drainage patterns will be maintained.

5. *“Would cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.”*

The proposed project will cause minimal feasible interference with the natural functioning of plants, animal, fish and human life process at the site and within the surrounding region. Majority of the site is currently disturbed, and no new disturbance is proposed as part of this project. The proposed project will enhance human life processes by providing additional recreational opportunities.

6. *“Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare”*

The proposed project is located so as to neither endanger human life or property nor otherwise impair the public health, safety and welfare. The proposed development will not endanger human life or property in the surrounding area. Due to the design of the property in accordance with applicable regulations there will be no adverse impact to the public health, safety and welfare.

7. *“Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes at the site and within the surrounding region”*

The proposed project will result in no practicable degradation of unique or irreplaceable land types, historical or archaeological areas or existing public scenic attributes at the site and within the surrounding region. As discussed above, the majority of the site is currently developed. In addition, according to the NJDEP Historic Preservation Office’s New Jersey and National Registers of History Places (last updated 02/21/2017), there are no historic places identified throughout all of Keansburg.

## **Subchapter 9: Special Areas**

### **7:7-9.16 DUNES**

A dune is a wind or wave deposited or man-made formation of sand (mound or ridge), that lies generally parallel to, and landward of, the beach and the foot of the most inland dune slope. “Dune” includes the foredune, secondary or tertiary dune ridges and mounds, and all landward dune ridges and mounds, as well as man-made dunes, where they exist.

1. Formation of sand immediately adjacent to beaches that are stabilized by retaining structures, and/or snow fences, planted vegetation, and other measures are considered to be dunes regardless of the degree of modification of the dune by wind or wave action or disturbance by development.
2. A small mound of loose, windblown sand found in a street or on a part of a structure as a result of storm activity is not considered to be a "dune."

The project is located adjacent to dune areas which were the result of man-made fill placed adjacent to the Raritan Bay. The dune limits were delineated by EcolSciences, Inc in 2016/2017 and exist between the current improvements and the Raritan Bay. The dune area will not be disturbed during construction and therefore the project is in compliance with this section of the regulations.

#### **7:7-9.17 OVERWASH AREAS**

An overwash area is an area subject to accumulation of sediment, usually sand, that is deposited landward of the beach or dune by the rush of water over the crest of the beach berm, a dune, or a structure. An overwash area may, through stabilization and vegetation, become a dune.

1. The seaward limit of the overwash area is the seaward toe of the former dune, or the landward limit of the beach, in the absence of a dune.
2. The landward limit of the overwash area is the inland limit of sediment transport.
3. Verifiable aerial photography and other appropriate sources may be used to identify the extent of overwash.

No overwash areas appear to exist within the portions of the site to be redeveloped.

#### **7:7-9.18 COASTAL HIGH HAZARD AREAS**

Coastal high hazard areas are flood prone areas subject to high velocity waters (V zones) as delineated on the FIRM, and areas within 25 feet of oceanfront shore protection structures, which are subject to wave run-up and overtopping. The coastal high hazard area extends from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The inland limit of the V zone is defined as the V zone boundary line as designated on the FIRM or the inland limit of the primary frontal dune, whichever is most landward.

The portions of the site to be redeveloped are outside of the VE Zone, which exists between the dunes and the Raritan Bay.

#### **7:7-9.19 EROSION HAZARD AREAS**

Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion, and damage from storms.

1. Erosion hazard areas may be identified by any one of the following characteristics:
  - i. Lack of beaches;
  - ii. Lack of beaches at high tide;
  - iii. Narrow beaches;
  - iv. High beach mobility;
  - v. Foreshore extended under boardwalk;
  - vi. Low dunes or no dunes;
  - vii. Escarped foredune;
  - viii. Steep beach slopes;

- ix. Cluffed bluffs as adjacent to beach;
- x. Exposed, damaged or breached jetties, groins, bulkheads or seawalls;
- xi. High long-term erosion rates; or
- xii. Pronounced downdrift effects of groins (jetties)..

An erosion hazard area exists between the Raritan Bay and the dunes. The erosion hazard area will not be disturbed as part of this project.

#### **7:7-9.20 BARRIER ISLAND CORRIDOR**

Barrier island corridors are the interior portions of oceanfront barrier islands, spits and peninsulas. Along the New Jersey Coast, headlands are located between Monmouth Beach, Monmouth County and Pt. Pleasant Beach, Ocean County.

1. The oceanfront barrier island corridor encompasses that portion of barrier islands, spits and peninsulas (narrow land areas surrounded by both bay and ocean waters and connected to the mainland) that lies upland of wetlands, beach and dune systems, filled water's edges, and existing lagoon edges. Barrier island corridor does not include the headlands of northern Ocean County, Monmouth County, and the southern tip of Cape May County, which are part of the mainland.

The portions of the site to be redeveloped are not located in the barrier island corridor.

#### **7:7-9.23 FILLED WATER'S EDGE**

Filled water's edge areas are existing filled water, wetland, or upland areas lying between wetlands or water areas, and either below, whichever is closer to the water:

1. The upland limit of fill; or
2. The first paved public road or railroad landward of the adjacent water area.

Filled water's edge areas shall be determined through analysis of historic data including United States Department of Agriculture soil surveys, Tidelands maps, or aerial photography. Some existing or former dredged material disposal sites and excavation fill areas are filled water's edge.

Based on historical mapping, the portions of the site to be redeveloped are not located on filled water's edge.

#### **7:7-9.24 EXISTING LAGOON EDGES**

Existing lagoon edges are defined as existing manmade land areas resulting from the dredging and filling of wetlands, bay bottom and other estuarine water areas for the purpose of creating waterfront lots along lagoons for residential and commercial development.

1. Existing Lagoon Edges extend upland to the limit of fill, or the first paved public road or railroad generally parallel to the water area, whichever is less.

The portions of the site to be redeveloped are not located at existing lagoon edges.

#### **7:7-9.25 FLOOD HAZARD AREAS**

Flood hazard areas are areas subject to flooding from the flood hazard area design flood, as defined by the Department under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. Flood hazard areas include

those areas mapped as such by the Department, areas defined or delineated as an A or a V zone by FEMA, and any unmapped areas subject to flooding by the flood hazard area design flood. Flood hazard areas are subject to either tidal or fluvial flooding and the extent of flood hazard areas shall be determined or calculated in accordance with the procedures at N.J.A.C. 7:13-3.

The site is located within Zone AE (EL 12) and partially within Zone VE (EL 14-16) according to FEMA Preliminary Flood Insurance Rate Map number 34025C0034G having an effective date of January 31, 2014. The site is located within Zone AE (EL 11) and partially within Zone VE (EL 14) according to FEMA Flood Insurance Map number 34025C0034F having an effective date of September 25, 2009. The proposed redevelopment will be located in areas within Zone AE. The portion of the properties where development is proposed is presently fully developed. The project proposes the redevelopment of the existing property with three (3) four-story over parking condominium buildings containing a total of 96 units (See section 5.0 of this report for Flood Hazard Area Control Act rules Compliance).

#### **7:7-9.26      RIPARIAN ZONES**

The proposed development will occur more than 300 feet from the mean high water line of the Raritan Bay. Therefore, no riparian zones will be effected.

#### **7:7-9.34      HISTORIC AND ARCHAEOLOGICAL RESOURCES**

The proposed project will result in no practicable degradation of unique or irreplaceable land types, historical or archaeological areas or existing public scenic attributes at the site and within the surrounding region. As discussed above, majority of the site is currently developed. In addition, according to the NJDEP Historic Preservation Office's New Jersey and National Registers of History Places (last updated 02/21/2017), there are no historic places identified throughout all of Keansburg.

#### **7:7-9.36      ENDANGERED OR THREATENED WILDLIFE OR VEGETATION SPECIES HABITATS**

The NJDEP, Office of Natural Lands Management, Natural Heritage Program (NHP) was contacted to obtain any available information pertaining to threatened and endangered species, or the habitat of these species occurring on or in the vicinity of the project site. NHP responded with a letter dated March 23, 2017 (NHP File No. 16-4007442-11559).

The property is documented as a possible site for the vascular plant species **Beach Wormwood caudate** (*Artemisia campestris ssp.*). Beach Wormwood makes its habitat in sandy areas, typically along coastal dunes. As the dunes will not be disturbed as part of this development, this plant species will not be affected.

The property is documented for wildlife or habitat for the following species:

- Black Skimmer (*Rynchops niger*)
- Black-Crowned Night-Heron (*Nycticorax nycticorax*)
- Common Tern (*Sterna hirundo*)
- Glossy Ibis (*Plegadis falcinellus*)
- Least Tern (*Sternula antillarum*)
- Little Blue Heron (*Egretta caerulea*)
- Osprey (*Pandion haliaetus*)
- Snowy Egret (*Egretta thula*)
- Tricolored Heron (*Egretta tricolor*)

- Yellow-Crowned Night-Heron (*Nycticorax violacea*)
- Atlantic Loggerhead (*Caretta caretta*)

The **black skimmer** has brown-black upperparts, contrasting with a white forehead and undercarriage. The tail is white, with dark central feathers. The bill is black with a reddish-orange base. The legs and feet are also reddish-orange. The black skimmer nests on open sandy beaches, inlets, sandbars, offshore islands and dredge disposal islands with sparse vegetation. The growth of dense vegetation may cause colony relocation. They forage in shallow-water creeks, inlets, and ponds. Similar coastal and estuarine habitats are used throughout the year.

The **black-crowned night-heron** is a stocky, medium sized, black, gray and white wading bird. Adult black-crowned night-herons are distinct, with a black back and crown, gray hind neck and wings, and a white cheek and under-parts. Forests, scrub/shrub, marshes and ponds serve as nesting, roosting and foraging habitats for black-crowned night-herons. Black-crowned night-herons avoid nesting at exposed sites that offer little cover. The birds forage in marshes and along the edges of ponds and creeks. Coastal salt marshes, shallow tide pools, tidal channels, mudflats and vegetated marsh provide foraging habitat.

The **common tern** is a graceful, black-and-white waterbird and is the most widespread tern across North America. It often can be seen plunging from the air into water to catch small fish along rivers, lakes, and oceans.

The **glossy ibis**, is a dark wading bird with a long, down-curved bill that can be found up and down the Atlantic Coast. The glossy ibis typically forages in shallow waters, favoring marshes and shallow ponds.

The **least tern** is the smallest of the American Terns and is typically found nesting on sandy beaches and can often be seen flying low over the water, hovering before plunging into the water for tiny prey.

The **little blue heron** is a small, dark heron with a slight body, slender neck and fairly long legs. Little blue herons are stand-and-wait predators that stalk shallow waters for small fish and amphibians.

The **osprey** is a very distinctive fish-hawk, formerly classified with other hawks but now placed in a separate family of its own. Along coastlines, lakes and rivers almost worldwide, the osprey is often seen flying over the water, hovering, and then plunging feet first to catch fish in its talons. Ospreys typically nest on top of large trees (often with dead or broken top) not far from the water.

The **snowy egret** is a member of the heron family and is known for its immaculate white plumage with black legs and bright yellow feet. The snowy egret is very active in its feeding behavior in shallow waters.

The **tricolored heron** is a characteristic bird of quiet shallow waters. Strikingly slender, with long bill, neck, and legs, it is often seen wading belly-deep in coastal lagoons.

The **yellow-crowned night-heron**, while not as slender as a typical heron, features smooth purple-gray colors, sharp black-and-white face, and long yellow plumes. They forage at all hours of the day and night, stalking crustaceans in shallow wetlands and wet fields. Their diet leans heavily on crabs and crayfish, which they catch with a lunge and shake apart, or swallow whole. They're most common in coastal marshes, barrier islands, and mangroves, but their range extends inland as far as the Midwest.

The **atlantic loggerhead** turtles occupy three different ecosystems during their lives. Loggerheads nests on ocean beaches and take to the surf immediately after hatching. After spending several years at sea, they return to nearshore coastal areas to continue maturing until adulthood.

The site has been identified for possible nesting or habitat for the osprey (large trees), the least tern (beach) and the atlantic loggerhead turtle (beach). No trees or beaches will be disturbed as part of this development. Therefore, the property will still provide a suitable nesting area or habitat for the species identified. All of the birds identified could potentially forage in the Raritan Bay. The proposed development will have no

impact on the Raritan Bay. As noted, the proposed project area is presently developed with a partially constructed residential condominium and lacks any vegetation (beyond limited maintained lawn area) within the proposed limits of disturbance. Therefore, the property will still provide a suitable foraging habitat for bird species currently exploiting it and the project will have no negative impact to the species listed above.

**7:7-9.38**      **PUBLIC OPEN SPACE**

Public open space (beach) abutting the Raritan Bay will be maintained. The proposed redevelopment will have no impact on the ability of the public to pass physically and visually to, from and along the Raritan Bay. The Borough of Keansburg has a borough wide public access plan. The proposed improvements are in compliance with the Borough of Keansburg's public access plans.

**7:7-9.39**      **SPECIAL HAZARD AREAS**

The property is not located within a special hazard area and therefore, this policy does not apply.

**7:7-9.45**      **GEODETIC CONTROL REFERENCE MARKS**

No geodetic control reference marks are in close proximity to the site and no geodetic control reference marks will be impacted by any construction associated with the project. Therefore, the proposed project is in compliance with this section of the rules.

**7:7-9.48**      **LANDS AND WATERS SUBJECT TO PUBLIC TRUST RIGHTS**

Lands & waters subject to public trust rights are tidal waterways & their shores and are held in trust by the state for the benefit of all the people.

The proposed development will have no impact on the ability of the public to pass physically and visually to, from and along the Raritan Bay with the existing access walkways thru the dune areas to be maintained and connected to both Beachway Avenue.

**Subchapter 10: Standards for Beach and Dune Activities**

None of the activities described in this section are being proposed as part of this application. Therefore, the Standards for Beach and Dune Activities do not apply.

**Subchapter 11: Standards for Conducting and Reporting the Results of an Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessment and/or Endangered or Threatened Wildlife Species Habitat Evaluation**

The submitted documentation supports the conclusion that the project will not impact any endangered or threatened wildlife or plant species, to further support this finding an Endangered & Threatened Species Habitat Impact Assessment report has been prepared by EcolSciences and is provided in the appendix. Therefore, the proposed project is in compliance with this rule.

**Subchapter 12:            General Water Areas**

None of the activities described in this section are being proposed as part of this application. Therefore, the General Water Areas policy does not apply.

**Subchapter 13:            Requirements for Impervious Cover and Vegetative Cover for General Land Areas and Certain Special Areas**



**7:7-13.17**      **IMPERVIOUS COVER LIMITS FOR A SITE IN THE CAFRA AREA**

The site is located within a CAFRA Metropolitan Planning Area and has a maximum allowable impervious coverage of 80%. This percentage is relative to the “net” land area; that is, the “total” site area less the area of state open waters, beaches and dunes. The property contains a net land area of 2.71 acres and therefore is permitted to have 2.17 acres of impervious cover (80% of net). The project proposes an impervious coverage of 79% (2.15 acres). Therefore, the project is in compliance with this rule.

**7:7-13.5**      **DETERMINING IF A SITE IS FORESTED OR UNFORESTED**

The proposed area of disturbance for the project is presently fully developed and contains limited existing vegetation and does not meet the definition of “forested”.

**7:7-13.18**      **VEGETATIVE COVER PERCENTAGES FOR A SITE IN THE CAFRA AREA**

The site is located within a CAFRA Metropolitan Planning Area and is not forested. The required tree preservation and/or planting percentage for the unforested site is 0%. The proposed site will provide for foundation plantings, landscaped planting beds, and shade trees. Vegetation along the dunes will not be disturbed during the construction of the buildings and therefore the project is in compliance with vegetative cover requirements.

**7:7-13.15**      **COASTAL PLANNING AREAS IN THE CAFRA AREA**

The proposed project meets the policy objectives for the Coastal Metropolitan Planning Area by redeveloping the blighted property along Beachway Avenue and the Raritan Bay to provide 96 condominium units within the Borough which will help promote economic development.

**Subchapter 14:**      **General Location Rules**

**7:7-14.2**      **BASIC LOCATION RULE**

The proposed project promotes the public health, safety, and welfare and protects public and private property by proposing to redevelop the site with 96 condominium units. The site improvements include providing public access from Beachway Avenue to the Raritan Bay. The project preserves, protects and enhances the natural environment to the maximum extent feasible by avoiding unnecessary impacts to environmentally sensitive areas.

**7:7-14.3**      **SECONDARY IMPACTS**

As previously stated, this project is proposing to redevelop the site to provide 96 condominium units. Although the units will have an impact on local traffic patterns, the net increase in traffic will be minimal. The proposed use will blend in well with the community as several other multi-family dwellings are located in the immediate area. The project will comply with applicable standards, requirements, and building codes during construction. Accordingly, the project will not have a significant impact on the surrounding region and is therefore in compliance with this regulation.

**Subchapter 15:**      **Use Rules**

**7:7-15.14**      **HIGH-RISE STRUCTURES**

The proposed buildings are four-stories over parking and will be less than 60 ft. in height and therefore, do not meet the definition of high-rise structures.

## **Subchapter 16: Resource Rules**

### **7:7-16.3 WATER QUALITY**

The project will not violate the Federal Clean Water Act or any State laws, rules and regulations. The project will meet the State's stormwater quality requirements.

### **7:7-16.4 SURFACE WATER USE**

The local potable water system has sufficient capacity to service the proposed development. Construction will not cause any unacceptable surface water disturbances.

### **7:7-16.5 GROUNDWATER USE**

The project is exempt from the state's stormwater groundwater recharge requirements. However, the project will not cause salinity intrusions into the groundwaters of the zone, will not degrade groundwater quality, will not significantly lower the water table or piezometric surface, or significantly decrease the base flow of adjacent water sources.

### **7:7-16.6 STORMWATER MANAGEMENT**

As documented within the submitted stormwater management report the project will meet NJDEP standards for stormwater management. The 2.71 acre site was previously developed is located within a tidal area and the proposed project has been designed to maintain existing drainage patterns and stormwater peak runoff will be reduced to below the existing peak rates in accordance with the quantity reduction requirements. No changes to the existing drainage patterns are proposed, the project follows this rule. There will be no adverse impacts to the adjacent or downstream properties.

### **7:7-16.7 VEGETATION**

The area proposed for disturbance within the project site currently contains minimal plant life or vegetation and in accordance with the requirements of 7:7-13.4, *there is no requirement (0% )* for the project area to be planted with herb/or shrub vegetation. However, the proposed planting areas of the site provide for lawn, foundation plantings, shrubs, & shade trees etc. All vegetation planted as a result of this project will be indigenous to the area and appropriate for the substrate available. Therefore, the project is in compliance with this section of the rules.

### **7:7-16.8 AIR QUALITY**

The proposed redevelopment conforms to all applicable air quality criteria and standards. There will be no emission of radiation or point source air emissions. Air emissions will be limited to exhaust from construction equipment, which are strictly regulated by federal and state laws. Accordingly, there will be minimal air emissions at the site and in the surrounding area.

Any impacts to air quality will be temporary and limited to the duration of construction; such impacts may be limited to minimal dust and construction vehicle traffic. If required, the contractor shall use water to minimize dust as typical construction practice.

There will be no long-term negative changes to air quality in the area.

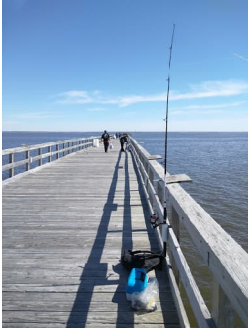
**7:7-16.9 PUBLIC ACCESS**

The Borough of Keansburg has developed a town-wide master plan for public access to the waterfront, which has been submitted to NJDEP but is not yet an approved plan. This section of the Borough within the vicinity of the site does have numerous points of public beach access and established public parking; however, per 7:7-16.9(k)2.iii since the site has greater than 500 linear feet of frontage public access must be provided by this site per rule.

The applicant, the Borough of Keansburg has established rights via a sixty (60') foot wide public right-of-way immediately adjacent to the west of Lot 1. This area is a “paper street” right-of-way for the continuation of Since future ownership of the lands of Lot 1 will be privately held, the applicant’s ability to provide access through this right-of-way alleviates the need to create new or different easements and provides a superior location for long term public access than a location which would be intermingled within the residential community. At this location, the public can readily access the pathway without any confusion as to whether the accessway is private or public.



The above image courtesy of Google Earth from October 2017 shows the general waterfront facilities within this vicinity. From west to east (left to right) there is: a CDF facility for dredge spoils; Lot 1 the subject site in its current state; public parking facilities with multiple existing means of public access and boardwalks; various amusement park facilities and a public pier into Raritan Bay; and at the eastern most portion of the image there is on-street public parking with multiple at-grade access paths onto the beach.



*Sample Images of the Vicinity and Points of Public Access*

This site proposes to provide additional public access via means of a walkway, viewing point, and beach access. This proposal would include:

- 194.6 LF of 4' wide concrete walkway leading from the sidewalk along Beachway Avenue to the defined dune line
- A connection point from the new residential community to the concrete sidewalk
- 260 LF of elevated timber walkway beginning at the dune line; this walkway would meander over the dunes and avoid any significant existing vegetation to an elevated point on the dunes.
- Steps down from the walkway at the point where the open sand path onto the beach provides pedestrian access without disruption to vegetation.
- Signage indicating "Public Access" as well as signage directing the public to existing ADA accessible access routes within the vicinity.

Supplemental parking for this public access is not warranted. This is the westernmost point of Beachway Avenue where public access is least in demand and is more suited to those residents living in the area or walking along the street. Further, there is an abundance of public parking in more suitable locations further east which is adjacent to other points of public access. Finally, this proposed development does provide fourteen (14) public on-street spaces.

Constructing this accessway to be ADA compliant is infeasible and not warranted. There are other adequate ADA accessible routes within the vicinity. Meeting ADA compliance would warrant a network of ramps which would create a much larger and damaging footprint in order to accommodate grade changes over the dune. Signage directing the public to the ADA accessible routes is proposed.

The Rule states under 7:7-1.1.3 that among the many purposes of the rule, meaningful public access to and use of tidal waterways and their shores is a goal;

- i. Preserve public trust rights to tidal waterways and their shores
- ii. Preserve and enhance views of the coastal landscape to enrich aesthetic and cultural values and vital communities
- iii. Conserve and increase safe, environmentally sound, and meaningful public access from both the land and water to the tidal waterways and their shores for recreation and aesthetic experiences
- iv. Enhance public access by promoting adequate affordable public facilities and services
- v. Balance diverse uses of tidal waterways and their shores
- vi. Protect, enhance and promote waterfront parks

All of these goals are met by this proposal.

The pathway as proposed as part of this development would provide the ability for the public to pass physically and visually to, from, and along the tidal waterway and its shores, and would achieve one or a combination of the following goals listed in NJAC 7:7-16.9(b)3:

- (1) A public accessway designed in accordance with (u) below, located parallel to the shoreline with perpendicular access

*The accessways primarily is the perpendicular access with the beach forming the parallel portion; however the path has been designed such that it provides both perpendicular and parallel components.*

- (2) A boat ramp, pier, fishing, or other direct access to the waterway

*There is direct access to the waterway via the beach*

- (3) A waterfront pocket park.

*No pocket park is provided.*

- (4) Public restrooms to accommodate those utilizing public access

*Restrooms are not warranted at this location.*

- (5) Additional public parking to accommodate those utilizing public access

*Fourteen (14) on street public spaces are a component of this proposal.*

Note that fishing is possible directly from the beach; as well as the nearby Keansburg Fishing pier.

Note that the beach is the primary means of recreation for the public and that the beach exceeds any width or open space requirements, such as that identified in NJAC 7:7-16.9(u). The 4' pathway is the means of perpendicular access to the beach.

#### **7:7-16.10**      **SCENIC RESOURCES AND DESIGN**

The project will be visually compatible with surrounding uses which include both residential structures & parking as proposed as well as a commercial amusement park area.

Located adjacent to a dune, the proposed residential structures will be placed “parallel” to the waterfront and will be less than 60 ft. in height with 4 stories of residential units located above grade level parking. In accordance with NJAC 7:7-16.10 (f) as a municipal redevelopment project submitted by the Borough of Keansburg that will aid in the reduction of blight and encourage economic development for the area which was severely impacted by Superstorm Sandy the dune setback requirements under 7:7-16.10(d) shall not apply.

While water views are not present from Beachway Avenue due to the presence of the dune area, the project will however exceed the requirement for an open view corridor equal to 30% of the site frontage with 30.6% provided with the project.

#### **7:7-16.11**      **BUFFERS AND COMPATIBILITY OF USES**

The proposed redevelopment will provide 96 condominium units, which are compatible with adjacent land uses. The dunes act as a buffer between Raritan Bay and the proposed development. The dunes will not be disturbed as part of this project. Therefore, the proposed project is in compliance with this rule.

#### **7:7-16.12**      **TRAFFIC**

Traffic impacts are not expected to substantially affect the surrounding traffic patterns. See attached Traffic and Engineering and Air Quality Assessment by Shropshire Associates, LLC.



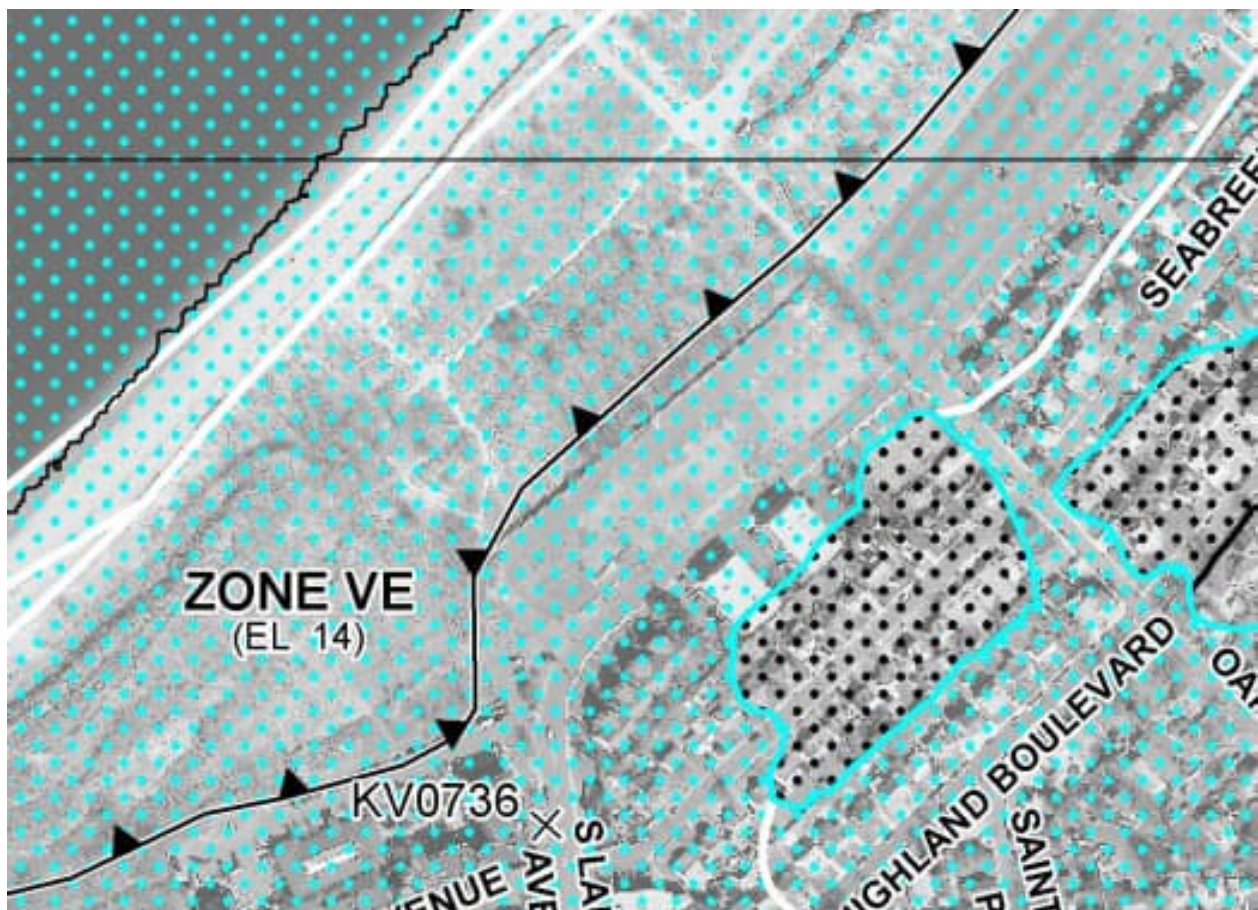
## 5.0 COMPLIANCE WITH FLOOD HAZARD AREA CONTROL ACT RULES

The following subsections have been prepared to address the Flood Hazard Area Control Act rules under N.J.A.C. 7:13 as applicable to the proposed project. The *regulated area* within the project includes that portion of the property that is shown to be inundated by the 100-year storm event upon the FEMA Preliminary Flood Insurance Rate Map No. 34025C0034G, last revised January 31, 2014.

### ***Subchapter 3: Determining the Flood Hazard Area and Floodway***

In accordance with N.J.A.C. 7:13-3.1(a) and 7:13-3.4(d) the flood hazard area and floodway have been determined in accordance with *Method 2 – FEMA tidal method*.

According to the current FEMA Map referenced above, the portion of the site that is being redeveloped is located in the AE zone (Elev. 12.0).



**Figure 3: Image of FEMA Map #34025C0034G. Site area indicated in red.**

There is no FEMA delineated floodway, as Raritan Bay does not have a floodway.

### ***Subchapter 4: Determining the Riparian Zone***

As per N.J.A.C. 7:13-2.3 (c), a riparian zone exists along every regulated water, including the Raritan Bay. The proposed development will occur more than 300 feet from the mean high-water line of Raritan Bay. Therefore, no riparian zones will be affected.

***Subchapter 11: Area-Specific Requirements for Individual Permits:***

**7:13-11.1      REQUIREMENTS FOR A REGULATED ACTIVITY IN A CHANNEL**

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in a channel ...”*

No improvement or activity is proposed within any channel and therefore this rule does not apply

**7:13-11.2      REQUIREMENTS FOR A REGULATED ACTIVITY IN A RIPARIAN ZONE**

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in a riparian zone...”*

No improvement or activity is proposed within any riparian zone and therefore this rule does not apply.

**7:13-11.3      REQUIREMENTS FOR A REGULATED ACTIVITY IN A FLOODWAY**

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in a floodway ...”*

No improvement or activity is proposed within the any floodway and therefore this rule does not apply.

**7:13-11.4      REQUIREMENTS FOR A REGULATED ACTIVITY IN A FLOOD FRINGE**

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in a flood fringe...”*

In accordance with 7:13-2.3(a)1, the entire Flood Hazard Area of the site is to be considered flood fringe for this tidal location. However, per 7:13-11.4(d)1, “regulated activities are not subject to the flood storage volume displacement limits of this section” if they are located in a tidal flood hazard area. Therefore, the proposed project is not subject to any fill volume restrictions and this rule does not apply.

**7:13-11.5      REQUIREMENTS FOR A REGULATED ACTIVITY IN OR ALONG A WATER WITH FISHERY RESOURCES**

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in the **channel and/or riparian zone** of regulated water containing fishery resources...”*

No improvement or activity is proposed within the any channel and/or riparian zone of a regulated water and therefore this rule does not apply.

**7:13-11.6      REQUIREMENTS FOR A REGULATED ACTIVITY IN A DOCUMENTED HABITAT FOR THREATENED OR ENDANGERED SPECIES**

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in a documented habitat for a threatened or endangered species”*

The NJDEP, Office of Natural Lands Management, Natural Heritage Program (NHP) was contacted to obtain any available information pertaining to threatened and endangered species, or the habitat of these species occurring on or in the vicinity of the project site. NHP responded with a letter dated March 23, 2017 (NHP File No. 16-4007442-11559).



Please refer to section 7:7-9.36 above along with the enclosed EcolSciences Habitat Impact Assessment report– accordingly, the project will not cause a significant and adverse impact to any threatened or endangered species.

***Subchapter 12: Activity-Specific Requirements for Individual Permits:***

***7:13-12.1 REQUIREMENTS THAT APPLY TO ALL REGULATED ACTIVITIES***

*“This section sets forth specific design and construction standards that apply to any regulated activity proposed in any regulated area...”*

*7:13-12.1(b) the department shall issue an individual permit for a regulated activity only if it determines that the regulated activity is not likely to cause significant and adverse effects on the following:*

1. *Water Quality:* The project proposes porous pavement to provide 80% TSS removal rate in accordance with N.J.A.C. 7:8 New Jersey Stormwater Best Management Practices Manual. Therefore, the project **will not** cause a significant and adverse impact to water quality.
2. *Aquatic biota:* The proposed project will have no negative effect on the biota of the Raritan Bay, as no in-water improvements are proposed as part of this redevelopment.
3. *Water supply:* As stated above, the project proposes porous pavement to provide 80% TSS removal rate in accordance with N.J.A.C. 7:8 New Jersey Stormwater Best Management Practices Manual. Therefore, the project **will not** cause a significant and adverse impact to water supply.
4. *Flooding:* The project will have no impact on available flood storage within the flood plain as it is located within tidal flood limits. Accordingly, the project **will not** cause a significant and adverse impact on flooding.
5. *Drainage:* The proposed development’s stormwater management system will provide 80% TSS removal via porous pavement, is exempt from groundwater recharge requirements and overall will maintain the natural and existing drainage routes. Therefore, the project **will not** have any adverse impacts on site drainage.
6. *Channel Stability:* The proposed project maintains reduces peak flows the below existing peak flows exiting the site in accordance with the required reductions and has no negative impact to the natural channel and accordingly **will not** cause a significant and adverse impact to channel stability.
7. *Threatened or endangered species:* Please refer to section 7:7-9.36 above – accordingly, the project will not cause a significant and adverse impact to any threatened or endangered species.
8. *Navigation:* The proposed development **will not** impede navigational channels or waterways.
9. *Energy Production:* The proposed project has **no** impact on energy production.
10. *Fishery resources:* The proposed development **will not** adversely impact fishery resources.

*7:13-12.1(c) the permittee shall obtain all necessary approvals from the local Soil Conservation District prior to commencing any activity approved in an individual permit issued under this chapter.*

The applicant will obtain approval from the Freehold Soil Conservation District for the project.

7:13-12.1(d/e) *require that obtain all necessary approvals from the USDA Natural Resource Conservation Service:*

These permits are not applicable for this project.

7:13-12.1(f) *the department shall issue an individual permit for a regulated activity that adversely impacts a property not owned by an applicant as set forth in (g) below...*

The project does not meet one or more of the conditions listed in N.J.A.C 7:13-12.1(f) as it does not adversely impact property not owned by an applicant. Therefore, this rule does not apply.

7:13-12.1(g) *the Department shall consider a regulated activity to impact a property not owned by an applicant if the activity meets one or more of the following. For the purpose of determining compliance with (g)4 and 5 below, calculations shall be rounded to the nearest 0.1 feet:*

1. *The regulated activity is situated, in whole or in part, on property that is not owned by the applicant.*

Lot 1 is owned by Pizzo @ Keansburg, LLC and The Borough of Keansburg is the applicant. They have each signed the submitted LURP. The project will take place only within lands owned by the parties above and therefore the project is in compliance with this rule.

2. *A stormwater discharge is directed overland onto property that is not owned by the applicant and the department determines that the discharge will significantly increase overland flow on the property not owned by the applicant.*

The project will not generate a significant increase in overland flow onto property not owned by the applicant. Proposed runoff will be reduced to below pre-developed conditions in accordance with the required reductions. Further, all stormwater in the vicinity discharges to the existing drainage network within Beachway Avenue before discharging to adjacent tidal water bodies.

3. *The applicant relocates a regulated water or otherwise alters its top of bank such that the limit of the riparian zone encroaches further onto an offsite property.*

This project will not relocate a regulated water or alter its top of bank.

4. *The applicant proposes to undertake one or more of the following regulated activities:*

- i. *The construction of a new bridge culvert, which does not meet the offsite flood requirements of N.J.A.C. 7:13-12.7(e)*
- ii. *The reconstruction of an existing bridge culvert, which does not meet the offsite flood requirements of N.J.A.C. 7:13-12.7(f)*
- iii. *The restoration of a regulated water to a natural condition, which does not meet the offsite flood requirements of N.J.A.C. 7:13-12.14(d)*

The project does not propose the construction of a new bridge or culvert, the reconstruction of an existing bridge or culvert, or the restoration of a regulated water to a natural condition.

5. *The applicant proposes to undertake a regulated activity not listed in (g)4 above, and the regulated activity will result in one or more of the following offsite impacts during any flood event described in (i) below:*

- i. *The regulated activity subjects any offsite habitable building, railroad, roadway, or parking area to increased depth or frequency of flooding.*
- ii. *The regulated activity increases the offsite flood depths by more than 0.2 feet, in cases where the applicant owns or has development rights on both sides of a regulated water, or*
- iii. *The regulated activity increases offsite flood depths by more than 0.1 feet, in cases where the applicant owns or has development rights on only one side of a regulated water.*

The proposed project will not result in any increased depth or frequency of flooding, or increase offsite flood depths.

7:13-12.1(h) *if a project results in a significant change in the cross-sectional area and/or hydraulic capacity of a channel or floodway, the Department shall presume that the project has the potential to adversely impact a property not owned by the applicant...*

The proposed project will not result in a significant change in the cross-sectional area or hydraulic capacity of a channel or floodway.

#### **7:13-12.2      REQUIREMENTS THAT APPLY TO STORMWATER MANAGEMENT**

*“This section sets forth stormwater management requirements and specific construction standards that apply to any **major** development...”*

The proposed project is for the redevelopment of an existing, developed site within a metropolitan planning area and tidal flood zone. The project is exempt from groundwater recharge and has been designed to be in compliance with quantity reductions & water quality standards as documented within the attached stormwater management report.

#### **7:13-12.3      REQUIREMENTS FOR EXCAVATION, FILL AND GRADING ACTIVITIES**

*“This section sets specific construction standards that apply to any excavation, fill and /or grading proposed in any regulated area ...”*

7:13-12.3(b) *The department shall issue an individual permit for excavation, fill and/or grading only if the following requirements are satisfied:*

1. *The overland flow of stormwater is not impeded, and floodwaters can freely enter and exit the disturbed area...*

The current flow of stormwater will not be impeded by the proposed project.

2. *Any slope of greater than 50 percent (a ratio of two horizontal to one vertical) is stabilized using soil bioengineering, retaining walls, rip-rap or other appropriate slope protection;*

No slopes of 50% or greater are proposed for this project.

3. *The excavation, fill and/or grading does not endanger the integrity of any existing structure;*

The excavation, fill and/or grading of the project will not endanger the integrity of any existing structures onsite or offsite.

4. *All excavated material is disposed of lawfully.*

Any excavated material that is removed from the site will be disposed of lawfully in accordance with all applicable regulations and requirements.

**7:13-12.4      REQUIREMENTS FOR A STRUCTURE**

*“This section sets specific construction standards that apply to any structure proposed in any regulated area ...”*

7:13-12.4(b) *The department shall issue an individual permit to construct or reconstruct a structure only if the structure is designed and constructed to be suitably anchored in order to:*

1. *Resist impact from water & debris during the flood hazard area design flood;*
2. *Resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from the flood hazard area design flood;*
3. *Resist overturning and sliding pressure, as well as pressure from the freeze/thaw cycle of the soil;*
4. *If the structure is located in or adjacent to a channel, resist undermining caused by channel erosion.*

This project proposes the construction of three (3) new four-story condominium structures over parking which will be located above the flood elevation. The project has been designed to:

- resist impact from water and debris during the flood events
- resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces during flood events
- resist overturning and sliding pressure, as well as pressure from freeze/thaw cycles.

Therefore, the project is in compliance with this rule.

**7:13-12.5      REQUIREMENTS FOR A BUILDING**

*“This section sets forth specific construction standards that apply to any building proposed in [a flood hazard area] ...”*

7:13-12.5(b) *the Department shall issue an individual permit to construct, elevate, enlarge, or reconstruct a building of any kind, only if the following requirements are met:*

1. *The building is designed to resist hydrostatic and hydrodynamic loads and effects of buoyancy resulting from flooding to at least one foot above the flood hazard area design flood elevation;*

All exterior grades of the buildings are at or above elevation of 13.0', which is one foot above the flood hazard area design flood elevation of 12.0'. As a result, the proposed buildings will not be subjected to hydrostatic and hydrodynamic loads or buoyancy effects from flooding.

2. *All applicable requirements contained in (c) through (t) below are satisfied.*

Compliance with the applicable requirements of (c) through (t) are discussed below.

7:13-12.5(c) *the Department shall issue an individual permit to construct, elevate, enlarge, or reconstruct a building only if the following setbacks are satisfied, unless the building lies adjacent to a lawfully existing bulkhead, retaining wall, or revetment along a tidal water, in which case the following setbacks do not apply:*

1. *Any new building is located at least 25 feet from any top of bank;*
2. *If an existing building is to be enlarged, such as through the construction of an addition, the enlarged portion of the building is located at least 25 feet from the top of bank*

- 3. If an existing building located less than 25 feet from the top is to be elevated or reconstructed, the building shall be relocated so that it is situated at least 25 feet from the top of bank, unless the applicant meets the requirements of (d) below.*

All new buildings are located at least 25' from the mean high-water line. No buildings currently exist on the site.

7:13-12.5(e), (f), (g), (h) regarding buildings within a floodway:

There are no existing or proposed buildings within any floodway, nor is there any floodway onsite.

7:13-12.5(i) *the Department shall issue an individual permit to construct a new habitable building only if the following requirements are satisfied:*

- 3. The lowest floor of a multi-residence building is set at least one foot above the flood hazard area design flood elevation...*

The lobby, parking below the proposed buildings and first floor elevations will be set at least one foot above the flood hazard area design flood elevation (12.0'). All exterior grades and the parking surrounding the buildings is located at a minimum elevation of 13.0'. Therefore, the flood hazard area design flood never reaches the building or parking below the building.

7:13-12.5(j), (k), (l), (m) (n) regarding existing buildings

There are no existing buildings at the site.

7:13-12.5(o) *the Department shall issue an individual permit to construct a critical building or multi-residence building, or to convert an existing building to one of these uses, only if the following requirements are satisfied...*

- 2. If the building is located in a tidal flood hazard area, the applicant demonstrates either that the building is served by at least one existing or proposed roadway, the travel surface of which is constructed at least one foot above the flood hazard area design flood elevation, or that such access is not feasible.*

The project has ingress/egress from Beachway Avenue. The drive aisles connecting to Beachway Avenue ramp up so that all of the proposed parking spaces are at least one foot above the flood hazard area design flood elevation.

7:13-12.5(p) *the Department shall issue an individual permit to construct an enclosure that lies below the lowest floor of a habitable building, or to construct an enclosure that lies below the flood hazard area design flood elevation that is either attached to or detached from a habitable building and is intended to be used as a garage or parking area...*

No enclosures are proposed below the lowest floor of any building, nor below the flood hazard area design flood elevation.

7:13-12.5(q) *except for an enclosure that meets the requirements of (p) above, the Department shall issue an individual permit for a building that is flood-proofed only if one of the following requirements are satisfied:*

- 1. The applicant dry flood-proofs the building in accordance with (r) below; or*

2. *The applicant demonstrates that it is not feasible to dry flood-proof the building in accordance with (r) below and instead wet flood-proofs the building in accordance with (s) below.*

No enclosures are proposed below the lowest floor of any building, nor below the flood hazard area design flood elevation. Therefore, flood proofing is not required.

*7:13-12.5(r) The Department shall issue an individual permit to dry flood-proof a building under (q)1 above only if the building is designed and constructed with measures to prevent floodwaters from entering the building during a flood depth of at least one foot above the flood hazard area design flood elevation.*

No enclosures are proposed below the lowest floor of any building, nor below the flood hazard area design flood elevation. Therefore, flood proofing is not required.

*7:13-12.5(t) the Department shall not issue an individual permit under (q) above to flood-proof a single-family home, duplex, or critical building, or any residential portions of a multi-residence Building.*

Since the flood hazard area design flood never reaches the proposed building, flood proofing is not required.

#### **7:13-12.6      REQUIREMENTS FOR A RAILROAD, ROADWAY OR PARKING AREA**

*“This section sets forth specific construction standards that apply to any railroad, roadway or parking area proposed in a flood hazard area...”*

*7:13-12.6(d) the Department shall issue an individual permit to construct or reconstruct a private roadway that serves a critical building or multi-residence building only if the following requirements are met:*

1. *The travel surface of the private roadway is constructed at least one foot above the flood hazard area design flood elevation;*

The entrance driveways into the site are not entirely one foot above the flood elevation due to the fact the existing roadway the entrances connect to (Beachway Avenue) is below the flood elevation. For the driveway entrances to comply with this rule, Beachway Avenue would need to be raised approximately 3.7-4.6 feet to be one foot above the flood elevation. Raising the roadway would not be feasible due to the prohibitively high construction costs. The entrance driveways ramp up to an elevation one foot above the flood as quickly as possible so that all the parking is in compliance with the rule.

#### **7:13-12.7      REQUIREMENTS FOR A BRIDGE OR CULVERT**

*“This section sets forth specific design and construction standards that apply to any bridge or culvert proposed in any regulated area...”*

No bridges or culverts are to be constructed as part of this project.

#### **7:13-12.8      REQUIREMENTS FOR A UTILITY LINE**

*“This section sets forth specific design and construction standards that apply to any utility line proposed in any regulated area...”*

*7:13-12.8(b) the Department shall issue an individual permit to construct or reconstruct a utility line in a regulated area only if the following requirements are met:*

1. *All disturbed areas in the flood hazard area are restored to pre-construction topography;*

All of the proposed construction activities are taking place in the flood hazard area, where some of the pre-construction topography is located below the flood hazard area design flood elevation. The proposed redevelopment will bring these areas above the design flood elevation.

2. *The applicant provides an engineering certification confirming that any utility line that conveys a gas or liquid is sealed to ensure that there is no leakage or discharge in a regulated area; and*

An engineering certification will be provided confirming that the utility lines are sealed to ensure that there is no leakage or discharge in a regulated area.

3. *Except in the immediate vicinity of a crossing or a regulated water, the utility line shall not be constructed within 10 feet of any top of bank, unless the project lies adjacent to a lawfully existing bulkhead, retaining wall, or revetment along a tidal water.*

No utility lines will be constructed within 10 feet of any top of bank.

**7:13-12.9 REQUIREMENTS FOR A STORMWATER OUTFALL STRUCTURE**

*“This section sets forth specific design and construction standards that apply to any stormwater outfall structure proposed in any regulated area...”*

No stormwater outfall structures are to be constructed as part of this project.

**7:13-12.10 REQUIREMENTS FOR A LOW DAM**

*“This section sets forth specific design and construction standards that apply to the construction, replacement, repair, or removal of a low dam in any regulated area...”*

No low dams are to be constructed as part of this project.

**7:13-12.11 REQUIREMENTS FOR A DAM**

*“This section sets forth specific design and construction standards that apply to the construction, replacement, repair, or removal of a dam that serves as a component if a stormwater management basin in any regulated area...”*

No dams are to be constructed as part of this project.

**7:13-12.12 REQUIREMENTS FOR A FLOOD CONTROL PROJECT**

*“This section sets forth specific design and construction standards that apply to any flood control project proposed in any regulated area...”*

No flood control activities are proposed as part of this project.

**7:13-12.13 REQUIREMENTS FOR A RETAINING WALL OR BULKHEAD**

*“This section sets forth specific design and construction standards that apply to any retaining wall or bulkhead which is located within a regulated water, a floodway, or within 25 feet of any top of bank”*

*7:13-12.13(b) the Department shall issue an individual permit to construct or reconstruct a utility line in a regulated area only if the following requirements are met*

No retaining walls or bulkheads are proposed for this project within a regulated water, a floodway, or within 25 feet of any top of bank.



**7:13-12.14      REQUIREMENTS FOR BANK STABILIZATION AND CHANNEL RESTORATION**

*“This section sets forth specific design and construction standards that apply to any retaining bank stabilization or channel restoration proposed in any regulated area...”*

No bank stabilization or channel restoration are proposed as part of this project.

**7:13-12.15      REQUIREMENTS FOR SEDIMENT AND DEBRIS REMOVAL FROM A REGULATED WATER**

*“This section sets forth specific standards that apply to any proposed sediment and debris removal from a regulated water...”*

No sediment and debris removal is proposed as part of this project

**7:13-12.16      REQUIREMENTS FOR THE STORAGE OF UNSECURED MATERIAL**

*“This section sets forth specific standards that apply to any proposed storage of unsecured material in any regulated area...”*

There is no proposed storage of unsecured materials in a regulated area as part of this project.

**7:13-12.17      REQUIREMENTS FOR THE INVESTIGATION, CLEANUP, OR REMOVAL OF HAZARDOUS SUBSTANCES**

*“This section sets forth the requirements for the investigation, cleanup, or removal of hazardous substances in any regulated area...”*

No investigation, cleanup, or removal of hazardous substances is proposed as part of this project.

**7:13-12.18      REQUIREMENTS FOR THE PLACEMENT, STORAGE OR PROCESSING OF HAZARDOUS SUBSTANCES**

*“This section sets forth specific requirements that apply to the proposed placement, storage or processing of hazardous substances in any regulated area...”*

No placement, storage or processing of hazardous substances is proposed as part of this project.

**7:13-12.19      REQUIREMENTS FOR SOLID WASTE LANDFILL CLOSURE**

*“This section sets forth the requirements for activities authorized under a solid landfill closure and post-closure plan...”*

No solid landfill closures are proposed as part of this project and the site has never been used as a landfill.

**7:13-12.20      REQUIREMENTS FOR THE PLACEMENT, STORAGE OR PROCESSING OF SOLID WASTE OR RECYCLABLE MATERIALS**

*“This section sets forth specific requirements that apply to the proposed placement, storage or processing of solid waste or recyclable materials s in any regulated area...”*

No placement, storage or processing of solid waste or recyclable materials are proposed as part of this project.

**7:13-12.21      REQUIREMENTS FOR THE REMOVAL OF EXISTING FILL OR AN EXISTING STRUCTURE**

*“This section sets forth specific standards that apply to any proposed removal of existing fill or an existing structure in a regulated area.”*

No removal of existing fill or an existing structure is proposed as part of this project.

**7:13-18.6**      **ENVIRONMENTAL REPORT**

In accordance with the requirements for an environmental report this EIR has been prepared to satisfy the following conditions as noted within N.J.A.C. 7:13-18.6.

A. *The environmental report shall include:*

1. *A narrative that describes the proposed design and the construction techniques that will be used.*

The proposed design and construction techniques are noted within section 3.0 above and within the responses to the various regulatory requirements and within the items included in this application.

2. *Maps (such as freshwater wetlands maps and USDA soil surveys) which provide an environmental inventory of the site.*

The applicable USDA Soil Survey Map, FEMA Map, et. al. are located within the Appendix. A copy of the NHP correspondence is provided.

3. *An analysis of any potential temporary and/or permanent adverse environmental impact(s), whether onsite or offsite, of the proposed regulated activity or project on regulated waters, channels, riparian zones, fishery resources, and threatened or endangered species and their habitat. The analysis shall include:*

- i. *A justification for the proposed regulated activity or project, including an explanation of why any proposed regulated activity or project and its location is the most appropriate for the site, and how the proposed location and design minimizes adverse environmental impact(s) to the resources identified in (a)3 above;*
- ii. *An analysis of alternatives to the proposed regulated activity or project, including a no-build alternative;*
- iii. *A description of all measures to be taken to reduce any potential adverse environmental impact(s) to the resources listed at (a)3 above;*
- iv. *A plan to mitigate the effects of all adverse environmental impacts.*

The sections included within this EIR above provide detailed responses to items *i-iv* and document that the project will have no temporary or adverse impacts to each item.

- (b) *Where a survey for threatened or endangered species and their habitat under N.J.A.C. 7:13-11.6(e) is required, the survey shall be performed by a person with education and experience in wildlife biology, zoology, and/or botany, as appropriate...*

A habitat impact assessment report, prepared by EcolSciences, is enclosed.

**6.0 CONCLUSION**

The proposed project complies with the applicable Coastal Zone Management Rules and Flood Hazard Area Control Act Rules as addressed within this report.

The project provides a needed social benefit for the community through new home ownership and recreational opportunities to residents of the region. The project seeks to limit its disturbance to the natural environment and species habitat to the maximum extent practical. The project will aid in the economic revitalization and removal of blight from Keansburg which was severely impacted during superstorm sandy and will redevelop an underutilized property in need of renovation.

All requirements for approval have been met and we therefore believe the Department should favorably consider this application.

APPENDIX A  
USGS QUAD MAP



**MidAtlantic**  
Engineering Partners, LLC

**BEACHWAY AVENUE  
WATERFRONT REDEVELOPMENT  
BLOCK 184, LOT 1  
QUAD MAP**  
SITUATED IN

BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

<b>DRAWN BY:</b> JSR	<b>CHECKED BY:</b>	<b>RELEASED BY:</b>	<b>PROJECT No.:</b> PAP-161
<b>DATE:</b> 02/15/18	<b>HORIZONTAL SCALE:</b> 1"=2000'	<b>VERTICAL SCALE:</b> AS SHOWN	<b>DRAWING NAME:</b> 99-Map Exhibits.dwg

Certificate of Authorization No. 24GA28184000  
Louis L. Zuegner IV P.E. PE No. GE04226500  
Matthew J. Robinson P.E. PE No. GE04642500  
William J. Parkhill II P.E. PE No. GE04753800

Gateway 195 Centre  
5 Commerce Way, Suite 200  
Hamilton, NJ 08691  
609-910-4450

**APPENDIX B**

**ROAD MAP**



**MidAtlantic**  
Engineering Partners, LLC

**BEACHWAY AVENUE  
WARETOWN REDEVELOPMENT  
BLOCK 184, LOT 1  
ROAD MAP**

SITUATED IN  
BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

Certificate of Authorization No. 24GA28184000

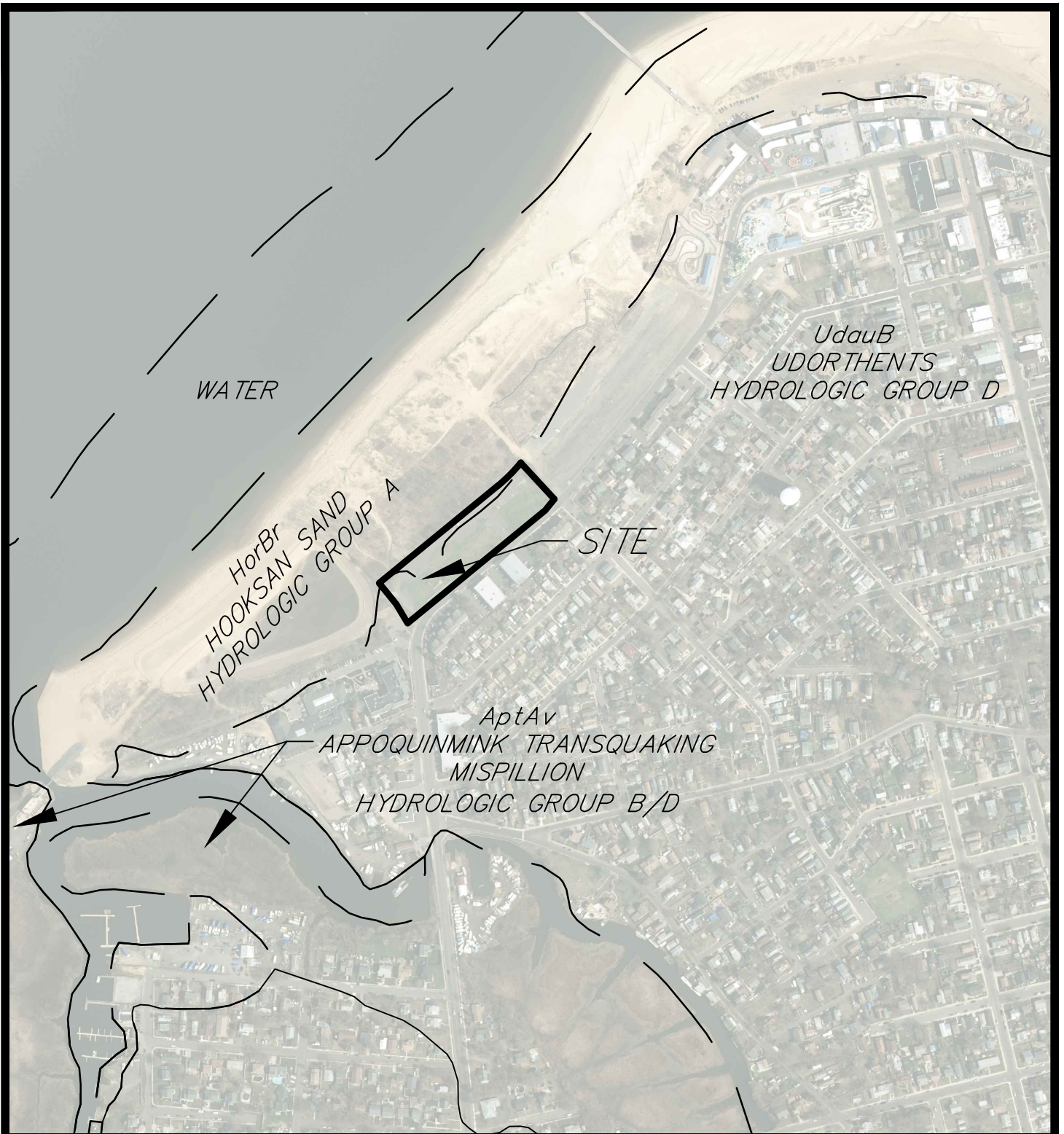
Louis L. Zuegner IV P.E. PE No. GE04226500  
 Matthew J. Robinson P.E. PE No. GE04642500  
 William J. Parkhill II P.E. PE No. GE04753800

Gateway 195 Centre  
 5 Commerce Way, Suite 200  
 Hamilton, NJ 08691  
 609-910-4450

<b>DRAWN BY:</b> JSR	<b>CHECKED BY:</b>	<b>RELEASED BY:</b>	<b>PROJECT No.:</b> PAP-161
<b>DATE:</b> 02/15/18	<b>HORIZONTAL SCALE:</b> 1"=1000'	<b>VERTICAL SCALE:</b> AS SHOWN	<b>DRAWING NAME:</b> 01-Title.dwg



APPENDIX C  
USDA SOILS MAP



**MidAtlantic**  
Engineering Partners, LLC

**BEACHWAY AVENUE  
WATERFRONT REDEVELOPMENT  
BLOCK 184, LOT 1  
USDA NRCS SOILS MAP**  
SITUATED IN

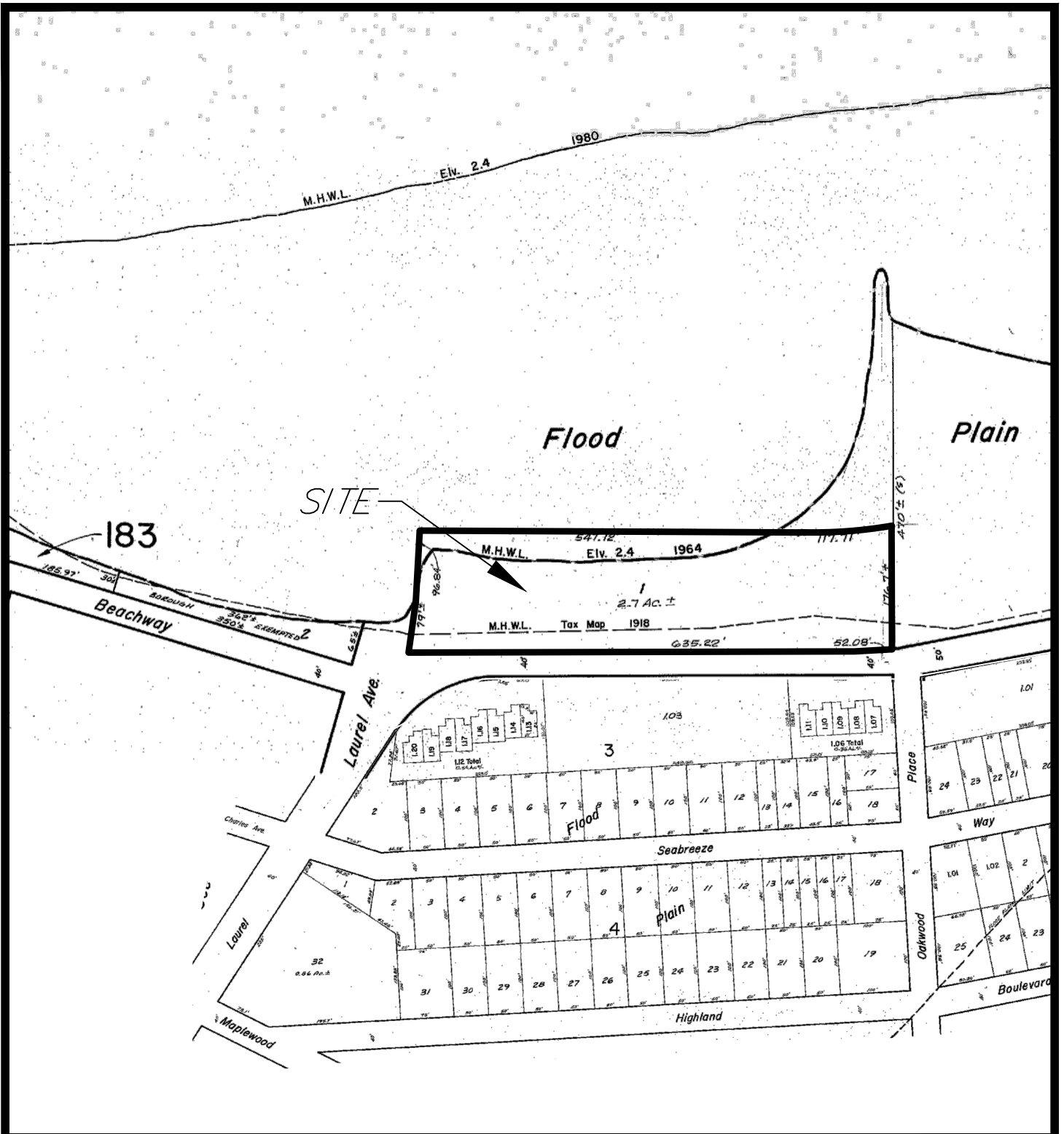
BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

<b>DRAWN BY:</b> JSR	<b>CHECKED BY:</b>	<b>RELEASED BY:</b>	<b>PROJECT No.:</b> PAP-161
<b>DATE:</b> 02/15/18	<b>HORIZONTAL SCALE:</b> 1"=500'	<b>VERTICAL SCALE:</b> AS SHOWN	<b>DRAWING NAME:</b> 99-Map Exhibits.dwg

Certificate of Authorization No. 24GA28184000  
 Louis L. Zuegner IV P.E. PE No. GE04226500  
 Matthew J. Robinson P.E. PE No. GE04642500  
 William J. Parkhill II P.E. PE No. GE04753800  
 Gateway 195 Centre  
 5 Commerce Way, Suite 200  
 Hamilton, NJ 08691  
 609-910-4450

# APPENDIX D

## TAX MAP



**MidAtlantic**  
Engineering Partners, LLC

**BEACHWAY AVENUE  
WATERFRONT REDEVELOPMENT  
BLOCK 184, LOT 1  
TAX MAP**  
SITUATED IN

BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

<b>DRAWN BY:</b> JSR	<b>CHECKED BY:</b>	<b>RELEASED BY:</b>	<b>PROJECT No.:</b> PAP-161
<b>DATE:</b> 02/15/18	<b>HORIZONTAL SCALE:</b> 1"=200'	<b>VERTICAL SCALE:</b> AS SHOWN	<b>DRAWING NAME:</b> 99-Map Exhibits.dwg

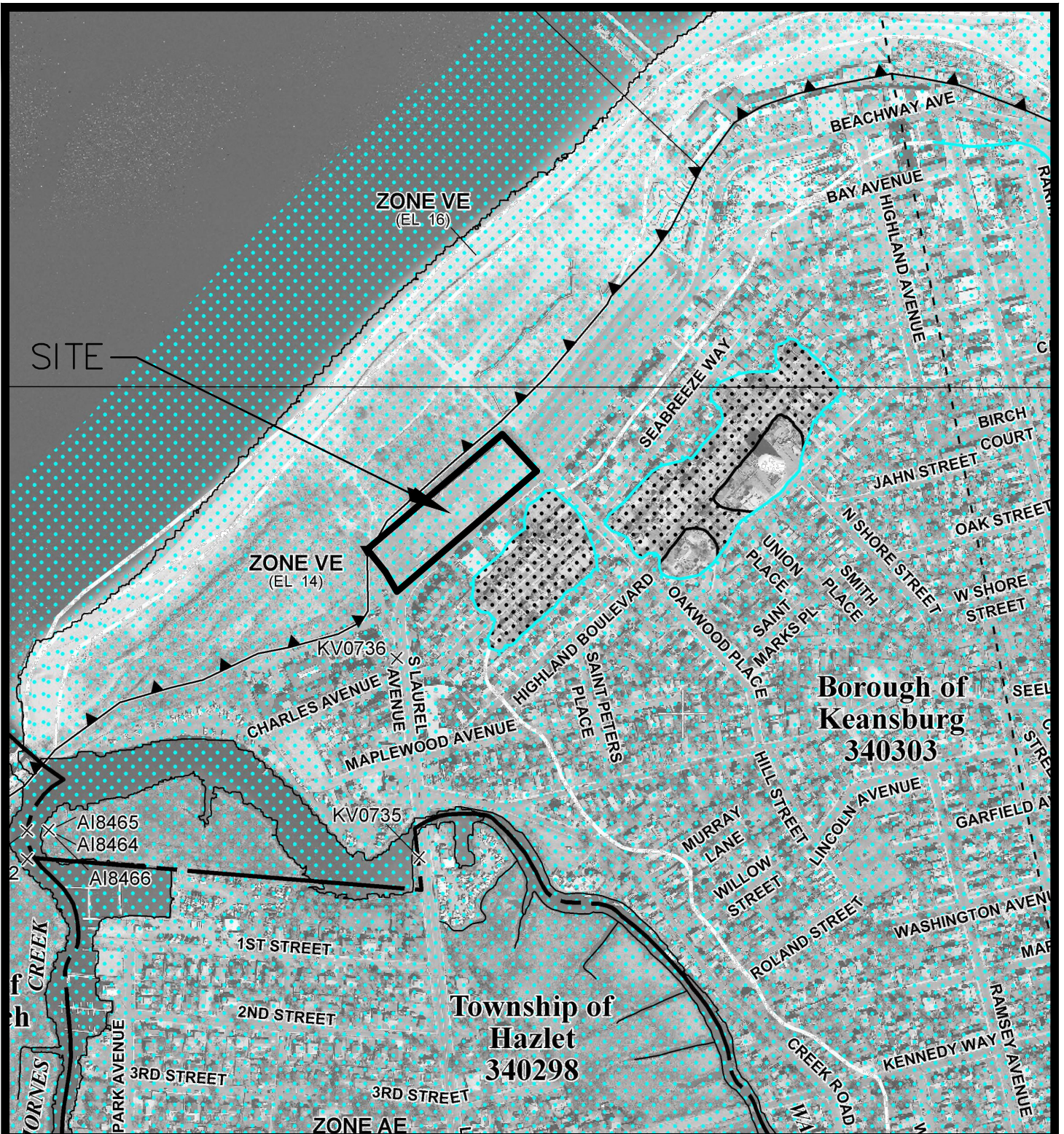
Certificate of Authorization No. 24GA28184000  
Louis L. Zuegner IV P.E. PE No. GE04226500  
Matthew J. Robinson P.E. PE No. GE04642500  
William J. Parkhill II P.E. PE No. GE04753800

Gateway 195 Centre  
5 Commerce Way, Suite 200  
Hamilton, NJ 08691  
609-910-4450

APPENDIX E

FEMA FLOOD  
INSURANCE RATE MAP





**MidAtlantic**  
Engineering Partners, LLC

**BEACHWAY AVENUE  
WARETOWN REDEVELOPMENT  
BLOCK 184, LOT 1  
FEMA FLOOD INSURANCE RATE MAP**

SITUATED IN  
BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

<b>DRAWN BY:</b> JSR	<b>CHECKED BY:</b>	<b>RELEASED BY:</b>	<b>PROJECT No.:</b> PAP-161
<b>DATE:</b> 02/15/2018	<b>HORIZONTAL SCALE:</b> 1"=500'	<b>VERTICAL SCALE:</b> AS SHOWN	<b>DRAWING NAME:</b> 99-Map Exhibits.dwg

Certificate of Authorization No. 24GA28184000  
 Louis L. Zuegner IV P.E. PE No. GE04226500  
 Matthew J. Robinson P.E. PE No. GE04642500  
 William J. Parkhill II P.E. PE No. GE04753800  
 Gateway 195 Centre  
 5 Commerce Way, Suite 200  
 Hamilton, NJ 08691  
 609-910-4450



APPENDIX F  
SITE PHOTOS



**MidAtlantic**  
Engineering Partners, LLC

**BEACHWAY AVENUE  
WATERFRONT REDEVELOPMENT  
BLOCK 184, LOT 1  
SITE PHOTOS**

SITUATED IN

BOROUGH OF KEANSBURG, MONMOUTH COUNTY, NEW JERSEY

<b>DRAWN BY:</b> JSR	<b>CHECKED BY:</b>	<b>RELEASED BY:</b>	<b>PROJECT No.:</b> PAP-161
<b>DATE:</b> 02/15/18	<b>HORIZONTAL SCALE:</b> 1"=250'	<b>VERTICAL SCALE:</b> AS SHOWN	<b>DRAWING NAME:</b> 99-Map Exhibits.dwg

Certificate of Authorization No. 24GA28184000  
Louis L. Zuegner IV P.E. PE No. GE04226500  
Matthew J. Robinson P.E. PE No. GE04642500  
William J. Parkhill II P.E. PE No. GE04753800

Gateway 195 Centre  
5 Commerce Way, Suite 200  
Hamilton, NJ 08691  
609-910-4450





**Picture 1: Ex. Parking Area Looking Northwest**



**Picture 2: Beachway Avenue Looking West**





**Picture 3: Center of Lot 1 Looking West**





**Picture 4: Ex. Parking Area Looking Northeast**





**Picture 5: View from Ex. Parking Area Ave Looking South**





**Picture 6: View from Northeast corner of the site Looking Southwest**

APPENDIX G

NATURAL HERITAGE  
PROGRAM LETTER



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Parks & Forestry

State Forestry Service  
Mail Code 501-04  
Office of Natural Lands Management – Natural Heritage Program  
P.O. Box 420  
Trenton, NJ 08625-0420  
Tel. (609) 984-1339 Fax. (609) 984-1427

BOB MARTIN  
*Commissioner*

March 23, 2017

Jenna C. Apgar  
MidAtlantic Engineering Partners, LLC  
5 Commerce Way - Suite 200  
Hamilton, NJ 08691

Re: Beachway South Redevelopment  
Block(s) - 184, Lot(s) - 1, 3 & 3.01  
Keansburg Borough, Monmouth County

Dear Ms. Apgar:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.1) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

This report does not include information concerning known Northern Long-eared Bat hibernacula and maternity roost trees protected under the provisions of the U.S. Fish & Wildlife Service's 4(d) Rule. You must contact the U.S. Fish & Wildlife Service, New Jersey Field Office, for additional information concerning the location of these features, or visit their website at: <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.



For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from [http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes\\_2010.pdf](http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf).

If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive NJ-GeoWeb website at the following URL, <http://www.state.nj.us/dep/gis/geoweb splash.htm> or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica  
Administrator

c: NHP File No. 17-4007442-11559



Mail Code 501-04  
 Department of Environmental Protection  
 State Forestry Service  
 Office of Natural Lands Management  
 P.O. Box 420 Trenton, New Jersey 08625-0420  
 Tel. (609) 984-1339 Fax. (609) 984-1427

# *Invoice*

	Date	Invoice #
	3/23/2017	11559
Bill to: MidAtlantic Engineering Partners, LLC 5 Commerce Way - Suite 200 Hamilton, NJ 08691	Make check payable to: <b>Office of Natural Lands Management</b> And forward with a copy of this statement to: <b>Mail Code 501-04</b> <b>Office of Natural Lands Management</b> <b>P.O. Box 420 Trenton, New Jersey 08625-0420</b>	

Quantity (hrs.)	Description	Rate (per hr.)	Amount
1	Natural Heritage Database search for locational information of rare species and ecological communities. Project: 17-4007442-11559	\$ 70.00	\$ 70.00
Jenna C. Apgar Project Name: Beachway South Redevelopment		<b>Total</b>	\$ 70.00

**Table 1: On Site Data Request Search Results (6 Possible Reports)**

<b><u>Report Name</u></b>	<b><u>Included</u></b>	<b><u>Number of Pages</u></b>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	Yes	1 page(s) included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.1 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.1	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Possibly on Project Site Based on Search of  
Natural Heritage Database: Rare Plant Species and  
Ecological Communities Currently Recorded in the  
New Jersey Natural Heritage Database**

Scientific Name	Common Name	Federal Protection Status	State Protection Status	Regional Status	Grank	Srank	Identified	Last Observed	Location
<i>Artemisia campestris</i> ssp. caudata	Beach Wormwood			HL	G5T5	S2	Y - Yes	2010-09-13	2010-08-03; Dunes, 800 meters west of Keansburg pier to 1 kilometer east of Pew's Creek. Two subpopulations located near beach of Keansburg. Western population is located 450 feet west-southwest of intersection of Beachway and Carr Avenue, 175 meters northwest of intersection of Beachway and Pinewood Place, 225 meters southwest of Keansburg Fishing Pier; eastern population is located 300 meters east of intersection of Beachway and Carr Avenue, 650 meters east-northeast of intersection of Beachway and Pinewood Place, 600 meters east-southeast of Keansburg Fishing Pier; both are in Keansburg, Monmouth County.

***Vascular Plants***

Total number of records: 1

**Rare Wildlife Species or Wildlife Habitat on the  
Project Site Based on Search of  
Landscape Project 3.1 Species Based Patches**

<b>Class</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>Feature Type</b>	<b>Rank</b>	<b>Federal Protection Status</b>	<b>State Protection Status</b>	<b>Grank</b>	<b>Strank</b>
<b>Aves</b>	Black Skimmer	Rynchops niger	Foraging	4	NA	State Endangered	G5	S1B,S1N
	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Common Tern	Sterna hirundo	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Least Tern	Sternula antillarum	Foraging	4	NA	State Endangered	G4	S1B,S1N
	Least Tern	Sternula antillarum	Nesting Colony	4	NA	State Endangered	G4	S1B,S1N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B
	Osprey	Pandion haliaetus	Nest	3	NA	State Threatened	G5	S2B
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Yellow-crowned Night-heron	Nyctanassa violacea	Foraging	3	NA	State Threatened	G5	S2B,S2N
<b>Reptilia</b>	Atlantic Loggerhead	Caretta caretta	Occupied Habitat	5	Federally Listed Threatened	State Endangered	G3	S1

**Table 2: Vicinity Data Request Search Results (6 possible reports)**

<b><u>Report Name</u></b>	<b><u>Included</u></b>	<b><u>Number of Pages</u></b>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	Yes	1 page(s) included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.1	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Immediate Vicinity of the Project Site  
Based on Search of Natural Heritage Database  
Rare Plant Species and Ecological Communities Currently Recorded in  
the New Jersey Natural Heritage Database**

Scientific Name	Common Name	Federal Protection Status	State Protection Status	Regional Status	Grank	Strank	Identified	Last Observed	Location
<i>Artemisia campestris</i> ssp. caudata	Beach Wormwood			HL	G5T5	S2	Y - Yes	2010-09-13	2010-08-03: Dunes, 800 meters west of Keansburg pier to 1 kilometer east of Pew's Creek. Two subpopulations located near beach of Keansburg. Western population is located 450 feet west-southwest of intersection of Beachway and Carr Avenue, 175 meters northwest of intersection of Beachway and Pinewood Place, 225 meters southwest of Keansburg Fishing Pier; eastern population is located 300 meters east of intersection of Beachway and Carr Avenue, 650 meters east-northeast of intersection of Beachway and Pinewood Place, 600 meters east-southeast of Keansburg Fishing Pier; both are in Keansburg, Monmouth County.

***Vascular Plants***

Total number of records: 1

**Rare Wildlife Species or Wildlife Habitat Within the  
Immediate Vicinity of the Project Site Based on Search of  
Landscape Project 3.1 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Strank	
<i>Aves</i>	Black Skimmer	Rynchops niger	Foraging	4	NA	State Endangered	G5	S1B,S1N	
	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N	
	Common Tern	Sterna hirundo	Foraging	2	NA	Special Concern	G5	S3B,S4N	
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N	
	Least Tern	Sternula antillarum	Foraging	4	NA	State Endangered	G4	S1B,S1N	
	Least Tern	Sternula antillarum	Nesting Colony	4	NA	State Endangered	G4	S1B,S1N	
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N	
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B	
	Osprey	Pandion haliaetus	Nest	3	NA	State Threatened	G5	S2B	
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N	
	Tricolored Heron	Egretta tricolor	Foraging	2	NA	Special Concern	G5	S3B,S3N	
	Yellow-crowned Night-heron	Nyctanassa violacea	Foraging	3	NA	State Threatened	G5	S2B,S2N	
	<i>Reptilia</i>	Atlantic Loggerhead	Caretta caretta	Occupied Habitat	5	Federally Listed Threatened	State Endangered	G3	S1

**Table 3: Within 1 Mile for FHACA Searches (6 possible reports)**

<b><u>Report Name</u></b>	<b><u>Included</u></b>	<b><u>Number of Pages</u></b>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.1 Species Based Patches	Yes	2 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.1	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included



**Rare Wildlife Species or Wildlife Habitat Within  
One Mile of the Project Site Based on Search of  
Landscape Project 3.1 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Strank
Aves	Black Skimmer	Rynchops niger	Foraging	4	NA	State Endangered	G5	S1B,S1N
	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Black-crowned Night-heron	Nycticorax nycticorax	Nesting Colony	3	NA	State Threatened	G5	S2B,S3N
	Common Tern	Sterna hirundo	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Least Tern	Sternula antillarum	Foraging	4	NA	State Endangered	G4	S1B,S1N
	Least Tern	Sternula antillarum	Nesting Colony	4	NA	State Endangered	G4	S1B,S1N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B
	Osprey	Pandion haliaetus	Nest	3	NA	State Threatened	G5	S2B
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Tricolored Heron	Egretta tricolor	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Yellow-crowned Night-heron	Nyctanassa violacea	Foraging	3	NA	State Threatened	G5	S2B,S2N

**Rare Wildlife Species or Wildlife Habitat Within  
One Mile of the Project Site Based on Search of  
Landscape Project 3.1 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
	Yellow-crowned Night-heron	Nyctanassa violacea	Nesting Colony	3	NA	State Threatened	G5	S2B,S2N
	Atlantic Loggerhead	Caretta caretta	Occupied Habitat	5	Federally Listed Threatened	State Endangered	G3	S1

**Reptilia**

# APPENDIX H

## PRIOR CAFRA APPROVAL

SEP 29 2003

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

App No. \_\_\_\_\_  
Permit File

3



(See Issuing Division below)



PERMIT\*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1321-02-0003.1 CAF020001 & FWW020001 Application No. 1321-02-0003.1 CAF020001 & FWW020001

Issuance Date SEP 12 2003 Effective Date SEP 12 2003 Expiration Date SEP 12 2008

Name and Address of Applicant: Executive Development, L.L.C., 684 North Beers Street, Holmdel, New Jersey 07733  
Name and Address of Owner: Executive Development, L.L.C., 684 North Beers Street, Holmdel, New Jersey 07733  
Name and Address of Operator: Applicant

Location of Activity/Facility (Street Address): Beachway Avenue, Borough of Keansburg, Monmouth County, Raritan Bay, Lots: 1 & 2 Block: 184  
Issuing Division: Land Use Regulation Program  
Statute(s): NJSA 13:19-1, NJSA 13:9B-1



Type of Permit: CAFRA, FWGP #6, Water Quality Certificate Maximum Approved Capacity, if applicable

This permit grants permission to: Construct forty-eight (48) residential dwelling units contained within three (3) separate buildings, 113 parking spaces, associated improvements and the filling of 0.22 acres of an isolated freshwater wetland. The work is shown on 10 plan sheets entitled "PRELIMINARY AND FINAL MAJOR SITE PLAN BLOCK 184 LOTS 1 & 2 FOR TIERRA DEL SOL BOROUGH OF KEANSBURG MONMOUTH COUNTY NEW JERSEY", dated October 3, 2002, and prepared by William F. Nero, P.E. No. 29064 of French & Parrello Associates, P.A. Consulting Engineers, are accurate as shown. All sheets were last revised August 5, 2003.

This permit is authorized under and in compliance with applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.) provided the conditions listed are met.

Issuance of this permit in no way relinquishes, and shall not be construed as a relinquishment by the State of New Jersey of any Tidelands right, title ownership / interest in the subject property or in any land surrounding the same.

The Director of the Land Use Regulation Program hereby finds the applicable findings as required by Sections 10 & 11 of the CAFRA statute (N.J.S.A. 13:19-1 et seq.) and the Rules on Coastal Zone Management will be met to the satisfaction of the Bureau of Coastal Regulation. The issuance of this permit is contingent upon compliance with the conditions below and failure to comply with any or all conditions may result in appropriate enforcement action and revocation of this permit

Prepared by: Vivian M. Fanelli  
Vivian M. Fanelli  
Project Manager

Revised Date \_\_\_\_\_ Approved by the Department of Environmental Protection  
Name (Print or Type) \_\_\_\_\_ Title \_\_\_\_\_  
Signature SEE PAGE 3 Date \_\_\_\_\_

\*The word permit means "approval, certification, registration, etc." (General Conditions are on Page Two)

### STANDARD PERMIT CONDITIONS

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection of the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. The permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.

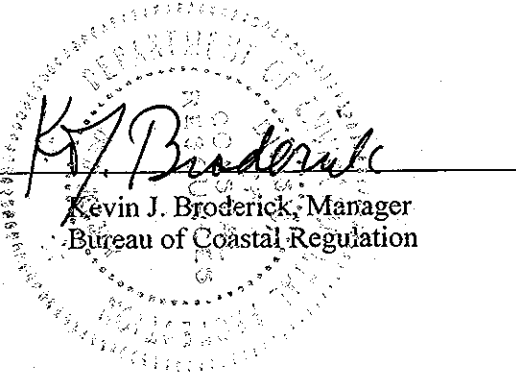
### ADMINISTRATIVE PERMIT CONDITIONS

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land Use Regulation Program immediately thereafter.
2. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.
3. Additional development or other related construction will require either a modification to CAFRA Permit #1321-02-0003.1, or most likely 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.
4. Issuance of this permit in no way relinquishes, and shall not be construed as a relinquishment by the State of New Jersey of any Tidelands right, title ownership / interest in the subject property or in any land surrounding the same.

Construction of the proposed project may not commence until such time as you have received all necessary approvals from the Bureau of Tidelands Management. You are advised to contact them at (609)292-2573.

PROJECT SPECIFIC PERMIT CONDITIONS

1. Disturbance for filling of an isolated wetland under Statewide Freshwater Wetlands General Permit #6 shall be limited to .022 acres as shown on the approved plans.
2. There shall be no disturbance to the existing dunes, as delineated by N.J.D.E.P Program staff, and as shown on the approved plan.
3. Water Quality Structures shall be maintained as follows:
  - Visual inspections of the structures as least four times a year.
  - Removal of sediments and other debris from the structures.



*K. J. Broderick*  
Kevin J. Broderick, Manager  
Bureau of Coastal Regulation

*9/12/2003*  
Date

M. CLAIRE FRENCH  
COUNTY CLERK  
MONMOUTH COUNTY  
NEW JERSEY

INSTRUMENT NUMBER  
2003253584

RECORDED ON  
Oct 14, 2003  
11:39:57 AM  
BOOK: OR-8286  
PAGE: 6324

Total Pages: 3

COUNTY RECORDING FEES	\$33.00
DEDICATED TRUST FUND COMMISSION	\$2.00
NJ PRESERVATION ACCOUNT	\$15.00
TOTAL	\$50.00

*R-R Diordano, Halleran + Ciuda .292*  
*P.O. Box 190*  
*Middletown, N.J. 07748*

Not Certified Copy