



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.		Approval Date July 18, 2022
		Expiration Date July 17, 2027
Permit Number(s): 1225-09-0011.2 LUP220001	Type of Approval(s): WFD In Water Individual Permit WFD Upland Individual Permit Water Quality Certificate SPGP #19	Governing Rule(s): N.J.A.C. 7:7-1.1(a)
Permittee: Vito Cimilluca Woodbridge Township 1 Main Street Woodbridge Twp, NJ 07095		Site Location: Block(s) & Lot(s): [753, 1] [753, 7] [756, 1.02] Municipality: Woodbridge Twp County: Middlesex
Description of Authorized Activities: This document authorizes the reconstruction of 755 linear feet of existing bulkhead at the Sewaren Marina, located in Woodbridge Township, Middlesex County, in association with a public development on the parcel(s) referenced above. Approximately 520 linear feet of bulkhead will be replaced within 24" outshore of the existing bulkhead, and 235 linear feet of bulkhead will be replaced landward of the existing bulkhead. This permit is authorized under and in compliance with the Coastal Zone Management Rules, N.J.A.C. 7:7-1.1 et seq., as amended through October 5, 2021. <i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i>		
Prepared by: Matthew Resnick		Received and/or Recorded by County Clerk:
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-2.1.

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.082
Temporary Disturbed	0

WFD IP- Commercial/Industrial/Public(Waterward)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Intertidal subtidal shallows (ISS)	0.018	0.099

PRE-CONSTRUCTION CONDITIONS:

1. Prior to the construction of any structures and/or the placement of fill within any tidelands areas authorized under this permit, the permittee must apply to the Division's Bureau of Tidelands Management for a tidelands instrument (e.g., a license or lease) for the use and occupation of said tidelands. Tidelands staff will provide further guidance upon review for the timing of construction. All decisions concerning the issuance of any tidelands instrument is solely up to the Division's Bureau of Tidelands Management following the Tidelands Resource Council policy.
2. **Within ninety (90) calendar days** of permit issuance or prior to construction, whichever is sooner, a conservation restriction for Shore Protection Structure Area governing the reconstruction of the existing bulkhead on the subject property shall be RECORDED with the Office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES) in the county wherein the lands included in this permit are located. This conservation restriction shall comply with N.J.A.C. 7:7-18 and state that any reconstruction of the shore protection structure can be accomplished within the same location as the existing shore protection structure. This conservation restriction shall reflect exactly what is provided on the Division's web site (<https://www.nj.gov/dep/landuse/forms.html>) and must accompany and reference a site plan, with all restricted areas clearly delineated. Once the conservation restriction has been RECORDED, a copy of the recorded conservation restriction MUST BE forwarded to Matthew Resnick via email at Matthew.Resnick@dep.nj.gov within thirty (30) days of being recorded. Said restriction shall run with the land and be binding upon all successive owners.

SPECIAL CONDITIONS:

1. This permit is issued subject to compliance with the attached US Army Corps of Engineers SPGP-19.

2. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.
3. This permit to conduct a regulated activity a State open water includes the Division's approval of a Water Quality Certificate for these activities.
4. In order to protect anadromous fish species within Smith's Creek, no grading, construction or clearing is permitted within the water onsite between April 1st through June 30th of each calendar year. Furthermore, any activity outside the Creek, which would likely introduce sediment into the river and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition. If sediment control structures are installed prior to the timing restrictions stated above, construction behind the sediment control structures may proceed during the restricted period.
5. The structures are not to exceed the dimensions as specified on the approved plans. All structures and mooring areas shall be within the permittee's property line extension and/or limit of a Tidelands instrument.
6. Consistent with Assembly Bill, No. 2804, P.L. 2007, CHAPTER 113 the use of creosote treated material (or other descriptive term from the law) in the construction of the authorized structure(s) is prohibited.
7. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with 7:7-12.7 New Dredging will be required to be submitted to this Division.
8. This permit does not authorize or legalize any structures located upland of the bulkhead.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.

6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and

- iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
- 14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
- 15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
- 16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
- 17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
- 18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
- 19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
- 20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
- 21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
- 22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
- 23. A permit can be modified, suspended, or terminated by the Department for cause.
- 24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
- 25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
- 26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management at the address listed on page one of this permit.

APPROVED PLAN(S):

The drawing(s) hereby approved consist of two (2) sheet(s) prepared by Douglas A. White, P.E., of T&M Associates, dated 3/14/22, last revised as noted below, and collectively entitled:

“PERMIT PLANS FOR UP SMITH’S CREEK COMMUNITY COMPLEX, BULKHEAD REPLACEMENT, BLOCK 753, LOTS 1 & 7, BLOCK 756, LOTS 1.01 & 1.02, TOWNSHIP OF WOODBRIDGE, MIDDLESEX COUNTY, NEW JERSEY, PROJECT NO: WOOD-00524”

- “EXISTING CONDITIONS & DEMOLITION PLAN”, sheet 4 of 11, last revised 5/24/22; and,
- “SITE GRADING PLAN”, sheet 5 of 11, last revised 5/24/22.

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management’s Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by Janet Stewart
Date: 2022.07.18 15:12:44 -04'00'

Janet L. Stewart, Manager
Bureau of Coastal Permitting
Watershed & Land Management

- c: Municipal Clerk, Woodbridge Twp
Municipal Construction Official, Woodbridge Twp
Agent (original) – Ericka Naklicki

