



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED & LAND MANAGEMENT**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.nj.gov/dep/landuse



## PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<b>Approval Date</b> <b>March 10, 2022</b>
		<b>Expiration Date</b> <b>March 9, 2027</b>
<b>Permit Number(s):</b> 1334-20-0008.5 LUP210001	<b>Type of Approval(s):</b> TAW - Averaging Plan	<b>Governing Rule(s):</b> N.J.A.C. 7:7A-1.1(a)
<b>Permittee:</b> Heathrow Exchange Attn.: William Oliver 2240 HWY 33 Suite 112 Neptune Township, NJ 07753	<b>Site Location:</b> Block & Lots: [5303, 15] [5303, 16] [5303, 19] [5303, 20] Municipality: Neptune Township County: Monmouth	
<b>Description of Authorized Activities:</b> <p>This document authorizes the reconfiguration of transition area boundaries for the construction of two single-family houses on the parcel(s) referenced above.</p> <p>This permit is not valid, and no disturbance of any wetland transition areas is authorized until the conservation restriction as noted in Pre-Construction condition no. 3 is recorded with the appropriate County officials and a record of said filing is submitted to the Division of Land Resource Protection.</p>		
<b>Prepared by:</b> Monica Zabroski	<b>Received and/or Recorded by</b> 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.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**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. 7:7A-22.

<b>Transition area Reconfiguration</b>	<b>Acres</b>
<b>Reduction</b>	0.045
<b>Compensation</b>	0.049

**PRE-CONSTRUCTION CONDITIONS:**

1. Timing: If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit or provide evidence satisfactory to the Division that such condition(s) cannot be satisfied.
2. Prior to the commencement of site clearing, grading or construction, the permittee shall have a silt fence or sediment barrier erected at the limits of disturbance authorized herein and at the limits of the modified transition area as authorized herein. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the wetland and modified transition area from encroachment by construction vehicles or activities. These fences shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized. No regulated activities, including grading or clearing may occur in the wetland or modified transition area on site without the prior approval of the Department.
3. **Within 90 days of the permit issuance and/or prior to construction (whichever occurs first), the property owner shall sign a Department-approved conservation restriction for the compensation transition area on the subject parcel(s) in accordance with N.J.A.C. 7:7A-8.1(e).** The conservation restriction shall apply to the compensated transition areas on the site and shall preclude future disturbance to the compensated transition area on-site, unless said activity is permissible pursuant to the language of the deed restriction. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages), in the county wherein the lands included in the waiver are located. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetland and transition area boundaries. Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act. The conservation restriction shall conform, verbatim, to the format and content of the model Conservation Restriction/Easement for Transition Area on the Division's website at [https://www.nj.gov/dep/landuse/download/lur\\_036.pdf](https://www.nj.gov/dep/landuse/download/lur_036.pdf). A copy of the recorded conservation restriction shall be forwarded to the Division's project manager via email at [Monica.Zabroski@dep.nj.gov](mailto:Monica.Zabroski@dep.nj.gov) before beginning regulated activities.

**SPECIAL CONDITIONS:**

1. The transition area associated with on the subject site may be reduced by **1,945 (0.045 acres)** of surface area, which shall be compensated by **2,138 square feet (0.049 acres)** as shown on the referenced plan. The wetlands affected by this permit authorization are of Intermediate resource value and have an associated 50-foot standard transition area or buffer. Any additional unpermitted disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.
2. Pursuant to N.J.A.C. 7:7A-8.1(b)3, following construction the permittee shall install a split rail fence or equivalent physical barrier along the limits of the modified transition area to ensure that subsequent activities on site do not encroach into the wetlands and transition areas. The modified transition area and wetlands shall remain undisturbed and natural, and not be maintained as a mowed or landscaped area. These areas shall be allowed to remain as a natural habitat.
3. The transition area shall not be reduced to less than **23 feet** in width as shown on the referenced plan.
4. All temporary disturbances must be permanently discontinued within six months after they are begun, and all temporary disturbed areas must be restored to their original condition.
5. All excavated material and construction debris shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
6. This authorization for a Transition Area Waiver is valid for a term not to exceed **five years** from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new Transition Area Waiver or an Individual permit.

**STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.

3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the 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;
  - 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; and
  - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
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) sheets, prepared by Matthew R. Dubois, P.E. of Nelson Engineering Associates, Inc., dated June 8, 2021, last revised March 5, 2022, and entitled:

**“HEATHROW EXCHANGE, LLC & SHARK RIVER HILLS ESTATES, TAX BLOCK 5303, TAX LOTS 15, 16, 19 & 20, TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY, NEW JERSEY, (TAX MAP REFERENCE TOWNSHIP OF NEPTUNE SHEET NO. 53)”:**

**“SOIL EROSION AND SEDIMENT CONTROL PLAN”, sheet 2 of 3; and  
“TRANSITION AREA WAIVER PLAN”, sheet 3 of 3.**

**APPEAL OF DECISION:**

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available

at [www.nj.gov/dep/bulletin](http://www.nj.gov/dep/bulletin)). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at [www.nj.gov/dep/landuse/forms.html](http://www.nj.gov/dep/landuse/forms.html)). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of 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](http://www.nj.gov/dep/odr) for more information on this process.

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

Approved By:



Digitally signed by Rebecca Grike

Date: 2022.05.10 15:29:42 -04'00'

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Rebecca Grike, Environmental Specialist III  
Watershed & Land Management

- c: Municipal Clerk, Neptune Township
- Municipal Construction Official, Neptune Township
- Agent (original) – David Boesch, Nelson Engineering Associates