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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.state.nj.us/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 limitations, terms and conditions 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
JUN 2 4 2015

Expiration Date
JUN 2 3 2020

Permit Number(s):
1309-02-0008.1 FHA150001
FHA150002

Type of Approval(s):
Individual Permit – Hardship Exception Verification

Enabling Statute(s):
NJSA 58:16A FHACA
NJSA 58:10A WPCA
NJSA 58:11A WQPA

Permittee:
Gordon Gemma
Colts Neck Building Associates, LLC
30 A Vreeland Rd., Suite 220
Florham Park , NJ 07932

Site Location:
Block(s) & Lot(s): [22, 11] [22, 12] [22, 13] [22, 14]
Formerly [22, 18]
Municipality: Colts Neck Township
County: Monmouth

Description of Authorized Activities:

This permit establishes the limits of riparian zone on the property associated with Yellow Brook and its tributary. This verification does not pertain to the floodway or flood hazard area limits on the property. Those limits were established under a previous Stream Encroachment permit (File #1309-02-0008.1 FHA060001) issued by the Department on July 10, 2006. This permit also authorizes the construction of a residential development of twelve (12) buildings consisting of forty eight (48) units along with associated amenities. This authorization specifically allows for construction within the riparian zone of an on-site ditch. The applicant previously constructed structures within the riparian zone of Yellow Brook under the previous Stream Encroachment permit. No work is currently proposed within the riparian zone of Yellow Brook or within wetlands and their associated transition areas.

Approved Plans are detailed on page 5 of this permit.

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Prepared by:
Ryan J. Anderson

Received and/or Recorded by County Clerk:

THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.

This permit is not valid unless authorizing signature appears on the last page.

001 123 Title Agency LLC
30 B Vreeland Rd
Florham Pk. NJ.
07932

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.

SPECIAL CONDITIONS:

1. **Recording of Permit:** This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. **NOTE:** The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:

   a. The Department file number for the verification;

   b. The approval and expiration dates of the verification;

   c. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;

   d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification; and

   e. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."

2. All excavation shall be monitored for the presence of acid-producing soil deposits. If such deposits are encountered, the permittee shall adhere to the mitigation and disposal standards outlined in 7:13-10.7 and the Flood Hazard Area Technical Manual.

3. All excavated material and dredged spoils shall be disposed of in a lawful manner. For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

4. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.

5. This project has not been reviewed for consistency with applicable Areawide Water Quality Management Plan or the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15). As such, this authorization shall not be construed as consistency determination for any sewage generating structures on the project site. There shall be no development, unless and until the proposed sewage generating structures have been found to be consistent with the appropriate

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Areawide Water Quality Management Plan. For information regarding the water quality planning process, please contact the DEP Office of Environmental Planning at 609-984-6888.

6. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

7. Vegetation within 300 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 300 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.

STANDARD CONDITIONS:

1. **Responsibilities:**
   a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.

   b. A copy of this permit, other authorizing documents, records and information including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents upon request.

2. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.

3. **Duty to minimize environmental impacts:** 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. 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 this 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

4. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary.

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5. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.

6. **Rights of the State:**
   a. This permit does not convey any property rights of any sort, or any exclusive privilege.

   b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.

   c. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.

7. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.

8. **Transfer of Permit:** This permit may not be transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.

9. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.

10. **Noncompliance:**
    a. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.

    b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 420, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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.

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11. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at http://www.nj.gov/dep/bulletin and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. 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 the website www.nj.gov/dep/odr for more information about this process.

APPROVED PLANS:

The drawings hereby approved are three sheets, prepared by Keller & Kirkpatrick, Inc., dated 10/16/14, last revised on 6/17/15, entitled:

"PRELIMINARY AND FINAL MAJOR SITE PLANS FOR THE MANOR HOMES AT COLTS NECK, TAX BLOCK 22, LOT 18 (FORMERLY LOTS 11, 12, 13 & 14), TOWNSHIP OF COLTS NECK, MONMOUTH COUNTY, NEW JERSEY"

"EXISTING CONDITIONS PLAN" sheet #3 of 16,

"GRADING AND UTILITY PLAN" sheet #7 of 16,

"SOIL EROSION & SEDIMENT CONTROL PLAN" sheet #10 of 16.

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

Approved By:

Colleen Keller, Manager
Division of Land Use Regulation

6/24/15
Date

Original sent to Agent to record
c: Permittee

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CHRISTINE GIORDANO HANLON
COUNTY CLERK
MONMOUTH COUNTY, NJ
INSTRUMENT NUMBER
2015059455
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