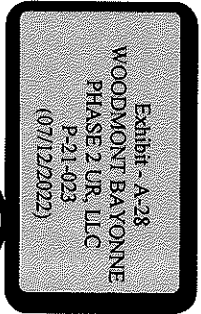




**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED & LAND MANAGEMENT**  
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.nj.gov/dep/landuse



## PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date <b>June 30, 2022</b>
		Expiration Date <b>June 29, 2027</b>
<b>Permit Number(s):</b> 0901-08-0003.1 LUP210001	<b>Type of Approval(s):</b> WFD Individual Upland Permit FWW Transition Area Waiver - Averaging Plan FWW GP17 Trails/Boardwalks	<b>Governing Rule(s):</b> N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:7A-1.1(a)
<b>Permittee:</b> Woodmont Bayonne Phase 2 Urban Renewal LLC c/o Eric Witmond, Manager 100 Passaic Avenue, Suite 240 Fairfield, PA 15205	<b>Site Location:</b> Block(s) & Lot(s): [37, 1] Municipality: Bayonne City County: Hudson	
<b>Description of Authorized Activities:</b>  <p>This document authorizes the construction of a 4-story apartment building consisting of 85 residential units, a parking lot with 138 spaces, a detached 8 space garage, and a pedestrian trail, in association with a residential development on the parcel(s) referenced above.</p> <p>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, and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq., as amended through October 5, 2021, provided that all conditions to follow are met.</p> <p><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></p>		
<b>Prepared by:</b> Matthew Resnick	<b>Received and/or Recorded by</b> County Clerk:	
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
<p><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**STATEMENT OF AUTHORIZED IMPACTS:**

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-29; N.J.A.C. 7:7A-22.

<b>FWW GP17 Trails/Boardwalks</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
<b>Freshwater wetlands</b>	0	0
<b>Transition areas</b>	0.014	0
<b>State open waters</b>	0	0

<b>Transition Area Averaging Plan</b>	<b>Area of Transition Area (Acres)</b>
<b>TA Reduction</b>	0.03
<b>TA Compensation</b>	0.04

<b>Riparian Zone Vegetation</b>	<b>Area of riparian zone (Acres)</b>
<b>Permanent Disturbed</b>	0.0007
<b>Temporary Disturbed</b>	0

**PRE-CONSTRUCTION CONDITIONS:**

- 1. Within 90 days of the permit issuance** and/or prior to construction (whichever occurs first), the permittee/property owner shall sign a Department-approved conservation restriction for Transition Area Waiver Averaging Plan on the subject parcel(s) in accordance with N.J.A.C. 7:7A-8.1(e) and N.J.A.C. 7:7A-8.2(f). The conservation restrictions shall apply to remaining transition areas on the site and shall preclude future wetland and transition area disturbances on-site, unless said activity is permissible pursuant to the language of the deed restriction. 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. No site preparation or construction authorized by this permit shall commence until the approved amended conservation restriction is recorded with the property deed in the office of the County Clerk. 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 Freshwater Wetlands Transition Area Waiver 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 [Matthew.resnick@dep.nj.gov](mailto:Matthew.resnick@dep.nj.gov) before beginning regulated activities.
- 2. Prior to any construction**, the permittee shall complete a Public Access to the Waterfront conservation restriction and file the completed restriction 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 reflect exactly what is provided on the Division's website (<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](mailto: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.

3. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.

**SPECIAL CONDITIONS:**

1. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.
2. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7-5.7, 8.1, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.). Any additional un-permitted disturbance of freshwater wetlands, State open waters, 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 disturbance.
3. Once a conservation restriction is recorded, the freshwater wetlands and the transition area boundary lines, as approved in this letter and recorded, must be shown on any future site development plans. The line(s) should be labeled with the above DLRP file number and the following note: "Freshwater Wetlands/Transition Area Boundary Lines as approved by NJDEP on 1/24/17 and subsequently re-issued on 3/28/22 File No. 0901-08-0003.1, FWW160002, subject to existing NJDEP conservation restriction." The Department has determined that the freshwater wetlands affected by this permit authorization are of intermediate and exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 50 and 150 feet respectively. Any additional regulated activities conducted within the standard transition area onsite shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing Rules (N.J.A.C. 7:7A) for additional information.
4. The permittee 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. The Site Remediation Program Interest number associated with the project is No. G000003713. The Licensed Site Remediation Professional (LSRP) for this project is Mark Fisher, license No. 586626. The remediation and redevelopment of the site shall comply with the Remedial Action Workplan dated March 2022 and any amendments thereto.
6. All remediation activities shall conform to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E).
7. Any fill material used in the remediation and redevelopment of the sit must comply with the fill standards as provided in NJDEP SRP Fill Material Guidance for SRP Sites, dated October 2021, Version 4, including any necessary pre-approvals from the Site Remediation Program for the use of alternative fill on the site.
8. This authorization for a General Permit 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 GP authorization or an Individual permit.
9. Under the TAW A/P, the transition area shall not be reduced to less than 10 feet in width at any location as shown on the referenced plan.
10. Pursuant to N.J.A.C. 7:7A-8.1(b)3, prior to construction of the structure (including site preparation), the permittee shall install a split rail fence along the limits of the modified transition area to ensure that subsequent activities onsite do not encroach into the conservation restricted transition areas. The modified transition area and wetlands shall remain undisturbed and natural, and not be maintained as mowed or landscaped area. These areas shall be allowed to revert to a natural habitat. The permittee shall erect permanent signs on the barrier that denoted the area beyond the fence as deed restricted. All excavated material and dredged material shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
11. The wetland transition area and restoration areas within the conservation easement shall not be maintained as a lawn or landscaped area. These areas shall be allowed to revert to a natural habitat.
12. Upon completion of the project, the permittee must incorporate features designed to educate the user about the importance of freshwater wetlands, transition areas and State open waters as per N.J.A.C. 7:7A-5.17 of the Freshwater Wetlands Protection Act Rules
13. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
14. All temporarily disturbed freshwater wetlands and transition areas must be restored to pre-construction conditions following the completion of the authorized activities.

**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 nine (9) sheet(s) prepared by Calisto J. Bertin P.E. of Bertin Engineering, dated June 22, 2021, last revised June 1, 2022, and collectively entitled:

“PRELIMINARY & FINAL SITE PLAN, WOODMONT BAY CLUB PHASE 2, BLOCK 37, LOT 1, WEST 53<sup>RD</sup> STREET, CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY”

- “COVER SHEET”, sheet C1.1,
- “SITE PLAN”, sheet C2.2,
- “LOT ENCUMBERANCE PLAN”, sheet C2.3,
- “GRADING, DRAINAGE, & UTILITY PLAN”,
- “LANDSCAPE PLAN”, sheet C2.5,
- “SITE DETAILS”, sheet C3.1, last revised January 21, 2022,
- “DRAINAGE DETAILS”, sheet C3.2,

- “UTILITY DETAILS”, sheet C3.3, unrevised,
- “DRAINAGE DETAILS -2”, sheet C3.5, last revised January 21, 2022,

**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:



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Suzanne Biggins, Environmental Supervisor, ES4  
Bureau of Coastal Permitting  
Division of Land Resource Protection

c: Municipal Clerk, Bayonne City  
Municipal Construction Official, Bayonne City  
Agent (original) – Shan Fanchiang