

VIA EMAIL ONLY (jim@oats.com)

September 29, 2021

Mr. Jim Ginn

**RE: ENVIRONMENTAL COMPLIANCE ASSESSMENT
104 BROADWAY (BLOCK 2018, LOT 3.02)
CITY OF SOMERS POINT; ATLANTIC COUNTY**

Dear Mr. Ginn:

In response to your request, ACT Engineers, Inc. (ACT) is pleased to provide this assessment of the status of environmental permitting, for the captioned property.

We understand you are considering purchase of the property and require an understanding of the required environmental permits to construct a duplex or single family home and associated improvements.

To assess applicable permits, ACT has reviewed available published data including, but not limited to, existing permits; New Jersey Department of Environmental Protection (NJDEP) permitting database; historical aerials; and, the Atlantic County Clerk website (for recorded documents). Although slightly outside of my area of expertise, I have also attempted to address municipal zoning and utility connections.

All conclusions and opinions expressed herein are subject to confirmation from the applicable regulatory agency.

SITE LOCATION / JURISDICTION

The subject property is located at 104 Broadway Avenue in the City of Somers Point, Atlantic County. The lot is adjacent to the Great Egg Harbor tidal waterbody, contains

jurisdictional wetlands and is located in a flood zone. Accordingly, applicable permits include:

Upland Development - Coastal Area Facility Review Act (CAFRA) (NJAC 7:7);

Wetlands – NJDEP Freshwater Wetlands Protection Act (NJAC 7:7A) and Section 404 of the U.S. Clean Water Act;

Bulkhead and Dock - NJDEP Waterfront Development Act (NJAC 7:7); Section 10 of the U.S. Rivers and Harbors Act; Bureau of Tidelands;

Flood Hazard Area Control Act (NJAC 7:13);

Soil Erosion and Sediment Control Act; and,

Municipal Zoning and Utilities.

The following discusses each of these permits.

PERMIT APPROVAL STATUS

Upland Development - Coastal Area Facility Review Act (CAFRA)

A CAFRA permit is required if any development is proposed within 150-feet of a mean (average) high water line (MHWL) of any tidal waterbody. CAFRA permits reference a specific design plan and any proposed development must strictly comply with the design plans. Any deviations from the plan require a new CAFRA permit or a Modification of the approved permit.

A number of CAFRA permits have been issued over the years for the property for the driveway, proposed home, upland retaining wall and installation of rip-rap revetment in

lieu of the retaining wall. The driveway and rip-rap were installed in accordance with approved permits.

The remaining upland development of the home is the subject of the current CAFRA permit, approved for the property on February 8, 2018, and valid until February 7, 2023 (a copy of the CAFRA permit is attached hereto. If construction commences prior to the expiration date and continues with no cumulative lapses of more than one (1) year, the permit remains valid beyond the expiration date.

The approved CAFRA permit plan is one sheet identified as,

"NJDEP WETLANDS PERMITTING PLAN & PROPOSED WETLANDS MITIGATION PLAN FOR: HENRY C. AND GRACE STEENLAND BROADWAY AVENUE, BLOCK 2018, LOT 3.02 CITY OF SOMERS POINT, ATLANTIC COUNTY, NEW JERSEY", prepared by Andrew F. Schaeffer, PE, and Howard A. Transue, PLS, of Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated 6-21-11 and last revised 7-28-17.

The approved plan depicts the authorized 81-foot by 34-foot maximum building envelope (2,754 SF footprint, per floor). The CAFRA rules require the home be constructed at least 15-feet from the bulkhead, as shown on the approved plan. Uncovered decks and patios are not CAFRA-regulated structures and may be constructed within the 15-foot bulkhead setback and elsewhere on the site outside of any wetlands without need for a CAFRA permit.

The approved structure is referenced as a duplex; however, the NJDEP regulates single family homes and duplexes the same so either use is acceptable under the CAFRA approval.

Note, the NJDEP CAFRA rules do not require any specific setbacks or lot coverage and the CAFRA plan simply shows a maximum development 'box'. Any zoning requirements are addressed below under that section.

The CAFRA permit is subject to Standard Conditions and five (5) special conditions. The permit was recorded with the County Clerk (Special Condition #1) and the other four conditions are all constructed related. ACT opines the CAFRA permit remains valid, conditions have been met and there are no issues associated with this approval.

Wetlands – NJDEP Freshwater Wetlands Protection Act (NJAC 7:7A) and Section 404 of the U.S. Clean Water Act

Wetlands on the property are regulated by the NJDEP and the U.S. Army Corps of Engineers. The wetlands were field delineated, and the boundaries inspected and confirmed by the two agencies. When installing the driveway, wetlands were filled and Notices of Violation were issued by the NJDEP and USACE. Wetland permit applications were subsequently submitted to both agencies, seeking to legalize some of the wetlands fill, to remove some fill and restore wetlands. The above referenced CAFRA design plan also depicts the area of wetland fill to be removed and/or to remain.

An approval in the form of a Letter of Authorization of Settlement was issued on June 26, 2012, and subsequently modified on June 26 and July 11, 2012, legalizing wetlands fill and identifying the fill to be removed. A Resolution and Case Closure letter (undated) was issued by the NJDEP on October 23, 2017, confirming all actions on the property have been resolved.

Similarly, the USACE had issued a violation for wetlands disturbance and subsequently approved multiple Nationwide Permits on May 26, 2015, legalizing areas of wetlands fill and requiring some wetlands disturbance to be restored.

The limits of the remaining wetlands to be preserved onsite are shown on the approved plans.

Provided no additional unauthorized disturbance to wetlands occurs, ACT opines all issues associated with jurisdictional wetlands onsite have been resolved and no further action is required.

Bulkhead and Dock - NJDEP Waterfront Development Act (NJAC 7:7); Section 10 of the U.S. Rivers and Harbors Act; Bureau of Tidelands

Any structures at, or below the plane of the MHWL require authorization from the NJDEP under the Waterfront Development Act (WDA) and from the USACE under Section 10 of the Rivers and Harbors Act. Additionally, if filling or occupation of areas currently or formerly flowed by the tide occurs and the area is not owned (Granted from the State of New Jersey) a Tidelands License to lease (rent) the area and/or a Tidelands Grant to purchase the area, may be required.

The existing bulkhead was constructed under approved NJDEP and USACE permits. The bulkhead was initially constructed linear and not in the authorized alignment. When identified, the bulkhead was subsequently reconstructed in accordance with the approved permits. No further action regarding the bulkhead legalization is required. We do note, the bulkhead was constructed with vinyl wrapped timber. The vinyl wrapping is starting to work loose and does require some maintenance to be patched / repaired.

Construction of a recreational dock requires additional permits from the NJDEP and USACE. The area is mapped as historic shellfish habitat and thus, it must be demonstrated that a recreational dock minimizes impacts to the water. Typically, minimization is demonstrated by proposing only a single, perpendicular dock with two boat mooring areas with lifts. The seller had applied for a dock permit with an 'h-shaped' dock and comments from the NJDEP required a lesser dock area. The application was withdrawn without prejudice. A new permit application can be submitted at your request to the NJDEP and USACE.

Of interest is the adjoining neighbor's 'f-shaped' dock. According to the NJDEP database, a WDA permit was approved on March 2 and modified on March 8, 2004. Although we are unable to locate a copy of the approved permit online, we did find the following figure from the Master Deed of the adjoining property.

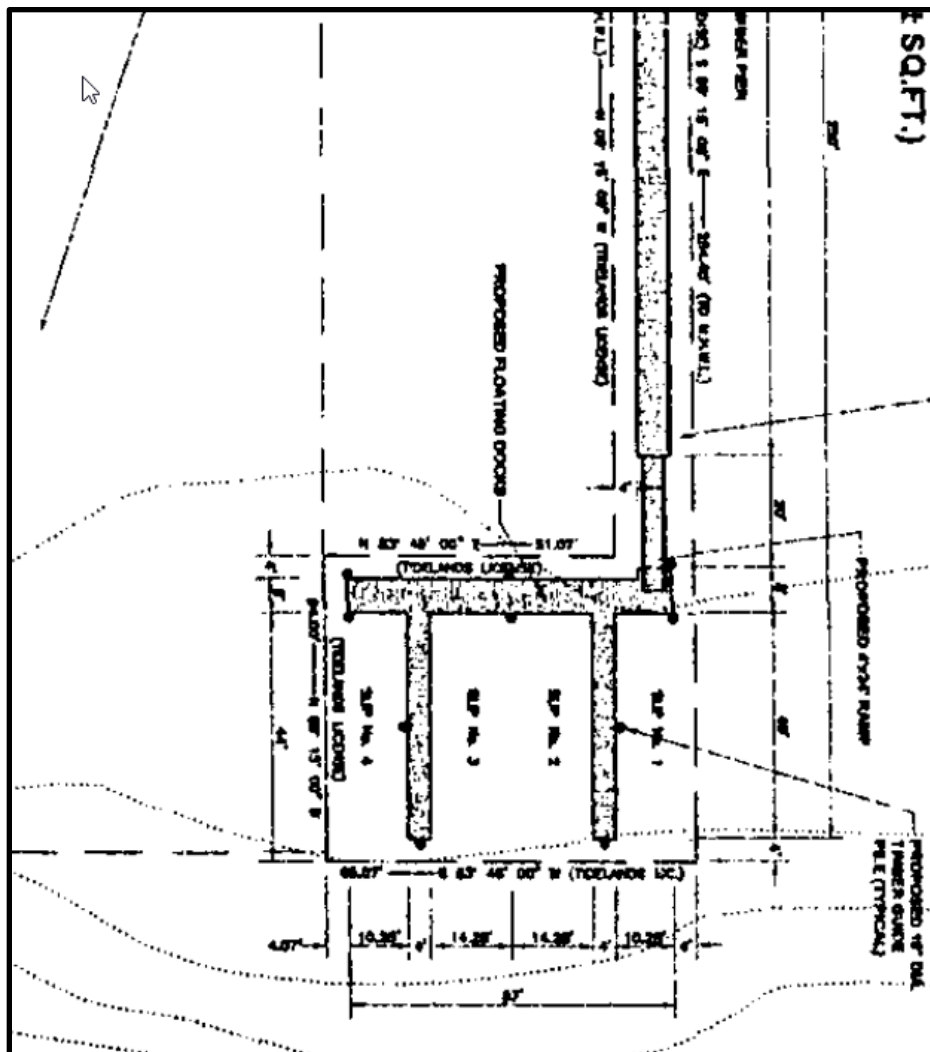


Figure 1 – Dock Layout from Master Deed

A review of aerial photographs depicts no dock on the 2002 aerial. The dock structure is generally the same on the on the 2007, 2010, 2012 and 2015 aerial (all after the permit issuance date) (see below). This configuration is different than the current configuration and we can find no evidence in the NJDEP database of any subsequent permit after 2004. We also note, unauthorized docks are typically identified during the Tidelands License renewal process. The neighbor's Tidelands License appears to have been renewed in 2013 when the dock evident on the aerial is different than currently existing.

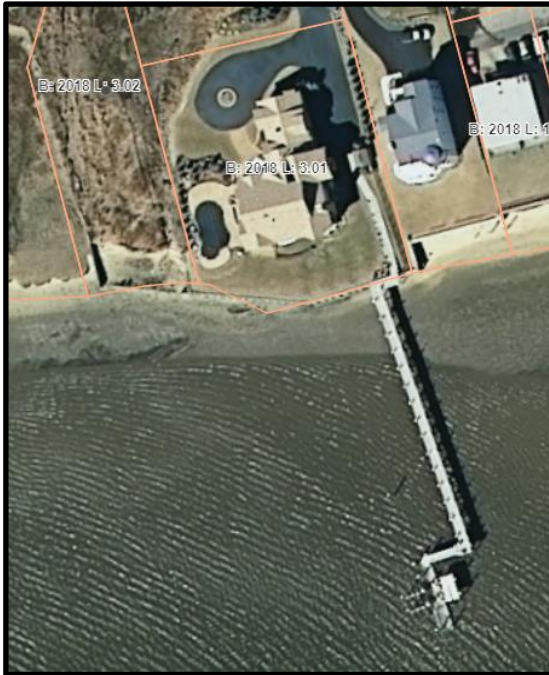


Figure 2 - 2007 Aerial Photograph



Figure 3 - 2015 Aerial Photograph



Figure 4 - 2020 Aerial Photograph

The dock is shared by two properties and usually two (2) boat slips are allowed per unit which may be the reason the adjoining dock structure is larger than we would expect would be approved for the subject lot. We could certainly submit a permit application seeking a more elaborate dock; however, we expect the NJDEP will likely only permit a single perpendicular dock with two (2) mooring areas. The mooring areas may be for boats and/or jet skis but again, we expect only two (2) slips will be permitted.

In addition to the dock permits from the NJDEP and the USACE, the area of the dock and mooring slips must be leased from the NJDEP, Bureau of Tidelands. A Tidelands License application must be submitted concurrently with the dock application.

We note, the initial Title Report indicated a small area of Tidelands Claim on the property. The following is the NJDEP mapping with the Tidelands Claim area (gray shading). It is expected the claim area is offshore of the bulkhead and is *not* an existing upland area that would need to be resolved (purchased) through a Grant application.

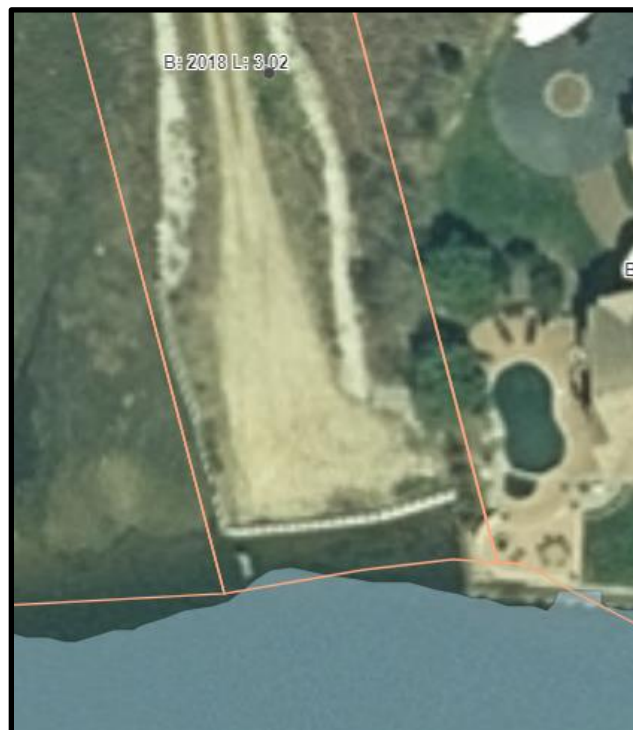


Figure 5 – NJDEP 2020 Aerial with Tidelands Claim Shading

Flood Hazard Area Control Act

Development in a Flood Zone requires compliance with the Flood Hazard Area (FHA) Control Act. The subject site is mapped as located within the AE and VE zones, as depicted on the following figure. The development portion of the lot is mapped as the AE Zone. However, the NJDEP and the Somers Point Construction Office may require the proposed home be designed and constructed for the most stringent flood zone on the property (VE Zone).

The VE Base Flood Elevation is 10-feet and accordingly, assuming the City of Somers Point only requires BFE+1-foot, the design elevation is 11-feet. If the V-Zone standards are required, the minimum 11-foot elevation is the lowest structural member of the habitable floor and *not* the finished floor (pursuant to a AE Zone).

We note, the approved and valid CAFRA permit does not contain any flood hazard area conditions, but the finished floor elevation of 10-feet is noted on the plan. This is correct if the AE Zone and BFE 9-feet is applicable. Regardless, it is expected the finished floor elevation will be much greater than the minimum required.

Regarding the garage proposed under the habitable space, the CAFRA Plan notes a garage floor elevation of 9-feet. This is equal to the AE BFE. Areas below the BFE are not permitted as habitable space and may require breakaway walls and/or flood vents. It is recommended you retain a licensed architect to assist with finished floor elevations, compliance with the Uniform Construction Code, etc.

Finally, we note the elevation of the top of the bulkhead is shown as 8.75-feet; just 0.25-feet below the BFE. The BFE is generally a 100-year storm event (1% chance annual flood occurrence) and thus, for typical storm events, we do not expect the tidal water elevation will overtop the bulkhead (wave action may impact the lot). Area municipalities that have adopted bulkhead ordinances typically require a minimum bulkhead elevation of 8-feet. The City of Somers Point Zoning Ordinance requires bulkheads to be constructed to a minimum elevation of 7-feet (§ 92-7 Height of Bulkheads).



Soil Conservation District

It is expected more than 5,000 SF of land disturbance is proposed and accordingly, a Cape Atlantic Soil Conservation soil erosion and sediment control certification is required.

A Re-Certification was issued on April 16, 2021, and is valid until October 14, 2024 (see attached copy).

Municipal Zoning and Utilities

Municipal zoning requirements are slightly outside of my area of expertise, but the following information is provided.

Based on the online Zoning Ordinance and Map of the City of Somers Point, it appears the lot is located within the Residential- Multi-Family zone. The approved duplex is a permitted use in this zone. Additionally, City Zoning Officer, Roger McLarnon, Professional Engineer, stated any lesser density use (i.e., a single family home) would also be acceptable and not require any Use Variance.

Area and bulk requirements for the zone are summarized in the following table:

	Required	Proposed	Complies
Lot Size	15,000 SF for two-family home 7,500 SF minimum	17,740 SF	Yes.
Lot Width	90-feet	35-feet	No. Variance approved for lot and frontage width
Front Yard Setback	35-feet	~210-feet	Yes.
Side Yard Setback*	15-feet	22-feet (right side) 13-feet (left side)	Yes. Can comply if CAFRA-approved house is reduced in width from 34-feet to 32-feet.
Rear Yard	35-feet**	25 - >40'	Can comply if southwestern corner of the CAFRA-approved house is angled / reduced in by 10-feet.
Principal Building Height	35-feet maximum***	TBD	Yes

*The City of Somers Point ordinance defines the side yard and width as the distance from the side lot line or its vertical projection to the side walls of the building. We can find no reference to measuring setbacks from bulkheads.

**No reference to measuring the rear yard setback from the bulkhead in lieu of the rear property line was found in the online ordinance.

**Any structure within the A, AE, or AO Zone on the City's FIRM...shall have its height measured from the base flood elevation plus the freeboard height applied to the specific zone as set forth in § 146-5.2A and B.

A copy of the lot frontage / width Variance is attached. Based on a review of Land Use Law, a discussion ACT planners and Mr. McLarnon, City of Somers Point Zoning Official, the consensus is the Variance transfers with the land and does not contain an expiration date.

Based on conversations with the seller, it appears the utility lateral was installed prior to replanting the wetland area. The status of the electric service connection is unknown although a utility conduit was discussed. We cannot confirm the conduit was installed.

CONCLUSIONS

ACT Engineers, Inc. offers the following opinions regarding environmental compliance of the existing home and in-water structures at the property:

1. ACT opines the CAFRA permit remains valid, conditions have been met and there are no issues associated with this approval for the construction of the duplex or single family home.
2. The driveway and rip-rap were legally constructed under a former CAFRA permit.

3. Provided no additional unauthorized disturbance to wetlands occurs, ACT opines all issues associated with jurisdictional wetlands onsite have been resolved and no further action is required.
4. The property is located within a Flood Zone and the proposed home must be designed to comply with all applicable regulations. It is recommended you retain a local architect and/or builder to ensure the proposed design complies with the applicable regulations.
5. The existing bulkhead is legal and complies with the City of Somers Point minimum elevation requirements. There is some minor maintenance needed to repair some of the vinyl wrapping.
6. It appears permits for construction of a recreational dock with two mooring slips can be obtained from the NJDEP and USACE. A one-time shellfish mitigation fee and an annual tidelands license would be required.
7. A Soil Erosion and Sediment Control Plan Certification was approved in April 2021 and remains valid until October 2024.
8. The proposed 34' by 81' footprint of the proposed home, shown on the NJDEP-approved plan and referenced in the CAFRA permit does not appear to wholly comply with the side and rear yard setback requirements. The CAFRA permit authorized the *maximum* development envelope. Unless side and rear yard Variances are obtained, the final dwelling would be slightly smaller than the approved 34' X 81'. Specifically, the *minimum* ('square' reductions and not angled) size would be approximately 32' X 71', or 2,272 SF per floor.

It appears there is an additional width of 7-feet from the approved building to the right side lot line. However, the northwestern corner of the home is immediately adjacent to the rip-rap revetment and there does not appear to be any availability to shift the house footprint westerly. Even if there was sufficient area, a shift

would require a new or modified CAFRA permit, requiring certified mail notices to the adjoining property owners. ACT would advise against seeking any additional or amended NJDEP permits.

9. A Variance was approved for relief from required lot width / frontage. The neighbors spoke in opposition to granting the variance and have been vocal about not wanting the lot developed.

Routine maintenance can certainly be conducted in the upland areas. ACT recommends advising the NJDEP and USACE prior to any site maintenance in advance of expected neighbor complaints about illegally clearing or filling wetlands.

10. Utility connections appear to have been approved for the lot and we can confirm the sewer lateral is installed. The presence of the electric conduit cannot be confirmed.
11. The 'proposed 18" cap extension and invert elevation shown on the plans is the cross-drain pipe under the driveway and is not related to utilities.

Mr. Jim Ginn
104 Broadway Avenue Environmental Permitting Assessment
September 29, 2021
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All conclusions and opinions expressed herein are based on my personal knowledge of the permitting history of the lot; the information provided and our 30+ years of environmental permitting experience.

I trust the information contained herein addresses your concerns. Please do not hesitate to contact me should you have any questions or require additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Junetta N. Dix". The signature is fluid and cursive, with a large initial "J" and "D".

Junetta N. Dix
Director, Environmental Services

Attachments:

1. Currently valid CAFRA Permit
2. Undated NJDEP Resolution and Case Closure
3. SCD Certification, issued 4/16/2021, valid until 10/14/2024
4. Lot Width / Frontage Variance

ATLANTIC COUNTY, NJ
 EDWARD P. McGETTIGAN, COUNTY CLERK
 RCPT # 1383306 RECD BY Lisa
 REC FEES \$70.00
 RECORDED 03/13/2018 02:31:24 PM
 INST # 2018014327



Atlantic County Document Summary Sheet

ATLANTIC COUNTY CLERK 5901 MAIN ST MAYS LANDING, NJ 08330	Return Name and Address Junetta N. Dix Consulting, Inc. 213 E. Seaview Avenue Linwood, NJ 08221
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Official Use Only

Submitting Company		Junetta N. Dix Consulting, Inc.			
Document Date (mm/dd/yyyy)		02/08/2018			
Document Type		PERMIT CAFRA			
No. of Pages of the Original Signed Document (Including the cover sheet)		5			
Consideration Amount (If applicable)					
First Party <i>(Grantor or Mortgagor or Assignor)</i> <i>(Enter up to five names)</i>	Name(s)	<i>(Last Name, First Name Middle Initial, Suffix)</i> <i>(or Company Name as written)</i>		Address (Optional)	
	Henry Steenland		1450 E. Chestnut Avenue Building 1, Suite C Vineland, NJ 08361		
Second Party <i>(Grantee or Mortgagee or Assignee)</i> <i>(Enter up to five names)</i>	Name(s)	<i>(Last Name, First Name Middle Initial, Suffix)</i> <i>(or Company Name as written)</i>		Address (Optional)	
	State of New Jersey - Dept. of Environmental Protection		Mail Code 501-02A, P.O. Box 420 Trenton, NJ 08625		
Parcel Information <i>(Enter up to three entries)</i>	Municipality	Block	Lot	Qualifier	Property Address
	Somers Point	2018	3.02		
Reference Information <i>(Enter up to three entries)</i>	Book Type	Book	Beginning Page	Instrument No.	Recorded/File Date

DO NOT REMOVE THIS PAGE

DOCUMENT SUMMARY SHEET (COVER SHEET) IS PART OF ATLANTIC COUNTY FILING RECORD. RETAIN THIS PAGE FOR FUTURE REFERENCE.

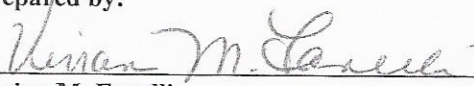


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.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 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.</p>		Approval Date	FEB 08 2018
		Expiration Date	FEB 07 2023
Permit Number(s): 0121-01-1003.1 CZM170002	Type of Approval(s): CZGP4 Development of one or two SFH or Duplexes	Enabling Statute(s): N.J.S.A. 13:19-1 et seq. CAFRA	
Permittee: Henry Steenland 1450 E. Chestnut Ave Building 1, Suite C Vineland, New Jersey 08361		Site Location: Block(s) & Lot(s): [2018, 3.02] Municipality: Somers Point City County: Atlantic	
<p>Description of Authorized Activities: This permit authorizes the construction of a duplex with associated decks/patios, and driveway, as shown on the plans referenced at the end of this permit.</p> <p>This permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7-1.1 et seq., as amended through January 16, 2018.</p>			
Prepared by:  Vivian M. Fanelli		Received and/or Recorded by County Clerk:	
<p>If the permittee undertakes any regulated activity authorized under a 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 permit and all conditions therein.</p>			
<p>This permit is not valid unless authorizing signature appears on the last page.</p>			

SPECIAL CONDITIONS:

1. Prior to site preparation or construction and/or within **thirty (30) calendar days** of permit issuance, whichever is sooner, the permittee shall record the permit, with the Office of the County Clerk (the Registrar of Deeds and Mortgages) within the county in which the site is located. If the permit authorizes activities within two or more counties, the permit shall be recorded within **ninety (90) calendar days** of permit issuance. Within **thirty (30) calendar days** of recordation, a copy of the recorded permit must be forwarded to the Division's project manager, at Vivian.Fanelli@dep.nj.gov.
2. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
3. The use of plastic under landscaped or gravel areas are prohibited. All sub-gravel liners must be made of filter cloth or other permeable material.
4. Vegetation within 150 feet of the top of the bank, or edge of water shall only be disturbed in the areas specifically shown on the approved drawing(s). No other vegetation within 150 feet of the top of any stream bank, or edge of water, onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
5. Upon completion of the project, all temporarily disturbed areas within 150 feet of the top of any stream bank, or edge of water, onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation.

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 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 by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 633-2289 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:

- a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. 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.
 8. 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.
 9. 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.
 10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
 11. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - c. 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.
 12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
 13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
 14. 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.
 15. 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.
 16. A permit shall be transferred to another person only in accordance with the regulations.
 17. A permit can be suspended or terminated by the Department for cause.
 18. 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.

19. 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.
20. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
21. 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(ies) is being undertaken. Upon completion of the regulated activity(ies), 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.
22. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.


APPROVED PLANS:

The drawings hereby approved are shown on one sheet prepared by Andrew F. Schaeffer, NJPE, and Howard A. Transue, PLS, of Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated 6-21-11 and last revised 7-28-17, unless otherwise noted, entitled: "NJDEP WETLANDS PERMITTING PLAN & PROPOSED WETLANDS MITIGATION PLAN FOR: HENRY C. AND GRACE STEENLAND BROADWAY AVENUE, BLOCK 2018, LOT 3.02 CITY OF SOMERS POINT, ATLANTIC COUNTY, NEW JERSEY".

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within thirty (30) calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the form is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at www.nj.gov/dep/odr.

If you need clarification on any section of this permit or conditions, please contact Vivian Fanelli at Vivian.Fanelli@dep.nj.gov or by phone at (609) 633-2289.

Approved By:


Eric Virostek, Environmental Specialist 3
Division of Land Use Regulation

2/8/2018
Date

Original sent to Agent to record
c: Permittee
Construction Official
Enforcement



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Coastal and Land Use Compliance and Enforcement

Toms River Office
1510 Hooper Avenue, Suite 140
Toms River, New Jersey 08753
Telephone No. 732-255-0787
Fax No. 732-255-0877

October 23, 2017

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Henry Steenland
1450 E. Chestnut Ave. Bldg. 1 Ste. C
Vineland City, NJ 08360

Re: Resolution and Case Closure
Block: 2018, Lot: 3.02
Somers Point City, Atlantic County
EA ID #: NEA 150001 - 0121-01-1003.1 and PEA160001 - 0121-01-1003.1

Dear Mr. Steenland:

On November 21, 2016, an Administrative Consent Order (NEA150001 - 0121-01-1003.1) was executed between you and the NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement. The Administrative Consent Order required you to conduct restoration activities onsite including; the removal of fill material, wetland enhancement plantings, the recording of a conservation restriction governing the future reconstruction of the existing bulkhead onsite, the removal and relocation of approx. 38 linear feet of existing bulkhead, and obtaining a Tidelands Grant, Lease, or license, or a Letter of No Interest from the NJDEP, Bureau of Tidelands Management. In addition, the Administrative Consent Order required payment of a \$5,000.00 penalty assessment.

On January 11, 2017, you were issued a Notice of Violation (PEA160001-0121-01-1003.1) for non-compliance with Standard Condition #1 and Special Condition # 8 of Coastal Area Facility Review Act Permit #0121-01-1003.1 CAF120001. Specifically, the non-compliance involved the installation of rip-rap revetment onsite in lieu of an approved retaining wall. The Notice of Violation required you to either remove the rip-rap revetment or submit for and obtain a modification to Coastal Area Facility Review Act Permit #0121-01-1003.1 CAF120001 authorizing same rip-rap revetment.

On July 13, 2017, you were issued a Modification to Coastal Permit # 0121-01-1003.1 CAF120001, which legalized the rip-rap revetment installed in lieu of a retaining wall.

On September 8, 2017, a Representative of the Bureau of Coastal and Land Use Compliance and Enforcement conducted an inspection of the above referenced site. The purpose of the inspection was to

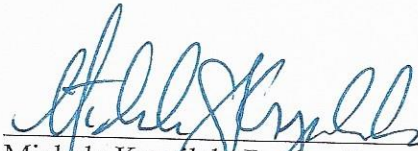
assess the outcome of the restoration performed at the Department's request. The inspection revealed that the restoration work has been completed as required. In addition, the Department's records indicate that the penalty contained in the Administrative Consent Order has been paid in full.

You have satisfied the requirements contained in the Department's November 21, 2016 Administrative Consent Order, and the Department's January 11, 2017 Notice of Violation. As a result, the violations are resolved and these matters have been closed.

Please be advised that any future disturbance or alteration of this area may constitute a regulated activity and require a permit from the Department. In addition, the Department reserves the right to take enforcement action should a regulated activity occur on the site without the necessary approvals.

Should you have any questions regarding this matter, please contact Harry Nicol, Case manager, at the telephone number or address at the top of this correspondence.

Sincerely,



Michele Kropalak, Region Supervisor
Bureau of Coastal and Land Use
Compliance and Enforcement

c: City of Somers Point, Construction Official
Junetta N. Dix, Junetta N. Dix Consulting Inc.

Pete Steenland / Donna A Tramontana

From: donotreply@dep.nj.gov
Sent: Tuesday, October 06, 2020 2:14 PM
To: FCCInc@Verizon.net
Subject: Permit Extension Act Request

This is an automated message. Please do not reply.

Thank you for your Permit Extension Act Request. For future reference, your Request Number is 002561

Below is a copy of the request you submitted:

Request Number: 002561
Permitting Agency: njdep
Other Agency:
Name of Permittee: Henry Steenland
County: Atlantic
Municipality: Somers Point City
Lot: 3.02
Block: 2018
Permit Type: NJDEP-CAFRA
Permit Type Other:
Permit File Number: 0121-01-1003.1 CZM170002 Facility ID:
Permit Issuance Date: 02/08/2018
Permit Expiration Date: 02/07/2023
WQMP Expiration Date:
Contact Name: Henry Steenland
Contact Phone: 856.696.1400
Contact Email: FCCInc@Verizon.net



**CAPE ATLANTIC
CONSERVATION DISTRICT**

6260 Old Harding Highway
Mays Landing, New Jersey 08330
Phone (609) 625-3144 Fax (609) 625-7360
www.capeatlantic.org

April 16, 2021

Henry & Grace Steenland
1450 E. Chestnut Ave., Bldg 1, Suite C
Vineland, NJ 08361

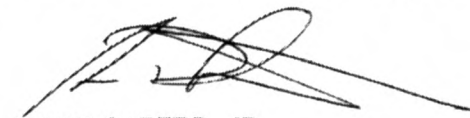
RE: RE-CERTIFICATION - SOIL EROSION AND SEDIMENT CONTROL PLAN
APPLICATION NO: 166-05 PROJECT NAME: Steenland Duplex
BLOCK(S): 2018 LOT(S): 3.02
MUNICIPALITY: Somers Point
PLANS PREPARED BY: Hyland Design Group, Inc.
DATE: 3/3/04 LAST REVISED DATE: 3/2/05

The Cape Atlantic Conservation District has reviewed the above erosion control plan and certifies that the plan is in accordance with the N.J. Erosion and Sediment Control Act, Chapter 251, P.L. 1975.

CERTIFICATION REQUIREMENTS;

1. A copy of the Erosion Control Plan must be on site.
2. All revisions and municipal renewals of this project will require resubmission and approval by the District. Any conveyance of the project (or portion thereof) will transfer full responsibility for compliance to subsequent owner(s). The District must be notified in writing of any change of ownership.
3. NO Certificates of Occupancy will be issued by a Municipality until a Certificate of Compliance is issued by this Office. Requests for certificates of Compliance must be made **FIVE (5) WORKING DAYS IN ADVANCE**.
4. This approval is limited to the controls specified in this plan. It is not an authorization to engage in the proposed land use unless the Municipality or other controlling agency has previously approved such use.
5. This Certification is valid for three and one-half year and will **expire on 10/14/2024**.

Failure to follow the provisions of your Plan will result in the filing of a complaint against you under the provisions of N.J.S.A. 2A:58-1 et. Seq., the Penalty Enforcement Law wherein you may be subject to fines of up to \$3,000.00 for each and every day during which said violation continues each day constituting an additional separate and distinct offense.


ALLEN CARTER, JR.,
Chairman

cc: Jim McBrien, Construction Official
Mott, Watkins Assoc., Municipal Engineer
John Halbruner, Planner

Elias T. Manos, Esquire
MANOS LAW FIRM, LLC
2408 New Road, Suite 2
Northfield, New Jersey 08225
(609) 335-1873
Solicitor for City of Somers Point
Zoning Board of Adjustment

**APPLICATION OF HENRY AND GRACE
STEENLAND FOR C VARIANCE
RELIEF FOR LOT WIDTH FOR BLOCK
2018, LOT 3.02**

*CITY OF SOMERS POINT
ZONING BOARD OF ADJUSTMENT*

ZB-8-2020

DECISION AND RESOLUTION

THIS MATTER, having been heard by the Zoning Board of Adjustment of the City of Somers Point (hereinafter sometimes referred to as the “Board”) on August 10, 2020 by video and audio means through the “Zoom” application due to the ongoing public health crisis surrounding the COVID-19 coronavirus, and a quorum being present; and

WHEREAS, an Application was made by Henry and Grace Steenland (the “Applicants”) for bulk variance relief pursuant to N.J.S.A. 40:55D-70c from the lot width requirement of §114-21B of the City of Somers Point’s Development Regulations in order to construct a two family dwelling on property identified as Block 2018, Lot 3.02 on the Tax Map of the City of Somers Point, which property is located at 104 Broadway (the “Property”); and

WHEREAS, the Property is located in the R-MF Multi-Family Residential District (“R-MF Zone”) as designated within the City of Somers Point’s Development Regulations; and

WHEREAS, proper subject matter jurisdiction for the Zoning Board of Adjustment of the City of Somers Point was established with respect to the relief requested and the statutory powers granted to the Board by the New Jersey Legislature as embodied in N.J.S.A. 40:55D-70; and

WHEREAS, the Applicants have demonstrated site control of the Property by ownership of the same; and

WHEREAS, the Applicants have properly notified surrounding property owners of the Application and have satisfactorily published notice of the Application and the Board's meeting to consider the same as required by N.J.S.A.40:55D-12; and

WHEREAS, the Board conducted a public hearing on the said Application on August 10, 2020, at which time the Board considered the Application on its merits for approval; and

WHEREAS, the Applicants were represented by A. Steven Fabietti, Esquire at the public hearing conducted on August 10, 2020; and

WHEREAS, the Board has reviewed the Application submitted by the Applicants together with all attachments and all exhibits submitted with the Application and during the course of the hearing; and

WHEREAS, the Board heard the testimony of Applicant Henry Steenland and the Applicants' professional planner, Stephen Hawk, PP, during the course of the hearing; and

WHEREAS, during the public portion of the hearing, the following people spoke in opposition to the Application:

1. Caroline Edwards, Esquire, an attorney representing the South Pointe Condominium Association, 75 Broadway;
2. John Pileggi (75 Broadway, Unit #120);
3. Mike Belfield (75 Broadway, Unit #116);
4. Gus Staino (75 Broadway, Unit #117);
5. Richard Kater (75 Broadway, Unit #121);
6. Melissa and Thomas Maffettone (75 Broadway, Unit #119);
7. Joseph Ferzoco (75 Broadway Avenue, Unit #102);
8. Joseph McCarrie (102 Broadway); and

9. Bill Kalogredis (75 Broadway, Unit #115);

and;

WHEREAS, the Zoning Board of Adjustment of the City of Somers Point, based upon the Application submitted, the testimony presented by and on behalf of the Applicants and from the public, as well as all plans and exhibits from the Applicants, makes the following findings of fact and conclusions of law:

1. The Applicants are, as noted, Henry and Grace Steenland. At the time of the hearing, the Applicants were represented by A. Steven Fabietti, Esquire.

2. The Applicants have submitted a properly filed Application and all required documents and have paid all required fees and have complied with the advertising and notice requirements of the Municipal Land Use Law.

3. The Property is known as Block 2018, Lot 3.02 in the City of Somers Point and is located at 104 Broadway.

4. The taxes for the Property have been paid and are current.

5. The Property is serviceable by public water and sewer.

6. The Property is located in the R-MF Zone and its proposed use for a two family dwelling is a permitted use in the R-MF Zone.

7. The subject Property fronts on Broadway and is located along the Great Egg Harbor Bay. The Property is 17,740 square feet in area and is currently vacant land. The frontage of the Property along Broadway is 33 feet in width but widens to as much as approximately 70 feet towards the Great Egg Harbor Bay. The Applicants acquired the Property in the late 1980s and, crediting the testimony of Applicant Henry Steenland, 33 feet of frontage existed at the time of the acquisition. The area surrounding the Property contains a mix of townhouses, the South Pointe

Condominiums and other residential uses. Crediting the testimony of the Applicants' professional planner, Mr. Hawk, at least 5 developed properties in the area have no direct frontage along Broadway or any other street.

8. The Applicants have obtained a CAFRA Permit dated February 8, 2018 authorizing the construction of a two family dwelling with associated decks/patios and a driveway. The approved CAFRA plan, which was submitted with the Application and presented to the Board, was prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and is dated June 21, 2011, last revised July 28, 2017. The CAFRA plan shows the Property, the building envelope for the two family dwelling and the related site improvements, including but not limited to the associated decks/patios and a 12 foot wide driveway from Broadway. A letter dated December 14, 2011 from the City of Somers Point Fire Official was also submitted by the Applicants indicating that a 12 foot wide driveway was sufficient for access by fire apparatus. Architectural plans for the two family dwelling have not yet been prepared.

9. The proposed two family use is, as noted, a permitted use in the R-MF Zone, along with garden apartments and townhouses. With the exception of lot width, the Applicants meet all of the area and bulk requirements for two family dwellings set forth in §114-21 of the City of Somers Point's Development Regulations. However, since the width of the Property at 33 feet is less than the 90 feet required pursuant to §114-21B of the City of Somers Point's Development Regulations, a variance is required pursuant to N.J.S.A. 40:55D-70c, as set forth below. This lot width variance is the only variance sought and required by the Applicants.

10. The within Application is for bulk variance relief pursuant to N.J.S.A. 40:55D-70c from the requirements in §114-21B of the City of Somers Point's Development Regulations to allow:

(a) Lot width of 33 feet where 90 feet is required (variance of 67 feet).

11. Based upon the testimony and evidence presented, the City of Somers Point Zoning Board of Adjustment finds that the Applicants are entitled to the relief detailed in Paragraph 10 above, and makes the following additional findings of fact and conclusions of law, and decision:

The Board finds that pursuant to N.J.S.A. 40:55D-70c(1), the shape of the subject Property and the physical features uniquely affecting the subject Property would result in peculiar and exceptional practical difficulties, and exceptional and undue hardship upon the Applicants, justifying the variance relief requested for deficient lot width. Further, the Board finds that the requested variance relief will not cause a substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan of the City of Somers Point or the Somers Point Development Regulations.

Specifically, pursuant to N.J.S.A. 40:55D-70c(1), the Board finds that the subject Property has a unique physical feature in that it is exceptionally narrow at 33 feet wide. The Board finds that the narrowness of the Property existed at the time that the Applicants acquired it and thus the Applicants did not self-create this condition. The Board further finds that there is no additional land that the Applicants can acquire to make the width of the Property conforming at 90 feet. The Board finds that the narrowness of the Property presents a clear hardship to the Applicants ability to comply with the 90 foot lot width requirement for the Property and, as a result, the variance is justified.

In terms of the negative criteria (that granting the variances will not cause substantial detriment to the public good or substantially impair the intent and purpose of the City of Somers Point zone plan or Development Regulations), the Board finds that constructing a two family dwelling on the subject Property would be consistent and in scale with other development in the

area. The Board notes in that regard that there are a mix of townhouses, the South Pointe Condominiums and other residences in the area. The Board further finds that while the width of the Property is deficient, there are several other developed properties in the area with no direct frontage at all on Broadway or any other street. The Board also notes that the Property does widen to approximately 70 feet off of Broadway and that, with the exception of lot width, the Applicants meet all other area and bulk requirements for two family dwellings in the R-MF Zone. The Board additionally notes that the fire department has in the past determined that a 12 foot wide driveway is sufficient for fire apparatus and finds that the Board's failure to grant the lot width variance could have the negative effect of making the Property virtually unusable. The Board finds that accordingly, granting the lot width variance will not have a substantial negative impact on the public good, or the zone plan or Development Regulations of the City of Somers Point

For these reasons, the Board finds that the variance relief is warranted and should be granted. In making this decision, the Board finds that the testimony from the Applicants' professional witness, Mr. Hawk, was credible and uncontroverted by any professional testimony from the objectors.

NOW, THEREFORE, a Motion having been made by Mr. Marshall and seconded by Mr. Kedziora, the City of Somers Point Zoning Board of Adjustment hereby grants variance relief pursuant to N.J.S.A. 40:55D-70c(1), as detailed in Paragraph 10 above, for the reasons set forth above, subject to the following conditions:

- (1) All representations made by or on behalf of the Applicants during the course of the hearing shall be followed.
- (2) The Applicants' approval herein is contingent upon the Applicants obtaining all other necessary governmental approvals.

Roll Call Motion to Grant relief pursuant to N.J.S.A. 40:55D-70c(1) as set forth above

Rowan		No
Marshall	Motion	Yes
Granus		No
Kedziora	2nd	Yes
Gannon		Yes
Huber		Yes

**CITY OF SOMERS POINT ZONING
BOARD OF ADJUSTMENT**

Dated: 9-14-20

By:



Paul Huber, Vice-Chairman

Dated: 9-14-20

By:



Jayne Meischker, Zoning Board Secretary