



Lisa Monbleau <lmonbleau@laceytownship.org>

Log # 709

Fwd: OPRA request - Copy of NJ DEP CAFRA permit for project M & T Lofts at Lacey

1 message

Date Due 9-30

Veronica Laureigh <laceyclerk@laceytownship.org>  
To: Lisa Monbleau <lmonbleau@laceytownship.org>

Thu, Sep 22, 2022 at 9:13 AM

RECEIVED  
SEP 22 2022

LACEY TOWNSHIP  
MUNICIPAL CLERK

Thank you

Veronica Laureigh  
Municipal Clerk/Administrator  
Township of Lacey  
818 Lacey Road  
Forked River, NJ 08731  
609-693-1100, ext. 2200  
Fax: 609-693-0526  
laceyclerk@laceytownship.org  
www.laceytownship.org

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----- Forwarded message -----

From: Regina Discenza <opra+request-35459-b21365ca@requests.opramachine.com>  
Date: Thu, Sep 22, 2022 at 8:41 AM  
Subject: OPRA request - Copy of NJ DEP CAFRA permit for project M & T Lofts at Lacey  
To: OPRA requests at Lacey Township <laceyclerk@laceytownship.org>

Dear Lacey Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Please provide a copy of the full NJ DEP CAFRA permit recently issued to the project M & T The Lofts at Lacey, Lanoka Harbor NJ. I understand the Community Development Dept has this document.

Any questions regarding this request please contact me. Thank you.

Yours faithfully,

Regina Discenza, Forked River NJ

Map pages are available in the Clerk's Office

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:  
opra+request-35459-b21365ca@requests.opramachine.com

Is laceyclerk@laceytownship.org the wrong address for OPRA requests to Lacey Township? If so, please contact us using this form:

[https://opramachine.com/change\\_request/new?body=lacey\\_township](https://opramachine.com/change_request/new?body=lacey_township)

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

I emailed this.

9-22-22

view this OPRA request & responses online:  
[https://opramachine.com/request/copy\\_of\\_nj\\_dep\\_cafra\\_permit\\_for](https://opramachine.com/request/copy_of_nj_dep_cafra_permit_for)

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

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1124  
Lofts

**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>		<p>Approval Date <b>September 9, 2022</b></p> <p>Expiration Date <b>September 8, 2027</b></p>
<p><b>Permit Number(s):</b> 1512-02-0046.4 LUP190001</p>	<p><b>Type of Approval(s):</b> FWW GP11 Outfalls/Intake Structures CAFRA IP- Residential Development- not SFH/Duplex CAFRA Individual Permit- Commercial/Industry/Public</p>	<p><b>Governing Rule(s):</b> N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:7A-1.1(a)</p>
<p><b>Permittee:</b> M&amp;T At Lacey LLC 1260 Stelton Road Piscataway, NJ 08864</p>	<p><b>Site Location:</b> Block(s) &amp; Lot(s): [739, 7.02] [739.01, 2.06] [739.01, 2.07] [739.01, 7.03] [739.01, 7.04] Municipality: Lacey Twp County: Ocean</p>	
<p><b>Description of Authorized Activities:</b> This document authorizes the construction of eight (8) three-story 13,000 SF condominium buildings with 30 units each; one three-story building which will consist of a clubhouse and leasing area on the first floor and 16 condo units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors; a tot lot, swimming pool and associated parking; a commercial development consisting of a 15,423 SF retail building and a 5,496 SF convenience store with a gas station and associated parking.</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. and Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq., as amended through October 5, 2021. Issuance of this permit in no way relinquishes and shall not be construed as a relinquishment by the State of New Jersey of any tidelands right, title, ownership/interest in the subject property or in any land surrounding same.</p> <p>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.</p>		
<p><b>Prepared by:</b>  Vivian Fanelli</p>	<p><b>Received and/or Recorded by</b> County Clerk:</p>	
<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.

FWW GPLI Outfalls/Intake Structures	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0	0
Transition areas	0.010	0
State open waters	0	0

### PRE-CONSTRUCTION CONDITIONS:

1. Within 90 days of the issuance of this permit authorization, and prior to site-preparation, the permittee shall submit to the NJDEP Division of Land Resource Protection (attn.: Endangered & Threatened Species Unit), a mitigation proposal which addresses the direct loss of 14.9 acres of Critical Wildlife Habitat on the parcel in question. The commencement of any site preparation and permitted activities may take place only after a Critical Wildlife Habitat Mitigation Proposal has been approved, in writing, by the Department. If mitigation through land preservation is approved by the Department, the proposed mitigation area shall be placed under a conservation restriction. This conservation restriction shall run with the land and be binding upon all successive owners. A copy of the recorded conservation restriction shall be forwarded to and received by the Division of Land Resource Protection. Any regulated activities, including site preparation, undertaken on the site before a copy of the recorded restriction is received by the Department will be considered a violation of the Coastal Area Facility Review Act.
2. Prior to the start of any construction onsite, the applicant/owner shall sign a Department approved conservation restriction to guarantee the preservation of any regulated area utilized for compliance with the Stormwater Management Rules at N.J.A.C. 7:8. This restriction shall be included in the deed of the property and shall be recorded with the local County Clerk (the registrar of deeds and mortgages). This restriction shall run with the land and be binding upon all successive owners, and all land surveys of the property shall show the protected areas onsite. This restriction shall conform to the format and content of the model Grant of Conservation Restriction/Easement (Stormwater Management Strategies Protection Area), downloadable at [www.nj.gov/dep/landuse/forms/](http://www.nj.gov/dep/landuse/forms/). Please submit a copy of the draft restriction to Dhruv Patel of this office for review prior to recording, as well as the final restriction once filed. Regulated activities shall not commence onsite until the permittee has submitted adequate proof that this restriction has been recorded as required above and has received written confirmation of the same from the Department.
3. Prior to commencement of construction, a silt fence shall be erected along the limits of disturbance of the development with a 10-foot return on each end. This fence must be maintained and remain in place until all construction and landscaping activities are completed.
4. 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. To avoid impacts to Northern Long-eared Bat (federally listed), as well as nesting migratory bird species, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from April 1 through September 30 of each calendar year.
2. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7:7A-7.11, and 7:7A-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. The Department has determined that the freshwater wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. 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. This authorization for a Freshwater Wetlands 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.
5. There shall be no impacts to wetlands or wetland transition areas beyond that approved and shown on the approved plans.
6. The permittee must adhere to the operations and maintenance plan for the stormwater management measures incorporated into the design of this major development in accordance with N.J.A.C. 7:8-5.8. Guidance set forth in the New Jersey Stormwater Best Management Practices Manual should be followed to the maximum extent practicable.
7. 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 green infrastructure best management practices, shall be reviewed and approved by the Department by obtaining a modification or new permit as appropriate 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.

8. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
9. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.

**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 to the Bureau of Coastal & Land Use Compliance & Enforcement email notification at [CLU\\_tomsriver@dep.nj.gov](mailto:CLU_tomsriver@dep.nj.gov) or mail notification to 501 E. State St, PO Box 420, Mail Code 501-01A, Trenton, NJ 08625 at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.

Additionally, the permittee shall notify the Department in writing (at the address listed on page one of this permit) within five working days prior to commencement of operation of a CAFRA individual permit. At this time, the permittee shall certify that all conditions of the permit that must be met prior to operation of the development have been met.

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 drawings hereby approved are thirteen (13) sheets, among them,

Ten (10) sheets were prepared by EP Design Services, LLC, dated December 5, 2013, last revised on February 25, 2021, unless otherwise noted and entitled:

**“LACEY TOWN VILLAGE FOR BL 739.01 – LTS 2.06, 2.07, 7.03, & 7.04 – BL 739, LT 7.02, TOWNSHIP OF LACEY, OCEAN COUNTY, NEW JERSEY”**,

**“OVERALL SITE PLAN”**, sheet no. 5 of 35, last revised on February 18, 2021,

**“PROPOSED GRADING PLAN I”**, sheet no. 11 of 35,

**“PROPOSED GRADING PLAN II”**, sheet no. 12 of 35,

**“PROPOSED DRAINAGE PLAN I”**, sheet no. 13 of 35,

**“PROPOSED DRAINAGE PLAN II”**, sheet no. 14 of 35,

**“PROPOSED BASIN CROSS SECTION”**, sheet no. 27 of 35,

**“CONSTRUCTION DETAILS II”**, sheet no. 29 of 35, last revised on February 18, 2021,

**“CONSTRUCTION DETAILS III”**, sheet no. 30 of 35, last revised on February 18, 2021,

**“CONSTRUCTION DETAILS IV”**, sheet no. 31 of 35, last revised on February 18, 2021 and

**“CONSTRUCTION DETAILS V”**, sheet no. 32 of 35, last revised on February 18, 2021,

And one (1) sheet was prepared by EP Design Services, LLC, dated January 28, 2022, last revised on August 30, 2022 and entitled:

**“THE LOFTS AT LACEY, FOR BL 739.01 – LTS 2.06, 2.07, 7.03, & 7.04 – BL 739, LT 7.02, TOWNSHIP OF LACEY, OCEAN COUNTY, NEW JERSEY”**,

**“EROSION CONTROL – BASIN CROSS SECTIONS”**, sheet no. 27 of 37.

And two (2) sheets prepared by EP Design Services, LLC, dated August 16, 2019, last revised on May 17, 2021, unless otherwise noted and entitled:

**“LACEY TOWN VILLAGE FOR BL 739.01 – LTS 2.06, 2.07, 7.03, & 7.04 – BL 739, LT 7.02, TOWNSHIP OF LACEY, OCEAN COUNTY, NEW JERSEY”**,

**“PRESERVATION EXHIBIT”**, sheet no. 1 of 2, last revised on August 30, 2022 and

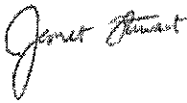
**“EASMENTS AND DEED LIFTING EXHIBIT”, sheet no. 2 of 2.**

**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  
Janet Stewart  
Date: 2022.09.09  
09:35:16 -04'00'

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Janet L. Stewart, Manager  
Watershed & Land Management

c: Municipal Clerk, Lacey Twp  
Municipal Construction Official, Lacey Twp  
Agent (original)