



**ARTHUR W. PONZIO CO. & ASSOCIATES, INC.**  
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January 16, 2014

**Mr. Jason Gaskill**

State of New Jersey  
Department of Environmental Protection  
Land Use Regulation Division  
501 East State Street  
P. O. Box 439  
Trenton, New Jersey 08625-0439

REFERENCE: ATLANTIC CAPES FISHERIES, INC.  
FISHERMEN'S LANDING PROJECT  
BLOCK 171 LOT 9 – 117 CHANNEL DRIVE  
BLOCK 172 LOT 1 - 205 CHANNEL DRIVE  
BLOCK 172 LOTS 5, 5.01 - 209 CHANNEL DRIVE  
BLOCK 173 LOT 1 - 211 CHANNEL DRIVE  
BLOCK 173 LOTS 2, 2.01 - 301 CHANNEL DRIVE  
POINT PLEASANT BEACH, OCEAN COUNTY, N.J.  
WILLS HOLE THOROUGHFARE

**Dear Mr. Gaskill:**

In response to a pre-application meeting held at the Trenton offices of the New Jersey Department of Environmental Protection, and a follow-up project site visit with Mr. Eric Virostek, we are submitting this request for a CAFRA Jurisdictional Determination (JD) and Permit-by-rule outlining specific changes and improvements to the referenced property that we believe can be accomplished without the need for a full submittal to the New Jersey Department of Environmental Protection for CAFRA and Flood Hazard permits.

The subject property has been used for commercial fishing activities and operations for a very long time. The project, known as "FISHERMEN'S LANDING" represents a revitalization of this commercial fishery that was significantly damaged in the Sandy Superstorm of October 2012. This letter reviews and summarizes the information that has been discussed during the prior meetings.

The work outlined in this letter is referred to as "Phase 1" improvements which are a part of a multi-faceted and phased project to be completed at this site. Phase 1 consists of rebuilding, refurbishing, and reorganizing the existing

commercial fishing infrastructure on the site. This infrastructure was developed through the years on an as-needed basis and those parts which were damaged by Superstorm Sandy are proposed to be revitalized and reorganized to provide needed modern infrastructure for the commercial fisheries for existing and future operations. The applicant, Atlantic Capes Fisheries, Inc. is anxious to rebuild this infrastructure for its fishing business. The project team is now in the process of completing the working drawings for the project so that construction can start this coming summer and be completed by year's end. As detailed below and as we have previously discussed we are asking that you confirm in writing that none of the proposed Phase 1 work as submitted requires permits from the New Jersey Department of Environmental Protection.

Further we discussed that Atlantic Capes Fisheries is currently planning a subsequent phase of the project, which will enhance the site with mixed uses, including public access to the waterfront and the construction of a waterfront restaurant and hotel. Those improvements will be the subject of an application to the Department, to be submitted later this year to seek the required permits so that work may begin on the property some time during 2015.

For your review and information for this request concerning Phase 1 of the FISHERMEN'S LANDING Project we have enclosed a detailed plan of the property which illustrates and highlights these proposed changes, rebuilding, and other improvements to the property's commercial fishing industry infrastructure. The following is a listing of each of the proposed items included in this request for your confirmation of our understanding, which items are keyed to the enclosed plan.

Description of proposed site activity:

1. Remove existing ice plant and construct new at the right (east) rear side of the 301 Building within the limits of the existing roofed area footprint.
2. Relocate existing 18000 gallon dual walled fuel tank (or install new dual walled fuel tank- to be determined) including connections as needed to service the commercial vessels utilizing the facility. The tank will be located to the right (east) side of the existing loading dock adjacent to the 301 Building.
3. Construct a new concrete loading ramp with access to Channel Drive, located to the left (west) side of the 301 Building, to accommodate four truck bays. The applicant proposes to erect a roof over this truck ramp, and also requests that determination if it will not trigger a CAFRA application.
4. Upgrade and correct the slope of the existing loading dock located to the right (east) side of the 301 Building



5. Upgrade the existing loading dock in the streetside (non-waterfront) of the 301 Building, including re-sloping of the loading dock concrete truck ramp located at the front right (east) side of the 301 Building
6. Construct a new shipping dock platform and enclosure (approximate dimensions 14' x 46') at the front right (east) side of the 301 Building adjacent to the loading dock on the streetside (non-waterfront)
7. Construct a new 3,000 sf second floor addition at the front left streetside (west non-waterfront) of the 301 Building, to be used as office space for the facility's operations. Approximate dimensions of the addition to be 40' x 75' (with no expansion of the existing building footprint)
8. Complete various interior renovations and structural upgrades to the existing 301 Building within the existing footprint of the 301 Building
9. Reconstruct the existing paved and concrete area lying to the rear of the 301 Building (between the building and the bulkhead line) to provide better surface grading and storm water flow
10. Repair or reconstruct the existing asphalt paved and concrete areas lying in the area of the 301 Building as noted on the plan
11. Demolish selected buildings throughout the property that were damaged by Superstorm Sandy, as are noted on the plan
12. Construction of a new linear approximately 30' wide concrete splash pad/concrete working platform along the inside edge of the bulkhead as shown on the plan, which will also become part of the new public access promenade along the waterfront, providing access to the public to the "working waterfront".

#### Waterfront development:

The Phase 1 project improvements also include the installation of new bulkheads, wharfs and other work in and along the adjacent waterway. All of this work will be completed within the scope of a waterfront development permit application which will be submitted to the Department under separate cover.

#### Flood hazard:

We have examined all of the proposed site activities for compliance with the Flood Hazard Rule, and we believe that this Phase I work qualifies for the issuance of a Permit-By-Rule as outlined in NJAC 8:13-(b)6. The total new area of site disturbance is limited to less than 1 acre, with less than ¼ acre of new asphalt parking surface.



Army Corps of Engineers:

A permit from the US Army Corps of Engineers (ACOE) will be required for all work proposed within the waters of Wills Hole Thoroughfare. A separate application to the ACOE will be submitted for review timely with the application to the NJDEP seeking a Waterfront Development Permit.

We have enclosed the following documents for your review and information:

- a. Two prints of our plan entitled "Plan to accompany application to the NJDEP for a Jurisdictional Determination and Permit-by-rule", dated January 2, 2014, project number 31202
- b. Two copies of an aerial photograph of the project site
- c. Two prints of a recent site survey prepared by T. Lurie, DW Smith Associates, LLC.
- d. Two copies of a completed NJDEP checklist/application for a Jurisdictional Determination (JD) request

Please let me know if you require any other information in this regard and thank you for your continuing time and assistance on this project.

Sincerely,

Arthur W. Ponzio, Jr.

Cc: Daniel Cohen, President, Atlantic Capes Fisheries, Inc.  
Mike Bookbinder, VP Development/General Counsel  
Tim DeStories, Facilities Manager  
Tim Lurie, Principal, DW Smith Associates, LLC

