



## 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

[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

Lauren LeBlanc  
AECOM  
7389 Florida Boulevard  
Suite 300  
Baton Rouge, LA 70806

April 28, 2015

**Re: JURISDICTIONAL DETERMINATION**  
**Environmental Review - EDA and DCA/NEP Programs**  
DLUR File Number: 1343-15-0003.1  
DLUR Activity Number: CDT150001  
Grant Application ID Number: SRP0042552R  
Applicant: Kalaka Realty  
Block(s) and Lot(s): [17, 2]  
Borough of Sea Bright, Monmouth County

Dear Ms. LeBlanc:

This letter is in response to an application submitted by the above referenced applicant for funding under the Economic Development Authority's Neighborhood & Community Revitalization (NCR), Small Business Loans (SBL) Programs, the Department of Community Affairs's Neighborhood Enhancement Program (NEP), and/or the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. This jurisdictional determination is for proposed reconstruction and elevation of a multi-family residential structure containing six rental units within the footprint of the pre-existing structure. The proposed project is located at the above referenced site within the CAFRA zone of the Borough of Sea Bright, a non-qualifying municipality. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et seq.), Flood Hazard Area Control Act (N.J.S.A. 58:16A et seq.) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B et seq.).

Based on a review of the information submitted and a review of information as maintained on the Department's Geographic Information System, the following determination is made:

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- ☒ **A Waterfront Development permit is not required.**
- ☐ **A Waterfront Development Permit will be required because:**
  - ☐ Work will be performed at or below (outshore) the Mean High Water Line.
  - ☐ Work will be performed within 100/500 feet of the MHWL outside the coastal area.

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- ☐ **A CAFRA permit is required.**

- (x) **A CAFRA permit is not required** per N.J.A.C. 7:7-2.1(c)3 provided the reconstruction does not result in enlargement or relocation of the footprint of development and/or an increase in the number of dwelling units or parking spaces within the development.

Based on a review of the Coastal Wetlands Maps, the following determination is made:

- ( ) **Coastal Wetlands permit is required.** Coastal Wetlands are mapped on this site. Activity is proposed at or below the Upper Wetlands Boundary.
- (x) **Coastal Wetlands permit is not required.** Based on a review of the Coastal Wetlands Maps it is determined that there are not mapped wetlands on the site.
- ( ) **Coastal Wetlands permit is not required.** Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary.

**Freshwater Wetlands:**

Based on the information provided to the Division, it does not appear that the proposed project will impact freshwater wetlands and associated transition areas regulated under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. Therefore, a Freshwater Wetlands Permit is not required.

**Flood Hazard Area:**

In addition, this project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1. Reconstruction and elevation projects within the same footprint of the structure may qualify for a Flood Hazard Area permit-by-rule provided the criteria at N.J.A.C. 7:13-7.2(a)3 is met.

Please be advised that the Army Corps of Engineers (Corps) has jurisdiction over any activity that results in a discharge of fill below the mean high water line or within Federally regulated wetlands.

The project may be presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change.

Please contact Jessica Cobb by e-mail at [Jessica.Cobb@dep.nj.gov](mailto:Jessica.Cobb@dep.nj.gov) or (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Supervisor  
Bureau of Coastal Regulation  
Division of Land Use Regulation