



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

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.		Approval Date February 7, 2025
		Expiration Date February 6, 2030
Permit Number(s): 1300-13-0010.2 LUP240002	Type of Approval(s): Flood Hazard Area Individual Permit Flood Hazard Area Verification	Governing Rule(s): N.J.A.C. 7:13-1.1(b)
Permittee: Dynamic Engineering Consultants, PC c/o Ashley Matthews 1904 Main Street Lake Como, NJ 07719		Site Location: Block(s) & Lot(s): [2701, 53] [2701, 60] [2701, 66] [2701, 69] Municipality: Eatontown Boro. County: Monmouth
Description of Authorized Activities: This permit authorizes the construction of 4 stormwater outfalls and to conduct grading activities and remediation activities within the flood hazard area of Turtle Mill Brook on the parcels referenced above. The permit verifies that the onsite flood hazard area elevation ranges from 17.5 to 30.2 feet, NAVD. This permit also verified the limits of the floodway as depicted on the approved plans. <i>The Department has determined that the herein approved activities meet the requirements of the FHACA 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>		
Prepared by: Dominick Cardella		Received and/or Recorded by County Clerk:
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.		
This permit is not valid unless authorizing signature appears on the last page.		

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. 7:13-2.18.

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.812
Temporary Disturbed	0

PRE-CONSTRUCTION CONDITIONS:

1. **This authorization for a Flood Hazard Area permit does not grant permission to impact any freshwater wetlands, transition areas, or State open waters onsite.** The permittee shall obtain a Department approved Freshwater Wetlands General Permit No. 4, No. 11, Transition Area Waiver Averaging Plan and Transition Area Waiver for linear development (Application No. 1300-13-0010.2, LUP240001) prior to the start of any regulated activities within these areas. Any disturbances to freshwater wetlands, transition area, or State open waters prior to obtaining the applicable freshwater wetlands permit from the Division is considered a violation of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A.
2. 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 Turtle Mill Brook and shall serve as a physical barrier protecting all regulated 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.
3. This portion of the permit verifies the regulatory Flood Hazard Elevation onsite along Turtle Mill Brook. This also verifies the floodway and riparian zone onsite. This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. NOTE: The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:
 - a. The Department file number for the verification;
 - b. The approval and expiration dates of the verification;
 - c. A metes and bounds description of any flood hazard area limit and floodway limit, approved under the verification;
 - d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification;
 - e. The width and location of any riparian zone approved under the verification; and

- f. The following statement: “The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Watershed & Land Management Program at (609) 777-0454 for more information prior to any construction onsite.”

SPECIAL CONDITIONS:

1. 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 low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any infiltration basin, bioretention 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.
2. 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 infiltration basins, bioretention basins, and inlets 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.
3. Prior to the start of any construction onsite, the permittee/owner shall record a deed notice for all stormwater management measures authorized under this permit which shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located. A form of deed notice shall be submitted to the Watershed and Land Management Program (Program) for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at N.J.A.C. 7:8-5.3, 5.4, 5.5, and 5.6 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to N.J.A.C. 7:8-5.8(d). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Program. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the Program is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Program within 180 calendar days of the authorization granted by the Program.
4. All excavated material shall be disposed of in a lawful manner. For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

5. The Department has determined that the riparian zone onsite along the Turtle Mill Brook is 50 feet. Therefore, vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. Upon completion of the project, all temporary disturbed areas shall be replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).
6. In order to protect warmwater fisheries within the Turtle Mill Brook from sediment generating activities, any grading, excavation, or construction activities within the stream or the banks of the stream are prohibited between April 1 through June 30 of each year. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity, is also prohibited anytime but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional measures are required to protect State regulated resources, or the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
7. To reduce the risk of harm to Northern Long-eared Bat, Tricolored Bat (proposed federal listing), as well as nesting migratory bird species, and potential violation of the NJ Endangered and Nongame Species Conservation Act (ENSCA; N.J.S.A. 23:2a-1-13), and to reduce the risk of direct impacts to sensitive habitat, 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.
8. Upon completion of the project, all temporarily disturbed areas within 50 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 in accordance with N.J.A.C. 7:13- 11.2.
9. Construction equipment shall not be stored, staged, or driven within any regulated areas onsite, unless expressly approved by this permit or described on the approved plans.

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; and
 - 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.
- 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 email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov 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.
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 through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://dep.nj.gov/wlm/eservices/lrp-eservices/>.

APPROVED PLAN(S):

The drawings hereby approved consist of twenty-nine (29) sheets prepared by Dynamic Engineering, dated June 28, 2024, last revised October 25, 2024, unless otherwise stated, and entitled:

“SURREY EQUITIES, LLC, PROPOSED MIXED USE DEVELOPMENT, BLOCK 2701, LOTS 53, 60, 66 & 69, MONMOUTH ROAD & NJSH ROUTE 36, BOROUGH OF EATONTOWN, MONMOUTH COUNTY, NEW JERSEY,”

“OVERALL FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN,” sheet 1 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘A’,” sheet 2 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘B’,” sheet 3 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘C’,” sheet 4 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘D’,” sheet 5 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘E’,” sheet 6 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘F’,” sheet 7 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘G’,” sheet 8 of 16,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘H’,” sheet 9 of 16,
“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘I’,” sheet 10 of 16,
“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘J’,” sheet 11 of 16,
“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘K’,” sheet 12 of 16,
“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘L’,” sheet 13 of 16,
“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘M’,” sheet 14 of 16,
“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN ‘N’,” sheet 15 of 16,
“OVERALL FLOOD HAZARD AREA LINE TABLE,” sheet 16 of 16,
“OVERALL FLOOD HAZARD AREA VERIFICATION PLAN,” sheet 1 of 17, dated June 27, 2025, last revised October 10, 2025,
“CUBESMART DRAINAGE PLAN,” sheet 102 of 379, dated October 23, 2024, unrevised,
“CUBESMART CONSTRUCTION DETAILS,” sheet 110 of 377, dated August 31, 2023, last revised May 23, 2024,
“CARMAX DRAINAGE PLAN,” sheet 202 of 379, dated October 23, 2024, unrevised,
“CARMAX CONSTRUCTION DETAILS,” sheet 209 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL DRAINAGE PLAN A,” sheet 332 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL DRAINAGE PLAN B,” sheet 333 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL DRAINAGE PLAN C,” sheet 334 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL DRAINAGE PLAN D,” sheet 335 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL DRAINAGE PLAN E,” sheet 336 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL DRAINAGE PLAN F,” sheet 337 of 379, dated October 23, 2024, unrevised,
“RESIDENTIAL CONSTRUCTION DETAILS,” sheet 374 and 375 of 377, dated August 31, 2023, last revised May 23, 2024.

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 <https://dep.nj.gov/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 <https://dep.nj.gov/wlm/forms/>). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. 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 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
Chingwah Liang
Date: 2025.02.07 16:21:37
-05'00'

Chingwah Liang, Environmental Engineer IV
Bureau of Flood Hazard and Stormwater Engineering
Watershed & Land Management

c: Municipal Clerk, Eatontown Boro
Municipal Construction Official, Eatontown Boro
Agent (original) – Robert Freud