

**LEON S. AVAKIAN, INC. Consulting Engineers**

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
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SAMUEL J. AVAKIAN, P.E., P.L.S., P.P.  
NICHOLAS MATERA, P.E.

April 8, 2025

Ms. Jo Ann Myung  
Municipal Clerk  
Borough of Deal  
190 Norwood Avenue  
Deal, NJ 07723

**Re: Legal Notification of NJDEP Permit Submission  
CAFRA Individual Permit, Deal Casino Beach Club  
Borough of Deal, Monmouth County  
Our File: D-25-03**

Dear Ms. Myung,

Please accept this legal notification of submission for the referenced application. Our office will be submitting the application to the NJDEP, Division of Land Resource Protection.

In accordance with NJAC 7:7E et, seq., I have enclosed one (1) complete copy of the application permit package for your use and records. Please make the application available in the event that any interested party wishes to review the application.

Should you have any questions or require further information, please do not hesitate to contact our office.

Very truly yours,  
LEON S. AVAKIAN, INC.



Samuel J. Avakian, P.E., P.L.S., P.P.  
Borough Engineer



**New Jersey Department of Environmental Protection  
Watershed and Land Management Program  
Division of Land Resource Protection**

**PROPERTY OWNER CERTIFICATION**

**INSTRUCTIONS:** All applicants are required to complete Sections A and B of this form. Applicants who are individual owners of record of the property upon which the activities will occur must also complete Section C.

All other persons who are required to certify to this application in accordance with N.J.A.C. 7:7-23.2(d), N.J.A.C. 7:7A-16.2(d), and N.J.A.C. 7:13-18.2(d) must complete Sections A and C.

Separate forms may be submitted for each signatory, or a single form may be submitted with all required signatures.

**SECTION A. SITE INFORMATION (required)**

Project Name: Deal Casino Beach Club Redevelopment

Applicant's Name: Jo Anna Myung of the Borough of Deal

Street Address: 123-125 Ocean Avenue

Municipality: Borough of Deal County: Monmouth Zip Code: 07723

Blocks and Lots: Block 28, Lot 1

**SECTION B. SIGNATURE OF APPLICANT**

The undersigned applicant hereby certifies that he/she is one of the following: 1) an owner of the site on which the activity is proposed or conducted; 2) an agent designated by the site owner(s) to obtain the permit, verification, or letter of interpretation on the owner's behalf; 3) a representative of a public entity proposing an activity within a right-of-way or easement that is held or controlled by that entity or that will be appropriated by the entity under the power of eminent domain; OR 4) a person with the legal authority to perform the proposed activities.

The undersigned applicant also certifies to the following:

1. Does the application include any activities within an easement or right-of-way? .....  Yes  No  
If "Yes," has written consent from all easement or right-of-way holders in accordance with N.J.A.C. 7:7-23.2(g), 7:7A-16.2(g), and 7:13-18.2(g) been attached to this form? .....  Yes  No
2. Will any part of the project be located within property belonging to the State of New Jersey? .....  Yes  No
3. Does the application include activities on any property owned by any public agency that would be encumbered by Green Acres? .....  Yes  No
4. Does this project require a Section 106 (National Register of Historic Places) Determination as part of a federal approval? .....  Yes  No
5. Are you an LLC or corporation? .....  Yes  No  
If "Yes", has a copy of the Certificate of Formation been attached to this form? .....  Yes  No  Yes  No

Applicant's Name, Title: Jo Anna Myung, Acting Borough Administrator/Clerk

Applicant's Signature: Jo Anna Myung Date: 4/7/2025

Applicant's Name, Title: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name, Title: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name, Title: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### SECTION C. PROPERTY OWNER'S CERTIFICATION

All individual owners of record of the property upon which the activities will occur must certify to this application unless the applicant is a corporation, partnership, sole proprietorship, municipality, or state, federal, or other public entity. If the applicant is a corporation, a principal executive officer of at least the level of vice president must certify below. In the case of partnerships and sole proprietorships, a general partner or the proprietor, respectively, is required to certify. A **corporation or LLC must attach a copy of their Certificate of Formation**. For a municipality or for a state, federal, or other public entity, the certification must be provided by either a principal executive officer or ranking elected official.

A duly authorized representative may sign this application on behalf of any individual who is required to certify provided that the authorization is made in writing and is submitted as part of this application. Please note that in lieu of a property owner's signature, a legal agreement with the current property owner may be attached to this form. Acceptable legal agreements include, but are not limited to, certificates of eminent domain and certificates of inverse condemnation. **Please note that contracts of sale are not considered an acceptable substitute for a property owner's signature.**

*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. I hereby grant permission for the conduct of the proposed activities and consent to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) of the property in question.*

**\*If the proposed project or activity (excluding dredging projects) is on a waterfront property that is directly adjacent to any of the following please contact DEP's Office of Coastal Engineering (OCE) at [ocepermitreviews@dep.nj.gov](mailto:ocepermitreviews@dep.nj.gov), prior to submitting your application, for written confirmation as to whether the site is or is not subject to an OCE easement:**

- Coastal beach or dune
- Atlantic Ocean
- Delaware Bay
- Delaware River (Trenton Makes/US 1 Business bridge to the Delaware Bay)
- NJ Intracoastal Waterway
- Any tidal water or inlet thereto

**\*Projects and activities proposed on waterfront properties that are directly adjacent to man-made lagoons do not require OCE confirmation.**

Following receipt of written confirmation and OCE authorization (if applicable), please upload a copy on the attachment upload page of the online service. Failure to do so may result in a deficient application and/or a delay in the application review.

**\*For all other easements, include a copy of easement and have easement holder sign form.**

Name of Owner/Easement Holder (circle one) \_\_\_\_\_ Date: \_\_\_\_\_

Signature/Title: \_\_\_\_\_

Specific Block(s) and Lot(s) : \_\_\_\_\_

Name of Owner/Easement Holder (circle one): \_\_\_\_\_ Date: \_\_\_\_\_

Signature/Title: \_\_\_\_\_

Specific Block(s) and Lot(s) : \_\_\_\_\_

Name of Owner/Easement Holder (circle one): \_\_\_\_\_ Date: \_\_\_\_\_

Signature/Title: \_\_\_\_\_

Specific Block(s) and Lot(s) : \_\_\_\_\_

Name of Owner/Easement Holder (circle one): \_\_\_\_\_ Date: \_\_\_\_\_

Signature/Title: \_\_\_\_\_

Specific Block(s) and Lot(s) : \_\_\_\_\_



**New Jersey Department of Environmental Protection**  
Land Use Management Program  
Division of Land Use Regulation

**PUBLIC NOTICE**

**SECTION A. SITE INFORMATION**

Applicant's Name: Borough of Deal  
Street Address: 123-125 Ocean Avenue  
Municipality: Borough of Deal County: Monmouth Zip Code: 07723  
Blocks and Lots: Block 28 Lot 1

**SECTION B. STANDARD NOTICE REQUIREMENTS**

Except as provided at item 6 below, public notice of the application shall be provided no more than 30 calendar days prior to submitting the application and no later than the date the application is submitted to the Department.

1. Public notice is required for all of the following (*check all that apply*):

- A flood hazard area general permit authorization (except general permit 1)
- A flood hazard area individual permit
- A flood hazard area verification
- A coastal general permit authorization
- A CAFRA individual permit
- An in-water waterfront development individual permit
- An upland waterfront development individual permit
- A coastal wetlands individual permit
- A freshwater wetlands individual permit
- A freshwater wetlands transition area waiver
- A freshwater wetlands general permit authorization (except general permit 15)
- A freshwater wetlands general permit 15 (**please skip to Section C**)

2. Has a copy of the entire application been sent to the municipal clerk of each municipality in which the proposed activity or project is located? .....  Yes  No

**Note:** For electronic submissions, the application consists of a description of the project, which must include the lot and block, municipality, and county, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the submission service, including all required items on the applicable application checklist(s).

If "Yes," did you attach a copy of the certified United States Postal Service white mailing receipt, or other written receipt, and a copy of any letter sent with the application to this form? .....  Yes  No

3. Have both a notice letter, including a brief description of the proposed activity or project, and a legible copy of the site plans been sent to the all following applicable agencies? .....  Yes  No

- The construction official of each municipality in which the site is located
- The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located
- The planning board of each municipality in which the site is located
- The planning board of each county in which the site is located

If "Yes," did you attach **both** of the following to this form? .....  Yes  No

- A copy of the certified United States Postal Service white mailing receipt or other written receipt
- A copy of the notice letter

4. Is the application for a coastal permit for an activity within the 12-mile circle with Delaware, as described at N.J.A.C. 7:7-1.2(c), or within 200 feet of the 12-mile circle? .....  Yes  No

If "Yes," have both a notice letter, including a brief description of the proposed activity or project, and a legible copy of the site plans been sent to the State of Delaware, Department of Natural Resources & Environmental Control, Delaware Coastal Management Program, 89 Kings Highway, Dover, DE 19901? .....  Yes  No

If "Yes," did you attach **both** of the following to this form? .....  Yes  No

- A copy of the certified United States Postal Service white mailing receipt or other written receipt
- A copy of the notice letter

5. Is the application for a waterfront development individual permit to install a submarine cable in the ocean or to perform sand mining in the ocean? .....  Yes  No

If "Yes," have you submitted a description of the project, the specific permit(s)/authorization(s) being sought, and a copy of the NOAA nautical chart showing the proposed cable route or the limits of the proposed sand mining area to all of the following entities? .....  Yes  No

- Garden State Seafood Association
- National Fisheries Institute
- North Atlantic Clam Association
- Rutgers Cooperative Extension
- New Jersey Shellfisheries Council
- New Jersey Marine Fisheries Council

6. Does the application include a CAFRA individual permit? .....  Yes  No

If "No," skip to Question 7.

If "Yes," has newspaper notice, consisting of a legal notice or display advertisement, been published in the official newspaper of the municipality in which the site is located or a newspaper of general circulation in the municipality? .....  Yes  No

If "Yes," did you attach a copy of the published newspaper notice, the date of publication, and the name of the newspaper to this form? .....  Yes  No

If "No," did you verify that a newspaper notice, consisting of a legal notice or display advertisement, will be published in the official newspaper of the municipality in which the site is located or a newspaper of general circulation in the municipality no more than 10 calendar days after the application is submitted to the Department? .....  Yes  No

**Note:** A copy of the published newspaper notice, the date of publication, and the name of the newspaper must be submitted to the Department within this timeframe.

7. Does the application include one or more of the activities listed below (other than those proposed in a freshwater wetlands individual permit application)? .....  Yes  No

- A delineation of one-half mile or longer of a regulated water
- A mosquito control activity subject to flood hazard general permit 2
- A linear project of one-half mile or longer
- A shore protection development, including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or longer
- A public development on a site of 50 acres or more
- An industrial or commercial development on a site of 100 acres or more
- A project to remove sediment or debris from a channel of one-half mile or longer
- Maintenance dredging of a State navigation channel of one-half mile or longer
- A trail or boardwalk of one-half mile or longer subject to a freshwater wetlands general permit or transition area waiver

If you answered "No," to question 7:

Have both a notice letter, including a brief description of the proposed activity or project, and a legible copy of the site plans been sent to all owners of real property, including easements, located **within 200 feet of the property boundary of the site?** .....  Yes  No

If "Yes," did you attach all of the following to this form? .....  Yes  No

- A copy of the certified United States Postal Service white mailing receipt or other written receipt
- A copy of the notice letter
- A certified list of all owners of real property, including easements, within 200 feet of the property boundary, prepared by the municipality with a date of certification no earlier than one year prior to the date of the application

If you answered "Yes," to question 7, answer questions I. and II. below:

I. Have both a notice letter, including a brief description of the proposed activity or project, and a legible copy of the site plans been sent to all owners of property, including easements, **within 200 feet of any proposed above-ground structure?** .....  Yes  No

If "Yes," did you attach all of the following to this form? .....  Yes  No

- A copy of the certified United States Postal Service white mailing receipt or other written receipt
- A copy of the notice letter
- A certified list of all owners of real property, including easements, within 200 feet of the property boundary, prepared by the municipality with a date of certification no earlier than one year prior to the date of the application

II. For all applications, **except CAFRA individual permits**, has newspaper notice, consisting of a legal notice or display advertisement been published in the official newspaper of the municipality in which the site is located or a newspaper of general circulation in the municipality? .....  Yes  No

If "Yes," did you attach a copy of the published newspaper notice, the date of publication, and the name of the newspaper to this form? .....  Yes  No

8. Will the proposed activity or project disturb 5,000 square feet of land or more? .....  Yes  No

If "Yes," have both a notice letter, including a brief description of the proposed activity or project, and a legible copy of the site plans been sent to the local Soil Conservation District? .....  Yes  No

If "Yes," did you attach a copy of the certified United States Postal Service white mailing receipt or other written receipt and a copy of the notice letter to this form? .....  Yes  No

9. Is the proposed activity or project located within the Pinelands Area as designated under the Pinelands Protection Act at N.J.S.A. 13:18A-11(a)? .....  Yes  No

If "Yes," you are also required to complete Section D of this form.

10. Does the application include a freshwater wetlands individual permit application? .....  Yes  No

If "No," skip to Question 11.

If "Yes," does the proposed project involve more than 10 acres of fill? .....  Yes  No

If "Yes," has newspaper notice been published in a newspaper with regional circulation in the region in which the site is located? .....  Yes  No

If "Yes," did you attach a copy of the published newspaper notice, the date of publication, and the name of the newspaper to this form? .....  Yes  No

If "No," has newspaper notice consisting of a legal notice or display advertisement been published in the official newspaper of the municipality in which the site is located or a newspaper of general circulation in the municipality? .....  Yes  No

If "Yes," did you attach a copy of the published newspaper notice, the date of publication, and the name of the newspaper to this form? .....  Yes  No

11. Does the application include a flood hazard individual permit based on a hardship exception? .....  Yes  No

If "Yes," do all notice letters and published newspaper notices attached to this form (under questions 3, 4, 7, and 8 above, as applicable) include a description of the nature of the hardship as well as the citation and subject matter of each requirement for which the hardship exception is being requested? .....  Yes  No

### SECTION C. FRESHWATER WETLANDS GENERAL PERMIT 15

This section only applies to applications that include a freshwater wetlands general permit 15.

1. Is the applicant a Federal agency conducting activities on Federal land? .....  Yes  No

If "Yes," public notice is not required for this activity.

2. Has a display advertisement describing the proposed activities, at least four column inches in size, been published in a newspaper with local circulation (including the municipality) and in a newspaper with regional circulation (including the county)? .....  Yes  No

If "Yes," did you attach a copy of the published newspaper notices, the dates of publication, and the names of the newspapers to this form? .....  Yes  No

### SECTION D. PINELANDS

This section only applies to applications where the proposed activity or project is located within the Pinelands Area as designated under the Pinelands Protection Act at N.J.S.A. 13:18A-11.a.

1. Does the application include a flood hazard general permit or individual permit? .....  Yes  No

If "Yes," has a description of the project, including the lot and block, municipality, county, and specific permit(s)/authorization(s) being sought, been sent to the New Jersey Pinelands Commission? .....  Yes  No

If "Yes," did you attach a copy of the certified United States Postal Service white mailing receipt or other written receipt and a copy of any letter provided with the project description to this form? .....  Yes  No

2. Does the application include a coastal general permit or individual permit? .....  Yes  No

If "Yes," has a copy of the entire application been sent to the New Jersey Pinelands Commission? .....  Yes  No

Note: For electronic submissions, the application consists of a description of the project, which must include the lot and block, municipality, and county, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the submission service, including all required items on the applicable application checklist(s).

If "Yes," did you attach a copy of the certified United States Postal Service white mailing receipt or other written receipt and a copy of any letter provided with the application to this form? .....  Yes  No

3. Is the application solely for a freshwater wetlands general permit(s)? .....  Yes  No

If "Yes," do not submit the application to the Department. Submit the application to the New Jersey Pinelands Commission.

# Monmouth County

## Buffer Report

### Highlighted feature(s)

#### Subject Property (1)

MUN	BLOCK	LOT	QUAL	Location	Owner Name	Owner Street	Owner Csz
Deal Boro	28	1		123-125 Ocean Ave	BOROUGH OF DEAL (BEACH CLUBS)	190 NORWOOD AVE	DEAL, NJ 07723

S

### List of adjoining feature(s) that intersect 200 foot buffer from Subject Property.

#### Adjacent Properties (25)

MUN	BLOCK	LOT	QUAL	Location	Owner Name	Owner Street	Owner Csz
Deal Boro	14	5		103 Ocean Ave	GINDI RAYMOND & ISAAC % CENT 21	175 BROADWAY	NEW YORK, NY 10007
Deal Boro	14	6		4 Ocean Lane	SERURE, ELAINE	1137 E 7TH STREET	BROOKLYN, NY 11210
Deal Boro	14	22		2 Ocean Lane	2 OCEAN LANE, LLC	701 AVENUE K	BROOKLYN, NY 11210
Deal Boro	15.01	1		39 Phillips Ave	F. HADDAD TRUST C/O FASHION OPTIONS	1370 BROADWAY, SUITE 901	NY, NY 10018
Deal Boro	15.01	2		98 Ocean Ave	HADDAD ELI	313 5TH AVE , 2ND FLR	NEW YORK, NY 10016
Deal Boro	27	1		112 Ocean Ave	112 OCEAN AVE LLC	2215 EAST 3RD STREET	BROOKLYN, NY 11223
Deal Boro	27	1.02		116 Ocean Ave	TOBIAS, MELISSA	1840 EAST 5TH STREET	BROOKLYN, NY 11223
Deal Boro	27	12		124 Ocean Ave	124 OCEAN AVENUE LLC	1045 EAST 8TH STREET	BROOKLYN, NY 11230
Deal Boro	28	1		123-125 Ocean Ave	BOROUGH OF DEAL (BEACH CLUBS)	190 NORWOOD AVE	DEAL, NJ 07723
Deal Boro	28	3		27 Wallace Rd	CHEHEBAR, ISAAC J	433 AVENUE T	BROOKLYN, NY 11223
Deal Boro	28	4		21 Wallace Rd	TERZI ROCHELLE	1855 OCEAN PARKWAY	BROOKLYN, NY 11223
Deal Boro	28	5		15 Wallace Rd	15 WALLACE ROAD, LLC	24 MONMOUTH TERRACE	DEAL, NJ 07723
Deal Boro	28	6		9 Wallace Rd	8 WALLACE LLC % JENEL MANAGEMENT	275 MADISON AVE, STE 1100	NEW YORK, NY 10016
Deal Boro	29	1		26 Wallace Rd	TAWIL, MICHAEL	2191 EAST 4TH STREET	BROOKLYN, NY 11223
Deal Boro	29	2		20 Wallace Rd	FOUERTI, IBRAHIM	2217 EAST 5TH STREET	BROOKLYN, NY 11223
Deal Boro	29	3		14 Wallace Rd	SALAMA, ESTHER	1739 OCEAN PARKWAY	BROOKLYN, NY 11223
Deal Boro	29	10		8 Wallace Rd	8 WALLACE LLC C/O JENEL MANAGEMENT	275 MADISON AVE. ST. 1100	NEW YORK, NY 10016
Deal Boro	30	1		42 Brighton Ave	42 BRIGHTON LLC	338 AVENUE O	BROOKLYN, NY 11230

MUN	BLOCK	LOT	QUAL	Location	Owner Name	Owner Street	Owner Csz
Deal Boro	30	2.01		136 Ocean Ave	ADJMI, HARRY & ALICE	1412 BROADWAY, 3RD FLR.	NY, NY 10018
Deal Boro	30	19		150 Ocean Ave	SITT, EDDIE H	150 OCEAN AVENUE	DEAL, NJ 07723
Deal Boro	30	19.02		142 Ocean Ave	ADJMI, HARRY & ALICE	1412 BROADWAY, 3RD FLOOR	NY, NY 10018
Deal Boro	33	1.01		156 Ocean Ave	DWECK FAMILY 2020 LLC	25 LINCOLN AVE	LONG BRANCH, NJ 07740
Deal Boro	33	1.02		160 Ocean Ave	HARA, JACK & SHILA	710 AVENUE V	BROOKLYN, NY 11223
Deal Boro	33	15.02		170 Ocean Ave	WILF, MARK & JANE	820 MORRIS TURNPIKE	SHORT HILLS, NJ 07078
Deal Boro	89	1.02		Ocean Ave Access	BOROUGH OF DEAL	190 NORWOOD AVE	DEAL, NJ 07723

## Monmouth County - Map

## Buffer Report



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Certified Mail Fee \$ 4.85  
Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (Handcopy) \$ 4.10  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To SITT, EDDIE H  
150 OCEAN AVENUE  
Street and Apt. No. DEAL, NJ 07723  
City, State, ZIP+4  
PS Form 3800, A

7022 2410 0001 7407 3426

NEPTUNE NJ Postmark Here APR-8 2015 07753 USPS

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 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To ADJMI, HARRY & ALICE  
1412 BROADWAY, 3RD FLOOR  
Street and Apt. No. NEW YORK, NY 10018  
City, State, ZIP+4  
PS Form 3800, A

7022 2410 0001 7407 3440

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 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To 42 BRIGHTON LLC  
338 AVENUE O  
Street and Apt. No. BROOKLYN, NY 11230  
City, State, ZIP+4  
PS Form 3800, A

7022 2410 0001 7407 3433

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Total Postage and \$ 5.54  
Sent To WILF, MARK & JANE  
820 MORRIS TURNPIKE  
Street and Apt. No. SHORT HILLS, NJ 07078  
City, State, ZIP+4  
PS Form 3800, A

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PS Form 3800, A

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 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To DWECK FAMILY 2020 LLC  
25 LINCOLN AVENUE  
Street and Apt. No. LONG BRANCH, NJ 07740  
City, State, ZIP+4  
PS Form 3800, A

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 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To Planning Board  
Borough of Deal  
190 Norwood Avenue  
Street and Apt. No. Deal, NJ 07723-1234  
City, State, ZIP+4  
PS Form 3800, A

7022 2410 0003 3876 4092

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 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To Freehold Soil Conservation District  
P.O. Box 5033  
Street and Apt. No. Freehold, NJ 07728-5033  
City, State, ZIP+4  
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 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To Monmouth County Planning Board  
Hall of Records Annex, 2nd Floor  
1 East Main Street  
Street and Apt. No. Freehold, NJ 07728  
City, State, ZIP+4  
PS Form 3800, April 2015 PSF 1530-000-0017 Side 1 (reverse for instructions)

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 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To DEAL BOROUGH  
190 NORWOOD AVENUE  
Street and Apt. No. DEAL, NJ 07723  
City, State, ZIP+4  
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 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To Construction Official  
Borough of Deal  
190 Norwood Avenue  
Street and Apt. No. Deal, NJ 07723-1234  
City, State, ZIP+4  
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 Return Receipt (Handcopy) \$ 4.10  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_  
Postage \$ .69  
Total Postage and \$ 5.54  
Sent To Environmental Commission  
Borough of Deal  
190 Norwood Avenue  
Street and Apt. No. Deal, NJ 07723-1234  
City, State, ZIP+4  
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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	112 OCEAN AVE LLC 2215 E 3RD ST BROOKLYN, NY 11223
Street and Apt. No.	
City, State, ZIP+4	

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	120 OCEAN AVENUE LLC 1045 EAST 8TH ST BROOKLYN, NY 11230
Street and Apt. No.	
City, State, ZIP+4	

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Certified Mail Fee	\$ 4.85
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	8 WALLACE, LLC C/O JENEL MANAGEMENT 275 MADISON AVE, STE 1100 NEW YORK, NY 10016
Street and Apt. No.	
City, State, ZIP+4	

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$ 9.44
Sent To	SALAMA, ESTHER 1739 OCEAN PKWY BROOKLYN, NY 11223
Street and Apt. No.	
City, State, ZIP+4	

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	HADDAD, ELI 313 5TH AVE, 2ND FL NEW YORK, NY 10016
Street and Apt. No.	
City, State, ZIP+4	

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<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	120 OCEAN AVENUE LLC 1045 EAST 8TH ST BROOKLYN, NY 11230
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	15 WALLACE ROAD, LLC 24 MONMOUTH TERRACE DEAL, NJ 07723
Street and Apt. No.	
City, State, ZIP+4	

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<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	FOUERTI, IBRAHIM 2217 E 5TH STREET BROOKLYN, NY 11223
Street and Apt. No.	
City, State, ZIP+4	

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<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	F. HADDAD TRUST CO 1370 BROADWAY, SUITE 901 NEW YORK, NY 10018
Street and Apt. No.	
City, State, ZIP+4	

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<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	TOBIAS, MELISSA 1840 E 5TH ST BROOKLYN, NY 11223
Street and Apt. No.	
City, State, ZIP+4	

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<input checked="" type="checkbox"/> Return Receipt (handcopy)	\$ 4.10
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	TERZI, ROCHELLE 1855 OCEAN PARKWAY BROOKLYN, NY 11223
Street and Apt. No.	
City, State, ZIP+4	

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .69
Total Postage and Fees	\$ 9.44
Sent To	TAWIL, MICHAEL 2191 EAST 4TH STREET BROOKLYN, NY 11223
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Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

\$ .69

Total Postage and

\$ 9.64

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1137 E 7TH ST

Street and Apt. No.

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City, State, ZIP+4



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Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

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Total Postage and

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GINDI, RAYMOND & ISAAC

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NEW YORK, NY 10007



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Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

\$ .69

Total Postage and

\$ 9.64

2 OCEAN LANE, LLC

701 AVENUE K

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BROOKLYN, NY 11210

City, State, ZIP+4



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**LEON S. AVAKIAN, INC. Consulting Engineers**

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
PETER R. AVAKIAN, P.E., P.L.S., P.P.  
MEHRYAR SHAFAI, P.E., P.P.  
GREGORY S. BLASH, P.E., P.P., CPWM  
GERALD J. FREDA, P.E., P.P.  
JENNIFER C. BEAHM, P.P., AICP  
CHRISTINE L. BELL, P.P., AICP  
SAMUEL J. AVAKIAN, P.E., P.L.S., P.P.  
NICHOLAS MATERA, P.E.

**ATTENTION GOVERNMENT AGENCIES AND PROPERTY OWNERS:**

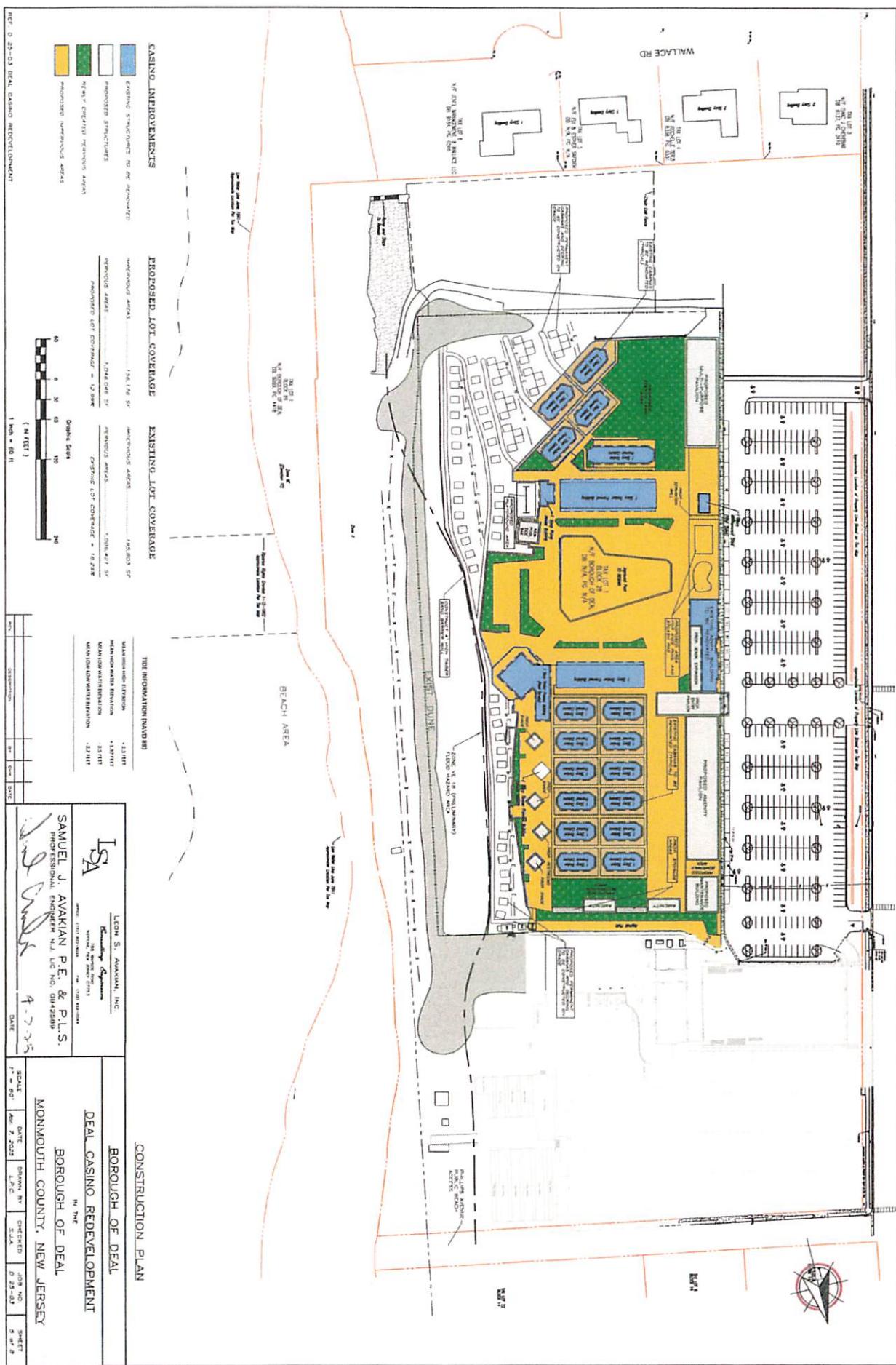
This letter is to provide you with legal notification that an application for a CAFRA Individual Permit will be submitted to the New Jersey Department of Environmental Protection, Division of Land Resource Protection for the development shown on the enclosed plan. The proposed project is located at the Deal Casino Beach Club and involves utilizing the existing beach club infrastructure to modernize and enhance the site while improving environmental sustainability. The project aims to bring the facility up to date by incorporating additional soft landscaping and green space, reducing impervious surfaces, and enhancing public amenities. Approximately 3.30 percent of the current lot coverage will be removed as part of these improvements. The proposed developments aim to enhance the recreational facilities by providing improved amenities for residents and visitors to enjoy. The inclusion of renovated beach cabanas, children's play equipment, and enhanced beach facilities reflects our commitment to promoting outdoor activities and ensuring accessible, enjoyable spaces for all age groups. This project is designed to meet the growing needs of our community while respecting and preserving the natural beauty of our coastal environment. The Borough of Deal is committed to improving the site both physically through renovations and environmentally through the reduction of impervious coverage.

The complete permit application package can be reviewed at either the municipal clerk's office in the Borough of Deal, or by appointment at the Department's Trenton Office. Either a 30-day public comment period or a public hearing will be held on the application in the future.

Individuals may request a public hearing on the application within 15 calendar days of the date of receiving this letter. Requests for a public hearing shall be sent to the Department at the address below and shall state the specific nature of the issues to be raised at the hearing:

New Jersey Department of Environmental Protection  
Division of Land Resource Protection  
P.O. Box 420, Code 501-02A  
Trenton, New Jersey 08625  
Attn: Borough of Deal Supervisor

  
\_\_\_\_\_  
Samuel J. Avakian, P.E., P.L.S., P.P.  
Borough Engineer



Account Number:	1121559
Customer Name:	Deal Borough
Customer Address:	Deal Borough 190 Norwood Ave Deal NJ 07723-1234
Contact Name:	Borough Clerk
Contact Phone:	
Contact Email:	clerk@dealborough.com
PO Number:	

Date:	04/07/2025
Order Number:	11208474
Prepayment Amount:	\$ 0.00

Column Count:	2.0000
Line Count:	42.0000
Height in Inches:	3.5000

## Print

Product	#Insertions	Start - End	Category
ASB Asbury Park_Press	1	04/10/2025 - 04/10/2025	Public Notices
ASB local.app.com	1	04/10/2025 - 04/10/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$71.96
Tax Amount	\$0.00
Service Fee 3.99%	\$2.87
Cash/Check/ACH Discount	-\$2.87
Payment Amount by Cash/Check/ACH	\$71.96
Payment Amount by Credit Card	\$74.83

Order Confirmation Amount	\$71.96
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## Ad Preview

Take notice that an application for a CAFRA Individual Permit has been submitted to the New Jersey Department of Environmental Protection, Division of Land Resource Protection for the development described below:

**APPLICANT:** Borough of Deal

**PROJECT NAME:** Deal Casino Beach Club Redevelopment

**PROJECT DESCRIPTION:** The proposed project is located at the Deal Casino Beach Club and involves utilizing the existing beach club infrastructure to modernize and enhance the site while improving environmental sustainability. The project aims to bring the facility up to date by incorporating additional soft landscaping and green space, reducing impervious surfaces, and enhancing public amenities. Additionally, the cabanas will be renovated and new amenity facilities will be constructed.

**PROJECT STREET ADDRESS:** 123-125 Ocean Avenue

**BLOCK: 28 LOT: 1**

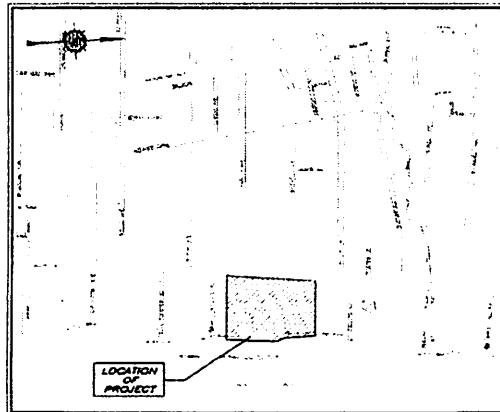
**MUNICIPALITY & COUNTY:** Borough of Deal, Monmouth County, NJ

The complete permit application package can be reviewed at either the Deal Borough Clerk's Office, or by appointment at the Department's Trenton Office. Either a 30-day public comment period or a public hearing will be held on the application in the future. Individuals may request a public hearing on the application within 15 calendar days of the date of this notice. Requests for a public hearing shall be sent to the Department at the address below and shall state the specific nature of the issues to be raised at the hearing:

New Jersey Department of Environmental Protection  
Division of Land Resource Protection  
P.O. Box 420, Code 501-02A  
Trenton, New Jersey 08625  
Attn: Borough of Deal Supervisor  
(\$36.96)

**DEAL CASINO REDEVELOPMENT**  
IN THE  
**BOROUGH OF DEAL**  
**MONMOUTH COUNTY, NEW JERSEY**

<b>BOROUGH OF DEAL</b>	
<b>MAYOR.</b>	SAM COHEN
<b>COMMISSIONERS.</b>	DAVIS SIMHON JACK A. KASSIN
<b>ACTING BOROUGH ADMINISTRATOR/CLERK:</b>	JO ANNA MYUNG



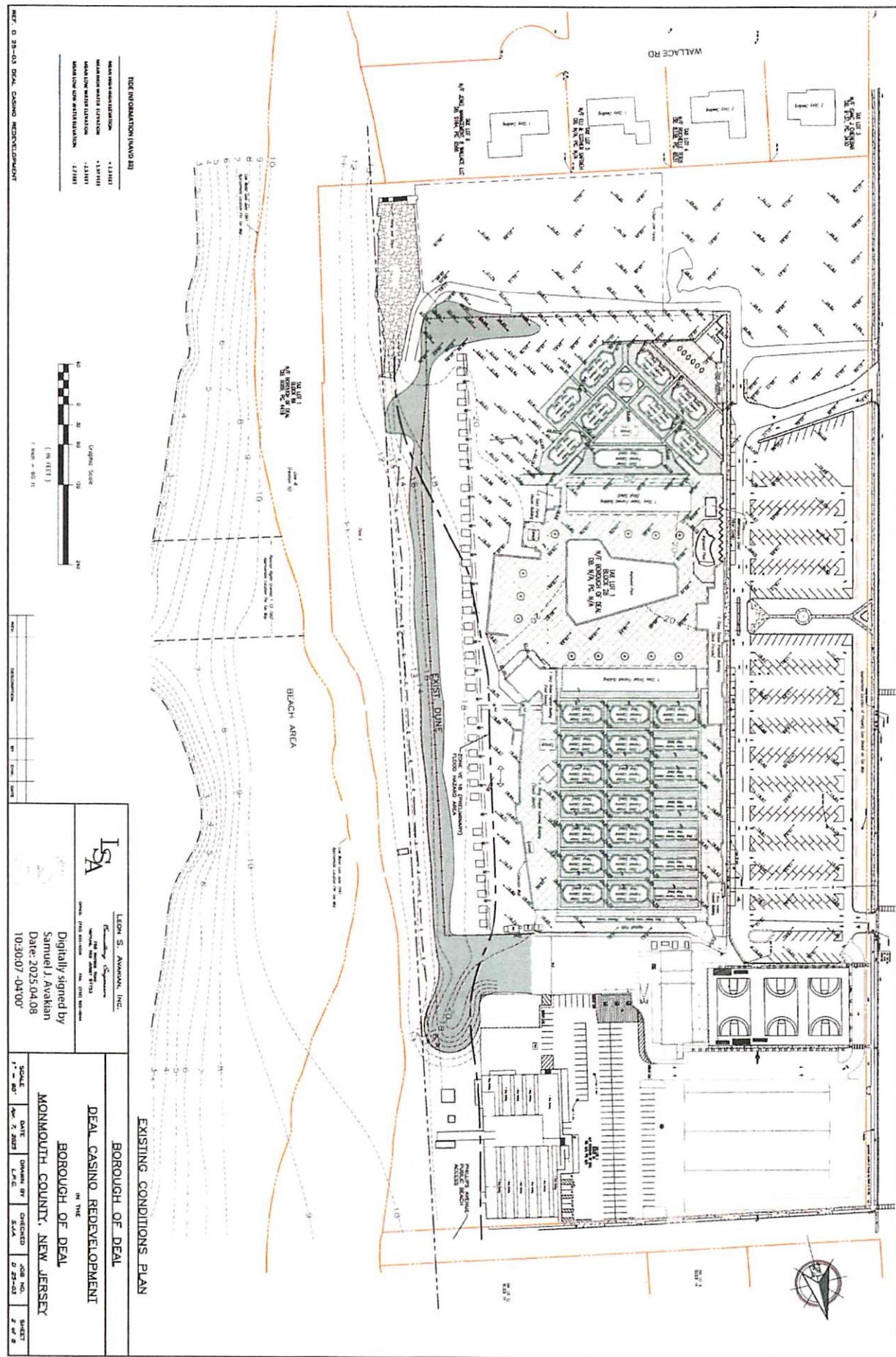
## LOCATION PLAN

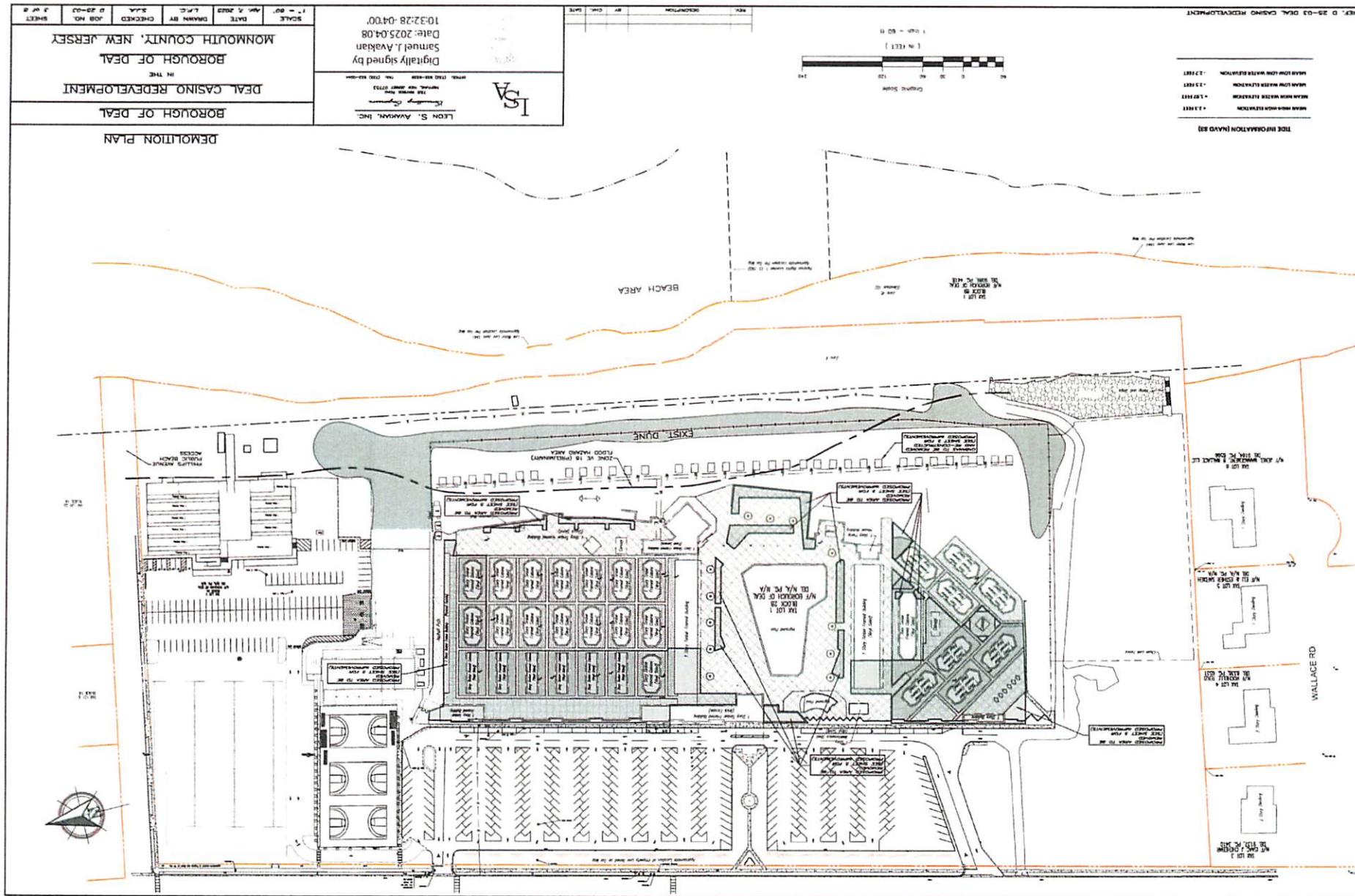
#### GENERAL NOTES

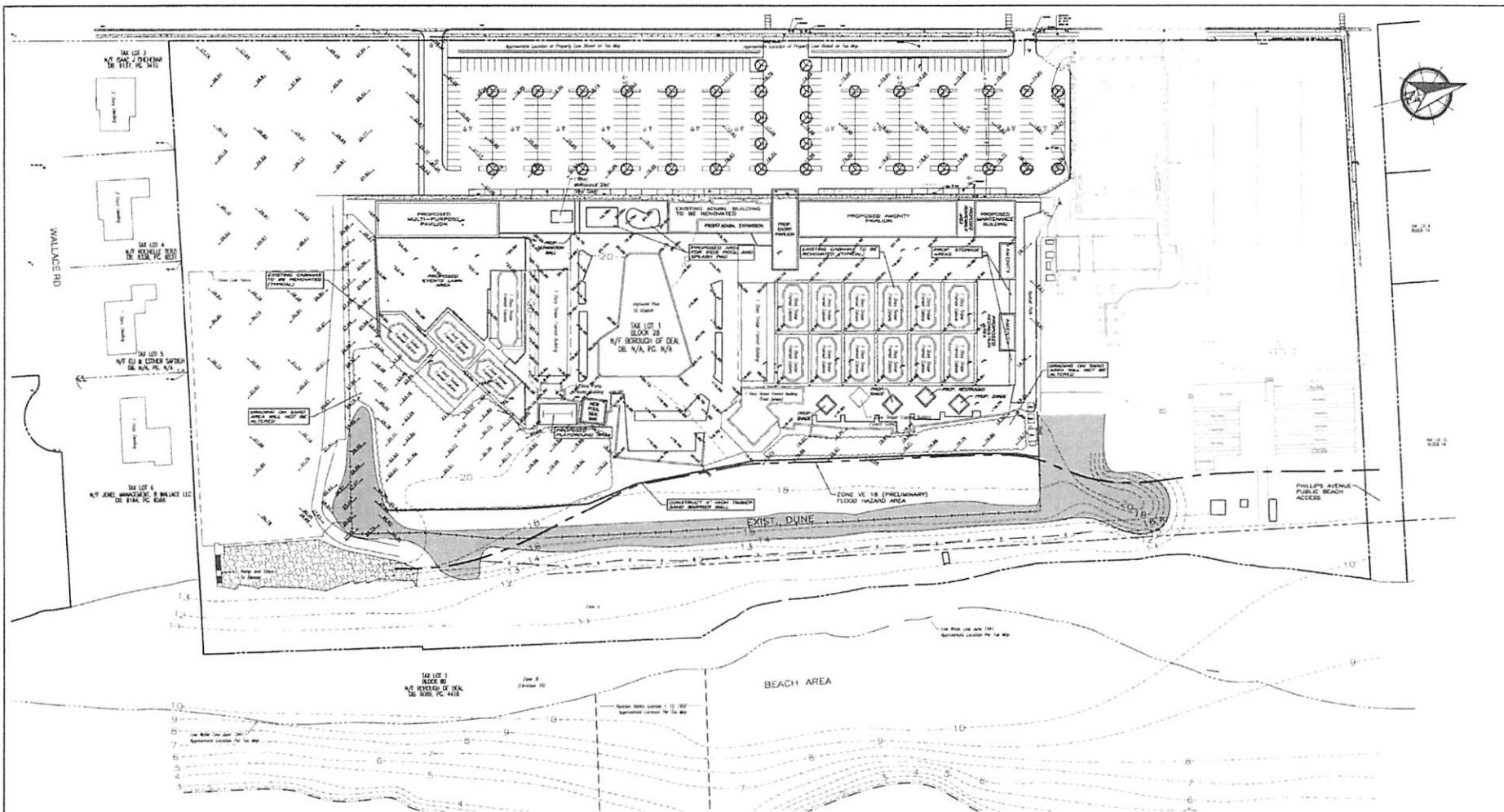
LIST OF DRAWINGS	
SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	DEMOLITION PLAN
4	GRADE PLAN
5	CONSTRUCTION PLAN
6	CONSTRUCTION DETAILS
7	SOIL EROSION AND SEDIMENT CONTROL PLAN
8	SOIL EROSION AND SEDIMENT CONTROL DETAILS

REF. D 28-03 DEAL CASINO REDEVELOPMENT

 <p>LEON S. AVAKIAN, INC. Permitting Consultants 100 Broad Street Newark, NJ 07102 TEL: (973) 627-1200</p>	<p style="text-align: center;"><u>BOROUGH OF DEAL</u></p> <p style="text-align: center;"><u>DEAL CASINO REDEVELOPMENT</u></p> <p style="text-align: center;">IN THE</p> <p style="text-align: center;"><u>BOROUGH OF DEAL</u></p> <p style="text-align: center;"><u>MONMOUTH COUNTY, NEW JERSEY</u></p>						
	SCALE ONE INCH TO 50 FEET	DATE APRIL 1, 2023	DRAWN BY L.P.C.	CHECKED BY L.P.C.	JOB NO. 0-25-003	SHED 0	
<p><b>Digitally signed by</b>  <b>Samuel J. Avakian</b>  <b>Date: 2025.04.07</b>  <b>13:55:33 -04'00'</b></p>							







**TIDE INFORMATION (NAVD 28)**

MEAN HIGH-HIGH ELEVATION	+ 2.3 FEET
MEAN HIGH WATER ELEVATION	+ 1.87 FEET
MEAN LOW WATER ELEVATION	- 1.5 FEET
MEAN LOW-LOW WATER ELEVATION	- 2.7 FEET

REF. D 25-03 DEAL CASINO REDEVELOPMENT

## GRADING PLAN

BOROUGH OF DEAL

## DEAL CASINO REDEVELOPMENT

IN THE

BOROUGH OF DEAL

MONMOUTH COUNTY, NEW JERSEY

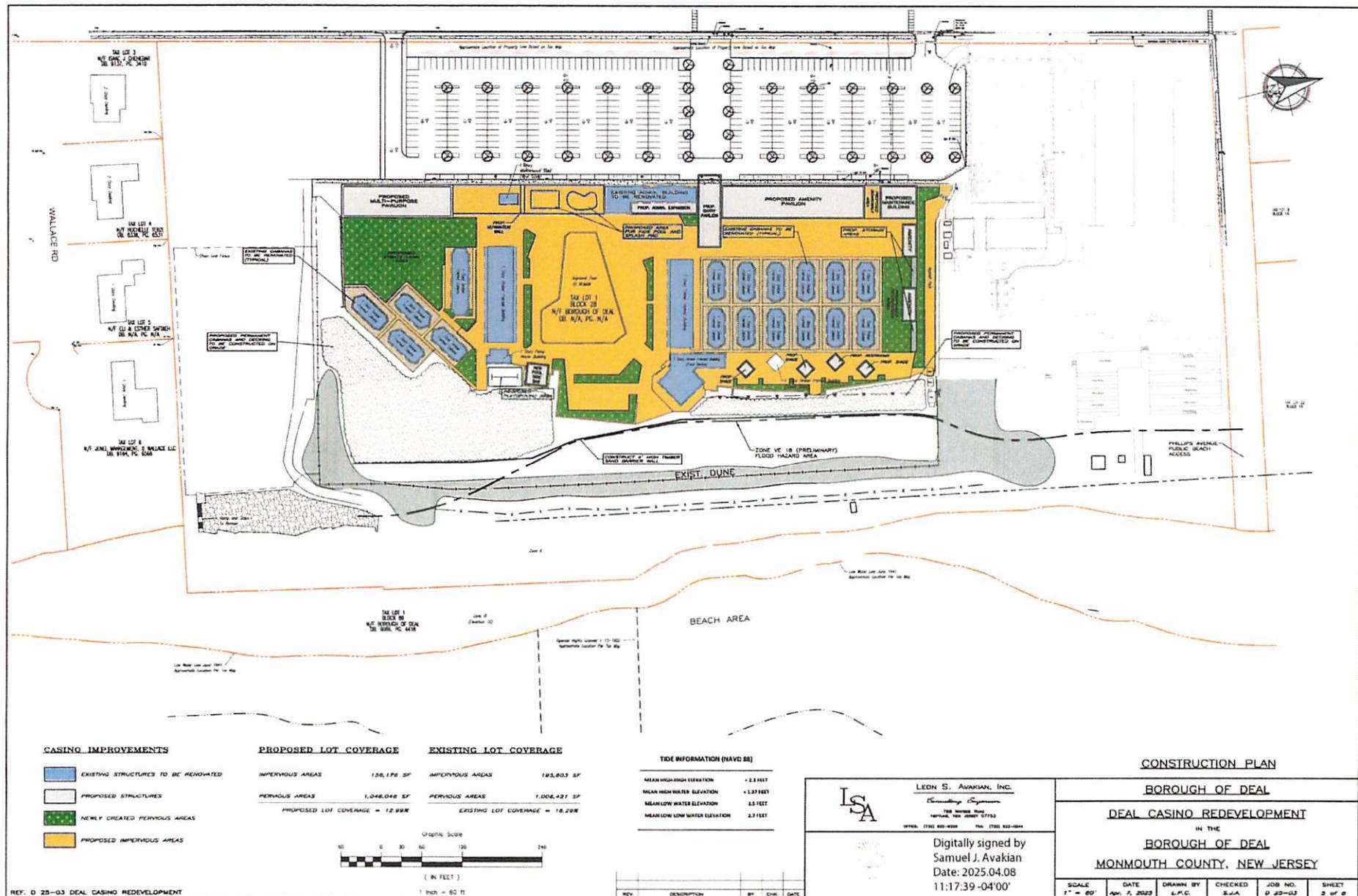
LEON S. AVAKIAN, INC.

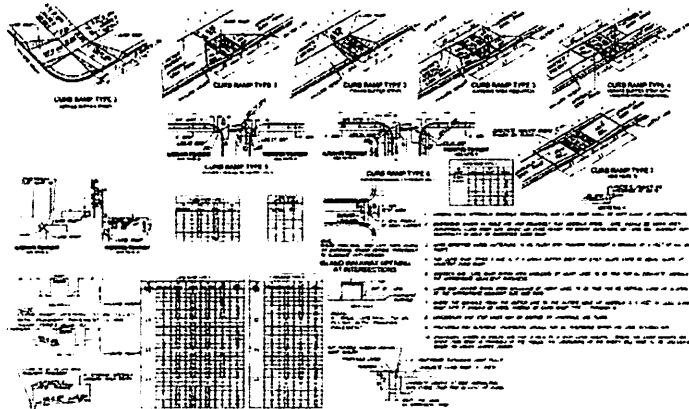
*Country Squire*  
788 NARROW ROAD  
WYCKE, NEW JERSEY 07723

Digitally signed by  
Samuel J. Avakian  
Date: 2025.04.08  
11:18:50 -04'00'

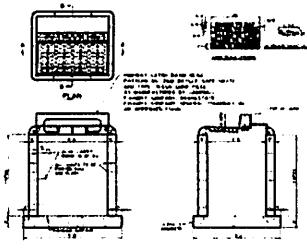
REV.	DESCRIPTION	BY	CHG.	DATE
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SCALE 1" - 50'	DATE Apr. 7, 2025	DRAWN BY L.P.C.	CHECKED SJA	JOB NO. D 25-03	SHEET 4 of 2
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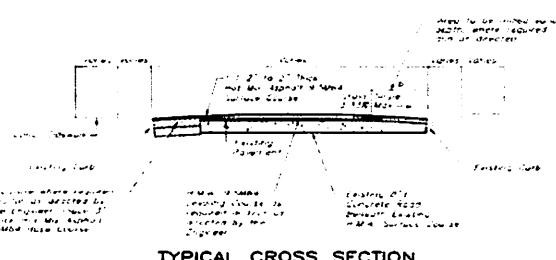




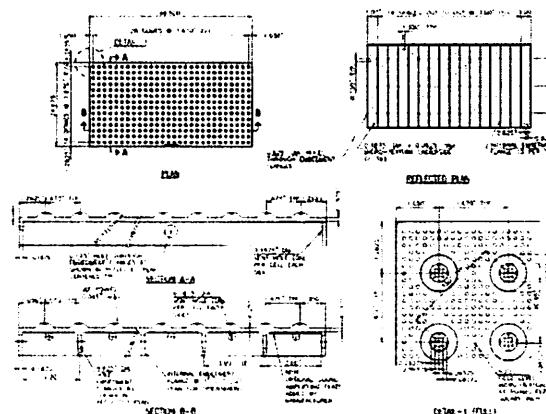
## PUBLIC SIDEWALK CURB RAMP DETAILS



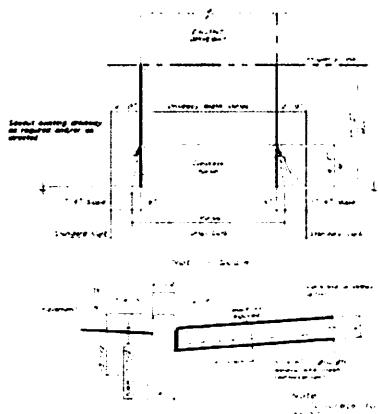
**TYPE B DRAINAGE INLET DETAILS**



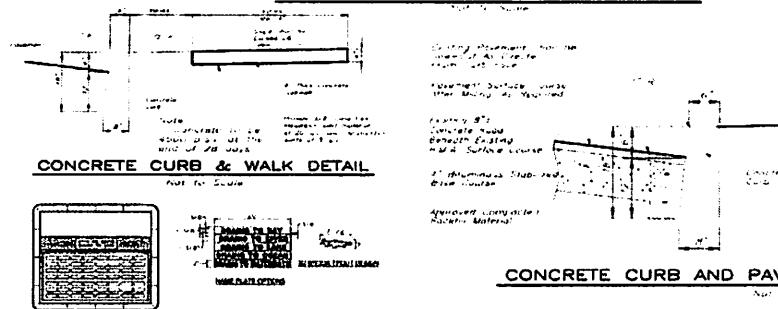
### TYPICAL CROSS SECTION



DETECTABLE WARNING SURFACE DETAIL

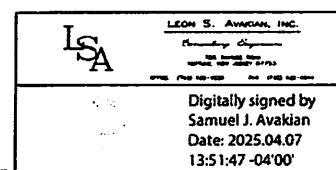


DRIVEWAY DROP CURB  
AND CONCRETE APRON DETAILS



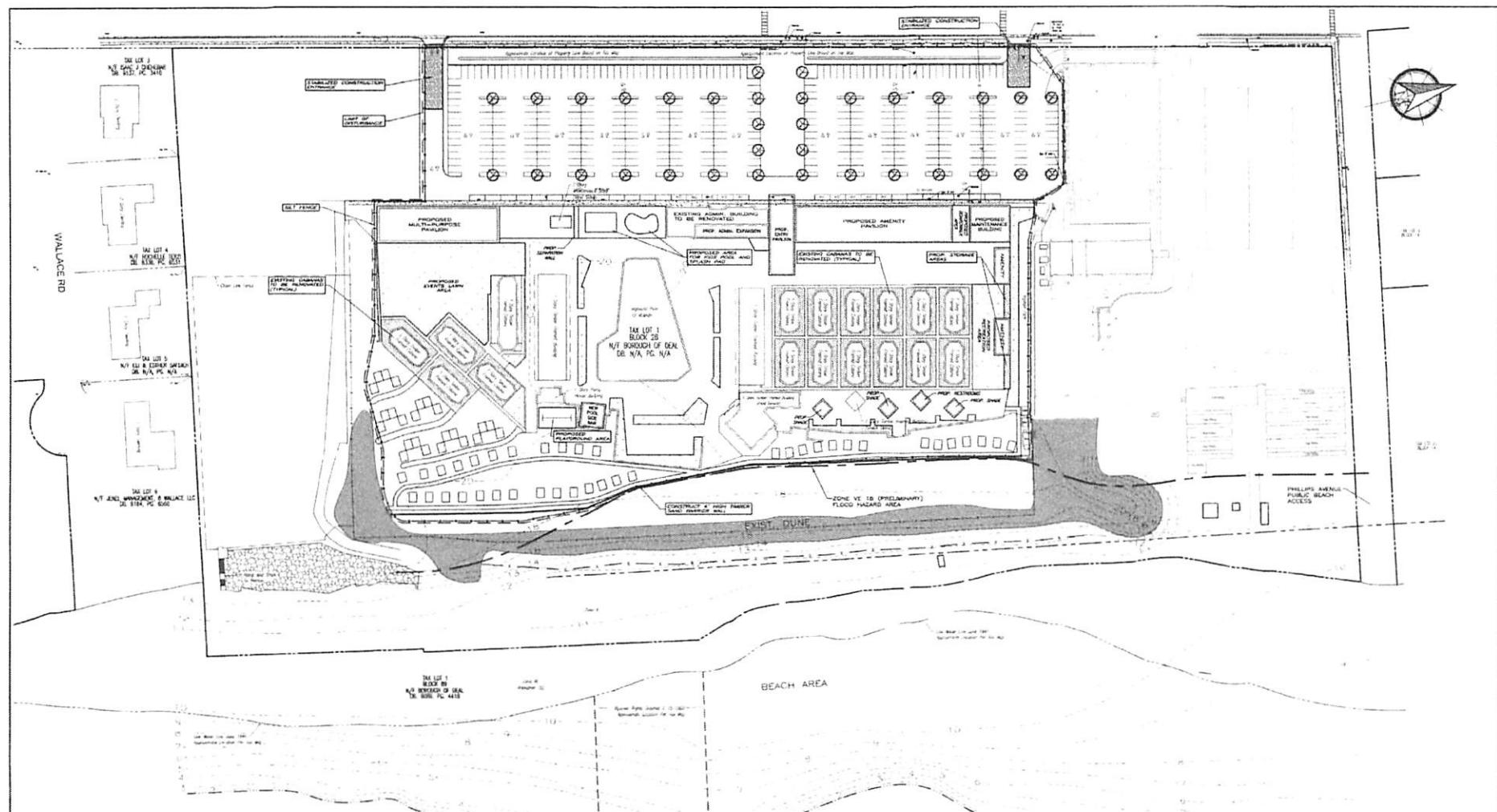
Highway Cuba Beach Pier  
Baptism for Jesus Christ Cuba Beach  
and Tops "WFCO and Poco"

### CONSTRUCTION DETAILS



BOROUGH OF DEAL  
DEAL CASINO REDEVELOPMENT  
ON THE  
BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY

REF. D 28-03 DEAL CASINO REDEVELOPMENT



#### SOIL EROSION AND SEDIMENT CONTROL PLAN

##### TIDE INFORMATION (NAVD 88)

MEAN HIGH HIGH ELEVATION	+2.3 FEET
MEAN HIGH WATER ELEVATION	+1.97 FEET
MEAN LOW WATER ELEVATION	-2.5 FEET
MEAN LOW-LOW WATER ELEVATION	-3.7 FEET

REF. D 25-03 DEAL CASINO REDEVELOPMENT

 <b>LEON S. AVAKIAN, INC.</b> <i>Engineering Services</i> 701 WINGATE ROAD TOMS RIVER, NEW JERSEY 08753 PHONE: (732) 423-4244 FAX: (732) 423-4244	<b>BOROUGH OF DEAL</b>	
	<b>DEAL CASINO REDEVELOPMENT</b> IN THE <b>BOROUGH OF DEAL</b> MONMOUTH COUNTY, NEW JERSEY	
SCALE As Noted	DATE Apr. 7, 2023	DRAWN BY L.M.C.
CHECKED S.J.A.	JOB NO. D 25-03	SHEET 7 of 8

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Samuel J. Avakian  
Date: 2025.04.07  
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**PHOTO # 1**

**VIEW FACING EAST ALONG THE NORTHERN BOUNDARY.**



**PHOTO # 2**

**VIEW FACING SOUTH ALONG THE WESTERN CABANA AREA.**



PHOTO # 3

VIEW FACING EAST DEPICTING CABANAS.



PHOTO # 4

VIEW FACING EAST TOWARDS BEACH ACCESS.

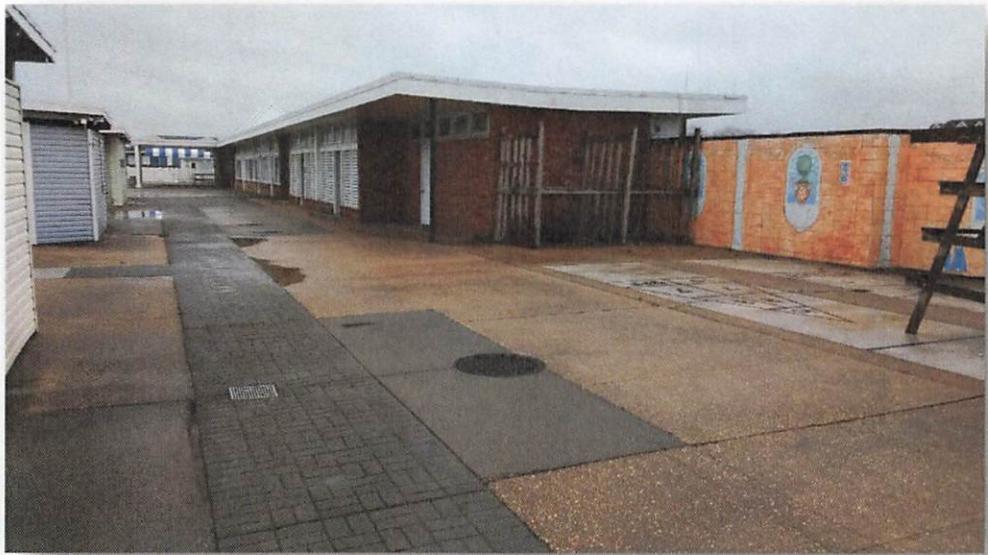


PHOTO # 5

VIEW FACING SOUTH ALONG FRONT ENTERANCE.



PHOTO # 6

VIEW FACING EAST DEPICTING NORTHERN POOL AREA.

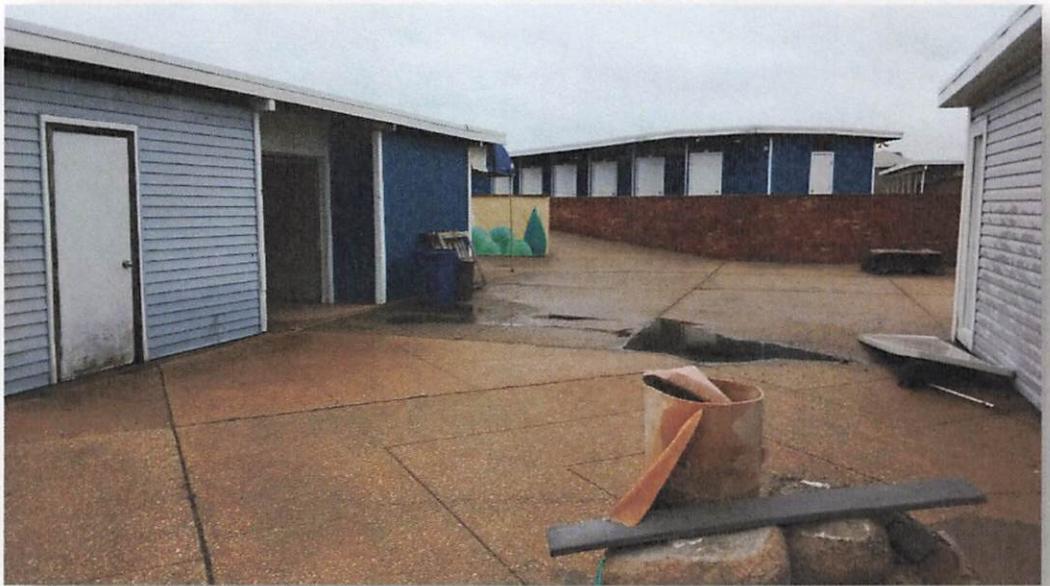


PHOTO # 7

VIEW FACING SOUTH DEPTING RAMP TO SOUTHERN CABANA AREA.



PHOTO # 8

VIEW FACING EAST TOWARDS CANOPY AREA ON SOUTH SIDE.



PHOTO # 9

VIEW FACING NORTHWEST TOWARDS POOL AREA.



PHOTO # 10

VIEW FACING EAST TOWARDS BEACH AREA.



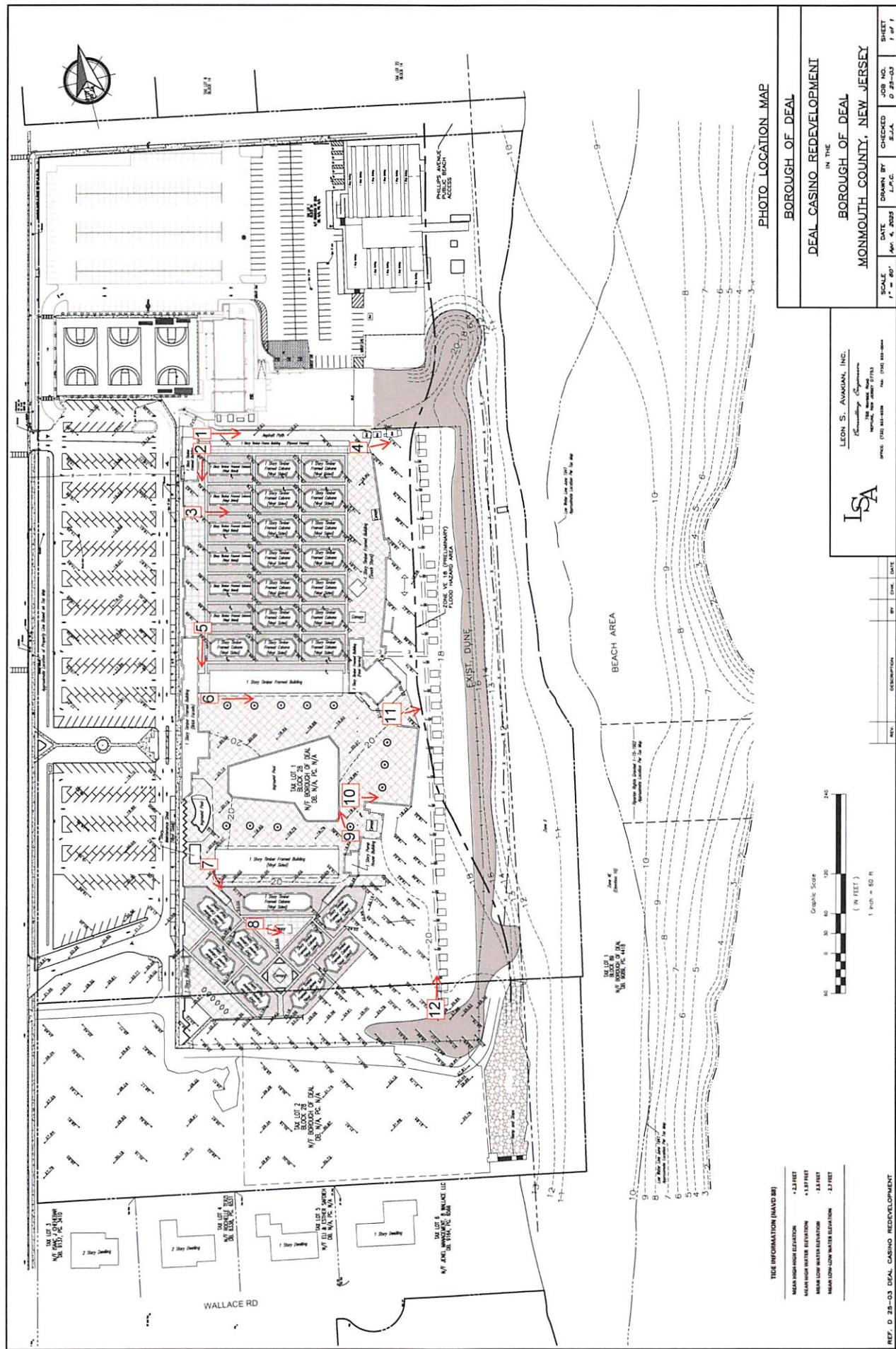
**PHOTO # 11**

**VIEW FACING EAST ALONG BEACH ACCESS.**



**PHOTO # 12**

**VIEW FACING SOUTH ALONG BEACH AREA.**



## **RULES ON COASTAL ZONE MANAGEMENT**

N.J.A.C. 7:7E et, seq.

### **Environmental Impact Statement**

### **Borough of Deal**

**Individual Permit Compliance**

**for**

**BLOCK 89, LOT 1**

**APPLICANT:**

**Borough of Deal**

**190 Norwood Avenue, Deal, New Jersey 07723**

**April 8, 2025**

**PREPARED BY:**

**Samuel J. Avakian, P.E., P.L.S., P.P.**  
**Principal Engineer**

**Leon S. Avakian, Inc.- Consulting Engineers**  
**788 Wayside Road**  
**Neptune, New Jersey 07753**

## **Written Description of Project**

The proposed project at the Deal Casino Beach Club involves utilizing the existing beach club infrastructure to modernize and enhance the site while improving environmental sustainability. The project aims to bring the facility up to date by incorporating additional soft landscaping and green space, reducing impervious surfaces, and enhancing public amenities. Approximately 3.30 percent of the current lot coverage will be removed as part of these improvements. The Borough of Deal is committed to improving the site both physically through renovations and environmentally through the reduction of impervious coverage.

A pre-application meeting was held with representatives from our office, the Borough of Deal, and NJDEP Land Use Regulation staff to preliminarily review the proposed development in light of applicable Coastal Zone Management rules and regulatory standards. The purpose of this early coordination was to evaluate the project's consistency with applicable regulations, discuss potential concerns, and identify any considerations that should be addressed in the Individual Permit submission to support a thorough and informed review.

## **Findings set forth in N.J.S.A.**

### **13:19-10 Review of applications; required findings.**

The commissioner shall review filed applications, including any environmental impact statement and all information presented at public hearings or during the comment period, or submitted during the application review period. A permit may be issued pursuant to this only upon a finding that the proposed development:

- a. Conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards.
- b. Prevents air emissions and water effluents in excess of the existing dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.
- c. Provides for the collection and disposal of litter, recyclable material and solid waste in such a manner as to minimize adverse environmental effects and the threat to the public health, safety, and welfare.
- d. Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.
- e. Would cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.
- f. Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare.

- g. Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing public scenic attributes at the site and within the surrounding region.
- h. Provides, pursuant to standards established by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), on-site public access to the waterfront and adjacent shoreline, or off-site public access to the waterfront and adjacent shoreline if on-site public access is not feasible as determined by the department. Nothing in this subsection shall be construed to abrogate or otherwise affect any public access obligations or requirements of any permit, administrative order, consent decree, or court order in effect prior to the effective date of P.L.2015, c.260.

**THE REGULATED ACTIVITIES PROPOSED UNDER THIS  
PROJECT/APPLICATION ARE IN FULL COMPLIANCE WITH REQUIREMTNS SET  
FORTH IN ITEMS (a) THROUGH (h) ABOVE.**

**N.J.A.C. 7:7-1.4**

**7:7-1.4 Standards for evaluating permit applications**

- (a) All applications for coastal permits shall be approved, conditionally approved, or denied pursuant to this chapter.
- (b) The Department shall issue a permit pursuant to only upon a finding as required by N.J.S.A. 13:19-10 that the development:
  1. Conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards;
  2. Prevents air emissions and water effluents in excess of the existing dilution, assimilative and recovery capacities of the air and water environments at the site and within the surrounding region;
  3. Provides for the collection and disposal of litter, recyclable and solid waste in such a manner as to minimize adverse environmental effects and the threat to the public health, safety and welfare;
  4. Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies;
  5. Would cause minimal feasible interference with the natural functioning of plant, animal, fish and human life processes at the site and within the surrounding region;
  6. Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety and welfare; and

7. Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas and existing public scenic attributes at the site and within the surrounding region.

**THE REGULATED ACTIVITIES PROPOSED UNDER THIS  
PROJECT/APPLICATION ARE IN FULL COMPLIANCE WITH REQUIREMENTS  
SET FORTH IN ITEMS (a) THORUGH (b) 1-7 ABOVE.**

**Site Characteristics**

The site is utilized as a private beach club that consists of a pool, recreation, facility buildings, amenities, and public oceanfront beach that is approximately 1,600 feet long (from north to south). The beach has an average width of 300-450 feet. This project will be removing approximately 3.30% of impervious coverage with green space to make the site feel more natural. The beach club area, parking, and beach property is publicly owned by the Borough of Deal.

There is no recreational boardwalk in town. Single-family residential lots but up against the property to the south and to the north. Ocean Avenue is adjacent to the west and the Atlantic Ocean abuts the property to the east at the water line.

In general, the private properties are much higher in elevation than the beach. The beachfront properties are approximately a minimum of 18 feet above mean high water. The elevation of the beach varies greatly due to storm erosion and USACOE beach nourishment programs. Un-nourished beaches can be 2 feet (or less) above mean high water. Post nourishment, beach elevations can reach 9 feet or greater in elevation above mean high water line. In summary, physical dynamics play a great role in beach morphology.

**7:7-N.J.A.C. 7:7 -9.16 DUNES**

**7:7-9.16 Dunes**

(a) A dune is a wind or wave deposited or man-made formation of sand (mound or ridge), that lies generally parallel to, and landward of, the beach and the foot of the most inland dune slope. "Dune" includes the foredune, secondary or tertiary dune ridges and mounds, and all landward dune ridges and mounds, as well as man-made dunes, where they exist

1. Formation of sand immediately adjacent to beaches that are stabilized by retaining structures, and/or snow fences, planted vegetation, and other measures are considered to be dunes regardless of the degree of modification of the dune by wind or wave action or disturbance by development.
2. A small mound of loose, windblown sand found in a street or on a part of a structure as a result of storm activity is not considered to be a "dune."

(b) Development is prohibited on dunes, except for development that has no practicable or feasible alternative in an area other than a dune, and that will not cause significant adverse long term impacts on the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances, or activities. In addition, the removal of vegetation from any dune, and the excavation, bulldozing, or alteration of dunes is prohibited, unless these activities are a component of a Department-approved beach and dune management plan. Examples of acceptable activities are:

1. Demolition and removal of paving and structures;
2. Limited, designated access ways for pedestrian and authorized motor vehicles between public streets and the beach that provide for minimum feasible interference with the beach and dune system and are oriented so as to provide the minimum feasible threat of breaching or overtopping as a result of a storm surge or wave runup (see N.J.A.C. 7:7-10);
3. Limited stairs, walkways, pathways, and boardwalks to permit access across dunes to beaches, in accordance with N.J.A.C. 7:7-10, provided they cause minimum feasible interference with the beach and dune system;
4. The planting of native vegetation to stabilize dunes in accordance with N.J.A.C. 7:7-10;
5. Sand fencing, either a brush type barricade or picket type, to accumulate sand and aid in dune formation in accordance with N.J.A.C. 7:7-10;
6. Shore protection structures which meet the coastal engineering rule at N.J.A.C. 7:7-15.11; and
7. Linear development which meets the rule on location of linear development (N.J.A.C. 7:7-14.1).

(c) The creation of dunes for the purpose of shore protection is strongly encouraged. According to the National Flood Insurance Program (NFIP) Regulations established by the Federal Emergency Management Agency (FEMA), primary frontal dunes will not be considered as effective barriers to base flood storm surges and associated wave action where the cross-sectional area of the primary frontal dune, as measured perpendicular to the shoreline and above the 100-year stillwater flood elevation and seaward of the dune crest, is equal to or less than 1,100 square feet. This standard represents the minimal dune volume to be considered effective in providing protection from the 100-year storm surge and associated wave action, and should represent a "design dune" goal.

(d) The maintenance of an engineered dune to the dune design template through alteration of the dune is conditionally acceptable provided:

1. It is demonstrated through pre- and post- construction surveys overlaid on the dune design template, that:

- i. The existing dune is not consistent with the design template; and
  - ii. The proposed alteration of the dune will not result in the reduction of any portion of the dune below the design template;
2. A New Jersey licensed professional engineer certifies that alteration of the dune will not compromise the beach and dune system;
3. The activity:
  - i. Is conducted in accordance with the State Aid Agreement between the Department and municipality or county; and
  - ii. Complies with the management plan for the protection of State and Federally listed threatened and endangered species, as approved by the Department's Division of Fish and Wildlife and the USFWS;
4. All existing public accessways are maintained;
5. Any existing vegetation disturbed during the maintenance activities shall, at a minimum, be restored in accordance with the dune construction planting specifications in the Federal consistency determination or Department permit for the engineered dune, as applicable; and
6. Any sand transferred as part of the maintenance of the dune design template shall be moved only within the shore protection project and shall be placed within the existing dune system, or within the engineered beach berm in accordance with the beach rule, N.J.A.C. 7:7-9.22(b).

(e) **Rationale:** Ocean and bayfront dunes are an irreplaceable physical feature of the natural environment possessing outstanding geological, recreational, scenic and protective value. Protection and preservation in a natural state is vital to this and succeeding generations of citizens of the State and the Nation. The dunes are a dynamic migrating natural phenomenon that helps protect lives and property in adjacent landward areas, and buffers barrier islands and barrier beach spits from the effects of major natural coastal hazards such as hurricanes, storms, flooding and erosion. Natural dune systems also help promote wide sandy beaches and provide important habitats for wildlife species. Extensive destruction of dunes has taken place in this century along much of the coast. This disruption of the natural processes of the beach and dune system has led to severe erosion of some beach areas; jeopardized the safety of existing structures on and behind the remaining dunes and upland of the beaches; increased the need to manage development in shorefront areas no longer protected by dunes; interfered with the sand balance that is so essential for recreational beaches and the coastal resort economy; necessitated increased public expenditures by citizens of the entire State for shore protection structures and programs; and increased the likelihood of major losses of life and property from flooding and storm surges. The rule encourages the natural functioning of the dune system and encourages restoration of destroyed dunes, to protect and enhance the coastal beach dune areas, and to devote these precious areas to only those limited land uses which preserve, protect and enhance the natural environment of the dynamic dune

system. The Department strongly supports the creation, enhancement and maintenance of coastal sand dunes as cost-effective shore protection. The value of dunes in protecting the densely developed oceanfront from coastal storm hazards has been well documented by the Department, the Federal Emergency Management Agency, the Army Corps of Engineers, and others. In fact, the New Jersey Hazard Mitigation Plan (Section 406) specifically identifies dune creation and enhancement as a primary storm hazard mitigation strategy.

In addition to the benefits that dunes provide as a natural form of shore protection, dunes often provide important habitat for numerous species of plants and wildlife. Moreover, dunes are important aesthetic resources that complement and promote tourism along the New Jersey shore. With large quantities of sand being placed on New Jersey beaches as part of the State-Federal shore protection program, opportunities to restore beach and dune habitats and associated biodiversity have increased tremendously. Beach nourishment provides the basis for restoration of coastal landforms (beaches and dunes) and biota, and rediscovery of lost environmental heritage. A large variety of species inhabit coastal dune environments, including plants (beachgrass, beach plum, beach pea, goldenrod, bayberry, juniper, cedar, virginia creeper) and animals (sparrows, warblers, waxwings, kinglets, tanagers, tiger beetles, burrowing spiders, grasshoppers, butterflies). The natural and aesthetic values of habitat restoration are an important byproduct of the State's beach and dune restoration efforts. Dunes can evolve as natural dynamic landforms that restore an important component of New Jersey's coastal heritage, while providing significant areas of vegetated habitat for coastal biota. The restoration of the natural and beneficial functions of beaches and dunes has become the cornerstone of New Jersey's shore protection program. These benefits are described in Nordstrom and Mauriello (2001), Restoring and Maintaining Naturally Functioning Landforms and Biota on Intensively Developed Barrier Islands under a No-Retreat Scenario. In addition, dune restoration for the purpose of providing wildlife habitat and scenic amenities is consistent with the goals of CAFRA to preserve and enhance the unique environmental and aesthetic resources of the coastal area. Typically, beach nourishment projects include the construction of dunes for shore protection and/or storm damage reduction purposes. These engineered dunes are designed to a specific height, width, slope, and length, in accordance with a dune design template. In some instances, the engineered dunes may capture sand and grow beyond their design template. In these cases, maintenance of the dune to its design template may be necessary to minimize the effects that an influx of sand can have on infrastructure, access, and public safety. This excess sand can then be utilized along sections of dune or upper beach berm that are below the design template. Engineered dunes are designed to provide storm damage reduction in addition to the beach berm, and are subject to the influx of wind-blown sand from the beach berm as well as erosion from wave and tidal current activity. Engineered dunes may be supplemented during periodic re-nourishment cycles to replenish lost material to maintain the overall design template. Maintenance activities between re-nourishment cycles can potentially reduce the volume of material needed when accreted sand is transferred from areas that have expanded above the design template to areas that have experienced increased erosion. However, maintenance of the engineered dune must not reduce any part of the dune to less than the dune design template.

**RESPONSE: IN THE EVENT THAT THE BOROUGH INITIATES A NEW DUNE BUILDING PROGRAM, FUTURE DUNE CREATION WILL BE PERFORMED IN FULL COMPLIANCE WITH THE MOST CURRENT VERSION OF THE RULES AS SPELLED OUT IN THE PRECEDING PARAGRAPHS.**

**THE PROPOSED RENOVATED BEACH CLUB AND ASSOCIATED SITE  
IMPROVEMENTS WILL HAVE NO EFFECT ON DUNES, DUNES WILL BE  
PROTECTED DURING CONSTRUCTION AND THEREAFTER.**

**N.J.A.C. 7:7 -9.17    OVERWASH AREAS**

**7:7-9.17 Overwash areas**

(a) An over-wash area is an area subject to accumulation of sediment, usually sand, that is deposited landward of the beach or dune by the rush of water over the crest of the beach berm, a dune, or a structure. An overwash area may, through stabilization and vegetation, become a dune.

1. The seaward limit of the overwash area is the seaward toe of the former dune, or the landward limit of the beach, in the absence of a dune.
2. The landward limit of the overwash area is the inland limit of sediment transport.
3. Verifiable aerial photography and other appropriate sources may be used to identify the extent of overwash.

(b) Development is prohibited on overwash areas, except for development that has no prudent or feasible alternative in an area other than an overwash area, and that will not cause significant adverse long-term impacts on the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances or activities. Examples of acceptable activities are:

1. Creation of dunes or expansion of existing dunes in accordance with N.J.A.C. 7:7-10;
2. Demolition and removal of paving and structures;
3. Limited, designated access ways for pedestrians and authorized motor vehicles between public streets and the beach that provide for the minimum feasible interference with the beach and dune system and are so oriented as to provide the minimum feasible threat of breaching or overtopping as a result of storm surge or wave run-up;
4. Shore protection structures which meet the coastal engineering rule at N.J.A.C. 7:7-15.11(g);
5. Linear development which meets the rule on location of linear development (N.J.A.C. 7:7-14.1);
6. Removal of newly deposited overwash fans from public roads and or developed lots; and
7. Construction of street-end beach accessways along the oceanfront, provided they are oriented at an angle against the predominant northeast storm approach, are limited in width to no more than ten feet, and are defined/stabilized with sand fencing. These standards should be

included in all beach and dune management plans for oceanfront locations.

(c) A development may be permitted if, by creating a dune with buffer zone or expanding an existing dune landward, the classification of the site is changed so as to significantly diminish the possibility of future overwash. In determining overwash potential, the protective capacity of newly created dunes will be evaluated in terms of the “design dune” goal discussed in N.J.A.C. 7:7-9.16(c).

(d) A single story, beach/tourism oriented commercial development located within a commercial boardwalk area existing on July 19, 1993, is conditionally acceptable provided that it meets the following conditions:

1. The site is located within an area currently used and zoned for beach related commercial use, and is landward of the boardwalk;
2. The height of the building does not exceed 15 feet measured from either the elevation of the existing ground or the boardwalk (depending on the specific site conditions) to the top of a flat roof or the mid-point of a sloped roof;
3. The facility is open to the general public and supports beach/tourism related activities, that is, retail, amusement and food services. Lodging facilities are excluded; and
4. The facility meets all the requirements of the flood hazard area rule, N.J.A.C. 7:7-9.25.

(e) Any development determined to be acceptable at (b) through (d) above shall comply with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7-13.

(f) Rationale: Overwash areas indicate weakness in natural and man-made shore protection. Hazard has been demonstrated, often with extensive property damage. Overwash areas are, therefore, unsuitable locations for further development, and public funds should not be used to rebuild damaged shore protection structures. However, in certain oceanfront communities where an existing municipal boardwalk (including all adjacent resort-oriented commercial establishments) is already densely developed and is the dominant tourism attraction of the community, low intensity, infill development may be permitted. At these specific locations, the gain in public use and enjoyment of the beach, ocean and boardwalk facilities outweighs the limited additional and loss in property damages. Elsewhere the return of these areas to a natural state and the formation of dunes is desirable. Overwash is a natural shoreline movement process associated with storm and rising sea level and is one of the processes by which barrier islands migrate inland under natural conditions. In

New Jersey, migration caused by overwash is usually prevented due to shore protection structures, the highly developed nature of barrier islands and post-storm clean-up practices. A development proposed in an overwash area may, by incorporating a “design dune” and buffer area, whose dimensions of which would be determined on a case-by-case basis, migrate the hazard and change the classification of the site so that it is no longer an overwash area.

**RESPONSE: NO DEVELOPMENT OF ANY KIND IS PROPOSED IN OVERWASH AREAS WITHIN THE BOROUGH OF DEAL'S BEACH PROPERTY, UNDER THIS PERMIT APPLICATION. THEREFORE, THE PROPOSED ACTIVITIES ARE COMPLIANT.**

**7:7-9.25 Flood hazard areas**

(a) Flood hazard areas are areas subject to flooding from the flood hazard area design flood, as defined by the Department under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. Flood hazard areas include those areas mapped as such by the Department, areas defined or delineated as an A or a V zone by FEMA, and any unmapped areas subject to flooding by the flood hazard area design flood. Flood hazard areas are subject to either tidal or fluvial flooding and the extent of flood hazard areas shall be determined or calculated in accordance with the procedures at N.J.A.C. 7:13-3.

(b) In a tidal flood hazard area below the mean high water line, this section shall apply only to the following activities:

1. Development of habitable buildings; and
2. Construction of railroads, roadways, bridges and/or culverts.

(c) Dedication of flood hazard areas for purposes of public open space is encouraged.

(d) In an undeveloped portion of a flood hazard area that is within 100 feet of a navigable water body other than the Atlantic Ocean, development is prohibited unless the development is one or two single-family homes or duplexes in accordance with N.J.A.C. 7:7-15.2(e) or is for a water dependent use. For the purposes of this subsection and (e) below, an "undeveloped" area is an area that has no impervious cover.

(e) In a portion of an undeveloped flood hazard area that is 100 feet or farther from a navigable waterway, development is conditionally acceptable provided the development would not prevent potential water-dependent use in any portion of the flood hazard area within 100 feet of a navigable water body.

(f) Development in flood hazard areas shall conform with the applicable design and construction standards of the following: 1. The Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., and implementing rules at N.J.A.C. 7:13, except in lands regulated under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., pursuant to N.J.S.A. 58:16A-60; 2. The Uniform Construction Code, N.J.A.C. 5:23; and 3. The Federal flood reduction standards, 44 C.F.R. Part 60.

(g) Development in a flood hazard area shall comply with the requirements for impervious cover and vegetative cover under N.J.A.C. 7:7-13.

(h) If endangered and/or threatened wildlife or species habitat is present in the flood hazard area such that the area is also an endangered or threatened wildlife or plant species habitat special area in accordance with N.J.A.C. 7:7-9.36, then the requirements of N.J.A.C. 7:7-9.36, Endangered or threatened wildlife or plant species habitats, shall apply.

(i) For the purposes of this section, if a term is defined in this chapter and in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13, the definition in N.J.A.C. 7:13 shall govern. For any term used in this section that is not defined or otherwise described in this chapter but that is defined or described in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13, the definition or description in N.J.A.C. 7:13 shall apply.

(j) **Rationale:** The goal of this rule is to reduce losses of life and property resulting from unwise development of flood hazard areas, and allow uses compatible with periodic flooding, agriculture and forestry, recreation, and fish and wildlife habitat and uses which require a water's edge location. This rule is consistent with the State Waterfront Development Law's objective of safeguarding port facilities and waterfront resources for the public's overall economic advantage. The rule will ensure that the State's waterfront is not pre-empted by uses which could function equally well at inland locations. Flood hazard areas adjacent to rivers are subject to flooding in severe fluvial storms. They are also critical elements of the coastal ecosystems, providing flood storage capacity, physical and biochemical water filtration, primary productivity, and wildlife habitats. For these reasons, the preferred rule is to preserve those flood hazard corridors that are in an undeveloped state with native or adapted forest vegetation for conservation purposes and to allow limited exceptions for water dependent uses, infill, and uses for which there is no feasible alternative location. The location acceptability for a site under this rule applies only to flood hazard areas which have not been disturbed by filling. Sites subject to this rule, therefore, tend to be in a more natural state than sites subject to the filled water's edge rule. Accordingly this rule is more restrictive, discouraging development which would unnecessarily disturb vegetation, and requiring water dependency within 100 feet of a navigable water body. The development of one or two single-family homes or duplexes within an undeveloped portion of a flood hazard area that is within 100 feet of a navigable water body is conditionally acceptable provided specific design and construction standards are met to ensure that the building does not exacerbate flooding or put the inhabitants at risk.

**RESPONSE: NO DEVELOPMENT OF ANY KIND IS PROPOSED IN IN THE FLOOD HAZARD AREAS WITHIN THE BOROUGH OF DEAL'S BEACH PROPERTY, UNDER THIS PERMIT APPLICATION. THEREFORE, THE PROPOSED ACTIVITIES ARE COMPLIANT.**

#### N.J.A.C. 7:7 -9.19 EROSION HAZARD

##### **7:7-9.19 Erosion hazard areas**

(a) Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion, and damage from storms.

1. Erosion hazard areas may be identified by any one of the following characteristics:

- i. Lack of beaches;
- ii. Lack of beaches at high tide;
- iii. Narrow beaches;
- iv. High beach mobility;
- v. Foreshore extended under boardwalk;

- vi. Low dunes or no dunes;
- vii. Escarpment foredune;
- viii. Steep beach slopes;
- ix. Clifftop bluffs as adjacent to beach;
- x. Exposed, damaged or breached jetties, groins, bulkheads or seawalls;
- xi. High long-term erosion rates; or
- xii. Pronounced downdrift effects of groins (jetties).

2. Erosion hazard areas extend inland from the edge of a stabilized upland area to the limit of the area likely to be eroded in 30 years for one to four unit dwelling structures, and 60 years for all other structures, including developed and undeveloped areas. This distance is measured from the crest of a bluff for coastal bluff areas, the most seaward established dune crest for unvegetated dune areas, the first vegetation line from the water for established vegetated dune areas, and the landward edge of a beach or the eight foot North American Datum (NAD), 1983, contour line, whichever is farther inland, for non-dune areas.

- i. An established, unvegetated dune is a dune that has been in place for at least two winter seasons, or has been constructed with the approval of the Department.
- ii. An established vegetated dune is a dune with an existing vegetative cover which has been growing on site for at least two growing seasons.

3. The extent of an erosion hazard area is calculated by multiplying the projected annual erosion rate at a site by 30 for the development of one to four unit dwelling structures and by 60 for all other developments.

(b) Development is prohibited in erosion hazard areas, except for:

- 1. Linear development which meets the on location of linear development, N.J.A.C. 7:7-14.1;
- 2. Shore protection activities which meet the appropriate coastal engineering rule, N.J.A.C. 7:7-15.11;
- 3. Single story, beach/tourism oriented commercial development located within a commercial boardwalk area existing on July 19, 1993, is conditionally acceptable provided that it meets the following conditions:

- i. The site is located within an area currently used and zoned for beach related commercial use, and is landward of and adjacent to the boardwalk;
- ii. The height of the building does not exceed 15 feet measured from either the elevation of the existing ground or the boardwalk (depending on the specific site conditions) to the top of a flat roof or the mid-point of a sloped roof;
- iii. The facility is open to the general public and supports beach/tourism related recreational activities, that is, retail, amusement and food services. Lodging facilities are excluded;

- iv. The facility meets all the requirements of the flood hazard area rule, N.J.A.C. 7:7-9.25; and
- v. The development complies with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7-13;

4. Single-family and duplex developments that meet the standards of N.J.A.C. 7:7-15.2(e) or (f);
5. The construction of dune walkover structures and at-grade walkover pathways, in accordance with Department standards found at N.J.A.C. 7:7-10;
6. Dune creation and beach maintenance activities in accordance with Department standards found at N.J.A.C. 7:7-10; and
7. The following development in Atlantic City provided it meets the standards of N.J.A.C. 7:7-9.47:
  - i. Development on or over existing ocean piers;
  - ii. Pilings necessary to support development proposed on or over existing ocean piers; and
  - iii. Development on or over the Boardwalk.

(c) **Rationale:** As a result of continuing rising sea levels, active storm induced sand movements, and offshore currents (littoral drift), most of the Atlantic coastline of New Jersey is retreating. Coastal erosion also affects the bayshores of New Jersey. The rate of retreat, or erosion, is not uniform, and varies locally depending upon the nature and magnitude of coastal processes operating within individual parts of the shoreline. Certain parts of the shoreline have a higher risk for future erosion. Development other than shore protection measures and linear development is prohibited in these areas in order to protect public safety and prevent loss of life and property. However, in certain oceanfront communities where an existing municipal boardwalk (including all adjacent resort-oriented commercial establishments) has long been featured as the main attraction of that resort community and is already densely aligned with buildings, low intensity infill may be permitted. At these specific locations, the gain in public use and enjoyment of the beach, ocean and boardwalk facilities outweighs the limited, potential additional loss in property damages. The annual rate of erosion shall be calculated on a case-by-case basis by using the best available data and scientific methodology. Historical erosion rates of areas need to be analyzed to determine the particular past trend that best reflects the current shoreline processes affecting that area. The appropriate long or short term historical erosion rate of an area is then combined with other information, which may help to explain the erosion rate of an area, to determine a projected erosion rate for the next thirty to sixty years. These factors include, but are not limited to: past or on-going shore protection activities, e.g., beachfills, or groin, revetment, or bulkhead constructions, and past or on-going navigation channel dredging projects and past storm events. The Department will use a computer program, entitled "Metric Mapping Analysis of New Jersey's Historical Shoreline Data," developed in 1988 for the Department by Stephen P. Leatherman, et al, of the University of Maryland Coastal Mapping Group, to produce historical shoreline change maps for specific sites along the oceanfront. These

maps will be used to establish the appropriate long or short term trend in shoreline changes that will most likely continue in the future for a specific site. The projected annual erosion rate or historical shoreline change data for a specific site, excluding the Raritan Bay area, may be obtained from the Department by written request accompanied by a site plan which identifies the site by either the "state plane" coordinate system or latitude -longitude coordinates. For sites located along the Raritan Bay, the annual erosion rate can be found in Paul A. Gares, Karl F. Nordstorm and Norbert P. Psuty, *Coastal Dunes: Their Function, Delineation and Management*, Center for Coastal and Environmental Studies, Rutgers University for NJDEP, 1979.

**RESPONSE:**

**THE BEACHES IN THE BOROUGH OF DEAL ARE LOCATED IN A FLOOD HAZARD AREA AND EROSION OF BEACH SAND DOES, IN FACT, OCCUR NATURALLY ON A REGULAR BASIS OVER TIME. THIS SECTION OF NEW JERSEY'S COAST LINE IS PART OF AN ARMY CORPS OF ENGINEERS BEACH NOURISHMENT PROGRAM. AT CURRENT CONDITIONS, BEACH SAND ELEVATIONS ARE APPROXIMATELY 9 FEET ABOVE MEAN HIGH WATER AS A RESULT OF THE STATES BEACH NOURISHMENT PROGRAM. WITH THE EXCEPTION OF PLAY STRUCTURES AND SHOWER TOWERS, ONLY SEASONAL STRUCTURES (WHICH ARE EXEMPT FROM THE RULE) ARE LOCATED IN THESE AREAS.**

**THE IMPROVEMENTS AT THIS ELEVATION AND LOCATION ARE BEYOND EROSION HAZARD AREAS AND THEREFORE, HAVE NO EFFECT ON SUCH AREAS NOR WILL THE AFOREMENTIONED IMPROVEMENTS BE SUBJECT TO EROSION. SEASONAL STRUCTURES ARE NOT PRESENT DURING THE OFF-SEASON AND ARE REMOVED FROM THE BEACH DURING THE BEACH SEASON IN ADVANCE OF HURRICANES, TROPICAL STORMS, NOR'EASTERS OR OTHER CLIMATOLOGICAL EVENTS.**

**N.J.A.C. 7:7 -9.22 BEACHES**

**7:7-9.22 Beaches**

(a) Beaches are gently sloping areas of sand or other unconsolidated material, found on all tidal shorelines, including ocean, bay, and river shorelines that extend landward from the mean high-water line to either:

1. A man-made feature generally parallel to the ocean, inlet, or bay waters such as a retaining structure, seawall, bulkhead, road or boardwalk, except the sandy areas that extend fully under and landward of an elevated boardwalk are considered beach areas; or
2. The seaward or bayward foot of dunes, whichever is closest to the bay, inlet or ocean waters.

(b) Development is prohibited on beaches, except for development that has no prudent or feasible alternative in an area other than a beach, and that will not cause significant adverse long term impacts to the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances, or activities. Examples of acceptable activities are:

1. Demolition and removal of paving and structures
2. Dune creation and related sand fencing and planting of vegetation for dune stabilization, in accordance with N.J.A.C. 7:7-10;
3. The reconstruction of existing amusement and fishing piers and boardwalks;
4. Temporary recreation structures for public safety such as first aid and lifeguard stations;
5. Shore protection structures which meet the use conditions of N.J.A.C. 7:7-15.11(g);
6. Linear development which meets the rule on location of linear development, N.J.A.C. 7:7-14.1;
7. Beach maintenance activities which do not adversely affect the natural functioning of the beach and dune system, and which do not preclude the development of a stable dune along the back beach area. These activities, which include routine cleaning, debris removal, mechanical sifting, maintenance of access ways, and Department approved dune creation and maintenance activities, must be carried out in accordance with the standards found at N.J.A.C. 7:7-10;
8. Post-storm beach restoration activities involving the placement of clean fill material on beaches, and the mechanical redistribution of sand along the beach profile from the lower to the upper beach. These post-storm activities, which are different than routine beach maintenance activities, must be carried out in accordance with the standards found at N.J.A.C. 7:7-10;
9. The following development in Atlantic City provided it meets the standards of N.J.A.C. 7:7-9.47:
  - i. Development on or over existing ocean piers;
  - ii. Pilings necessary to support development proposed on or over existing ocean piers; and
  - iii. Development on or over the Boardwalk; and
10. The maintenance of an engineered beach to the beach berm design template through the transfer of sand from the upper beach berm to the lower beach berm, from the lower beach berm to the upper beach berm, and/or alongshore provided:
  - i. It is demonstrated through pre- and post- construction surveys overlaid on the beach berm design template, that:

- (1) The existing beach berm is not consistent with the beach berm design template; and
- (2) The proposed transfer of sand will not result in the grading any portion of the beach below the beach berm design template;

- ii. A New Jersey licensed professional engineer certifies that sand transfer will not compromise the beach system;
- iii. The sand transfer:
  - (1) Is conducted in accordance with the State Aid Agreement between the Department and a municipality or county; and
  - (2) Complies with the management plan for the protection of State and Federally listed threatened and endangered species, as approved by the Department's Division of Fish and Wildlife and the USFWS;
- iv. The sand transfer does not impact any existing dunes, unless the transfer complies with the dune rule, N.J.A.C. 7:7-9.16; and
- v. Any sand transferred as part of the maintenance of the beach berm design template shall be moved only within the shore protection project and shall be placed within the existing engineered dune in accordance with N.J.A.C. 7:7-9.16(d).

(c) Public access shall be provided in accordance with the lands and waters subject to public trust rule, N.J.A.C. 7:7-9.48, and the public access rule, N.J.A.C. 7:7-16.9.

(d) **Rationale:** Undeveloped beaches are vital to the New Jersey resort economy. Unrestricted access for recreational purposes is desirable so that the beaches can be enjoyed by all residents and visitors of the State. Public access will be required for any beaches obtaining State funds for shore protection purposes. Beaches are subject to coastal storms and erosion from wave action and offshore currents. Public health and safety considerations require that structures be excluded from beaches to prevent or minimize loss of life or property from storms and floods, except for some shore protection structures and linear facilities, such as pipelines, when non-beach locations are not prudent or feasible. Many of New Jersey's beaches, especially those along the Atlantic Ocean, have been nourished through the State's Shore Protection Program. These engineered beaches are designed to a specific height, width, slope, and length, in accordance with a beach berm design template.

Engineered beaches are subject to erosive forces of waves, winds, and tidal currents; in many instances, eroded material is moved and deposited in areas within the project area in such a way that the beach grows beyond the design template and thus the beach no longer conforms to the shore protection project design. For engineered beaches to provide the storm damage reduction and shore protection for which they were designed, the beach berm design template must be maintained throughout the entire project area. Municipalities are encouraged to maintain the project design to the maximum extent feasible between project re-nourishment cycles. However,

maintenance of the engineered beach must not reduce any portion of the beach to less than the beach berm design template.

**RESPONSE: THERE IS NO CONSTRUCTION PROPOSED EAST OF THE DUNE. THE DEPARTMENT HAS PREVIOUSLY DETERMINED THE BEACH IS CONSIDERED EAST OF THE DUNE AND THEREFORE THE ONLY IMPROVEMENTS WILL BE WEST OF THE EXISTING DUNE.**

**N.J.A.C. 7:7 -15.11 COASTAL ENGINEERING**

**7:7-15.11 Coastal engineering**

(a) Coastal engineering measures include a variety of non-structural, hybrid, and structural shore protection and storm damage reduction measures to manage water areas and protect the shoreline from the effects of erosion, storms, and sediment and sand movement. Beach nourishment, sand fences, pedestrian crossing of dunes, stabilization of dunes, dune restoration projects, dredged material management, living shorelines, and the construction of retaining structures such as bulkheads, gabions, revetments, and seawalls are all examples of coastal engineering measures.

(b) Nonstructural, hybrid, and structural shore protection and/or storm damage reduction measures shall be used according to the following hierarchy:

1. Non-structural shore protection and/or storm damage reduction measures that allow for the growth of vegetation shall be used unless it is demonstrated that use of non-structural measures is not feasible or practicable. Factors considered in determining whether use of a non-structural measure is feasible include the type of waterway on which the site is located, the distance to the navigation channel, the width of waterway, water depth at the toe of bank, the bank orientation, shoreline slope, fetch, erosion rate, the amount of sunlight the site receives, substrate composition, and presence of shellfish habitat, submerged vegetation and wetlands at the site. For guidance on measures that may be appropriate depending upon factors impacting a site, see Guidance for Appropriate Shoreline Protection and/or Storm Damage Reduction Measures for a Site available from the Division of Land Use Regulation's website at [www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse). This guidance follows N.J.S.A 52:14B-3a and does not impose any new or added requirements nor can it be used for enforcement purposes.

2. Where the use of non-structural shore protection and/or storm damage reduction measures under (b)1 above is demonstrated to be not feasible or practicable, then hybrid shore protection and/or storm damage reduction measures that allow for the growth of vegetation, such as stone, rip-rap, sloped concrete articulated blocks or similar structures, or gabion revetments, shall be used. Factors considered in determining whether use of a non-structural measure is feasible include the type of waterway on which the site is located, the distance to the navigation channel, the width of waterway, water depth at the toe of bank, the bank orientation, shoreline slope, fetch, erosion rate, the amount of sunlight the site receives, substrate composition, and presence of shellfish habitat.

3. Where the use of hybrid shore protection and/or storm damage reduction measures under (b)2 above is demonstrated to be not feasible or practicable, then structural shore protection and/or storm damage reduction measures such as bulkheads, revetments, sea walls, or other retaining structures shall be used. Factors considered in determining whether use of a hybrid shore protection measure is feasible include the type of waterway on which the site is located, the distance to the navigation channel, the width of waterway, water depth at the toe of bank, the bank orientation, shoreline slope, fetch, erosion rate, the amount of sunlight the site receives, substrate composition, and presence of shellfish habitat.

(c) The hierarchy set forth at (b) above does not apply to water dependent uses within existing ports.

(d) The construction, maintenance, or reconstruction of a bulkhead shall comply with the following:

1. A bulkhead that is subject to wave runup forces, specifically, a bulkhead in a V zone as described at N.J.A.C. 7:7-9.18, shall be designed and certified by a professional engineer to withstand the forces of wave runup. The use of rip-rap along the seaward toe of the bulkhead structure may be required on a case-by-case basis as a means to limit the scour potential;

2. Maintenance or reconstruction of an existing bulkhead is conditionally acceptable provided that it meets (d)2i, ii, or iii below. All measurements specified below shall be made from the waterward face of the original bulkhead alignment of the existing bulkhead to the waterward face of the replacement bulkhead.

i. The replacement bulkhead is located within 18 inches outshore of the existing bulkhead, except in accordance with (d)2ii or iii below;

ii. The replacement bulkhead is located no more than 24 inches outshore of the existing bulkhead when the replacement bulkhead is constructed of a corrugated material, and the replacement bulkhead is located as close as possible to the face of the existing bulkhead; or

iii. Maintenance or reconstruction of an existing bulkhead that does not meet (d)2i or ii above shall be considered new construction, unless it can be demonstrated that the existing bulkhead cannot physically accommodate a replacement in accordance with (d)2i or ii above. In that case, the replacement bulkhead shall be as close as physically possible to the original bulkhead alignment.

(e) Dune restoration, creation, and maintenance projects as non-structural shore protection and/or storm damage reduction measures, are encouraged. These projects, including sand fencing, revegetation, additions of non-toxic appropriately sized material, and measures to control pedestrian and vehicular traffic, shall comply with N.J.A.C. 7:7-10, Standards for Beach and Dune Activities.

(f) Beach nourishment projects as non-structural shore protection and/or storm damage reduction measures are encouraged, provided:

1. The particle size and type of the fill material is compatible with the existing beach material to ensure that the new material will not be removed to a greater extent than the existing material would be by normal tidal fluctuations;
2. The elevation, width, slope, and form of the proposed beach nourishment projects are compatible with the characteristics of the existing beach;
3. The sediment deposition will not cause unacceptable shoaling in downdrift inlets and navigation channels;
4. Public access to the nourished beach is provided in accordance with the lands and waters subject to the public trust rights rule, N.J.A.C. 7:7-9.48, and the public access rule, N.J.A.C. 7:7-16.9.

(g) Structural shore protection and/or storm damage reduction measures that are conducted using monies from the Shore Protection Fund established by N.J.S.A. 13:19-16 and/or any other Department monies shall comply with (g)1 and 2 below.

1. The construction of new shore protection structures or expansion or fortification of existing shore protection structures, including, but not limited to, jetties, groins, seawalls, bulkheads, gabions, and other retaining structures to retard longshore transport and/or to prevent tidal waters from reaching erodible material, is acceptable only if the structure meets all of the following conditions:
  - i. The structure is essential to protect water dependent uses or heavily used public recreation beach areas in danger from tidal waters or erosion, or the structure is essential to protect existing structures and infrastructure in developed shorefront areas threatened by erosion, or the structure, for example, a retained earthen berm, is essential to mitigate the projected erosion in an erosion hazard area along a headland and provide erosion protection for a development that is otherwise acceptable under this chapter;
  - ii. The structure will not cause significant adverse impacts on local shoreline sand supply;
  - iii. The structure will not create net adverse shoreline sand movement downdrift, including erosion or shoaling;
  - iv. The structure will cause minimum feasible adverse impact to living marine and estuarine resources;
  - v. The structure is consistent with the State's Shore Protection Master Plan; and
  - vi. If the proposed project requires filling of a water area, the filling is consistent with the filling rule, N.J.A.C. 7:7-12.11, and all other applicable rules in this chapter; and

2. Public access to the shore protection project shall be provided in accordance with the lands and waters subject to public trust rights rule, N.J.A.C. 7:7-9.48 and the public access rule, N.J.A.C. 7:7-16.9.

(h) Rationale: New Jersey's coastal environment is dynamic, and shaped by natural forces such as wind, waves and storms. To manage the effects of these forces on development, water areas, and the shoreline, non-structural and structural shoreline stabilization measures and shore protection and storm damage reduction measures are employed. These measures, collectively known as coastal engineering, include living shorelines, rip-rap and gabion hybrid structures, bulkheads, revetments, seawalls, and dune restoration and beach nourishment projects. Vegetated or living shorelines are a shore protection and/or storm damage reduction measure that addresses the loss of vegetated shorelines and habitat in the littoral zone by providing for the protection, restoration or enhancement of these habitats. This measure provides "living space" for organisms through the strategic placement of plants, sand or other structural and organic materials.

Structural solutions as shore protection and storm damage reduction measures are appropriate and essential at certain locations, given the existing pattern of urbanization of New Jersey's shoreline. However, the creation, repair, or removal of publicly-funded shore protection structures must serve clear and broad public purposes and must be undertaken only with a clear understanding, on a regional basis, of the consequences to natural shoreline sand systems. As documented by the Department, the Federal Emergency Management Agency and others, dunes have proven to be very effective in providing protection from coastal storm surges, wave action and flooding. Dunes have been shown to reduce the level of storm damage particularly to boardwalks, gazebos and residential oceanfront structures. Creation, restoration, enhancement, and maintenance of dunes is therefore encouraged. New Jersey's unique geography places the State in the potential path of hurricanes, tropical storms, and nor'easters. Healthy beaches provide mitigation from these natural disasters by acting as a buffer between the ocean or bay and the homes, businesses, and infrastructure along the coast. Beach nourishment projects consist of the initial placement of sand along a beach that has experienced erosion. Beach nourishment depends upon adequate quantity and suitable quality of beach nourishment material; otherwise the material may quickly return to the ocean or bay. Sources of sand for such projects can include a local source such as from a neighboring beach or sandbar, a dredged source such as a nearby inlet or waterway, an inland source such as a mining quarry, or, as used most commonly in large-scale projects, an offshore source such as an abborrow site along the ocean bottom. This sand can be brought in with trucks or barges, hydraulically pumped or any combination of the above, and is then spread evenly along the beach using a common bulldozer. This completes the initial beach nourishment phase. As nourished beaches undergo erosion, they must be maintained through beach re-nourishment. The Public Trust Doctrine requires that access be provided to publicly funded shore protection structures and that such structures not impede public access. The New Jersey Supreme Court in *Borough of Neptune v. Avon-by-The-Sea* 61 N.J. 296(1972) held that:

"...at least where the upland sand area is owned by a municipality - a political subdivision and creature of the state -and dedicated to public beach purposes, a modern court must take the view that the Public Trust Doctrine dictates that the beach and ocean waters must be open to all on equal terms and without preference and that any contrary state or municipal action is

impermissible. (61 N.J. at 308-309)." Shore protection structures, when located on wet sand beaches, tidally flowed or formerly tidally flowed lands, are subject to the Public Trust Doctrine. Once built, most publicly funded shore protection structures become municipal property and are, therefore, subject to the Public Trust Doctrine in the same manner as municipally owned dry beaches.

**RESPONSE: A ROCK WALL (RIP RAP) EXISTS AT THE SOUTH END OF THE BEACH SEPARATING THE BEACH FROM THE GRASS PARKING AREA, BOTH VERTICALLY AND HORIZONTALLY. A ROCK WALL (JETTY ROCK) PROVIDES BEACH PROTECTION AT THE SOUTH END OF THE BEACH. BEACH PROTECTION IN OTHER AREAS TO THE NORTH IS ACHIEVED BY A RISE IN ELEVATION, MOVING WESTWARD FROM THE MEAN HIGH-WATER LINE. THE RISE IS MAINTAINED BY THE UNITED STATES ARMY CORPS OF ENGINEERS IN COOPERATION WITH NJDEP COASTAL ENGINEERING, AS PART OF THEIR ON-GOING BEACH NOURISHMENT PROJECT.**

**N.J.A.C. 7:7 -10.2    ROUTINE BEACH MAINTENANCE**

**7:7-10.2 Standards applicable to routine beach maintenance**

(a) Routine beach maintenance includes debris removal and clean-up; mechanical sifting and raking; maintenance of accessways; removal of sand accumulated beneath a boardwalk; removal of sand from street ends, boardwalks/promenades, and residential properties; the repair or reconstruction of existing boardwalks, gazebos, and dune walkover structures; and limited sand transfers from the lower beach to the upper beach or alongshore (shore parallel). Sand transfers from the lower beach profile to the upper beach profile are specifically designed to restore berm width and elevation, to establish/enhance dunes, and to repair dune scarp. Activities which preclude the development of a stable dune along the back beach are not considered to be routine beach maintenance activities, pursuant to this section. Specifically, the bulldozing of sand from the upper beach (berm) to the lower beach (beach face), for the purpose of increasing the berm width or flattening the beach profile, is not considered to be routine maintenance, except as provided at (a)9 below.

1. All routine beach maintenance activities shall be conducted in a manner that does not destroy, jeopardize, or adversely modify endangered or threatened wildlife or plant species habitat; and shall not jeopardize the continued existence of any local population of an endangered or threatened wildlife or plant species.

2. If the activities in (a) above are proposed to be conducted by a municipal or county agency on property owned by that governing body, then the municipal or county engineer must certify that the activities will be conducted in accordance with these standards. The appropriate municipal or county engineer is responsible for ensuring compliance with these requirements. If these activities are proposed to be conducted on privately owned property, then the property owner is responsible for ensuring that the activities will be conducted in accordance with these

standards. If these activities are proposed to be conducted on State owned properties, then the DEP, Bureau of Construction and Engineering must certify that the activities will be conducted in accordance with these standards.

3. All guidelines and specifications of this section must be incorporated into any contract documents or work orders related to proposed beach and dune activities, as described in this section. The Division of Land Use Regulation is available to assist in the development of specific maintenance plans for oceanfront locations, upon request.

4. In areas documented by the Department as habitat for threatened or endangered beach nesting shorebirds such as Piping Plovers (*Charadrius melanotos*), Least Terns (*Sternula antillarum*), and Black Skimmers (*Rynchops niger*), no beach raking, other mechanical manipulation of the beach, or use of non-emergency vehicles, shall take place between March 15 and August 31.

i. The Department's Division of Fish and Wildlife shall develop a list of specific areas where this restriction shall apply, based on documented habitat during the most recent nesting seasons. The list of restricted areas shall be updated annually by the Division of Fish and Wildlife, at the end of each nesting season and will be available from the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6. The updated list shall be provided by the Department to each permittee prior to March 1 of each year.

ii. If a particular beach area is identified on the updated list as described in (a)4i above as habitat for threatened or endangered beach nesting shorebirds, regardless of the habitat classification of the previous nesting season, no beach raking, other mechanical manipulation of the beach, or the use of non-emergency vehicles shall take place between March 15 and August 31 in those areas.

iii. If a particular beach area is not identified on the updated list as described in

(a)4i above, but is subsequently found to contain a nest or unflighted chick of a threatened or endangered beach nesting shorebird, the Department shall notify the permittee and no beach raking other mechanical manipulation of the beach, or use of non-emergency vehicles shall take place between March 15 and August 31 in those areas.

iv. The restrictions contained in (a)4 above may be waived if the Department's Division of Fish and Wildlife determines that the identified areas do not represent suitable threatened or endangered beach nesting shorebird habitat, due to beach erosion or other causes. Requests for such a waiver shall be made in writing to the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6.

5. In areas documented by the Department as supporting known occurrences of Federally listed endangered or threatened plant species such as seabeach amaranth (*Amaranthus pumilus*), or known occurrences of State listed endangered plant species, such as sea-beach knotweed (*Polygonum glaucum*), no beach raking, other mechanical manipulation of the beach, or use of non-emergency vehicles, shall take place between May 15 and November 30.

i. The Department, in cooperation with the USFWS, shall develop a list of present and documented habitat areas where this restriction shall apply based on occurrence locations during the previous seasons. The list of restricted areas shall be updated annually and will be available from the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6. The updated list shall be provided by the Department to each permittee prior to May 1 of each year.

ii. If a particular beach area is not identified on the updated list as described

(a)5 above, but is subsequently found to contain an occurrence of a Federally listed endangered or threatened plant species, or a State listed endangered plant species, the Department shall notify the permittee and no beach raking, other mechanical manipulation of the beach, or use of non-emergency vehicles, shall take place between May 15 and November 30 in those areas.

iii. The restrictions contained in (a)5 above may be waived if the Department determines that the identified areas do not support occurrences of Federally listed endangered or threatened plant species, or occurrences of State listed endangered plant species. Requests for such a waiver shall be made in writing to the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6.

6. Mechanical sifting and beach raking shall be limited to recreational beach areas only. For the purposes of this subsection, "recreational beach area" means all areas within 100 yards of a staffed lifeguard stand.

7. The excavation of sand accumulated beneath a boardwalk is conditionally acceptable provided:

i. The elevation of the area after the excavation is completed is not lower than either the upper beach berm design template for an engineered beach, or, for a non-engineered beach, the elevation of the existing beach berm;

ii. The excavated sand is relocated to the seaward toe of the existing dune, if present, or on the upper beach berm;

iii. Where breaching of an existing dune is necessary to allow for sand excavation, the following apply:

(1) The area of the dune breached shall be minimized; and

(2) The dune shall be restored to pre-existing conditions immediately upon excavation of the sand;

iv. Where sand is removed from the landward dune slope, the slope must be:

(1) Restored to the preexisting conditions and in no case be steeper than three horizontal to one vertical; and

(2) Revegetated in accordance with N.J.A.C. 7:7-10.4(b) and (c).

8. Any sand excavated from boardwalks, street ends, and single family lots shall be placed on the seaward toe of the existing dune, if present, or on the upper beach berm.

9. Placement of temporary sand fencing during the winter months, which results in the accumulation of sand that is later redistributed on the beach berm, is conditionally acceptable, provided:

i. The sand fencing is:

(1) Placed a minimum of 15 feet waterward of the seaward toe of any existing dune or, if no dune is present, from the waterward side of any structure;

(2) Installed no earlier than October 15 and removed prior to the Memorial Day weekend, unless threatened and endangered species timing restrictions apply;

(3) Installed in a manner that does not prevent public access along the tidal water and does not restrict public access to the beach from existing public access points; and

ii. The accumulated sand that is redistributed:

(1) Is placed on the beach;

(2) Does not result in the grading of the beach below the beach berm design template for an engineered beach or, for a non-engineered beach, below the elevation of the beach berm elevation existing prior to the redistribution; and

(3) Where feasible, does not result in the grading of the beach face to a slope steeper than 10 horizontal to one vertical.

(b) Projects involving the transfer of sand from the lower beach profile to the upper beach profile, or alongshore, are acceptable, in accordance with the following standards:

1. All sand transfer activities shall be conducted in a manner that does not destroy, jeopardize, or adversely modify endangered or threatened wildlife or plant species habitat; and shall not jeopardize the continued existence of any local population of an endangered or threatened wildlife or plant species.

2. The amount of sand transferred at any one time shall be limited to one foot scraping depth at the borrow zone. This borrow zone may not be re-scraped until the sand volume from the previous scraping activities has been fully restored.

3. The borrow zone shall be limited to the area between the low water line and the inland limit of the berm. It is strongly recommended that a program of beach profiling be utilized to monitor the condition of the beaches and to ensure compliance with the standards of this section.

4. If the purpose of the sand transfers is to repair eroded dunes (dune scarps), all filled areas shall be stabilized with sand fencing and planted with beach grass in accordance with Department or Soil Conservation Service standards. Fencing shall be in place within 30 calendar days of the transfer operation, while the vegetative plantings may be installed during the appropriate seasonal planting period (October 15 through March 31, anytime the sand is not frozen).

5. There shall be no disturbance to existing dune areas.

6. In areas of documented habitat for threatened or endangered beach nesting shorebirds such as Piping Plovers (*Charadrius melanotos*), Least Terns (*Sternula antillarum*), and Black Skimmers (*Rynchops niger*), no sand transfers shall take place between March 15 and August 31.

i. The Department's Division of Fish and Wildlife shall develop a list of specific areas where this restriction shall apply, based on documented habitat during the most recent nesting seasons. The list of restricted areas shall be updated annually by the Division of Fish and Wildlife, at the end of each nesting season and will be available from the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6. The updated list shall be provided by the Department to each permittee prior to March 1 of each year.

ii. If a particular beach area is identified on the updated list as described in (b)6i above as habitat for threatened or endangered beach nesting shorebirds, regardless of the habitat classification of the previous nesting season, no sand transfers shall take place between March 15 and August 31 in those areas.

iii. If a particular beach area is not identified on the updated list as described in

(b)6i above, but is subsequently found to contain a nest or unflighted chick of a threatened or endangered beach nesting shorebird, the Department shall notify the permittee and no sand transfers shall take place between March 15 and August 31 in those areas.

iv. The restrictions contained in (b)6 above may be waived if the Department's Division of Fish and Wildlife determines that the identified areas do not represent suitable threatened or endangered beach nesting shorebird habitat due to beach erosion or other causes. Requests for such a waiver shall be made in writing to the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6.

7. In areas documented by the Department as supporting known occurrences of Federally listed endangered or threatened plant species, or known occurrences of State-listed endangered plant species, no sand transfers shall take place between May 15 and November 30.

i. The Department, in cooperation with the USFWS, shall develop a list of present and documented habitat areas where this restriction shall apply, based on occurrence locations during the previous seasons. The list of restricted areas shall be updated annually and will be available from the Department's Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6. The updated list shall be provided by the Department to each permittee prior to May 1 of each year.

ii. If a particular beach area is not identified on the updated list as described at (b)7i above but is subsequently found to contain an occurrence of a Federally listed endangered or threatened plant species, or an occurrence of a State listed endangered plant species, the Department shall notify the permittee and no sand transfer on the beach shall take place between May 15 and November 30 in those areas.

iii. The restrictions contained in (b)7 above may be waived if the Department determines that the identified areas do not support occurrences of a Federally listed endangered or threatened plant species, or occurrences of State listed endangered plant species. Requests for such waiver shall be made in writing to the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6.

8. Sand transfers to or from wetland areas that may exist on a beach are not authorized by this permit.

9. Records of all sand transfer activities shall be maintained by the property owner, beach association, governmental agency or other authority conducting the activities, and shall be available for inspection by the Department, upon request. These records shall include, but not be limited to, dates of transfer, borrow area limits, fill area limits, estimates of the amount of sand transferred, the name of the person(s) supervising the transfer activities, and the engineering certification required (if appropriate) for all sand transfer activities.

**RESPONSE: THE CARE, GROOMING AND MAINTENANCE OF THE BEACH IN THE BOROUGH OF DEAL DOES NOW AND HAS PREVIOUSLY COMPLIED WITH EACH OF THE GUIDELINES, RECOMMENDATIONS AND REQUIREMENTS AS DESCRIBE ABOVE.**

**ALL FUTURE WORK PERFORMED UNDER THIS PERMIT WILL ALSO COMPLY WITH SAID RULES AS DESCRIBED HEREWITH.**

**N.J.A.C. 7:7-10.3 STANDARDS APPLICABLE TO EMERGENCY POST-STORM BEACH RESTORATION**

**7:7-10.3 Standards applicable to emergency post-storm beach restoration**

(a) This section on emergency post-storm beach restoration will apply to all beaches which are impacted by coastal storms with a recurrence interval equal to or exceeding a five-year storm event. Emergency post-storm beach restoration projects not specifically identified in this section may be authorized by the Department through an emergency authorization pursuant to N.J.A.C. 7:7-21 if the Department determines that there is an imminent threat to lives or property.

(b) Beach restoration activities, as part of an emergency post-storm recovery, include: the placement of clean fill material with grain size compatible with (or larger than) the existing beach material; the bulldozing of sand from the lower beach profile to the upper beach profile; the alongshore transfer of sand on a beach; the placement of concrete, rubble or rock; and the placement of sand filled geotextile bags or tubes.

(c) The emergency post-storm beach restoration activities in (b) above should be designed and implemented as a means to restore the beaches to the pre-storm condition, or to restore the beaches to a level sufficient to provide protection from a storm event with a minimum recurrence interval of five years (five-year storm protection). For the purpose of this section, five-year storm protection equates to a minimum 30-foot wide berm at elevation +8 Mean Sea Level (NAD,1983). Restoration beyond the pre-storm beach condition is encouraged by the Department, but will not be considered “emergency post-storm beach restoration,” pursuant to this section.

(d) The bulldozing of sand from the lower beach profile to the upper beach profile, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. Bulldozing is limited to the beach area landward of the low water line. Removal of material from below the low water line is considered dredging, and is not authorized pursuant to this section; and
2. The beach face cannot be graded to a slope steeper than one vertical to three horizontal.

(e) The alongshore transfer of sand from one beach area to another, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. No disturbance to existing dune areas is permitted;
2. Sand borrow areas shall not be bulldozed to a depth which exceeds one foot;
3. The borrow areas may not be rescarped until full sand volume recovery has occurred; and
4. An adequate supply of sand is available at the borrow area site, so that the relocation of this material will not decrease the level of protection adjacent to the borrow area.

(f) The placement of sand filled geotextile bags or geotubes, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. In areas where dunes are present, the geotextile bags or geotubes shall be placed along the toe of any scarped dune, or seaward of the dune toe, and not on the dune itself;
2. In areas where dunes are not present, the geotextile bags or geotubes shall be placed at the landward limit of the beach and in no case be placed below the mean high water line;
3. The geotextile bags or geotubes shall be tapered at the end of the project area, to minimize the impact to adjacent areas which are not protected by the geotextile bags or geotubes;
4. The crest and seaward side of the geotubes shall be buried to achieve a gradual, uniform slope from the upper beach to the crest of the geotextile bag or geotube;

5. The length of shoreline along which the geotextile bags or geotubes are installed shall not exceed a cumulative length of 500 feet;
6. Fill material for the geotextile bags or geotubes shall be from an upland source excluding the beach and dune or from suitable dredged material;
7. The geotextile bag or geotube shall be installed parallel to the shoreline; and
8. The geotextile bag or geotube shall be installed with the manufacturer's recommended scour apron.

(g) The placement of sand, gravel, rubble, concrete, rock or other inert material, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. All material shall be non-toxic sand, gravel, concrete, rubble, rock, or other inert material;
2. The placement of concrete, rubble, or rock shall be temporary in nature, and is not to be used as permanent protection, unless it is part of a Department-approved, engineered design for permanent shore protection;
3. All concrete, rubble, or rock placed on the beach shall be removed within 90 calendar days, unless an application is filed within 90 calendar days of the placement of the material for Department approval of an engineered design for permanent shore protection. If a permit application is filed within this period, the material may remain on the beach until a determination is made on the application; and
4. The use of automobiles, tires, wood debris, asphalt, appliances or other solid waste is prohibited.

**RESPONSE: COMPLIANCE WITH THESE STANDARDS HAS ALREADY BEEN ESTABLISHED BY PAST ACTIVITIES UNDER PRIOR-APPROVALS OF BEACH AND DUNE MAINTENANCE PERMIT(S). POST- STORM BEACH RECONSTRUCTION (AND REPAIRS) IN THE BOROUGH OF DEAL, AS DESCRIBE ABOVE, HAS PREVIOUSLY COMPLIED WITH AND WILL, IN THE FUTURE, CONTINUE TO COMPLY WITH EACH OF THE GUIDELINES, RECOMMENDATIONS AND REQUIREMENTS AS DESCRIBED ABOVE.**

**N.J.A.C. 7:7 -10.4 STANDARDS APPLICABLE TO DUNE CREATION AND MAINTENANCE**

**7:7-10.4 Standards applicable to dune creation and maintenance**

- (a) Dune creation and maintenance includes the placement and/or repair of sand fencing (including wooden support posts), the planting and fertilization of appropriate dune vegetation,

the maintenance and clearing of beach access pathways less than eight feet in width, and the construction or repair of approved dune walkover structures. Bulldozing, excavation, grading, vegetation removal or clearing, and relocation of existing dunes are not authorized pursuant to this section.

(b) All dune creation and maintenance activities should be conducted in accordance with the specifications found in Guidelines and Recommendations for Coastal Dune Restoration and Creation Projects (DEP, 1985), and/or Restoration of Sand Dunes Along the Mid-Atlantic Coast (Soil Conservation Service, 1992). The Department will provide site specific technical assistance for dune creation and maintenance projects, upon request.

(c) All proposed dune vegetation shall be native to New Jersey and should be limited to the following coastal species, to the maximum extent practicable: American Beachgrass (*Ammophila breviligulata*), Coastal Panicgrass (*Panicum amarulum*), Bayberry (*Myrica pensylvanica*), Beach Plum (*Prunus maritima*), Seaside Goldenrod (*Solidago sempervirens*), Beach Pea (*Lathyrus japonicus*), Bitter Panicgrass (*Panicum amarum*), Switchgrass (*Panicum virgatum*), Partridge Pea (*Chamaecrista fasciculata*), Eastern red cedar (*Juniperus virginiana*), Groundsel tree (*Baccharis halimifolia*), and Saltmeadow cordgrass (*Spartina patens*).

1. American beach grass is the preferred species for the stabilization of newly established dunes, and for stabilization of the primary frontal dune. Woody plant species are suitable for back dune and secondary dune environments. Herbaceous plant species are preferred as supplemental plantings for all dune areas.

2. Dune vegetation should be diversified to the maximum extent practicable, in an effort to provide continuous stabilization in the event that pathogens reduce or eliminate the effectiveness of one species. A complex of associated grasses, herbaceous species and woody species is preferred to the planting of one species.

3. A landscape plan is required as part of any dune creation activity. The landscape plan shall depict the proposed vegetative community on the dune and include:

- i. Species and quantity to be planted;
- ii. Spacing of all plantings;
- iii. Stock type (plugs, potted, seed); and
- iv. Source of the plant material.

(d) The construction of elevated timber dune walkover structures shall be in accordance with the standards and specifications (or similar specifications) described in Beach Dune Walkover Structures (Florida Sea Grant, 1981). The construction of elevated dune walkover structures, particularly at municipal street-ends and other heavily used beach access points is preferred to the construction of pathways or walkways through the dunes.

1. Copies of the DEP and Florida Sea Grant reports are available from the Department at the address set forth at N.J.A.C. 7:7-1.6.

(e) The construction of at-grade dune walkovers is acceptable only at single family and duplex residential dwellings, subject to the following conditions:

1. Only one walkover per residential building is allowed;
2. The width of the walkover must not exceed four feet;
3. The walkover shall be fenced on both sides through the use of sand fencing;
4. The use of unrolled sand fencing as a base for the walkover is preferred to the use of planks and boards. Sand fence-based walkovers allow for easier seasonal removal and placement, and allow for greater growth of beachgrass, while still providing an adequate base for pedestrian traffic; and
5. Solid boardwalk type walkovers shall be elevated at least one foot above the dune, to allow for movement of sand and vegetative growth under the boardwalk structure.

(f) The controlled use of discarded natural Christmas trees for the purpose of dune stabilization is generally discouraged, but may be acceptable, in accordance with the standards set forth below. Discarded Christmas trees serve the same function as sand fencing, by trapping wind-blown sand and facilitating sand deposition and dune formation. However, uncontrolled or inappropriate placement of trees will hinder the development of dunes and may present a fire hazard.

1. Only natural, coniferous trees are suitable for use in dune stabilization. The use of tree limbs, clippings, artificial trees, and other dead vegetation is prohibited;
2. Trees should be placed at least 100 feet landward of the high-water line, in areas which are generally not subject to spring tidal inundation and wave swash action;
3. The placement of trees should be oriented against the prevailing winds, in either a straight line or zig-zag formation;
4. The trees should be installed by overlapping the stump end of one tree with the pointed end of another, and then anchoring the connection point with a sufficient amount of sand to hold the trees in place;
5. Newly placed trees should be monitored to ensure that the trees remain anchored and do not become dislodged. Additional quantities of sand or wooden anchor stakes may be used to hold the trees in place until they become stabilized; and
6. All newly deposited sand should be stabilized through the planting of beachgrass, during the appropriate planting season.

**RESPONSE: THERE WILL BE NO ALTERATION TO THE DUNES OR THE DUNE VEGETATION.**

**N.J.A.C. 7:7 -16.9 PUBLIC ACCESS**

3. Public access to the beach shall be provided in accordance with the lands and waters subject to public trust rights rule, N.J.A.C. 7:7-9.48, and the public access rule, N.J.A.C. 7:7-16.9.

(b) As of November 5, 2015, the Department shall not approve authorization under this general permit to any municipality that does not have a Department-approved municipal public access plan in accordance with N.J.A.C.7:7-16.9(c) through (m).

**RESPONSE:**

**PUBLIC BEACH ACCESS IS OPEN AND AVAILABLE (WITH BEACH BADGES) AT MANY STREET END LOCATIONS ALONG BEACH. INCLUDING JUST NORTH OF THE SITE AT PHILLIPS AVENUE. ALL PUBLIC BEACH ACCESS WILL CONTINUE TO BE MAINTAINED AND UPHELD.**

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**Conclusion**

The Borough of Deal's proposed improvements to the Deal Casino Beach Club have been thoughtfully designed to align with the goals and requirements set forth in N.J.A.C. 7:7-23.6(b) and N.J.S.A. 13:19-10. The project reduces impervious coverage on-site by approximately 3.30%, which represents a significant step toward improving stormwater management and enhancing environmental sustainability. Given this substantial reduction in existing coverage, the Borough believes the proposed design inherently reflects a feasible and environmentally responsible alternative, thus eliminating the need for additional alternatives analysis.

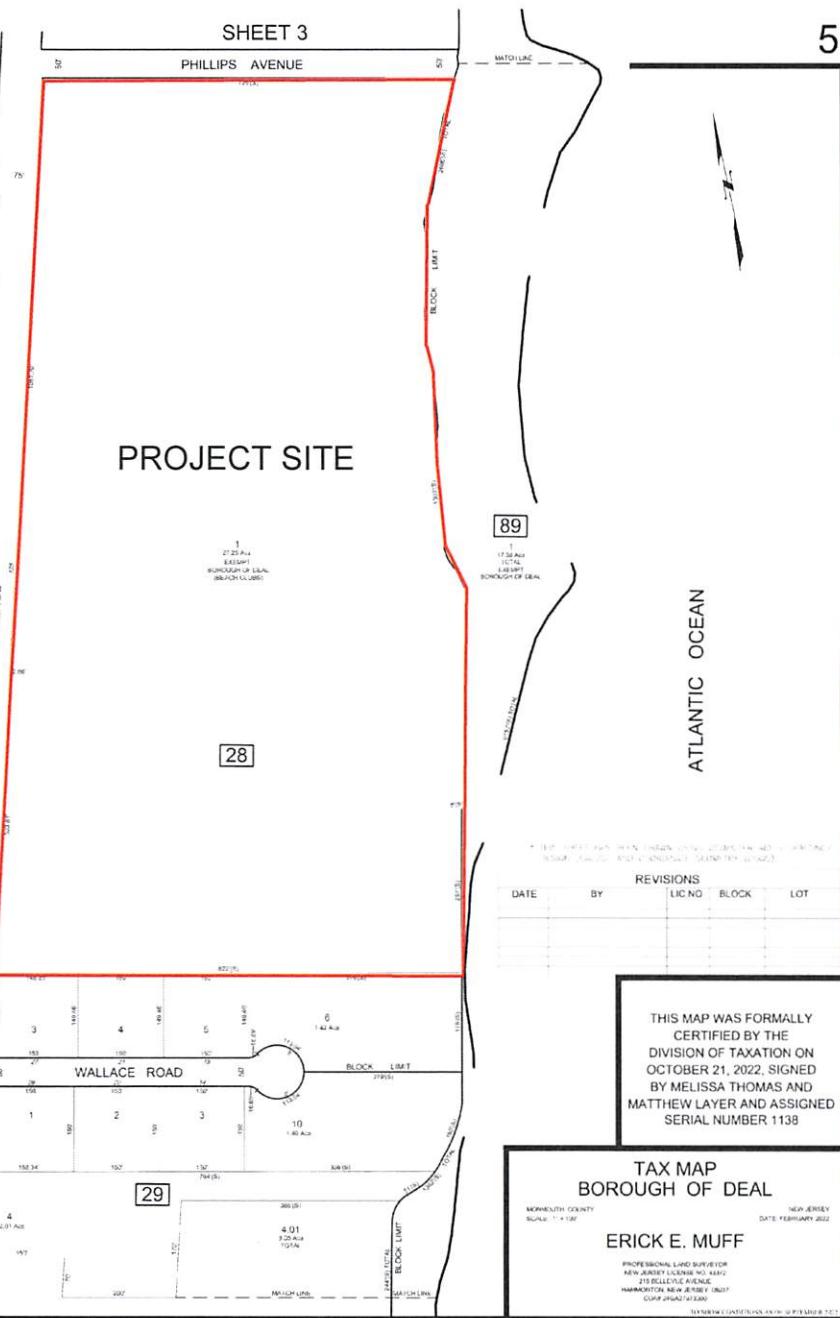
In terms of mitigation, the Borough of Deal is committed to adhering fully to all applicable NJDEP rules and best practices to ensure any potential impacts are properly addressed and minimized. The Borough recognizes the importance of preserving coastal ecosystems and is taking proactive measures to meet these obligations through the thoughtful integration of soft landscaping and sustainable site design.

Additionally, public access will be preserved in full. The Borough will maintain existing access at Phillips Avenue as well as all other designated beach access points throughout the municipality, ensuring continued public use and enjoyment of the waterfront.

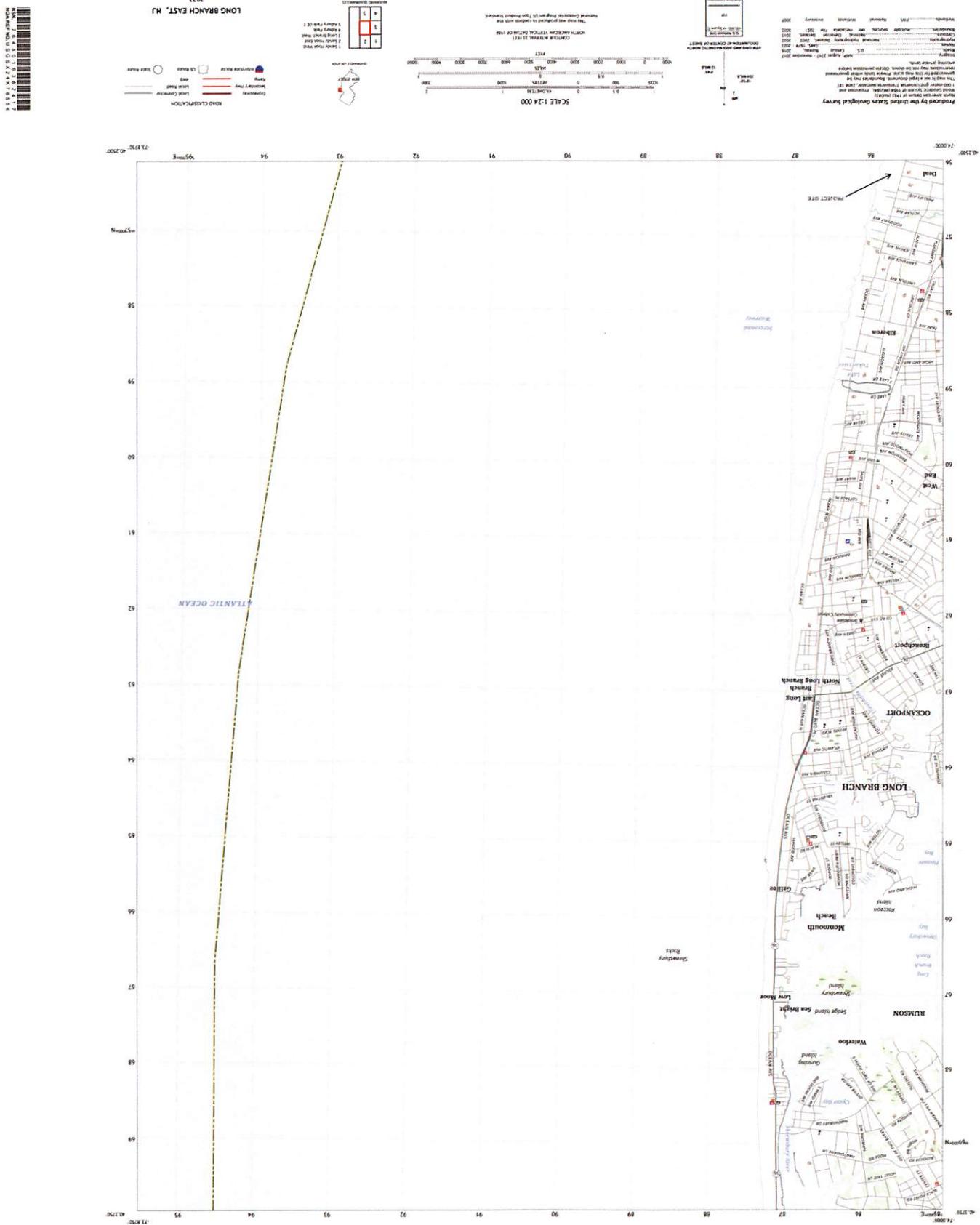
The Borough is excited to move forward with this project and is confident it will provide meaningful benefits to Deal and neighboring shore communities. By modernizing and revitalizing the Deal Casino Beach Club, the Borough is enhancing both recreational opportunities and environmental resilience — a combination that reflects its long-standing commitment to public service, responsible planning, and coastal stewardship.

Borough officials and professionals held a pre-application meeting on March 26, 2025. Along with the Borough representatives, attending on behalf of DEP were Director Colleen Keller, Kara Turner and Chingwah Liang. Please refer to the supplementary attachments that reflect the pre-application meeting and how we are complying with the comments noted.

Additionally, please refer to the attached plans to see visual depictions of what was discussed throughout the EIS and application as a whole.







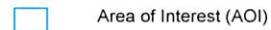
LONG BRANCH EAST QUADRANGLE  
NEW JERSEY - MONMOUTH COUNTY  
7.5-MINUTE SERIES

US Topo

INTERIOR EYE

SGS

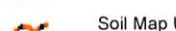


**MAP LEGEND****Area of Interest (AOI)**

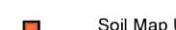
Area of Interest (AOI)

**Soils**

Soil Map Unit Polygons



Soil Map Unit Lines



Soil Map Unit Points

**Special Point Features**

Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



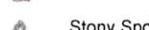
Sinkhole



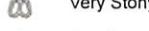
Slide or Slip



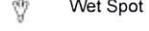
Sodic Spot

**Spoil Area**

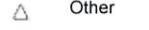
Stony Spot



Very Stony Spot



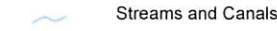
Wet Spot



Other

**Special Line Features**

Special Line Features

**Water Features**

Streams and Canals

**Transportation**

Rails



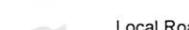
Interstate Highways



US Routes



Major Roads



Local Roads

**Background**

Aerial Photography

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

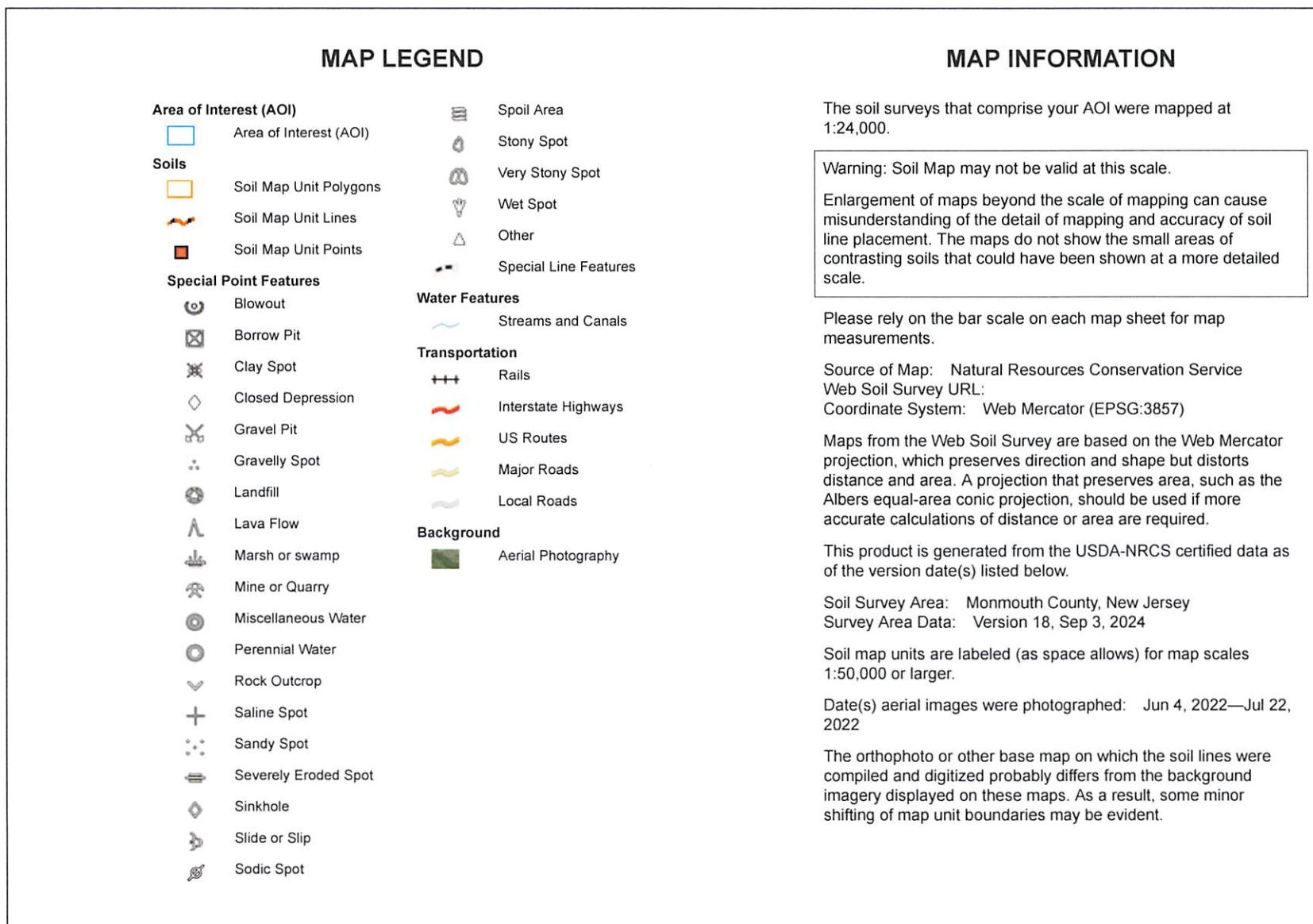
Soil Survey Area: Monmouth County, New Jersey

Survey Area Data: Version 18, Sep 3, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 4, 2022—Jul 22, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BEADV	Beaches, 0 to 15 percent slopes, very frequently flooded	9.3	33.8%
EvuB	Evesboro-Urban land complex, 0 to 5 percent slopes	18.2	66.1%
WATER	Water	0.0	0.1%
<b>Totals for Area of Interest</b>		<b>27.5</b>	<b>100.0%</b>

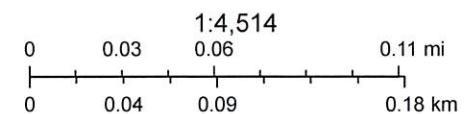
# Aerial Map



3/23/2025, 6:42:46 PM

County Boundaries

Parcels Data (Block and Lot)



Maxar

## **Notification of Stormwater Management Compliance Exemption – CAFRA IP Application for Deal Beach Club Redevelopment.**

Dear CAFRA Permit Coordinator,

We are submitting details in support of our Coastal Area Facility Review Act (CAFRA) individual permit application for the development at Deal Casino Beach Club. This correspondence is intended to clarify the aspects of stormwater management pertaining to our project, specifically addressing the reasons why detailed stormwater analysis is not required under the current regulatory framework.

1. Direct Discharge Compliance: As per NJAC 7:8-5.6(b)4, our project design includes stormwater runoff being collected and directly discharged into the ocean. This design choice exempts our project from the requirements for detailed stormwater runoff quantity analysis. Direct ocean discharge ensures there is no increase in flood risk or damage downstream of the point of discharge, aligning with the allowances provided for developments discharging into tidal flood hazard areas.
2. Reduction in Impervious Surfaces: Our proposed development plan involves a net decrease in impervious surfaces compared to the existing conditions. This reduction further supports our position that our project should be exempt from performing extensive stormwater management analysis, as the decrease in impervious areas naturally lessens the volume and rate of stormwater runoff.
3. Regulatory Compliance and Documentation: While we maintain that a detailed analysis is not required due to the conditions outlined, all documentation submitted as part of this application adheres to the format and certification requirements set forth at N.J.A.C. 7:7-23.2(j). Our submissions, including plans, have been prepared, signed, and sealed by a New Jersey licensed professional engineer, compliant with N.J.A.C. 13:40-8.1A.
4. Commitment to Environmental Stewardship: We are committed to ensuring that our development not only complies with the regulatory requirements but also enhances the environmental integrity of the area. Our approach to stormwater management reflects this commitment, prioritizing direct, safe discharge methods and reducing impervious cover to mitigate any potential environmental impacts.

We believe that our project's design and planned measures adequately address the concerns typically associated with stormwater management without necessitating further analysis. We are prepared to discuss this further and provide any additional information required by the Department.

Thank you for your consideration and ongoing guidance.

## **Notification of Natural Heritage Program Compliance – CAFRA IP Application for Deal Beach Club Redevelopment.**

Dear CAFRA Permit Coordinator,

In support of our Coastal Area Facility Review Act (CAFRA) individual permit application for the proposed development at Deal Casino Beach Club, we have initiated a comprehensive environmental review in compliance with NJDEP guidelines and regulations. As part of our commitment to environmental stewardship and regulatory compliance, we have submitted a request to the NJDEP Office of Natural Lands Management for data from the Natural Heritage Database concerning any endangered or threatened species of flora or fauna that may be present in the area of our proposed project.

1. **Data Request Submission:** We have officially submitted our data request to the NJDEP Office of Natural Lands Management. The request was received by the office, and we are currently within the standard processing timeframe. We have been advised to allow up to 45 days for a complete response, which we are factoring into our project timeline.
2. **Intended Use of Data:** Upon receipt of the Natural Heritage Database response, we will incorporate any relevant findings into our project planning and design. This will ensure that all considerations regarding endangered or threatened species, as well as their habitats, are fully integrated into our development strategies, minimizing environmental impacts and enhancing habitat protection.
3. **Current Project Status:** While awaiting the detailed response from the Natural Heritage Program, our preliminary assessments and project designs are being developed with a strong emphasis on conservation and sustainability. These designs are being prepared to adapt flexibly to any recommendations or requirements that may arise from the final Natural Heritage Database report.
4. **Commitment to Compliance and Environmental Integrity:** We assure the Department that all aspects of the environmental data provided will be thoroughly reviewed and incorporated in compliance with applicable NJDEP regulations and any specific guidance from the Office of Natural Lands Management. Our team is prepared to make any necessary adjustments to the project proposal to protect and preserve local biodiversity.

We appreciate the Department's support and guidance in integrating environmental considerations into our project planning. Please let us know if there are any interim steps we should undertake while we await the complete data response from the Natural Heritage Program.



State of New Jersey  
Department of Environmental Protection  
Natural Heritage Data Request Form

The New Jersey Natural Heritage Program - Office of Natural Lands Management  
Mail Code 501-04, P.O. Box 420, Trenton, New Jersey 08625-0420  
Phone: (609) 984-1339; Fax: (609) 984-1427



**Please print clearly. All sections are required.**

1. Name:	Samuel Avakian	Agency/Company:	Borough of Deal
Billing Address:	190 Norwood Avenue	City, State, Zip:	Deal, NJ, 07723
Phone:	732-922-9229	E-mail:	sjavakian@leonsavakian.com
2. Project Name &/or Project Address:	Deal Casino Beach Club Redevelopment - 123 Ocean Avenue		
Municipality(ies):	Borough of Deal	County(ies):	Monmouth
Block(s):	28	Lot(s):	1
Coordinates (NAD 1983 State Plane feet [6 digits] or Lat/Long):			
E(x) / Longitude:	633,820.12	N(y) / Latitude:	516,889.71
3. Project Description:	The Borough of Deal is submitting a permit to the NJDEP to renovate the existing Deal Casino Beach Club. Improvements will include the removal of impervious cover to add green space as well as the renovation of the existing buildings.		

4. **Mapping Information:** Please provide a map showing the project boundary (e.g., USGS quad, aerial imagery, street map, tax or parcel map with block and lot, etc.). Responses will be delayed if site locations are not clearly delineated. Alternatively, you may submit electronic GIS data (e.g., shapefile, geodatabase, \*.kml/kmz, etc.) by attaching it to your email submittal.

Site Location Map Included: Yes  No

Electronic GIS Data Files Included: Yes  No

USGS quad name (if known): Long Branch East

5. Riparian Zone or FHACA Is this request submitted as part of a Riparian Zone width determination (e.g., Flood Hazard Area Control Act application N.J.A.C. 7:13)? Yes  No

6. Acknowledgement & Signature Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a fee of \$25.00 per use for the original data. A waiver will be made with the request.

Any material supplied by the Office of Natural Lands Management will not be

Yes  No

6. Acknowledgement & Signature Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a fee of \$25.00 per use for the original data. A waiver will be made with the request.

Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of \$70.00 per hour for the services requested. An invoice will be sent with the request response. Please pay by check or money order (credit card not accepted) payable to: "DEP – Office of Natural Lands Management" (please do not reference "NJ State Treasury").

Signed: Samuel J. Avakian Date: 4-2-2025

#### Time Frame for Response:

Data requests are processed in the order in which they are received; PLEASE ALLOW AT LEAST 30 DAYS FOR A RESPONSE. All responses will be emailed to the address provided above unless other arrangements are specifically requested.

**Please Submit Completed Forms And Attachments To The Following Email Address: [NATLANDS@DEP.NJ.GOV](mailto:NATLANDS@DEP.NJ.GOV). You may also fax your data request to: (609) 984-1427. If you would like to send in your data request via regular mail, please use the following address:**

NJDEP Office of Natural Lands Management  
Mail Code 501-04, PO Box 420  
Trenton, NJ 08625-0420

FOR OFFICE USE ONLY

Item Code: REG\_\_\_\_ ST \_\_\_\_ NC \_\_\_\_ Hrs: \_\_\_\_\_

Revised February 2022

## Sam Avakian

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**From:** DEP NATLANDS [DEP] <NATLANDS@dep.nj.gov>  
**Sent:** Wednesday, April 2, 2025 3:31 PM  
**To:** Sam Avakian  
**Subject:** RE: Natural Heritage Data Request

Request rec'd.

### Time Frame for Response:

Data requests are processed in the order in which they are received; **please allow 45 days for response.**

### Dee Nyerges

| Natural Lands Management  
deloris.nyerges@dep.nj.gov  
609-984-1339  
609-947-2291 Cell  
501 E. State Street, PO Box 420 Mail Code 501-04, Trenton, NJ 08625



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**From:** Sam Avakian <sjavakian@leonsavakian.com>  
**Sent:** Wednesday, April 2, 2025 3:21 PM  
**To:** DEP NATLANDS [DEP] <NATLANDS@dep.nj.gov>  
**Subject:** [EXTERNAL] Natural Heritage Data Request

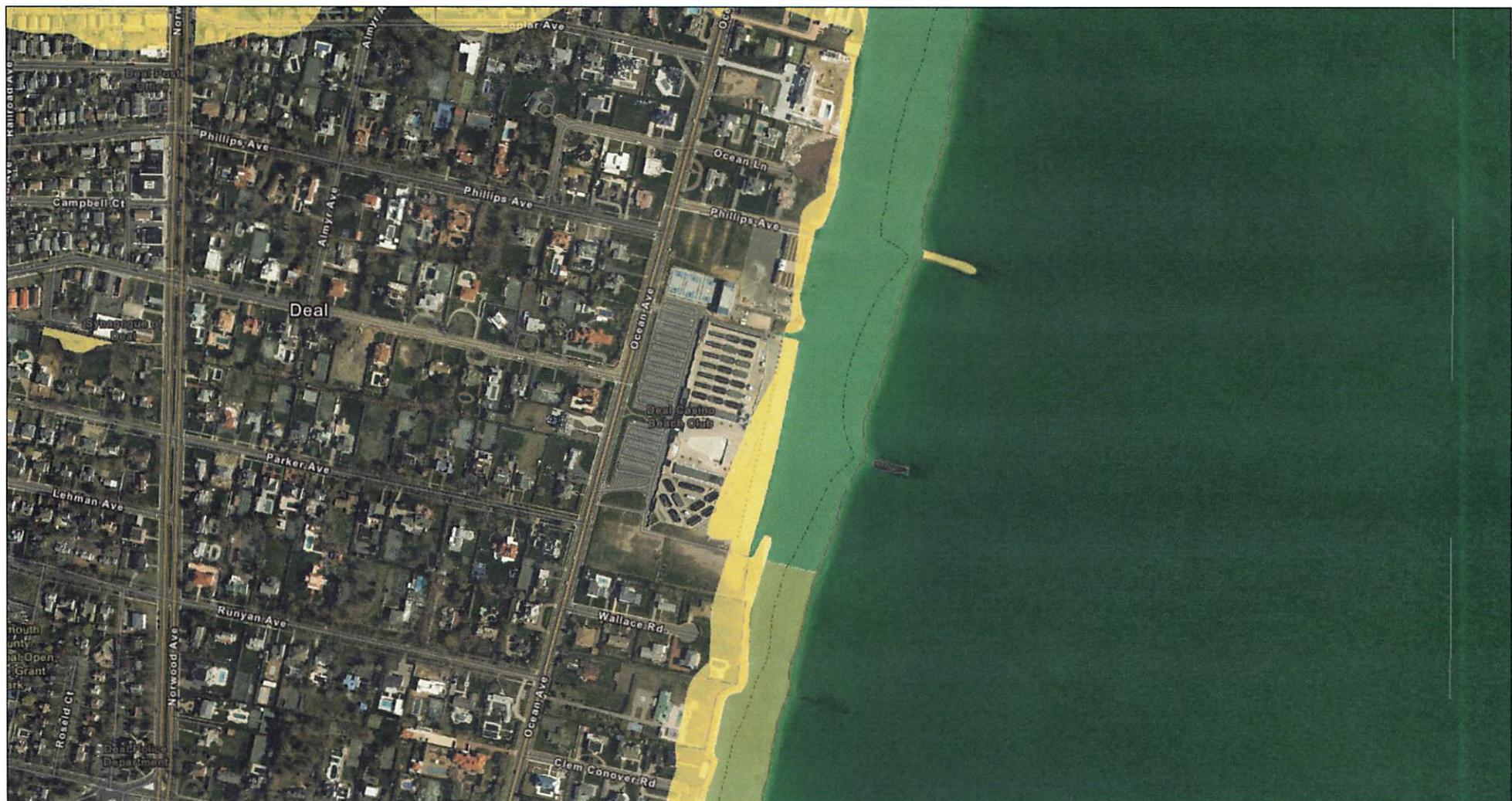
Hello,

Attached please find a natural heritage database request form. Additionally, you can find the landscape map and the proposed work to be performed. Please reach out with any questions.

Thank You,

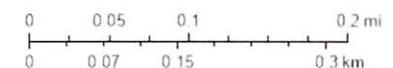
Samuel Avakian, P.E., P.L.S., P.P.  
**Leon S. Avakian Inc.**  
*Consulting Engineers*  
788 Wayside Road, Neptune, NJ 07753  
(732) 922-9229

## Landscape Map



4/2/2025, 3:09:20 PM

1:6,389



Project definition, funding requests, and data distribution  
by NJ Office of Information Technology, Office of GIS

Funding provided by  
NJ Department of Environmental Protection

# **Notification of Mitigation Compliance Exemption – CAFRA IP Application for Deal Beach Club Redevelopment.**

Dear CAFRA Permit Coordinator,

We are writing to submit our application for a Coastal Area Facility Review Act (CAFRA) Individual Permit regarding the proposed development at the Deal Casino Beach Club. This application is prepared in accordance with the requirements set forth in NJAC 7:7, particularly with respect to environmental impacts.

## **1. Project Overview:**

The proposed development is designed to enhance the existing facilities of the Deal Casino Beach Club without expanding the current footprint or altering the natural landscape and coastal environment. The project includes upgrading existing structures and amenities to improve user experience and safety.

## **2. Compliance with NJAC 7:7-17:**

We have conducted a thorough review of the potential environmental impacts associated with the proposed development. It is our understanding and commitment that the project will not adversely affect any environmentally sensitive areas, including but not limited to:

- **Wetlands:** No construction or development activities will encroach upon or adversely affect wetland areas.
- **Coastal Zones:** The project will strictly adhere to existing boundaries and will not result in any increase in impervious surfaces, nor will it alter natural watercourses or coastal processes.
- **Habitats for Endangered or Threatened Species:** There has been no identified habitat for endangered or threatened species within the project area, as verified by preliminary environmental investigation.
- **Public Access to Waterways:** The development maintains all existing access points and does not impede public access to the beachfront or ocean.

## **3. Environmental Investigation:**

Preliminary investigation has been conducted, and findings confirm that the proposed modifications are confined to previously developed areas, utilizing existing infrastructures and thus minimizing potential environmental impacts. These assessments are available for review and have been prepared in compliance with all applicable regulations.

## **4. Mitigation and Environmental Stewardship:**

Although our project does not adversely impact sensitive environmental areas, we are committed to ongoing environmental stewardship. This includes implementing best management practices (BMPs) during construction to control sediment and erosion, managing stormwater effectively, and ensuring that all construction activities are monitored for compliance with environmental standards.

We believe that the proposed project meets all the criteria set forth by the NJDEP for a CAFRA Individual Permit and does not necessitate a mitigation proposal due to its non-adverse nature on sensitive environments as outlined in NJAC 7:7-17. We are committed to ensuring that all aspects of the development are conducted responsibly and sustainably.

CAFRA Individual Permit  
 Impervious and Vegetative Cover Calculations  
 Subchapter 13 (N.J.A.C. 7:7-13)

\*Please complete the appropriate fields in the table below. If the project site spans more than one Planning Area and/or Center designation, please fill out a separate spreadsheet for each area. Each spreadsheet should be saved and uploaded on the Attachment Upload page in the E-submission service. Values should be entered in square feet where applicable. Please hit the "ENTER" key after entering each value in the cell in order for values to pre-populate in the appropriate cells.

Site Planning Area (refer to N.J.A.C. 7:7-13.16) Site Center Designation (if applicable) (refer to N.J.A.C. 7:7-13.16)	Coastal Metro
<i>(If a site is not located in a center, core, or node, the underlying planning area will determine the impervious cover limit and required vegetative cover.)</i>	

Applicable Section under N.J.A.C. 7:7-13.17 for Impervious Cover Calculations Below

**For Impervious Calculations In Accordance with N.J.A.C. 7:7-13.17(c)1&2, (d)1, (e)1 and (f)1**

Allowable Impervious Coverage Percentage (Please enter percentage in Column B)	80%	0.008
Total Site Square Footage	1202224	
Total Square Footage of Special Areas on site (refer to N.J.A.C. 7:7-13.3)	0	
Net Land Area or Total Site Square Footage (refer to 13.17(c)1 to determine if the square footage of the net land area or total site square footage should be entered)	1202224	
Allowable Impervious Coverage	9617.792	
Existing Impervious Coverage	195803	
Existing Impervious Coverage Proposed to be Removed	39627	
New Proposed Impervious Coverage	0.00%	
Total Impervious Coverage After Project Construction	156176	

**For Impervious Calculations in Accordance with N.J.A.C. 7:7-13.17(c)3, d(2), (e)2 & 3, and (f)2**

Total Site Square Footage	1202224
Total Square Footage of Special Areas on site (refer to N.J.A.C. 7:7-13.3)	0
Net Land Area	1202224
Amount of Legally Existing Impervious Cover or the Square Footage Covered by Buildings, Asphalt, or Concrete Pavement Legally Existing on Site	195803
Existing Impervious Coverage Proposed to be Removed	39627
New Proposed Impervious Coverage	0
Total Impervious Coverage After Project Construction	156176

**Vegetative Cover Calculations (refer to N.J.A.C. 13.18 for information on how the vegetative cover requirements are calculated.)**

**Tree Preservation and/or Tree Planting Requirement**

Net Land Area or Total Site Square Footage (refer to N.J.A.C. 13.17(c) for situations in which the total site square footage is used instead of the net land area. Will be the same value entered above for the calculation of allowable impervious coverage.)	9617.792
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Site Forested Acreage (refer to N.J.A.C. 7:7-13.5 for determining forested portions of a site)	0
Required Tree Preservation Percentage for Forested Portions of the Site (Please enter percentage in Column B) (refer to Table I at N.J.A.C. 7:7-13.18)	0
Required Square Footage of Tree Preservation	0
Proposed Square Footage of Tree Preservation	0
Site Unforested Acreage (Will be the square footage of the net land area or total site square footage minus the square footage of the forested acreage of the site.)	0
Required Tree Preservation and/or Tree Planting Percentage for Unforested Portions of the site (Please enter percentage in Column B)(refer to Table I at N.J.A.C. 7:7-13.18)	0
Required Square Footage of Tree Planting and/or Additional Tree Preservation	0
Proposed Square Footage of Tree Planting and/or Additional Tree Preservation	0

**Herb/Shrub Cover Requirement**

Net Land Area or Total Site Square Footage (refer to N.J.A.C. 13.17(c) for situations in which the total site square footage is used instead of the net land area. Will be the same value entered above for the calculation of allowable impervious coverage and required tree preservation and/or planting.)	9617.792
Allowable Square Footage of Impervious Coverage on Site (from impervious calculations above)	9617.792
Total Square Footage of Required Tree Preservation and/or Tree Planting (from vegetative cover calculations above)	0
Required Herb/Shrub Cover Square Footage	0
Proposed Herb/Shrub Cover Square Footage	0

*\*In some situations for sites in which the existing impervious cover or coverage of the site by buildings, asphalt, or concrete is utilized to determine the allowable impervious coverage, the sum of the required tree preservation and/or planting may exceed the net land area of the site. If this occurs, the remaining acreage of the site after the existing impervious coverage or coverage of the site by buildings, asphalt, or concrete is subtracted from the net land area shall be planted with trees. Please refer to N.J.A.C. 7:7-13.18(b) for more information regarding this requirement.*

**lur\_044**

Version 1\_04/15/2019

## **Pre-Application Meeting Notes – CAFRA IP Application for Deal Beach Club Redevelopment.**

Dear CAFRA Permit Coordinator,

We are writing to submit our application for a Coastal Area Facility Review Act (CAFRA) Individual Permit regarding the proposed development at the Deal Casino Beach Club. The purpose of this letter is to summarize the outcome of a pre-application conference with the New Jersey Department of Environmental Protection (NJDEP) concerning the Deal Casino project.

Borough officials and professionals held a pre-application meeting on March 26, 2025. Along with the Borough representatives, attending on behalf of DEP were Director Colleen Keller, Kara Turner and Chingwah Liang. Please refer to the supplementary attachments that reflect the pre-application meeting and how we are complying with the comments noted.

Key points discussed in the meeting include:

1. **Timber Wall:** It was confirmed that there would be no excavation or additional sand placement around the proposed timber wall.
2. **Flood Compliance:** The project complies with flood hazard regulations as it is above the required elevation of 13.4 feet, set by FEMA and DEP.
3. **Beach and Dune Maintenance Permit:** The project has a separate Beach and Dune Maintenance CAFRA Permit.
4. **Cabana Area:** It was confirmed that the cabana area is designated only for cabanas and a walkway.
5. **Dune Protection:** There is an area to the south that is a dune, we will not allow any cabanas in the dune area.
6. **Public Access:** Public access to the area will remain and likely be deed restricted as part of any permit condition.
7. **Stormwater Management:** The project is considered a major development but does not require recharge or quantity BMP due to the removal of impervious surface.
8. **Regulatory Grandfathering:** The project aims to be grandfathered from the REAL Rules by ensuring technical completeness shortly after the CAFRA Permit application submission.